FEDERAL REGISTER

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Washington, Saturday, September 10, 1949

TITLE 7—AGRICULTURE

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

[Grapefruit Reg. 116]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.444 *Grapefruit Regulation 116*—(a) *Findings.* (1) On August 20, 1949, notice of proposed rule making was published in the FEDERAL REGISTER (14 F. R. 5218) regarding a proposed limitation of shipments of grapefruit, grown in the State of Florida, during the period September 12, 1949, through October 2, 1949, pursuant to Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR, Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (i) the committee held an open meeting on August 16, 1949, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (ii) information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown in the State of Florida, and this section, including the effective time thereof, is identical with the recommendation of the committee; (iii) a notice that consideration was being given to issuing the regulation recommended by the committee was published in the FEDERAL REGISTER, and interested persons were afforded an opportunity to submit their views; (iv) it is necessary in order to effectuate the declared policy of the act to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit grown in the State of Florida at the start of this marketing season; (v) compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof; and (vi) a reasonable time is permitted, under the circumstances, for such preparation.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 12, 1949, and ending at 12:01 a. m., e. s. t., October 3, 1949, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the

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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.

United States Standards for Grapefruit (7 CFR 51.191).

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

Done at Washington, D. C., this 7th day of September 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-7361; Filed, Sept. 9, 1949; 8:54 a. m.]

[Orange Reg. 169]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.445 *Orange Regulation 169*—(a) *Findings.* (1) On August 20, 1949, notice of proposed rule making was published in the FEDERAL REGISTER (14 F. R. 5219) regarding a proposed limitation of shipments of oranges, grown in the State of Florida, during the period September 12, 1949, through October 2, 1949, pursuant to Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR, Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days afte publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (i) the committee held an open meeting on August 16, 1949, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (ii) information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of oranges grown in the State of Florida, and this section, including the effective time thereof, is identical with the recommendation of the committee; (iii) a notice that consideration was being given to issuing the regulation recommended by the committee was published in the FEDERAL REGISTER, and interested persons were afforded an opportunity to submit their views; (iv) it is necessary in order to effectuate the declared policy of the act to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of oranges grown in the State of Florida at the start of this marketing season; (v) compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof; and (vi) a reasonable time is permitted, under the circumstances, for such preparation.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 12, 1949, and ending at 12:01 a. m., e. s. t., October 3, 1949, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which do not grade at least U. S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler" and "ship" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (7 CFR 51.192).

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

Done at Washington, D. C., this 7th day of September 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-7360; Filed, Sept. 9, 1949; 8:54 a. m.]

[Orange Reg. 292]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.438 *Orange Regulation 292*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 11, 1949, and ending at 12:01 a. m., P. s. t., September 18, 1949, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: 1,100 carloads;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part.

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

Done at Washington, D. C., this 9th day of September 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 11, 1949, to 12:01 a. m. Sept. 18, 1949]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alto Loma	.1086
A. F. G. Corona	.0000
A. F. G. Fullerton	.9638
A. F. G. Orange	.4120
A. F. G. Riverside	.1008
A. F. G. San Juan Capistrano	.6259
A. F. G. Santa Paula	.5162
Hazeltine Packing Co	.4522
Placentia Pioneer Valencia Growers Association	.6740
Signal Fruit Association	.1006
Azusa Citrus Association	.6374
Damerel-Allison Co	.8434
Glendora Mutual Orange Association	.4073
Puente Mutual Orange Association	.0000
Valencia Heights Orchard Association	.6277
Covina Citrus Association	1.2604
Covina Orange Growers Association	.9034
Glendora Citrus Association	.3783
Glendora Heights Orange & Lemon Growers Association	.0374
Gold Buckle Association	.0000
La Verne Orange Association	.6501
Anaheim Citrus Fruit Association	1.4076
Anaheim Valencia Orange Association	1.3606
Eadington Fruit Co., Inc	3.2299
Fullerton Mutual Orange Association	1.7401
La Habra Citrus Association	.8911
Orange County Valencia Association	.3584
Orangethorpe Citrus Association	1.0176
Placentia Coop. Orange Association	1.1742
Yorba Linda Citrus Association, The	.7588
Escondido Orange Association	2.3597

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Alta Loma Heights Citrus Association	0.0671
Citrus Fruit Association	.2365
Cucamonga Citrus Association	.1062
Rialto Heights Orange Association	.0559
Upland Citrus Association	.5983
Upland Heights Orange Association	.1310
Consolidated Orange Growers	2.4471
Frances Citrus Association	1.1105
Garden Grove Citrus Association	2.2190
Goldenwest Citrus Association	1.0231
Irvine Valencia Growers	2.9623
Olive Heights Citrus Association	1.9933
Santa Ana-Tustin Mutual Citrus Association	.9427
Santiago Orange Growers Association	4.9436
Tustin Hills Citrus Association	1.8115
Villa Park Orchards Association, The	2.0063
Bradford Bros., Inc	.7151
Placentia Mutual Orange Association	2.0499
Placentia Orange Growers Association	2.4231
Yorba Orange Growers Association	.6680
Call Ranch	.0614
Corona Citrus Association	.6145
Jameson Co	.0516
Orange Heights Orange Association	.5276
Crafton Orange Growers Association	.0000
East Highlands Citrus Association	.0000
Fontana Citrus Association	.1274
Highland Fruit Growers Association	.0270
Redlands Heights Groves	.2541
Redlands Orangedale Association	.2565
Break & Sons, Allen	.0000
Bryn Mawr Fruit Growers Association	.0000
Mission Citrus Association	.1701
Redlands Coop. Fruit Association	.3086
Redlands Orange Growers Association	.2098
Redlands Select Groves	.2240
Rialto Citrus Association	.2558
Rialto Orange Co	.1685
Southern Citrus Association	.1606
United Citrus Growers	.1377
Zilen Citrus Co	.0656
Andrews Bros. of California	.0000
Arlington Heights Citrus Co	.1176
Brown Estate, L. V. W	.0000
Gavilan Citrus Association	.1452
Highgrove Fruit Association	.0811
Krinard Packing Co	.2315
McDermont Fruit Co	.2070
Monte Vista Citrus Association	.2082
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0538
Sierra Vista Packing Association	.0480
Victoria Avenue Citrus Association	.1740
Claremont Citrus Association	.1636
College Heights Orange & Lemon Association	.3484
Indian Hill Citrus Association	.2024
Pomona Fruit Growers Exchange	.3645
Walnut Fruit Growers Association	.5875
West Ontario Citrus Association	.3563
El Cajon Valley Citrus Association	.0000
San Dimas Orange Growers Association	.4097
Canoga Citrus Association	.8053
Covina Valley Orange Co	.0663
N. Whittier Heights Citrus Association	.8379
San Fernando Fruit Growers Association	.4521
San Fernando Heights Orange Association	.9352
Sierra Madre-Lamanda Citrus Association	.3104
Camarillo Citrus Association	1.6805
Fillmore Citrus Association	3.8606
Mupu Citrus Association	2.0581
Ojai Orange Association	.9700
Piru Citrus Association	2.3120
Rancho Sespe	.8115
Santa Paula Orange Association	1.1680
Tapo Citrus Association	1.0191
Ventura County Citrus Association	.2386
Limoneira Co	.5990
East Whittier Citrus Association	.3603
El Ranchito Citrus Association	1.5729
Whittier Citrus Association	.4682
Whittier Select Citrus Association	.2509
Anaheim Coop. Orange Association	1.4205
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Coop. Citrus Association	.3363
Euclid Ave. Orange Association	.5381
Foothill Citrus Union, Inc	.0355
Fullerton Coop. Orange Association	.3197
Garden Grove Orange Coop., Inc	.9006
Golden Orange Groves, Inc	.2473
Highland Mutual Groves, Inc	.0256
Index Mutual Association	.0000
La Verne Coop. Citrus Association	2.1100
Mentone Heights Association	.0000
Olive Hillside Groves, Inc	.4916
Orange Coop. Citrus Association	1.3044
Redlands Foothill Groves	.4940
Redlands Mutual Orange Association	.1655
Riverside Citrus Association	.0387
Ventura County Orange & Lemon Association	1.0150
Whittier Mutual Orange & Lemon Association	.0839
Associated Growers Coop	.1754
Babijuice Corp. of California	.4315
Banks, L. M	.4605
Borden Fruit Co	.9725
California Associated Growers	.5014
California Fruit Distributors	.0000
Cherokee Citrus Co., Inc	.1548
Chess Co., Meyer W	.2286
Evans Bros. Packing Co	.2311
Furr Co., N. C	.0386
Gold Banner Association	.2160
Granada Hills Packing Co	.0405
Granada Packing House	1.5671
Hill Packing House, Fred A	.0958
Knapp Packing Co., John C	.1840
Orange Belt Fruit Distributors	1.8500
Panno Fruit Co., Carlo	.1517
Paramount Citrus Association	.2662
Placentia Orchard Co	.3571
San Antonio Orchard Co	.3165
Snyder & Sons Co., W. A	.8818
Stephens, T. F	.1729
Wall, E. T	.1115
Western Fruit Growers, Inc	.4633

[F. R. Doc. 49-7396; Filed, Sept. 9, 1949; 12:07 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 102—LICENSES AND PERMITS TO IMPORT BIOLOGICAL PRODUCTS

OVERTIME, NIGHT, AND HOLIDAY WORK AT LICENSED ESTABLISHMENTS

Pursuant to the authority vested in the Secretary of Agriculture by the act of March 4, 1913 (37 Stat. 832–833, 21 U. S. C. 151–158), and the act to authorize the payment of employees of the Bureau of Animal Industry for overtime duty performed at establishments which prepare virus, serum, toxin, or analogous products for use in the treatment of domestic animals approved August 4, 1949 (Public Law 206, 81st Congress), Part 102 of the regulations of the Department of Agriculture relating to viruses, serums, toxins, and analogous products (9 CFR, Part 102) is hereby amended by adding thereto the following § 102.78:

§ 102.78 *Overtime work at licensed establishments.* The management of a licensed establishment desiring to work under conditions which will require the services of an employee of the Division on Saturday, Sunday, or a holiday, or for more than 8 hours of any day, including Monday through Friday, shall sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to provide inspection service during such overtime period, and shall pay the Secretary of Agriculture therefor $2.40 per man-hour so furnished. It will be administratively determined from time to time which days constitute holidays.

Effective date. The foregoing amendment shall be effective October 2, 1949.

The act of August 4, 1949 authorized the Secretary of Agriculture to pay employees of the Bureau of Animal Industry employed in establishments producing viruses, serums, toxins, or analogous products for all overtime, night or holiday work performed at such establishments and to accept reimbursement from such establishments for any sums paid out for such overtime work. To avoid unnecessarily exhausting appropriated funds available in the Bureau by payments for overtime work on a nonreimbursable basis when there is authority for collection of sums for reimbursement, it is desirable to make the foregoing amendment providing for such collection effective on and after October 2, 1949, which is the beginning of an accounting period for the Bureau. Compliance with the notice and public procedure and effective date provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) would delay the effective date of such amendment beyond October 2, 1949, and cause unnecessary expenditure of appropriated funds. Therefore it is found upon good cause that compliance with such provisions is impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after the publication hereof in the FEDERAL REGISTER.

(37 Stat. 832, 21 U. S. C. 154; Pub. Law 206, 81st Cong.)

Done at Washington, D. C. this 6th day of September 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 49-7319; Filed, Sept. 9, 1949; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg., Amdt. 157]

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

CALIFORNIA

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respect:

A new Item 58 is hereby incorporated in Schedule B to read as follows:

58. Provisions relating to Fresno, California, Defense-Rental Area.

Decontrol of specified class of housing accommodations on the Housing Expediter's own initiative. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of §§ 825.81 to 825.92 is terminated, effective September 7, 1949, with respect to rooms in the Fresno, California, Defense-Rental Area which on that date were furnished rooms in rooming houses (other than rooms in hotels, motor courts, trailers and tourist homes) and did not contain any housekeeping facilities.

(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 7, 1949.

Issued this 7th day of September 1949.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 49-7306; Filed, Sept. 9, 1949; 8:45 a. m.]

[Controlled Housing Rent Reg., Amdt. 161]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 158]

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 35, is amended to describe the counties in the Defense-Rental Area as follows:

In Riverside County, Townships 2 and 3 South, Ranges 3, 4, and 5 West, San Bernardino Meridian.

This decontrols all of the Riverside, California, Defense-Rental Area except the portion specified in Schedule A, Item 35, as hereby amended.

2. Schedule A, Item 94, is amended to describe the counties in the Defense-Rental Area as follows:

Macon; Sangamon; and in Logan, the City of Lincoln.

This decontrols Christian County, Illinois, a portion of the Springfield-Decatur, Illinois, Defense-Rental Area.

3. Schedule A, Item 96a, is amended to read as follows:

(96a) [Revoked and decontrolled.]

This decontrols the entire Crawfordsville, Indiana, Defense-Rental Area.

4. Schedule A, Item 130d, is amended to read as follows:

(130d) [Revoked and decontrolled.]

This decontrols the entire Jennings, Louisiana, Defense-Rental Area.

5. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Macomb, except the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington; Oakland; and Wayne.
Washtenaw.

This decontrols Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington Townships in Macomb County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

6. Schedule A, Item 172, is amended to describe the counties in the Defense-Rental Area as follows:

Laclede and Phelps.

This decontrols Pulaski County, Missouri, a portion of the Rolla-Waynesville, Missouri, Defense-Rental Area.

7. Schedule A, Item 201a, is amended to read as follows:

(201a) [Revoked and decontrolled.]

This decontrols the entire Cortland, New York, Defense-Rental Area.

8. Schedule A, Item 221e, is amended to describe the counties in the Defense-Rental Area as follows:

Davidson, except Lexington Township; and Rowan.

This decontrols Lexington Township (except the City of Lexington which has been previously decontrolled) in Davidson County, North Carolina, a portion of the Salisbury, North Carolina, Defense-Rental Area.

9. Schedule A, Items 289 and 290, are amended to read as follows:

(289)-(290) [Revoked and decontrolled.]

This decontrols the entire Copperhill-McCaysville and Dyersburg, Tennessee, Defense-Rental Areas.

10. Schedule A, Item 337b, is amended to read as follows:

(337b) [Revoked and decontrolled.]

This decontrols the entire Brattleboro, Vermont, Defense-Rental Area.

11. Schedule A, Item 345d, is amended to read as follows:

(345d) [Revoked and decontrolled.]

This decontrols the entire Wise County, Virginia, Defense-Rental Area.

12. Schedule A, Item 356a, is amended to read as follows:

(356a) [Revoked and decontrolled.]

This decontrols the entire Martinsburg, West Virginia, Defense-Rental Area.

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.

(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 7, 1949.

Issued this 7th day of September 1949.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 49-7307; Filed, Sept. 9, 1949; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter A—Alaska

PART 3—OPERATION OF THE UNITED STATES SHIP "NORTH STAR" BETWEEN SEATTLE, WASHINGTON, AND STATIONS OF THE ALASKA NATIVE SERVICE AND OTHER GOVERNMENT AGENCIES, ALASKA

TRANSPORTATION, RATES AND CHARGES

1. Sections 3.3, 3.8 and 3.9 of Part 3 (11 F. R. 8215, 13 F. R. 3357-3358) are amended so as to read as follows:

§ 3.3 *Transportation of freight for Federal agencies and others.* (a) All agencies of the Federal Government (except the Alaska Native Service with respect to activities financed from the same appropriation used for the operation of the ship), Alaskan natives, cooperatives of Alaskan natives, business enterprises owned and operated by Alaskan natives, and Federal employees shall be charged for freight in accordance with tariff rates established by the Alaska Native Service each calendar year in advance of the shipping season: *Provided, however,* That in no case shall a Federal employee be charged more than $20.00 per ton for not to exceed three tons each year or more than $25.00 for each ton in excess of three tons.

(b) When supplies purchased for resale in accordance with the act of February 20, 1942 (48 U. S. C., 1946 ed., sec. 50e), are carried on the "North Star," freight charges will be billed in accordance with paragraph (a) of this section.

(c) Baggage and other personal property of passengers that cannot be readily accommodated in the passengers' staterooms will be manifested as freight and charged for at the rates established under paragraph (a) of this section.

(d) The tariffs established under paragraph (a) of this section may be modified during any year to meet any reduction in rates by commercial carriers.

(e) Commercial freight may be carried in emergencies between points where adequate service is not provided by commercial vessels. Commercial freight, when carried, shall be prepaid at the regular commercial tariff rates applying between ports, or at the Alaska Native Service tariff for shipments between points not covered by commercial tariff.

(f) All freight accepted must be properly manifested, giving the name and address of the consignor and the consignee, and a description of the goods, including gross weight.

(g) Freight will be accepted only on condition that the United States will not be held responsible for any loss, damage, or non-delivery.

§ 3.8 *Rates for private passengers.* No private passengers (except Federal employees and their families, and natives of Alaska) shall be transported on the "North Star" between points where adequate services are provided by commercial vessels. Where such commercial ships are not available, and where accommodations can be furnished on the "North Star" without detriment to Government business, private travelers may be transported at the following rates: $6.00 per day for each person who has reached his 12th birthday, $3.00 for each child who has reached his 2d birthday but not his 12th, and no charge for children under two years of age.

§ 3.9 *Charges for transporting Federal employees and their families, and natives.* (a) All agencies of the Federal Government (except the Alaska Native Service with respect to activities financed from the same appropriation used for the operation of the ship) will be billed at the rate of $3.00 per day for each employee traveling on official business.

(b) When not in official travel status, Federal employees and families of Federal employees transported on the "North Star" shall be charged at the rate of $3.00 per day for each person who has reached his 12th birthday, $1.50 for each child who has reached his 2d but not his 12th birthday, and no charge for children under two years of age. Natives of Alaska, who are not indigent, will be charged the same rate as members of families of Federal employees.

2. Section 3.11 of Part 3 (11 F. R. 8216) is revoked.

(R. S. 161; 5 U. S. C. 22)

Dated: September 1, 1949.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 49-7309; Filed, Sept. 9, 1949; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter D—Military Renegotiation Regulations

[Amdt. 3]

PART 423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

GENERAL CLASSES OR TYPES

Part 423—Determination of Renegotiable Business and Costs, is amended so that § 423.353–1 reads as follows:

§ 423.353–1 *By general classes or types.* An exemption of contracts and subcontracts by general classes or types will be granted by the Board upon such grounds as appear to the Board to warrant such exemption.

As a general rule, an exemption of contracts and subcontracts by general classes or types of products will be granted only when, in the opinion of the Board, the economic conditions in the industry concerned, or the volume of business, or other conditions give reasonable assurance that excessive profits will not be realized on such contracts or subcontracts. Ordinarily, a petition for such an exemption will not be granted by the Board unless it appears that the justification therefor is applicable to a substantial segment of the industry involved. Petitioners wishing to file a request should apply to the Military Renegotiation Policy and Review Board, The Pentagon, Washington 25, D. C.

(Sec. 3 (f), Pub. Law 547, 80th Cong.; 62 Stat. 260)

Adopted: August 26, 1949.

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

Approved: September 6, 1949.

LOUIS JOHNSON,
Secretary of Defense.

[F R. Doc. 49-7324; Filed Sept. 9, 1949; 8:58 a. m.]

Chapter V—Department of the Army

JOINT PROCUREMENT REGULATIONS

PRESSED AND BLOWN GLASS AND GLASSWARE INDUSTRY

The Joint Procurement Regulations formerly published as Parts 801 to 813, inclusive, of Chapter VIII, Title 10, are amended by inserting a period after the words "General Accounting Office" and deleting the succeeding words "and a copy thereof attached to the purchase order furnished the disbursing officer" appearing in the last portion of § 805.101–4, and rescinding § 809.1202–14 and substituting the following in lieu thereof:

§ 809.1202–14 *Pressed and blown glass and glassware industry*—(a) *Definition.* The pressed and blown glass and glassware industry, formerly known as the flint glass industry, is defined as that industry which manufactures pressed and blown glass and glassware, including, but not limited to, tumblers and other glass table and ornamental ware; glass blanks for electric light bulbs and electronic apparatus; glass shades and reflectors, and other illuminating glassware; smokers' glass accessories; glass rod and tubing, chemical and laboratory glassware; and other technical, scientific, and industrial pressed and blown glassware; glass oven, cooking, and kitchenware; glass brick; glass insulators; glass parts for vacuum ware; fiberglass and foamglass products except tapes and other woven fabrics; and goggle lenses, nonprescription lenses and signal lenses.

(b) *Exclusions.* Expressly excluded from the scope of the definition are window, plate, and rolled glass; commercial glass containers (including prescription ware) for commercial packing and bottling, and for home canning; and chemical and other laboratory apparatus in which glass is assembled in combination with other materials.

Date effective: August 16, 1949.

Wage. 83⅓ cents an hour, arrived at upon time or piecework basis.

Beginners' wage. 78½ cents per hour during a learning period of 60 calendar days unless experienced workers in the same plant and occupation are paid on a piece-rate basis, in which case the beginners must be paid the same piece rates paid to experienced workers and earnings based upon those piece rates, if such earnings are in excess of 78½ cents an hour. A beginner for the purpose of this determination, is a person who has not been employed in the same plant, or in the same department of another plant in the same branch of the industry, for as long as 60 calendar days and who is not a journeyman, skilled craftsman, apprentice, or an employee in the furnace room or hot-metal department.

[Proc. Cir. 20, Aug. 16, 1949] (Pub. Law 413; 80th Cong.)

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

[F. R. Doc. 49-7323; Filed, Sept. 9, 1949; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

PROVISIONAL REGULATIONS; COURSES AVOCATIONAL OR RECREATIONAL IN CHARACTER AND FOR OTHER PURPOSES

Section 21.185 is amended to read as follows:

§ 21.185 *Application of the provisions of Public Law 862, 80th Congress, and Public Law 266, 81st Congress, prohibiting expenditure of Government funds for courses avocational or recreational in character and for other purposes*—(a) *Veterans' responsibility.* The legislative history reveals that the underlying spirit and intent of the educational and training provisions of the Servicemen's Readjustment Act is to provide an opportunity to each veteran whose education or training was interrupted by reason of his entrance into the service to resume his education or training as a trainee and thereby aid him to attain knowledge or skill which presumably he could have attained but for his service in the armed forces. It is the intent of the law that the veteran have the right to elect his course of education or training at any approved educational or training institution at which he chooses to enroll which will accept or retain him as a student or trainee in any field or branch of knowledge which such institution finds him qualified to undertake or pursue. The prohibition of the appropriation acts for 1949 and 1950 is in accord with and re-

emphasizes the underlying spirit and intent of the educational and training provisions of the Servicemen's Readjustment Act. Therefore, veterans should not seek to pursue courses for avocational or recreational purposes but only courses which will contribute to the veteran's vocational or occupational advancement or educational objective.

(b) *Application for course of education or training.* (1) Effective immediately any veteran desiring to commence a course of education or training under the Servicemen's Readjustment Act, as amended, for the purpose of having the Federal Government aid him in his readjustment to civilian life will be required in his application to the Veterans' Administration to show the course of education or training he desires to pursue and the name of the approved educational or training institution in which he wishes to pursue such course. All certificates of eligibility and entitlement issued on or after September 12, 1949, will show the name of the course and the name of the approved educational or training institution. Approved institutions (except as to those comprehended by Public Law 266, 81st Congress, second proviso, paragraph 1) may continue to accept an original certificate of eligibility and entitlement issued on or after September 1, 1948, and prior to September 12, 1949, when such certificate is presented for initial entrance into training prior to March 1, 1950, in a course listed in paragraphs (c) (1) through (6) of this section, even though such certificate does not show the name of the course and the name of the approved educational or training institution. Supplemental certificates issued prior to September 12, 1949, will not be valid except that prior to March 1, 1950, a supplemental certificate may be accepted where such certificate shows that the only purpose is a change of institution to continue the pursuit of a course as listed in paragraphs (c) (1) through (6) of this section, without the loss of credit. Effective March 1, 1950, all outstanding certificates, original and supplemental, issued prior to September 12, 1949, are declared null and void.

(2) The regulations in this section do not affect a veteran's right to continue the pursuit of the course elected and commenced by him prior to July 1, 1948, until the course is completed, training is discontinued, or the veteran's entitlement expires, whichever occurs first.

(3) The regulations in this section do not affect a veteran's right to continue the pursuit of a course authorized under the provisions of Instruction No. 1, Public Law 862, 80th Congress, and commenced by a veteran prior to August 24, 1949, until such course is completed, training is discontinued or the veteran's entitlement expires, whichever occurs first.

(4) A course will be considered to have been commenced if a veteran had enrolled in and been accepted by a school or training establishment, and had commenced his elected course of education or training, and (i) was actively pursuing his course on June 30, 1948, or on August 23, 1949, whichever is applicable, or (ii) was in an interrupted status on the relevant date for a reason deemed valid by the Veterans' Administration.

(c) *Policy*—(1) *Courses of education.* A course of education initially elected by a veteran in an approved public elementary or secondary school, or an institution of higher learning, for which academic credit is awarded toward the veteran's educational objective, shall not be considered avocational or recreational in character: *Provided,* That any course listed in subparagraphs (7) and (8) (i) (*a*), (*b*), or (*c*) of this paragraph shall be subject to the regulations set forth in subparagraphs (7) and (8) of this paragraph.

(2) *Courses of vocational training.* A full-time course of training offered by the approved school prior to the date of the Servicemen's Readjustment Act, initially elected by a veteran, shall not be considered as avocational or recreational in character since it is considered that as to such course the school does by common knowledge and experience in the particular locality graduate its students directly into employment. Any course listed in subparagraphs (7) and (8) (i) (*a*), (*b*), and (*c*) of this paragraph offered by this school shall be subject to the regulations set forth in subparagraphs (7) and (8) of this paragraph.

(3) *Courses of institutional-on-farm training.* A full-time course of institutional-on-farm training initially elected by a veteran and approved in accordance with the provisions of Public Law 377, 80th Congress, shall not be considered avocational or recreational in character.

(4) *Courses of apprenticeship training.* A full-time course of apprenticeship training (including the related training that may be required in an individual case) initially elected by a veteran in an approved training establishment shall not be considered avocational or recreational in character.

(5) *Courses of other training on the job.* A full-time course of other training on the job (including the related training that may be required in an individual case) initially elected by a veteran in a training establishment approved in accordance with the provisions of Public Law 679, 79th Congress, shall not be considered avocational or recreational in character except those courses so determined pursuant to the provisions of subparagraphs (7) and (8) of this paragraph.

(6) *Courses of advanced flight training.* A flight instructor course, an instrument rating course, a multi-engine class-rating course, or an airline transport pilot course elected by a veteran in an approved school shall not be considered avocational or recreational in character for a veteran who satisfies the regional office that he possesses a valid commercial pilot's license and the medical certificate which he is required to possess in order to obtain the license or certificate for which the course is pursued.

(7) *Elementary flight, private pilot, and commercial pilot flight courses.* An elementary flight or private pilot course or a commercial pilot course elected by a veteran in an approved school shall not be considered avocational or recreational in character if the veteran submits to the regional office a certificate showing that he is physically qualified in accordance with the standards of the Civil Aeronautics Administration to obtain the type of license which will enable him to attain his employment objective together with (i) complete justification that such course is in connection with his present or contemplated business or occupation or (ii) a certificate in the form of an affidavit by the veteran supported by corroborating affidavits by two competent disinterested persons that such flight training will be useful to him in connection with earning a livelihood, which affidavits, in the absence of substantial evidence to the contrary, will be accepted as constituting compliance with proviso. In all adjudications under this provision the expression "substantial evidence to the contrary" means evidence of a nature ordinarily acceptable as competent to establish facts or circumstances contrary to the matters sought to be established by the claimant and may consist of matters of record in the Veterans' Administration or otherwise properly within the knowledge of those charged with the adjudication. The expression "competent disinterested persons" means persons who are qualified by reason of their personal knowledge of facts and circumstances to testify concerning the use of flight training by the veteran in connection with his earning a livelihood, and who, except as to present or prospective employers, have no interest whatsoever, either personal or by association, in the pursuit or nonpursuit by the veteran of the desired course of flight training. For the purpose of this definition supporting affidavits by members of a veteran's family or by employees or owners of flight schools will not constitute evidence of disinterested persons. In any event corroborating affidavits must establish clearly and definitely the identity of the affiant, the character of his relationship or association with the claimant, and the basis and source of his asserted knowledge of the matters to which he testifies. Such justification and evidence must be submitted to and approved by the Veterans' Administration regional office prior to his entrance into training. No payment for subsistence allowance or tuition may be authorized for any period prior to the date of such approval. An elementary flight, private pilot, or commercial pilot course, or part thereof, which is provided by an institution of higher learning as a voluntary elective course for which academic credit is given as partial fulfillment of the institution's standard credit-hour requirement for the veteran's degree objective, shall be subject to the provisions contained in this subparagraph and as heretofore

held by the Veterans' Administration shall be considered as separate courses. Flight courses which are required by the institution as a part of the institution's standard credit-hour requirement for the veteran's degree objective shall not be considered avocational or recreational in character when the institution certifies to the Veterans' Administration that the veteran is required to pursue such course for credit in order to complete his degree requirement.

(8) *Other courses.* (i) Other courses include:

(*a*) Correspondence courses; part-time courses, except those part-time educational courses for which academic credit is awarded toward the veteran's educational objective; and all other courses which are not included in subparagraphs (1) through (7) of this paragraph.

(*b*) Dancing courses; photography courses; glider courses; bar-tending courses—courses in mixology; personality-development courses; entertainment courses; all single-subject courses which are not a part of a general education or training program leading to an educational or employment objective; and all other courses which are well-known to managers of regional offices as being frequently pursued in their areas for avocational or recreational purposes.

(*c*) Music courses—instrumental and vocal; public-speaking courses; and courses in sports and athletics such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling and sports officiating.

NOTE: These courses shall not be construed to refer to those applied music, physical education, or public speaking courses which have always been considered and offered by institutions of higher learning for credit as an integral part of a course leading to an educational objective.

(ii) If a veteran desires to pursue any such "other course" as referred to in subdivision (i) (*a*), (*b*) or (*c*) of this subparagraph, under the provisions of Public Law 346, 78th Congress, as amended, complete justification that such course will contribute to bona fide use in the veteran's present or future business or employment must be submitted to and approved by the Veterans' Administration prior to entrance into training. Therefore, no benefits under the Servicemen's Readjustment Act will be authorized for any period prior to the date of the approval of the course, or the date the veteran enters training, whichever is the later: *Provided however*, That the commencement prior to November 1, 1949, of a course listed in subdivision (i) (*a*) of this subparagraph by a veteran who is in possession of an original certificate of eligibility and entitlement will not require the prior approval of the Veterans' Administration.

(d) *Application of law and policy.* (1) When a veteran submits his application to the Veterans' Administration in accordance with the provisions of paragraph (b) of this section, the registration and research section of the Veterans' Administration regional office will, when in order, issue a certificate showing the name of the course and the name of the approved institution at which such course will be pursued. Applications for courses of education or training referred to in paragraphs (c) (7) and (c) (8) of this section will be reviewed by a registration officer who will determine (i) whether the justification is adequate, giving due consideration to the veteran's age and his educational and occupational attainments or (ii) whether the affidavits, if submitted in accordance with paragraph (c) (7) of this section meet the requirements of the law. Before the justification under (i) is finally disapproved, the veteran will be informed by the registration and research section that his justification does not appear adequate and that he may request advisement and guidance before final determination is made. In any case where advisement and guidance is provided, the advisement and guidance procedures relating to Part VIII will be applied, and the opinion of the vocational adviser as to whether such course will contribute to bona fide use in the veteran's present or future business or employment will be acceptable evidence for the resolution of the question.

(2) If any veteran who has completed a course of education or training under the Servicemen's Readjustment Act or his prescribed course of training under Public Law 16, 78th Congress, desires hereafter to commence an additional course of education or training, full-time or otherwise, such additional course without regard to paragraph (c) of this section will be considered avocational or recreational unless and until he has submitted complete justification that the course is essential to his employment, he is otherwise eligible, and approval thereof has been made by the Veterans' Administration prior to entrance into said additional course of training. Any veteran who has discontinued his course of education or training either of his own volition or because his progress has been unsatisfactory according to the regularly prescribed standards and practices of the institution may not resume education or training unless he submits complete justification that the course which he desires to pursue is essential to his employment, he is otherwise eligible, and approval thereof has been made by the Veterans' Administration prior to reentrance into training. In any case where a veteran who is now in training requests a change in course, a registration officer will review and determine whether the change is authorized under the provisions of existing regulations and this instruction. The procedure prescribed in the preceding subparagraph (1) of this paragraph will be applied in making the determinations under this subparagraph. No payment of subsistence allowance or tuition will be authorized for any period prior to the date the Veterans' Administration issues the certificate of eligibility and entitlement showing the specific course and the name of the approved educational or training institution.

(e) *Paragraph 1, Second Proviso, Public Law 266, 81st Congress.* The second proviso, paragraph 1, Public Law 266, 81st Congress, approved August 24, 1949, states in part:

> That no part of this appropriation for education and training under Title II of the Servicemen's Readjustment Act, as amended, shall be expended subsequent to the effective date of this act for subsistence allowance or for tuition, fees or other charges * * * for any veteran for a course in an institution which has been in operation for a period of less than one year immediately prior to the date of enrollment in such course, unless such enrollment was prior to the date of this act.

For the purpose of this proviso an institution is defined as a school when it operates in one location. A subsidiary, branch, or extension of an existing school in the same or different community will be considered as a separate institution. In determining whether a school has been in operation for a period of less than one year, the effective date of operation will be the date on which a full schedule of instruction was commenced by the school to a minimum of 25 students for which the school collected tuition. The school must have been in continuous operation under substantially the same ownership and management for a full twelve months period including reasonable vacation and holiday periods and must have provided to a minimum of 25 students during that full twelve months period the course or courses of substantially the same length and character as those offered following the twelve months period. The purpose of this proviso is to protect the interests of veterans by requiring schools to have had at least one year of operating experience in providing the type of training now or proposed to be offered to veterans. Registration officers shall not authorize benefits under Title II of the Servicemen's Readjustment Act, as amended, for any veteran who, on or after August 24, 1949, commences a course in an institution which has been in operation for a period of less than one year. (Instruction 1–A, Public Law 862, 80th Cong.)

(Pub. Law 862, 80th Cong.; Pub. Law 266, 81st Cong.)

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 49–7349; Filed, Sept. 9, 1949; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 942]

HANDLING OF MILK IN NEW ORLEANS, LA., MARKETING AREA

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

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the 5th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, has been formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a proposed amendment filed by the Dairy Farmers Cooperative Association. Additional proposals were submitted by the Southeast Louisiana Dairy Farmers Union and the Florida Parishes Milk Producers Union, certain handlers operating under Order No. 42, as amended, and by the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture. The public hearing was held in New Orleans, Louisiana, on February 23–25, 1949, pursuant to a notice issued on February 11, 1949 (14 F. R. 704). This hearing was reopened on July 11, 1949, pursuant to a notice issued on July 7, 1949 (14 F. R. 3754).

The material issues presented on the record of the hearing were whether:

(1) The pricing provisions of Order No. 42, as amended, should be amended to provide a new basis for pricing Class I milk and, if so, what basis and at what level of prices.

(2) The classification and pricing provisions covering Class II and Class III milk should be revised.

(3) The order provisions should be amended to provide for a base-rating plan.

(4) The payment provision should be revised to provide for prompter payment for producer milk.

(5) Other changes should be made to make the marketing agreement and the order, as amended, conform with any amendment thereto resulting from the hearing.

Other issues (establishment of a fixed minimum price for Class I milk for a limited period in 1949 and the need for emergency action in the establishment of such price) were the subject of a decision issued on March 15, 1949 (14 F. R. 1253).

Findings and conclusions. Upon the basis of evidence introduced at the hearing, the following findings and conclusions on the material issues are made:

(1) The present pricing provisions of the order should be revised to provide for the pricing of Class I milk in accordance with a formula based on the relative changes in the index of wholesale commodity prices in the United States, an index of dairy feed and farm labor costs in the New Orleans milkshed, and an index of New Orleans department store sales, with a proviso preventing adverse contraseasonal price movements and with a special automatic adjustment in case of shortage or surplus in the market.

Under the pricing provisions which were in effect at the time of the February hearing the price of Class I milk was determined from a basic formula price plus specified differentials during the flush and short seasons of the year. The basic formula price was the highest of: (a) The average of the basic (or field) prices paid by 18 midwestern condenseries for milk of 3.5 percent butterfat content adjusted to a 4.0 percent basis, (b) a price based upon the combined market values of butter and cheese, or (c) a price based upon the combined market values of butter and nonfat dry milk solids. As a result of the evidence presented at the hearing which emphasized the inadequacy of this basis of pricing Class I milk in light of the particular circumstances in the New Orleans market the pricing provisions were revised to provide a fixed price for Class I milk for the period through August 1949.

The New Orleans market is a deficit market in that the supply of milk produced locally is insufficient to meet the demand for fluid milk throughout the year. When additional supplies are needed to supplement producer receipts such supplies can be obtained only from production areas eight to twelve hundred miles from New Orleans. Furthermore, the New Orleans market is segregated from any direct influence of other major milk producing areas. Because of location, the use of formulas in the pricing of New Orleans producer milk, based upon national factors which have not been related to the local supply and demand situation, has not resulted in an adequate supply of milk for New Orleans. Efforts to maintain some relationship between the New Orleans order prices and the local supply and demand situation with formulas reflecting the national factors, have resulted in continual adjustment of the order prices through the procedure of public hearings and order amendments. Handlers in an effort to maintain stability in the market supply of milk have attempted to keep producer prices more in line with local conditions through payment of substantial premiums from time to time.

Direct cash costs of production in relation to prices received for milk are an important influence on the total volume of milk available in the New Orleans market. Hence any formula for pricing milk in this market should give due weight to cash production costs. Available statistics covering production costs in the New Orleans area indicate that cash expenditures for feed and labor constitute approximately 75 percent of the direct cash cost of production. Feed is the most important single production cost making up approximately 45 percent of all cash cost while labor is the second most important item of cost, making up approximately 30 percent of the total cash cost. The remaining costs, roughly 25 percent of the total are made up of a number of items which do not have as direct and immediate effect upon the supply situation as do costs of feed and labor. Feed costs are included in the formula provided for herein in the form of an index of reported prices paid for all mixed dairy feeds in Louisiana. These prices are reported to and published monthly by the Bureau of Agricultural Economics, United States Department of Agriculture. While the milkshed extends into the State of Mississippi the prices for feed in that part of the shed lying within the State of Mississippi more closely approximate the average prices paid in Louisiana than those reported for Mississippi.

The index of daily farm wage rates without board as compiled and published by the United States Department of Agriculture is included in the proposed formula to give due weight to cash labor costs. The index is weighted 75 percent for Louisiana and 25 percent for Mississippi, the approximate ratio of the volume of milk receipts from producers in each State. Unlike feed the difference in wage rates in the two areas of the milkshed is sufficient to preclude the use of Louisiana rate alone as representative of the milkshed. The monthly index of farm wage rates without board represents the most general method of paying labor in the milkshed. However,

discontinuation of the publication of this index necessitates adoption of an adequate substitute. The daily farm wage index herein provided approximates the monthly index of the farm wage rates without board.

While a considerable portion of the costs of producing milk are noncash costs there are nevertheless alternative opportunities for the utilization of resources represented by certain of these costs and consequently such noncash costs, specifically home-grown feeds and family labor, should be considered in the nature of direct cash costs since they have immediate short-run effect upon the available milk supply. In the New Orleans area for the period 1938–47, the proportion of cash costs and noncash costs which should be treated as cash costs are divided approximately 60 percent for feed and 40 percent for labor. Accordingly, the index of all mixed dairy feeds and the index of daily farm wage rates are combined on a 60–40 weighting.

The index of New Orleans department store sales, which is compiled and published by the Federal Reserve Bank of Atlanta, is a reliable index of changes in demand for a large group of consumer goods and as such it reflects changes in consumer buying habits in the area. Changes in this index have been closely correlated with changes in the sales of Class I milk in New Orleans. Because of frequent erratic movements exhibited by the index from month to month which are not manifested in the sales of Class I milk in the area, it is concluded that the index should be used as a moving average for the latest three months for which the index is obtainable.

The price of a commodity is a measure of its economic value relative to the values of other commodities. Hence, in times of general price movements, the money price of a commodity may change, but its value in relation to other commodities may remain more or less constant. General price movements of this nature are fairly common, and consequently in providing a formula to determine the price of milk in the New Orleans market, it is necessary to devise a means for maintaining the milk price in appropriate relation to prices of all other commodities. The index of wholesale commodity prices in the United States compiled and published monthly by the United States Department of Labor is a reliable measure of changes in the general price level. The use of this index as a component of the pricing mechanism for milk in New Orleans will serve to maintain an appropriate relationship between milk prices in this market and prices generally at times when movements are taking place in the general price level.

Handlers in the market have desired a basis of pricing which would enable them to know prior to the beginning of the delivery period the price they would be required to pay for milk. Previously their requests in this regard were denied since it was concluded that the particular factors which determined the basic formula price, i. e., the price paid for manufacturing milk or a value represented by the selling price of specified manufactured milk products, did not lend themselves to the use of the previous month's prices in this particular market. The use of the formula provided for herein permits the determination of Class I prices before the beginning of each delivery period and this will enable producers as well as handlers to know the Class I price before the production and disposition of the milk. Determination of the Class I price before the beginning of each delivery period would be achieved by computing the formula index on the basis of figures available on the 25th day of the month preceding the delivery period for which the formula price is to be applicable.

The recommended formula gives equal weight to the cost factor, the demand factor, and the index of wholesale prices representing general economic conditions. The index of each of these three factors should be expressed in terms of a 1925–29 average. In arriving at a decision on the use of the 1925–29 period as a base other alternative periods were considered. However, 1925–29 was a period during which milk prices and the factors used in the formula were relatively stable. The use of this base period and the weights assigned to each of the three factors would have resulted in a series of prices which would have tended to maintain a desirable relationship over past periods between the supply and sales of fluid milk in the market.

The formula as proposed contained a seasonal adjustment in computing the Class I price to encourage a more even production of milk. The hearing on this proposal was reopened on July 11, 1949. At that time evidence was presented in support of a base rating plan of paying producers in lieu of seasonal adjustments in the Class I price. The need for some plan of leveling production is discussed in connection with the findings and conclusions on the base rating plan. The order in effect prior to the February hearing provided for a Class I price determined by adding a differential to the basic formula price. This differential was greater during the fall and winter months than during the spring and summer months. As a result of the February hearing this method of determining the Class I price was temporarily replaced by a stated Class I price for the spring and summer months of 1949. This stated price is 44 cents per hundredweight lower than the Class I prices received by producers during the last fall and winter months.

The base rating plan provided for herein would not affect prices producers receive for milk until the spring of 1950. A discontinuation of seasonal pricing at this time would result in prices during the coming fall and winter months only slightly higher than the price producers are receiving for Class I milk during the period from March through August. Such an increase in prices would be insufficient to reflect the substantially higher costs of fall and winter production. Furthermore, the market historically has been short of producer milk during each fall and winter season. In view of these circumstances, it is concluded that in order to provide added impetus for greater production during the forthcoming fall and winter months 22 cents should be added to the Class I formula price during the delivery periods of October 1949 through February 1950.

On the basis of current data the formula would provide a Class I price of approximately $5.77 per hundredweight for the month of October 1949 to which would be added the 22 cent fall and winter adjustment. The resulting price of $5.97 would be 43 cents per hundredweight higher than the $5.56 price which has prevailed since April 1, 1949.

Because of the particularly wide variation in producer receipts between the spring and fall it is further concluded that no changes should be permitted in the price for Class I milk resulting from the formula which would tend to discourage a desired leveling of production throughout the year. This should be accomplished by providing for a contraseasonal provision. Such a provision would prevent any decrease in the Class I price during the months of October through December and any increase in such price during the months of April through June. While the base rating plan will tend to effect a leveling of production, a contraseasonal provision will serve to implement the effectiveness of this plan as a mechanism for shifting the pattern of production.

The maintenance of stable price conditions in the market requires that formula prices be modified whenever the supply of milk in relation to sales is out of adjustment. If the quantity of milk produced in the market exceeds the amount which can be sold as Class I milk for considerable periods the market will be burdened with surpluses. These surpluses have the effect of reducing the returns to producers and the continuance of the surplus would require the development of facilities for the utilization of such surpluses. If shortages occur in the market and continue for long periods, it is necessary to supplement local supplies by the importation of milk from distant areas. Sanitary control of such imported milk supplies is more difficult; moreover, such supplies are frequently unreliable because of the exigencies incident to extended transportation of milk. For these reasons the prices provided for in the formula should be modified whenever the quantity of milk in the market in relation to sales is either too great or too little.

Any shortage in the supply of milk in the New Orleans market normally occurs during the short production season of October through February. Hence, the adequacy of supply in the market should be based on the relationship between supply and demand during this period of the year. Because of day-to-day fluctuation in receipts and in sales of milk it is necessary to provide for the production and delivery of an amount of milk somewhat in excess of expected sales in order to assure an adequate market supply at all times. A minimum of not less than 10 percent of producer receipts in excess of Class I sales is needed to cover such fluctuations during the short production season. A volume of milk substantially in excess of 110 percent of Class I sales would result in burdensome surpluses on the market. A downward adjustment of 22 cents on the Class I price when re-

ceipts of milk from producers are in excess of 115 percent of Class I sales will tend to prevent the production of additional milk before burdensome surpluses occur. Likewise the addition of 22 cents to the Class I price when receipts from producers are less than 110 percent of Class I sales will encourage the production of additional milk when market needs require. It is concluded that whenever producer receipts during the previous five months' period of October through February are less than 110 percent of Class I requirements 22 cents should be added to the computed Class I price during each of the 12 succeeding delivery periods and whenever such receipts exceed 115 percent of the Class I requirements, 22 cents should be deducted from the computed Class I price during each of the 12 succeeding delivery periods.

The effective date of this adjustment should be deferred until the proposed formula price has had a reasonable period of time in which to operate. Therefore, September 1, 1950, has been selected as the effective date for this provision. This will permit the expiration of a reasonable time during which the market will experience the effect of the proposed new prices on the supply of milk during the high and low production periods.

(2) The pricing provisions for Class II milk should be revised to bring the price for skim milk in producer milk more in line with the cost of nonfat solids purchased from other sources.

The present provisions of the order provide that skim milk be priced on the basis of the average of the carlot prices per pound for nonfat dry milk solids (excluding animal feed) spray and roller process, f. o. b. manufacturing plant in the Chicago area multiplied by 8.5. Butterfat is priced on the basis of the average daily wholesale price of 92-score butter in the Chicago market less 3 cents multiplied by 120.

Certain handlers proposed that either ice cream be designated a Class III product, or the Class II price for skim milk and butterfat be made competitive with the price being paid for milk for ice cream use in other markets.

Under the present pricing provisions, the cost of Class II skim milk processed for use in ice cream in New Orleans is in excess of the cost of nonfat solids purchased from other sources, f. o. b. New Orleans. As a consequence, less producer milk is currently utilized for ice cream or ice cream mix than economical utilization of milk in the market would indicate as desirable. Ice cream manufacturers in New Orleans import substantial quantities of milk from other sources, and producer milk, not utilized as Class I, is largely used in the manufacture of Class III products or is sold outside the area for Class III use. The order prices of Class II butterfat are closely related to the cost of butterfat purchased from sources other than producers and consequently no change is recommended in the price of Class II butterfat. However, the order prices for Class II skim milk are excessive when considered in comparison with the costs of imported nonfat solids, f. o. b. New Orleans. It is concluded that Class II skim milk should be priced on the basis of the average of the carlot prices per pound of nonfat dry milk solids, spray and roller process, f. o. b. manufacturing plants in the Chicago area less 4 cents, times 8.5. Under such a basis of pricing nonfat solids contained in Class II producer skim milk are priced at approximately the same level as the cost of nonfat solids imported from outside sources, f. o. b. New Orleans.

(3) The present order provisions should be revised to provide for the adoption of a modified base rating plan.

Milk supplies in the New Orleans area vary widely from season to season. Many farmers produce milk only during the spring months and cease deliveries entirely in the fall when the cost of production increases. Other farmers produce two or three times more milk in the spring than in the fall. In the month of April 1949, 22.8 percent of the producers shipping to the New Orleans market delivered 50 to 100 percent more milk than in December 1948, 14.6 percent increased their deliveries 100 to 200 percent, and 10.3 percent increased their deliveries 200 percent and over. As a result, the market experiences alternative periods of surplus and scarcity. During each of the 10 years of operation under the Federal Order handlers have found it necessary to import substantial quantities of other source milk during the fall and winter months to supplement producers' supplies in order to meet fluid requirements in the marketing area. In view of these repeated shortages and in order to encourage a leveling of production to a pattern more consistent with Class I sales in the market, producers originally proposed, in recognition of the higher fall and winter production costs, that seasonal adjustments be made in the level of the Class I price. Following the close of the hearing, producers requested a base rating plan in lieu of the originally proposed seasonal pricing and the hearing was reopened to consider their revised proposal.

Both the seasonal adjustment of the formula price and the base rating plan are designed for the same purpose; i. e., leveling of producer receipts throughout the year. Both are a mechanism for distributing the handlers cost for milk among the several producers. The proposal for a base rating plan has wide support among both producers and handlers in the market.

The burdensome surplus of producer milk which exists during the flush months of production and the limited facilities for handling such surplus, the general shortage of supply of producer milk during the fall and winter and the substantial importations which must be made from distances up to twelve hundred miles to alleviate such shortages, the isolated nature of the market and the general failure of past attempts to maintain a reasonably stable seasonal pricing program in the market all militate for the adoption of a new mechanism for promoting more even production throughout the year. It is, therefore, concluded that a modified version of the so-called "base rating plan" should be incorporated in the order. Under this modified plan new bases would be established each year on the basis of total deliveries made during the short production months of October through March. The bases so established would be used in making payments to producers during each of the months of April through September. Base milk during these months would receive the highest available classification and excess milk the lowest classification. In this manner the producer delivering milk during the short season receives the highest available price during the flush months on all milk delivered within the limits of his base.

Because of the importance of the established base in determining the returns which a producer receives for milk delivered during the flush production months, the base actually becomes a thing of considerable value which, if allowed, could be bartered and sold and otherwise abused possibly at considerable financial gain to the individual originally establishing the base. In adopting a base rating plan it is not intended that any individual be discriminated against. Conversely, it is not intended that any individual should receive any financial gain other than that which he might obtain through his own efforts in developing a production pattern more fitting to the needs of the market. Consequently, it is concluded that bases should not be transferable from one person to another, except in case of retirement or death of an individual.

Producers proposed that a base be forfeited in case of suspension of shipments for a period of more than 30 consecutive days. Since new bases are established each year and are operative only during the six months when producer receipts are in excess of market needs, burdensome surpluses would be alleviated if a producer elected to suspend shipments during any part of the flush. Hence, nothing could be gained by requiring forfeiture in such cases. Producers further proposed that bases be allowed to be combined and divided in cases of partnership. If this were permitted, the whole intent of the plan could be jeopardized through the formation of pseudo partnerships which, in fact, would be no more than an outright transfer from one person to another.

It is necessary to set forth certain rules for the handling of established bases which assure their use in accordance with the intent of the plan. Under the rules provided for herein the base of a producer could be transferred to his son or other member of his immediate family in the event such producer dies or retires from the operation of his dairy farm. The rules also provide that a base may be retained by a producer in case he moves his dairy farm operations from one farm to another. It is not intended that the base remain with the land or the herd in such instances. In the case of a landlord and tenant relationship, the landlord would be entitled to the entire base to the exclusion of the tenant if the landlord owns the entire herd, or the tenant would be entitled to the entire base to the exclusion of the

landlord if the tenant owns the entire herd. If the herd is jointly owned by the tenant and landlord, the base would be divided between the joint owners according to ownership of the herd when such relationship is terminated. If a producer begins shipping milk to the market during the months of April through September without an established base, he would receive the excess price until October 1. During the period October through March, he would receive the uniform price, the same as all other producers, while he was establishing a base for the following spring and summer months. This is necessary under the plan in order to assure producers with established bases that spring producers will not unduly depress their returns for milk by entering the market at the beginning of the grass season and ceasing deliveries when production costs increase in the fall. These rules should assure the workability of the plan without placing undue hardship upon any producer.

Under the plan each handler would be required to compute the base of each producer from whom he received milk during the base period of October through March in accordance with the rules set forth herein. These computations, however, would be subject to verification by the market administrator. Furthermore, each handler would be required to notify each producer and post publicly the base of such producer on or before the 20th day following the close of the base period. The base so computed for a producer could be transferred by such producer from one handler to another. This is necessary in order to give producers the opportunity to transfer their deliveries of milk from a handler with a relatively low base or excess price to another handler with relatively high prices.

(4) The proposal to revise the payment provision to provide for prompter payment for producer milk should not be adopted. The present provisions provide for price announcements, pool computations, and other steps preliminary to final payments to producers in chronological order and with a minimum time allowed for each operation. Further the dates set forth in the order for payments to producers are the final dates by which settlement must be made and do not preclude earlier settlement in the event a handler so desires. For these reasons and because the adoption of the base rating plan will result in additional bookkeeping and computation, particularly during the flush production months when bases are operative it is concluded that no adjustment should be made at this time in the dates specified for settlement with producers.

(5) Certain provisions of the order, as amended, should be rewritten to conform with the changes contained herein. In conformity with the establishment of a base rating plan of paying producers, it is concluded that the price which producers receive for milk, with a butterfat content other than 4.0 percent, delivered in excess of their established base should be adjusted by a butterfat differential based upon the Class III value of butterfat. Furthermore, the provision which requires handlers to pay producers, on or before the last day of each delivery period, at not less than $3.00 per hundredweight for milk received from such producers during the first 15 days of the delivery period, should be revised. Such provision should require such payment at not less than the Class III price. This revision is necessary because the payment at $3.00 per hundredweight could require handlers to pay producers more than the excess price for milk delivered in excess of established bases.

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

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

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

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted in behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

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

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 price 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 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 peiods 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 $\frac{1}{10}$ 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 $\frac{1}{10}$ 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 $\frac{1}{10}$ 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.

Issued at Washington, D. C., this 7th day of September 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-7346; Filed, Sept. 9, 1949; 8:57 a. m.]

[7 CFR, Part 959]

IRISH POTATOES GROWN IN COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment which are hereinafter set forth and were recommended by the Administrative Committee, established pursuant to Order No. 59 (7 CFR, Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

(1) That the Secretary of Agriculture find that the expenses necessary to be incurred by the Administrative Committee, established pursuant to Order No. 59, to enable it to perform its functions in accordance with the provisions of the aforesaid order, during the fiscal period ending June 30, 1950, will amount to $10,000; and

(2) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler shall pay in accordance with the provisions of said order with respect to the potatoes handled by him during said fiscal period, the rate of assessment at 50 cents per carload or truckload of potatoes weighing not more than 20,000 pounds, and at $1.00 per carload or truckload of potatoes weighing more than 20,000 pounds.

(3) Terms used herein shall have the same meaning as when used in Order No. 59.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Part 959)

Done at Washington, D. C., this 6th day of September 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-7320; Filed, Sept. 9, 1949; 8:48 a. m.]

[7 CFR, Part 961]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Supps., 900.1 et seq.), notice is hereby given of a hearing to be held at the John Bartram Hotel, Broad and Locust Streets, Philadelphia, Pennsylvania, beginning 10 a. m. (e. d. s. t.) September 14, 1949 for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania milk marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Inter-State Milk Producers' Cooperative, United Farmers' Cooperative and Southern York County Dairymen's Association have proposed that the Class I price for milk of 4 percent butterfat content delivered f. o. b. Philadelphia be increased to $5.90 per hundredweight effective October 1, 1949.

The proposed $5.90 price is described as reflecting a 40-cent seasonal increase for the months October, November and December based on an annual level price of $5.50. Consideration will be given at this hearing to the establishment of minimum Class I prices for a limited period of time ending not later than March 31, 1950.

Inter-State Milk Producers' Cooperative has requested a reconsideration of the provisions of § 961.1 (a) (6) (iii). In view of this request the Dairy Branch, Production and Marketing Administration has drafted the following:

Delete the last phrase of the proviso in § 961.1 (a) (6) (iii) and insert the phrase: "Or during any of the months October, November, December, January in which shipments are made from the plant on less than 20 days and during any other month on less than five days to such pasteurizing and bottling plant or to a plant or plants supplying such pasteurizing or bottling plants."

Proposed by Dairy Branch, Production and Marketing Administration:

Add a new subparagraph (3) to § 961.3 (e) as follows:

(3) Concentrated products (powder and condensed skim and whole milk) received at a producer milk plant from any source shall be allocated by the receiving handler to Class II up to the amount of Class II milk and skim milk utilized by the handler during the month.

Copies of this notice of hearing, the said order, as amended, now in effect, and the said tentative marketing agreement may be procured from the Market Administrator, 1612 Market Street, 12th Floor, Fox Building, Philadelphia, Pennsylvania, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated on September 7, 1949, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-7348; Filed, Sept. 9, 1949; 8:54 a. m.]

[7 CFR, Part 965]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, 900.1 et seq.), a public hearing was held at Cincinnati, Ohio, on February 10 and 11, 1949, and was reopened on June 9 and 10, 1949, after the issuance of notices on February 1, 1949

(14 F. R. 487) and June 1, 1949 (14 F. R. 2952).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 10, 1949, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER (14 F. R. 5022).

Exceptions were filed on behalf of The Cooperative Pure Milk Association and The Mathews-Frechtling Dairy Company. These exceptions have been considered and appropriate revisions made. To the extent to which the findings and conclusions of the recommended decision as hereinafter modified, are at variance with the exceptions, such exceptions are hereby overruled.

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 49–6637, 14 F. R. 5022) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following amendments:

1. Insert the following heading between line 29 and line 30 in column one, 14 F. R. 5023 (F. R. Doc. 49–6637): "*Findings and Conclusions*".

2. Insert the following words immediately after the word "total" in line 51, column one, 14 F. R. 5024 (F. R. Doc. 49–6637): "Grade A".

3. Insert the following words immediately after the word "total" in line 64, column one, 14 F. R. 5024 (F. R. Doc. 49–6637): "Grade A".

4. Insert the following words immediately after the word "of" in line 73, column one, 14 F. R. 5024 (F. R. Doc. 49–6637): "Grade A".

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

Determination of representative period. The month of February, 1949, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, milk marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

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

This decision filed at Washington, D. C., this 7th day of September 1949.

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

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area*

§ 965.1 *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 of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, 900.1 et seq.), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, 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 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(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 hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, 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. Substitute a colon for the period at the end of § 965.2 (e) and add the following proviso: "*Provided,* That any producer whose milk has been approved as 'Grade A milk' by an appropriate health authority for any month, or portion thereof, shall be a 'Grade A producer' for such month, and any producer whose milk has not been so approved shall be a 'Grade B producer'."

2. Delete the proviso in § 965.6 (a) (1) and substitute therefor the following: "*Provided,* That through January 1950 there shall be added to the price of Class I milk so computed 15 cents per hundredweight: *And provided further,* That for the delivery periods of February and March 1950 there shall be added to the price of Class I milk so computed 15 cents per hundredweight if the total receipts of milk from Grade A producers by all handlers during the period October 1 through December 31, 1949, inclusive, are less than 130% of the gross volume of Class I milk of all handlers during such period."

3. Delete the proviso in § 965.6 (a) (2) and substitute therefor the following: "*Provided,* That through January 1950 there shall be added to the price of Class II milk so computed 15 cents per hundredweight: *And provided further,* That for the delivery periods of February and March 1950 there shall be added to the price of Class II milk so computed 15 cents per hundredweight if the total receipts of milk from Grade A producers by all handlers during the period October 1 through December 31, 1949, inclusive, are less than 130% of the gross volume of Class I milk of all handlers during such period."

4. Delete § 965.7 and substitute therefor the following:

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

(1) Add together the values of milk as computed in § 965.6 (c) for all handlers except those of handlers who failed to make the payments to the producer-settlement fund as required by § 965.8 (b) for the preceding delivery period;

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount

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

computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter described under § 965.6 (a) (3) was more than 40 cents but not more than 50 cents, such amount (50 cents) to be increased or decreased, as the case may be, by 10 cents for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents;"

(3) Subtract an amount equivalent to the monies retained pursuant to § 965.12 (b);

(4) Add the balance in the producer-settlement fund not reserved for payment under § 965.12 (b);

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

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

(7) Subtract from the figure obtained in subparagraph (6) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for each delivery period for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

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

(c) *Announcement of prices and transportation rates.* On or before the first day of the following delivery period, the market administrator shall notify each handler of the uniform prices for milk and of the price for Class III milk, and shall make public announcement of the uniform price computations. From time to time, the market administrator shall also publicly announce the amounts per hundredweight deducted by each handler from the payments made to producers pursuant to § 965.9 and the amounts actually paid to haulers for the transportation of milk from the farms of producers to such handler's plant or plants, as ascertained from reports submitted pursuant to § 965.4 (a).

5. Delete § 965.9 (a) (1) and substitute therefor the following:

(1) Multiply the hundredweight of milk received from each Grade A producer by the uniform price for Grade A milk (§ 965.7 (a) (7)), or in the case of a Grade B producer, multiply the hundredweight of milk received by the uniform price for Grade B milk (§ 965.7 (b)): *Provided*, That if the milk of such producer was of a weighted average butterfat content other than 3.5 percent, there shall be added or subtracted for each one-tenth of 1 percent difference above or below 3.5 percent, 5 cents if the average price of butter described in § 965.6 (a) (3) was more than 40 cents, but not more than 50 cents, such amount (5 cents) to be increased or decreased, as the case may be, by one cent for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents."

[F. R. Doc. 49-7321; Filed, Sept. 9, 1949; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 541]

DEFINITION OF CERTAIN TERMS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp. 1001), that the Administrator of the Wage and Hour Division, U. S. Department of Labor, proposes to amend the regulations contained in this part to read as hereinafter set forth. Prior to the final adoption of the regulations, as amended, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, U. S. Department of Labor, Washington 25, D. C., within thirty days from publication hereof in the FEDERAL REGISTER.

The regulations, as amended, are to be issued pursuant to the authority contained in section 13 (a) (1) of the Fair Labor Standards Act of 1938 (sec. 13 (a) (1), 52 Stat. 1067; 29 U. S. C. 213 (a) (1)).

A hearing on proposals to amend these regulations was held, pursuant to notice published in the FEDERAL REGISTER (12 F. R. 6896, October 22, 1947), in Washington, D. C., beginning December 2, 1947, before an officer designated by the Administrator to preside at the hearing and submit a report to him. The proposed regulations set forth below are based upon the report submitted by Harry Weiss, the presiding officer. The report of the presiding officer contains an analysis of the evidence and a statement of some of the considerations entering into his recommendations for revising the regulations. It also contains material explaining and illustrating some of the terms included in the recommended regulations. Copies of the presiding officer's report may be examined by interested persons at each of the regional and field offices of the Wage and Hour Division, U. S. Department of Labor, as well as in the National Office at the address mentioned above. Copies will also be furnished to interested persons upon request as long as they are available.

§ 541.1 *Executive.* The term "employee employed in a bona fide executive * * * capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section: *Provided*, That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

(f) Who is compensated for his services on a salary basis at a rate of not less than $55 per week (or $30 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary basis at a rate of not less than $100 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

§ 541.2 *Administrative.* The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Whose primary duty consists of the performance of office or nonmanual field work directly related to management policies or general business operations of his employer or his employer's customers; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c) (1) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined in the regulations in this part), or

(2) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or

(3) Who executes under only general supervision special assignments and tasks; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $75 per week (or $200 per month if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $100 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of office or nonmanual field work directly related to management policies or general business operations of his employer or his employer's customers, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

§ 541.3 *Professional.* The term "employee employed in a bona fide * * * professional * * * capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Whose primary duty consists of the performance of work:

(1) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or

(2) Original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee; and

(b) Whose work requires the consistent exercise of discretion and judgment in its performance; and

(c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $75 per week (or $200 per month if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided*, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof:

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $100 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work either requiring knowledge of an advanced type in a field of science or learning, which includes work requiring the consistent exercise of discretion and judgment, or in a recognized field of artistic endeavor, which includes work requiring invention, imagination, or talent, shall be deemed to meet all of the requirements of this section.

§ 541.4 *Local retailing capacity.* The term "employee employed in a bona fide * * * local retailing capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Who customarily and regularly is engaged in (1) making retail sales the greater part of which are in intrastate commerce, or (2) performing work immediately incidental thereto, such as the wrapping or delivery of packages; and

(b) Whose hours of work of a nature other than that described in paragraphs (a) (1) or (a) (2) of this section do not exceed 20 percent of the hours worked in the workweek by nonexempt employees of the employer.

§ 541.5 *Outside salesman.* The term "employee employed * * * in the capacity of outside salesman" in section 13 (a) (1) of the act shall mean any employee:

(a) Who is employed for the purpose of and who is customarily and regularly engaged away from his employer's place or places of business in (1) making sales within the meaning of section 3 (k) of the act, or (2) obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and

(b) Whose hours of work of a nature other than that described in paragraphs (a) (1) or (a) (2) of this section do not exceed 20 percent of the hours worked in the workweek by nonexempt employees of the employer: *Provided*, That work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall not be regarded as nonexempt work.

§ 541.6 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes. In determining such future regulations, separate treatment for different industries and for different classes of employees may be given consideration.

Signed at Washington, D. C., this 6th day of September 1949.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, Department of Labor.

[F. R. Doc. 49-7322; Filed, Sept. 9, 1949; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE AND BROADCASTING

NOTICE OF FURTHER PROPOSED RULE MAKING

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules and regulations and Engineering Standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

1. On July 11, 1949, the Commission issued a notice of further proposed rule making in the above-entitled proceedings (FCC 49-948) (14 F. R. 4483). Paragraph 14 (a) of this notice requests patented information as follows: "Any person filing comments who owns or has the right to sublicense United States unexpired patents with claims directed to or covering operations or equipment specifically called for by the transmission standards proposed herein, or which are proposed by other persons during this proceeding, shall file a statement on or before the opening date of the hearing or such date as the Commission may by order provide showing (i) the number of each such patent, and (ii) the pertinent claims therein."

2. The Commission's notice above in paragraph 15 further states: "The Commission reserves the right to require the presentation of evidence on any matter pertinent to this hearing by any person whether or not such person has filed a statement or comments."

3. In order to complete the patent information called for above and in order to provide the Commission with current technical developments as to television broadcast systems and equipment, it is deemed necessary that the Commission have knowledge of inventions relating to television transmitters or receivers for either monochrome or color transmissions, described and claimed in patent applications now pending in the United States Patent Office which any person who is a party to this hearing either owns or has the right to sublicense. Accordingly, section 14 (a) of the Commission's notice of further proposed rule making of July 16, 1949, is hereby amended by adding to paragraph 14 (a) of said notice the following: "Any person a party to this hearing who owns or has the right to sublicense inventions relating to television transmitters or receivers for either monochrome or color transmissions which are described and claimed in one or more patent applications now pending in the United States Patent Office shall file with the Commission an abstract of each such pending patent application setting forth the Patent Office filing date

and serial number of the application and a brief statement of the purposes of the invention and the devices or operations claimed therein. Also each abstract shall be accompanied by a Power to Inspect the related pending patent application at the United States Patent Office by the Commission's Acting Chief Engineer (John A. Willoughby) or his nominee. These abstracts and Powers to Inspect must be filed on or before the opening date of the hearing or such later date as the Commission may by order provide."

4. In order that the inventions disclosed in accordance with the above may be protected similarly to the protection given by the United States Patent Office as to pending patent applications, the Commission and its personnel will, if requested by the parties filing abstracts and Powers to Inspect, maintain confidential the information gained through such abstracts and Powers to Inspect.

Adopted: August 31, 1949.

Released: September 1, 1949.

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

[F. R. Doc. 49-7330; Filed, Sept. 9, 1949; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

NEW MEXICO GRAZING DISTRICT NO. 7

RULES FOR ADMINISTRATION

By virtue of the authority vested in me by section 2 of the act of June 28, 1934 (48 Stat. 1270, 43 U. S. C. 315a), the "Rules for the Administration of New Mexico Grazing District 7," approved September 1, 1939 (4 F. R. 3965), and amended November 16, 1939 (4 F. R. 4614), July 24, 1940 (5 F. R. 2824), and February 10, 1943 (8 F. R. 2050), are hereby revoked.

Henceforth, New Mexico Grazing District No. 7 shall be administered in accordance with the provisions of the Federal Range Code for Grazing Districts contained in 43 CFR, Part 161, except as limited by the following special rules:

(a) Stock-watering facilities located on Federally owned or controlled lands, including Indian Trust patent allotments, which were developed by the Federal Government for the benefit of the Navajo Indians, shall be considered as base property as defined in 43 CFR 161.2 (e) for Navajo Indian grazing privileges on the Federal range.

(b) The priority period as defined in 43 CFR 161.2 (g) and (l) for New Mexico Grazing District No. 7, shall be the five year period immediately preceding the publication of this order in the FEDERAL REGISTER.

(c) Free-use grazing privileges may be accorded to any resident applicant in the District having not more than 50 sheep units, or an equivalent in animal units in other classes of livestock.

Dated: September 3, 1949.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-7310; Filed, Sept. 9, 1949; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-198]

ACCIDENT OCCURRING NEAR SHANNON, EIRE

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-79998, which occurred near Shannon, Eire, August 15, 1949.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Section 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, September 13, 1949, at 9:30 A. M. (Local Time) in the Empire Room, Lexington Hotel, 48th and Lexington Streets, New York, New York.

Dated this 6th day of September 1949, at Washington, D. C.

[SEAL] RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 49-7347; Filed, Sept. 9, 1949; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CLASS B FM BROADCAST STATIONS

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of Revised Tentative Allocation Plan for Class B FM Broadcast Stations to change the channel allocated to Denton, Texas.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1949;

The Commission having under consideration an amendment to its Revised Tentative Allocation Plan for Class B FM Broadcast Stations so as to change the channel allocated to Denton, Texas, as follows:

	Channels	
	Delete	Add
Denton, Tex.	291	238

It appearing, that there is pending before the Commission an application by Harwell V. Shepard for a construction permit for a new Class A FM station at Denton, Texas (File No. BMPH-3481), to operate on Channel 292 (106.3 mc), which channel is adjacent to Channel 291 presently allocated to Denton, Texas; and that the Commission proposes to grant said application in a subsequent action; and

It further appearing, that the proposed amendment to the Allocation Plan is desirable in order to eliminate possible future adjacent channel interference as between stations operating on Channels 291 and 292 in Denton, Texas; and

It further appearing, that Channel 238, which is presently unallocated in this area, can be allocated to Denton, Texas, to replace the proposed deletion of Channel 291, will not reduce the number of channels presently allocated to any other area, and will not require a change in the channel assignment of any existing FM station or authorization; that there are no applications pending for Class B FM facilities at Denton, Texas; that a station operating on channel 238, in Denton, Texas, will not cause interference to any station existing, proposed, or contemplated by the FM Allocation Plan; and that no existing requirements of the Commission will be affected by said amendment; and

It further appearing, that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Adminstrative Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It further appearing, that authority for the adoption of said amendment is contained in sections 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended, so that the allocation to Denton, Texas, changed as follows:

	Channels	
	Delete	Add
Denton, Tex.	291	238

Released: September 2, 1949.

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

[F. R. Doc. 49-7325; Filed, Sept. 9, 1949; 8:55 a. m.]

[Docket No. 9433]

ALL AMERICA CABLES AND RADIO, INC. ET AL.

ORDER SCHEDULING PUBLIC HEARING

In the matter of All America Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, Inc.; Docket No. 9433: Regulations and practices for and in con-

nection with acceptance and delivery of overseas and foreign telegraph messages.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of August 1949;

The Commission, having under consideration new and revised tariff schedules filed by All America Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., on August 3, 1949, to become effective September 3, 1949, as follows: All America Cables and Radio, Inc., The Commercial Cable Company, Mackay Radio and Telegraph Company, Inc.: Joint Tariff F. C. C. No. 1, 4th Revised Page 8, Original Page 8A. Mackay Radio and Telegraph Company, Inc.: Tariff F. C. C. No. 31, 10th Revised Page 9A;

and also having under consideration a letter from The Western Union Telegraph Company filed with the Commission on August 19, 1949, requesting suspension of the above-cited proposed new and revised tariff regulations, and that a hearing be held in connection therewith; comments received on August 30, 1949, from the above-named carriers with respect to the above Western Union letter; and the Commission's decision of February 4, 1942, in Dockets Nos. 5910 and 6104, In the Matter of Globe Wireless Ltd., etc., 9 F. C. C. 80;

It appearing, that the above-cited tariff schedules provide that overseas telegraph users who are not located in cities in which the above-mentioned carriers have offices (including marine service users outside of cities in which Mackay Radio and Telegraph Company, Inc., has offices or coastal stations), may at their own expense, forward outbound overseas messages to the said carriers by telephone, Teletypewriter Exchange Service (TWX), or otherwise, and that overseas inbound messages addressed to points beyond the cities in which the said carriers have offices, will, upon the specific request of the addressees, be delivered to destination by telephone, TWX, or otherwise, at the expense of such addressees;

It further appearing, that questions are presented as to the justness and reasonableness, under section 201 (b) of the Communications Act of 1934, as amended, of the practices and regulations provided for in the above-cited tariff schedules, particularly in the light of the decision of the Commission in the aforementioned Dockets Nos. 5910 and 6104 wherein the Commission found that certain pick-up and delivery practices of Globe Wireless Ltd., similar to those involved herein, were unnecessary and unreasonable in view of the establishment of through routes between Globe Wireless Ltd. and the domestic telegraph carriers;

It further appearing, that messages destined to non-gateway points in the United States and which are to be delivered in the manner provided in the above-cited tariff schedules, may be charged for at rates which are higher than for messages destined to gateway cities, although like service would be rendered by the carriers in both cases, and that an unjust or unreasonable discrimination in charges for like communication service, in violation of section 202 (a) of the Communications Act of 1934, as amended, may thereby be made;

It is ordered, That pursuant to sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading shall enter upon a hearing and investigation concerning the lawfulness of the proposed regulations and practices of the carriers as set forth in the above-cited new and revised tariff schedules;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited new and revised tariff schedules of All American Cables and Radio, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company, Inc., is hereby suspended until December 3, 1949, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in said tariff schedules or in the tariff schedules sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That without in any way limiting the scope of the hearing and investigation herein, inquiry shall be made into the following specific matters:

(1) The lawfulness under section 201 (b) of the Communications Act of 1934, as amended, of the practices and regulations provided for in the above-cited tariff schedules, particularly in view of the Commission's decision in Dockets Nos. 5910 and 6104; In the Matter of Globe Wireless Ltd., etc., 9 F. C. C. 80;

(2) Whether the aforesaid practices and regulations would result in an unjust or unreasonable discrimination in charges for or in connection with like communication service, in violation of section 202 (a) of the Communications Act of 1934, as amended;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that All America Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., are hereby made parties respondent to this proceeding and that a copy hereof be served on each said respondent; and that a copy of this order shall also be served upon The Western Union Telegraph Company, which is hereby given leave to intervene and participate fully in the proceeding herein upon condition that no later than September 12, 1949, it file notice of its intention to do so;

It is further ordered, That a public hearing shall be held herein at the offices of the Federal Communications Commission in Washington, D. C., on the 26th day of September 1949, beginning at 10:00 a. m.

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

[F. R. Doc. 49-7326; Filed, Sept. 9, 1949; 8:56 a. m.]

[Docket Nos. 9429-9432]

ARKANSAS AIRWAYS ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of the Arkansas Airways, North Little Rock, Arkansas, Docket No. 9429, File No. BR-1248, for renewal of license of Station KXLR and application of the West Memphis Broadcasting Company, West Memphis, Arkansas, Docket No. 9430, File No. BR-1506, for renewal of license of Station KWEM and application of the Harrison Broadcasting Company, Harrison, Arkansas, Docket No. 9431, File No. BR-1387, for renewal of license of Station KHOZ and application of the Stuttgart Broadcasting Corporation, Stuttgart, Arkansas, Docket No. 9432, File No. BR-2085, for renewal of license of Station KWAK.

At a session of the Federal Communications Commission held in Washington, D. C., on the 31st day of August 1949;

The Commission having under consideration the above entitled applications for renewal of licenses; and

It appearing, that Stations KXLR and KWEM have been granted temporary extension of licenses to September 1, 1949; and Stations KHOZ and KWAK have been granted temporary extensions of licenses to December 1, 1949; and

It further appearing, that the Commission is unable to determine from considerations of the above applications that grants of renewal of licenses to the above named applicants would be in the public interest; and

It further appearing, that the above entitled applications for renewal of licenses present common questions with respect to the ownership, control and financing of the subject stations;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for consolidated hearing at a time and place to be specified by a subsequent order of the Commission upon the following issues;

1. To determine who are the present owners of the stock of the applicant corporations and when and from whom said stock was acquired.

2. To determine whether the licenses granted to the applicant corporations or the rights or responsibilities incident thereto, have been in any manner, either directly or indirectly, transferred, assigned, or disposed of without the consent of the Commission, as provided by the Communications Act of 1934, as amended, and particularly section 310 (b) thereof.

3. To determine whether the statements and representations made in the various applications, documents, and reports filed with the Commission on behalf of the applicant corporations by its officers, directors, and/or agents, have fully and accurately reflected the facts concerning the ownership and distribution of the stock of the company.

4. To determine whether the applicant corporations, officers, directors, stockholders, and/or agents, or either of them, have made false statements and representations to the Commission as to the

ownership, transfer, and/or control of the stock of the applicant.

5. To determine whether all contracts and agreements which have been entered into by applicants' officers, directors, stockholders, and/or agents, relative to the scale and transfer of the stock of the applicant corporation or the financing thereof have been reported to the Commission as required by the rules and regulations.

6. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience, or necessity would be served by granting the above-entitled applications.

It is further ordered, That the licenses of station KXLR and KWEM be extended on a temporary basis only to December 1, 1949, pending hearing on the above-entitled matters.

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

[F. R. Doc. 49-7327; Filed, Sept. 9, 1949; 8:56 a. m.]

[Docket Nos. 9434, 9435]

GLENWOOD SPRINGS BROADCASTING CO. AND WESTERN SLOPE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Douglas D. Kahle and Lewis W. Grove d/b as Glenwood Springs Broadcasting Company, Glenwood Springs, Colorado, Docket No. 9434, File No. BP-7275; R. G. Howell and Charles Howell d/b as Western Slope Broadcasting Company, Glenwood Springs, Colorado, Docket No. 9435, File No. BP-7306; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of August 1949;

The Commission having under consideration the above-entitled applications of Douglas D. Kahle and Lewis W. Grove, d/b as Glenwood Springs Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1340 kilocycles, 250 watts power, specified hours and of R. G. Howell and Charles Howell d/b as Western Slope Broadcasting Company for a construction permit to operate on 1340 kilocycles, 250 watts power, unlimited time, both at Glenwood Springs, Colorado;

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

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

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

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

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

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

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

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

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

[F. R. Doc. 49-7328; Filed, Sept. 9, 1949; 8:56 a. m.]

[Docket No. 9436; File No. BSSA-214]

AMERICAN BROADCASTING CO. INC. (WJZ) AND ALBUQUERQUE BROADCASTING CO. (KOB)

ORDER SCHEDULING ORAL ARGUMENT

In re motion of American Broadcasting Co., Inc. (WJZ), New York, New York, Docket No. 9436; for denial of application of KOB for extension of special service authorization. In re application of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, File No. BSSA-214; for extension of special service authorization.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August, 1949;

The Commission having under consideration a motion filed August 23, 1949, by American Broadcasting Company, Inc. (WJZ), New York, New York, requesting denial of the above-entitled application of Albuquerque Broadcasting Company, Albuquerque, New Mexico, for extension of special service authorization for the operation of Station KOB on the frequency 770 kc, with power of 50 kw daytime and 25 kw night, and other relief; and further requesting oral argument with respect to said motion; and

It appearing, that since November 1941 Station KOB has been operating on the frequency 770 kc with power of 50 kw daytime and 25 kw nighttime under a special service authorization and extensions thereof; that the current special service authorization for this operation expires September 1, 1949; and that the above-entitled application requests an extension thereof; and

It further appearing, that petitioner has not previously opposed extensions of the said special service authorization for the operation of Station KOB; that the instant motion requesting denial of the above-entitled application was not filed until nine days before the expiration of the current special service authorization; and that said motion cannot properly be considered and disposed of by September 1, 1949;

It is ordered, That the said special service authorization for the operation of KOB on the frequency 770 kc. with power of 50 kw. daytime and 25 kw. nighttime is extended to 3:00 a. m., e. s. t., December 1, 1949; that final action on the above-entitled application BSSA-214 is withheld pending consideration and disposition of the said motion of American Broadcasting Company, Inc., requesting denial of said application; that the request of American Broadcasting Company, Inc., for oral argument on its aforesaid motion is granted; and that the Commission will hear said argument on September 12, 1949, at 10:00 a. m., in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D. C.

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

[F. R. Doc. 49-7329; Filed, Sept. 9, 1949; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1264]

GRAND RIVER GAS TRANSMISSION CO.

NOTICE OF APPLICATION

SEPTEMBER 6, 1949.

Take notice that Grand River Gas Transmission Company (Applicant), an Ohio corporation, of 1956 Union Commerce Building, Cleveland, Ohio, filed on August 19, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 74 miles of 10¾ inch O. D. transmission pipeline, extending from a point on the authorized main transmission pipeline of Tennessee Gas Transmission Company near Meadville, Pennsylvania, to Ashtabula and Fairport, Ohio.

Applicant proposes to transport natural gas for hire or for resale to Lake County Gas Company, the City of Painesville Gas Department and the Lake Shore Gas Company, all of Ohio, for distribution in Willoughby, Wickliffe, Willowick, Fairport, Mentor, Eastlake, Grand River, Ashtabula, Conneaut, Geneva, Geneva-on-the-Lake, Jefferson, Lakeville, Madison, North Kingsville, North Perry, Perry and Painesville, all in Ohio.

The estimated cost of the facilities proposed to be constructed is $1,950,000. The plan of financing will be supplied later by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance

with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7308; Filed, Sept. 9, 1949; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5664]

LADY CAROLE COATS, INC. AND MAX INDIG

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Lady Carole Coats, Inc., a corporation, and Max Indig, individually and as an officer of Lady Carole Coats, Inc.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, September 15, 1949, at ten o'clock in the forenoon of that day (eastern daylight savings time), in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

Issued: September 2, 1949.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-7318; Filed, Sept. 9, 1949; 8:48 a. m.]

[Docket No. 5679]

SCHNER-BLOCK CO., INC., AND CHARLES SCHNER, JR.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Schner-Block Company, Inc., a corporation and Charles Schner, Jr., individually and as an officer of said corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, September 13, 1949, at ten o'clock in the forenoon of that day (eastern daylight savings time), in Room 505, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

Issued: September 2, 1949.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-7317; Filed, Sept. 9, 1949; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-75, 54-161, 59-8, 59-20]

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

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of September A. D. 1949.

In the matter of The Commonwealth & Southern Corporation (Delaware), File No. 54-161; The Commonwealth & Southern Corporation (Delaware), respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware) and its subsidiary companies, respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75.

The Commission by its opinion and order dated November 22, 1948 having approved a Plan of reorganization of The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "Act"), providing, in substance, (a) for the retirement of all of Commonwealth's outstanding preferred stock by the distribution in exchange therefor of its common stock holdings in two of its subsidiaries, Consumers Power Company and Central Illinois Light Company and $1 per share in cash, (b) for the distribution to Commonwealth's common stockholders of substantially all of Commonwealth's remaining assets consisting principally of its common stock holdings in two of its other subsidiaries, The Southern Company and Ohio Edison Company, and (c) for the dissolution of Commonwealth; and

Said Plan having provided that:

No person who is an officer or director of Commonwealth, The Southern Company or of the service company on the 31st day after 75% of the common stock of any company (other than The Southern Company) has been disposed of by Commonwealth under the Plan shall be at that time an officer or director of such divested company or be eligible for election as a director or officer of such divested company at the next annual stockholders' meeting thereof, and thereafter there shall not be any officers and directors common to Commonwealth, The Southern Company and their subsidiary companies, including the service company, on the one hand, and such divested company, on the other hand; provided, however, that the foregoing restriction as to common officers shall not be effective to prevent specified persons who are officers or directors of Commonwealth or The Southern Company, or of its subsidiary companies including the service company, from being officers or directors of any such divested company for such period or periods subsequent to any such date as may, on application, be approved by the Commission.

; and

Commonwealth having filed an application under said Plan for approval of the appointment of the following named persons to act as officers and directors of Commonwealth on or after its dissolution, some of whom are also, and propose to continue as, officers and directors of one or more of Commonwealth's subsidiary companies:

Justin R. Whiting—Director and President.
Beauchamp E. Smith—Director and Vice-President.
Percy H. Clark—Director.
Walter H. Sammis—Director.
Eugene A. Yates—Director.
W. G. Bourne, Jr.—Vice-President.
Donald B. Peck—Secretary and Treasurer.
B. W. Eggert—Assistant Secretary and Assistant Treasurer.
C. Wigand—Assistant Treasurer.

The application having been filed on August 19, 1949, and notice of said filing having been 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 the application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that said application satisfies the requirements of the applicable provisions of the act and the rules promulgated thereunder and the Commission deeming it appropriate to grant applicant's request that the order herein become effective upon issuance:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that said application be, and the same hereby is, granted, effective forth-

with, subject to the terms and conditions prescribed in Rule U-24, and subject further to the reservation of jurisdiction by the Commission with respect to the continuance of any interlocking relations between Commonwealth and any subsidiary company whose common stock is disposed of under the Plan.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-7311; Filed, Sept. 9, 1949; 8:46 a. m.]

[File No. 70-2184]

YORK COUNTY GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of September A. D. 1949.

York County Gas Company ("York"), a public uitility subsidiary of Pennsylvania Gas & Electric Corporation, a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-22, U-23, U-24, and U-62 thereunder with respect to the following proposed transactions:

York proposes to issue and sell privately to The Travelers Insurance Company an aggregate of $400,000 principal amount of its First Mortgage Bonds, 3⅜% Series, due 1979, to be issued pursuant to and secured by York's present indenture dated as of June 1, 1946, as supplemented by an indenture to be dated as of September 1, 1949. The bonds will be sold for cash at 100.50% of the principal amount thereof plus accrued interest from September 1 1949, to the date of delivery.

York also proposes to (1) increase its authorized capital stock from $600,000, consisting of 30,000 shares with a par value of $20 per share to $720,000, consisting of 36,000 shares with a par value of $20 each and (2) issue and sell at a price of $50 per share the 6,000 newly authorized shares of common stock.

The shares of common stock are to be offered to the holders of the presently outstanding common stock of the company for subscription in the ratio of one-fifth of a share of additional common stock for each one share of common stock held. The right to subscribe for said shares of common stock is proposed to be evidenced by Full Share and Fractional Share Subscription Warrants in transferable form. As fractional shares of common stock will not be issued, Fractional Share Subscription Warrants will be exercisable only when combined with other warrants evidencing the right to subscribe for one or more full shares. Each holder of subscription warrants will be entitled to purchase from York, subject to allotment, any shares covered by outstanding warrants which are not exercised during the subscription period.

The net proceeds from the sale of the additional bonds and common stock, together with funds derived from operations, will provide the funds required for the construction or acquisition of permanent improvements, extensions and additions to the company's property for the years 1949 to 1951, inclusive, estimated at $888,000, for the reimbursement of its treasury in part for expenditures made for such purposes, and for the payment of a $100,000 short term bank loan incurred in order to secure funds for such purposes or any other bank loan to be incurred to secure funds for such purposes.

The declaration having been filed on July 21, 1949, and the last amendment thereto having been filed on September 1, 1949, and notice of said filing having been 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 declaration, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective;

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

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-7313; Filed, Sept. 9, 1949; 8:47 a. m.]

[File No. 70-2189]

STANDARD GAS AND ELECTRIC CO.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of September 1949.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, having filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), an application-declaration and amendments thereto in respect of a proposal to sell either 250,000 shares of Common Stock, without par value, of its public-utility subsidiary Louisville Gas and Electric Company ("Louisville"), or 200,000 shares of Common Stock, par value $20 per share, of its public-utility subsidiary Oklahoma Gas and Electric Company ("Oklahoma") and to make purchases of the stock to be offered for sale for the purpose of stabilizing the market price of such stock; and

Standard having requested that the Commission's order herein become effective upon the issuance thereof and that the ten-day notice period required by Rule U-50 of the rules and regulations promulgated under the act to be reduced to six days; and

Standard having further requested that the Commission enter an order in accordance with the provisions of sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having this day issued its memorandum opinion herein and having found that the said application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is therefore ordered, That the application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 and to the following additional terms and conditions:

(1) That the proposed sale of either Oklahoma Common Stock or Louisville Common Stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order entered in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate; and

(2) That, in the event that the Louisville stock is sold, no representative of Standard shall be a candidate for election to the Louisville Board of Directors at the next annual stockholders' meeting of Louisville unless notice of such intended candidacy shall have been given to this Commission at least fifteen days prior to the date of mailing by Louisville of proxy statements for such meeting and unless this Commission shall have approved such candidacy.

It is further ordered, That the Commission's order, dated August 8, 1941, requiring, among other things, that Standard sever its relationships with Oklahoma and Louisville by disposing, or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the act, or the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled, or operated by Oklahoma and Louisville, shall be deemed to require the disposition of any shares of Common Stock of Oklahoma or Louisville acquired as a result of stabilizing the market price of such Common Stock, as authorized herein, with the same force and effect as if said shares had been held by Standard as of the date of the order.

It is further ordered, That the ten-day notice period required by Rule U-50 be, and hereby is, shortened to six days.

It is further ordered, That jurisdiction be, and hereby is, reserved to enter, upon supplemental application by Standard, such further order or orders as may be

appropriate under sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to all fees and expenses in connection with the proposed transactions.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 49-7314; Filed, Sept. 9, 1949; 8:47 a. m.]

[File No. 70-2193]

KANSAS POWER AND 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 31st day of August 1949.

The Kansas Power and Light Company ("Kansas Power"), a public-utility subsidiary of The North American Company ("North American"), a registered holding company, has filed an application-declaration pursuant to the provisions of sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rules U 20, U-23 and U-24 of the general rules and regulations promulgated thereunder regarding the following proposed transactions:

Kansas Power proposes to acquire all of the assets of its subsidiary, The Blue River Power Company ("Blue River"), the common stock of which is jointly owned by Kansas Power and Commander Larabee Corporation ("Commander"), a non-affiliate, non-utility company.

Kansas Power, the owner of 1,250 shares, no par value, of the common capital stock of Blue River, proposes to purchase for $25,000 cash from Commander the remaining issued and outstanding 1,250 shares of the common capital stock of Blue River and to dissolve Blue River and transfer all of its assets to Kansas Power.

The assets of Blue River consist principally of a small hydroelectric generating station, located near the City of Marysville, Marshall County, Kansas. The total assets of Blue River, per books as of December 31, 1948, amounted to $228,026, of which property and plant amounted to $214,017. As of the same date the reserve for depreciation and retirement of property was stated at $109,304. The book value of the common stock, which is the only outstanding security of Blue River, amounted to $118,504, as of December 31, 1948. Kansas Power states that the consideration to be paid was determined through arm's-length negotiations.

Kansas Power states that the property of Blue River is an integral part of the properties of Kansas Power, being interconnected with its electric system; that Kansas Power presently purchases all of the production of Blue River's generating plant; and that the proposed transactions are not subject to the jurisdiction of any other regulatory body.

The application-declaration having been filed on August 8, 1949, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing with respect to the application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon, and Kansas Power having requested that our order herein become effective forthwith; and

The Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings thereunder are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

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

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 49-7312; Filed, Sept. 9, 1949; 8:46 a. m.]

[File No. 70-2209]

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

ORDER DECLARING FOLLOWING TRANSACTIONS AS APPROPRIATE STEPS IN CONFORMITY WITH PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of September A. D. 1949.

In the matter of The Commonwealth & Southern Corporation (Delaware), The Southern Company, Georgia Power Company; File No. 70-2209.

The Commission having issued an order dated August 1, 1947, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (the "act"), directing that The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and The Southern Company ("Southern"), a subsidiary of Commonwealth and also a registered holding company, shall, among other things, cease to own, operate, control or have any interest, direct or indirect, in the transportation properties and business of Georgia Power Company ("Georgia"), a direct public utility subsidiary of Southern; and

Commonwealth, Southern and Georgia having filed on August 30, 1949, pursuant to Rule U-44 (c) of the Rules and Regulations promulgated under the act, a notice of intention of Georgia Power Company to sell all of its transportation properties and business in Augusta, Georgia, in accordance with the terms and conditions contained in a contract entered into between Georgia Power Company and a group of Georgia citizens consisting of Roy V. Harris, T. C. Warr, C. W. Drega, and John L. Murray, all of Augusta, and A. C. Shipman, J. W. Hughes and J. C. Steinmetz, all of Atlanta, Georgia, dated August 12, 1949 for $96,000 cash, subject to closing adjustments; and

The Commission having determined that no declaration need be filed with respect to the proposed transaction; and

Georgia having requested that the Commission issue an order containing the recitals, itemizations and specifications required by section 371 (f) of the Internal Revenue Code, as amended:

It is hereby ordered and recited and the Commission finds, That the following transactions are appropriate steps in conformity with this Commission's order dated August 1, 1947, pursuant to section 11 (b) (1) of the act in File Nos. 59-20, 59-8, 54-75 and 54-152, are necessary or appropriate to the integration or simplification of the holding company system of which Commonwealth, Southern and Georgia are members, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and are here hereby permitted:

(a) The sale by Georgia to the group hereinabove named, or a corporation to be organized under the laws of the State of Georgia for such purpose by said group, of its aforementioned transportation properties and business at Augusta, Georgia, in accordance with the contract between Georgia and said group dated August 12, 1949, for an aggregate amount estimated by Georgia to approximate $96,000 cash (exclusive of the net earnings to the date of transfer). The said transportation properties and business are more fully described in said contract, which by this reference is incorporated herein and made a part hereof, and include the following:

(i) 62 gasoline motor buses (exclusive of tires), of which 8 are Twin Models 35-G, 5 are Twin Models 23-RL, 4 are Twin Models 27-R, 22 are Twin Models 27-G, 10 are Twin Models 23-S, and 13 are Southern Models F-31;

(ii) 60 fare boxes;

(iii) All bus repair parts in Georgia's stock at Augusta, Georgia, on the date of transfers; and

(iiii) Franchise under which Georgia Power Company operates its transportation business in Augusta, Georgia.

(b) The expenditure by Georgia of the proceeds of such sale (estimated to amount to approximately $96,000 as above stated) or an amount equal thereto within 24 months of said sale, toward the acquisition of property additions to its electric utility system, including any part of the acquisition, construction and installation of the new steam-electric generating station at or near Whitesburg, Georgia, to be known as Plant Yates, and the proposed initial installation therein of two units each with a rated installed generating capacity of 100,000 kilowatts.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 49-7316; Filed, Sept. 9, 1949; 8:47 a. m.]

[File No. 812-614]

PINE STREET FUND, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of September A. D. 1949.

Notice is hereby given that Pine Street Fund, Inc. ("applicant") of New York, New York, a registered investment company, has filed an application for an order pursuant to section 6 (c) of the act exempting applicant from the provisions of sections 15 (a) and 16 (a) of the act.

Section 15 (a) makes it unlawful for a person to act as investment adviser for a registered investment company except pursuant to a written contract containing certain specified statutory terms which has been approved by the vote of a majority of its outstanding voting securities. Applicant requests exemption from this provision pending approval or disapproval of the written contract at the annual meeting of applicant's stockholders to be held on the second Tuesday of October 1949 or until any adjournment thereof.

Section 16 (a) requires the directors of a registered company to be elected to that office by stockholders at an annual or special meeting and requires such a meeting to be held within sixty days if at any time less than a majority of the directors were so elected by stockholders. Applicant requests exemption from this provision pending election of directors at the aforementioned annual meeting.

It appears from the application that applicant was incorporated under the laws of the State of New York on August 10, 1949; that it has an authorized capitalization of 1,000,000 shares of common stock of $1 par value of which 10,000 shares have been issued and are outstanding; that it desires to sell from time to time an additional 990,000 shares at a price equal to the net asset value per share, as determined from time to time, plus a sales load of two per cent thereof; that it has filed a registration statement under the Securities Act of 1933 covering the public offering of its shares; that applicant on August 12, 1949, upon the authorization of its Board of Directors, executed an investment advisory contract, containing the terms required by section 15 (a) of the Investment Company Act, with Wood, Struthers & Co.; that the by-laws of the corporation provide that the annual meeting of stockholders for the year 1949, for the election of directors and for the transaction of such other business as properly may come before such meeting, shall be held on the second Tuesday in October and that such meeting shall take action with respect to election of a board of directors and approval or disapproval of the investment advisory contract.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application, subject to such terms and conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after September 15, 1949, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 13, 1949, at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-7315; Filed, Sept. 9, 1949; 8:47 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 13708]

HACHITARO ABE ET AL.

In re: Debts owing to Hachitaro Abe and others.

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 each individual, whose last known address is set forth below as follows:

Name, Address, and OAP File Number

Hachitaro Abe, Yamaguchi-ken, Mine-gun, Higashi Atsuho, Japan, F-39-6045-C-1.

Ikichi Asaebesu, 276 Banchi Icchome, Yosida-machi, Takata-gori, Hiroshima-ken, Japan, F-39-6047-C-1.

Esematsu Sawamura, Aza Kami Go, Toyo no mura, Shimo ma shigi-gun, Kumamoto-ken, Japan, F-39-6037-C-1.

Kanoto Fukushima, Horikawa, Kikuchi-gun, Kumamoto-ken, Japan, F-39-5260-C-1.

Hatsutaro Date, 341 Banchino I Ooazana, Shikigi Shono, Somigori, Kisacho, Hiroshima-ken, Japan, F-39-6046-C-1.

Mrs. T. Hayashi, % Oshima Bank, Okikamura, Oshima-gun, Yamaguchi-ken, Japan, F-39-6042-C-1.

Kintaro Kawano, Kumamoto-ken, Kamogawa-mura, Aza-Komoiri, Yokohama, Japan, F-39-6043-C-1.

Hidejiro Matsumoto, Sheimochi, Takemamura, Kamoto-gun, Kumamoto-ken, Japan, F-39-80-C-1.

Kankichi Ogi, Hiroshima-ken, Saiki-gun, Kuba-machi, Japan, F-39-4212-C-1.

Chokichi Okoji, Fukushima-ken, Atachigun, Ohama-machi-Oata-Saikatsu-mura, Japan, F-39-6040-C-1.

Mrs. Liye Okuyama, % Mr. Hyokichi Budo, Takatsuka, Shiida-machi, Chikujyo-gun, Fukuoka-ken, Japan, F-39-6041-C-1.

Utaro Omura, % Sumitomo Bank, Ltd., Branch, Uoyacho, Nichome, Ichibanchi, Kumamoto City, Kumamoto, Japan, F-39-6038-C-1.

Mrs. Sueyo Oyama, Shimokawahara, Kawahara-mura, Kikuchi-gun, Kumamoto-ken, Japan, F-39-6036-C-1.

Yasaburo Tomosue, % Sumitomo Bank, Yamai-shi, Yamaguchi-ken, Japan, F-39-5422-C-1.

Iwataro Toyama, Shinminato #155, Marifumura, Kuga-gun, Yamaguchi-ken, Japan, F-39-5421-C-1.

Jinmatsu Toyoshima, % The Fourth Bank, Hichibancho, Higashi, Horimae, Dcori, Niigata City, Niigata-ken, Japan, F-39-5417-C-1.

Usitaro Yamabe, Sugi, Yawata-mura, Kamoto-gun, Kumamoto-ken, Japan, F-39-5418-C-1.

Kiyoichi Yoshida, Hiroshima-ken, Takatagun, Gono-mura, Katsura, Japan, F-39-5419-C-1.

is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: All those debts or other obligations owing to the persons whose names are set forth in subparagraph 1 hereof, by Hawaiian Pineapple Company, Limited, P. O. Drawer 3380, Honolulu 1, T. H., and representating accrued pension obligations, together with any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (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 August 23, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-7332; Filed, Sept. 9, 1949; 8:49 a. m.]

[Vesting Order 13722]

HENRY A. HAMEL

In re: Estate of Henry A. Hamel, deceased. File No. D-28-10502-G-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 Emelia Hamel, Anna Hamel, Hans Joachim Koenig and Lilly Koenig nee Hamel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the estate of Henry A. Hamel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Pierre Herber, 231 Hazelwood Avenue, Bound Brook, New Jersey, executor, acting under the judicial supervision of the Surrogate's Court, Kings County, Brooklyn, New York;

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described 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 August 25, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7333; Filed, Sept. 9, 1949; 8:49 a. m.]

[Vesting Order 13733]

MARGARETHE SCHMIDT

In re: Trust u/w of Margarethe Schmidt, deceased. File No. D-28-7385; E. T. sec. 7575.

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 Elise Wachs and Maria Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Elise Wachs, and the children, names unknown, of Maria Schmidt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the will of Margarethe Schmidt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the First National Bank, Skokie, Illinois, as Successor Trustee, acting under the judicial supervision of the Superior Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subsequent paragraph 1 hereof, and the children, names unknown, of Elise Wachs, and the children, names unknown of Maria Schmidt, 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 August 26, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-7336; Filed, Sept. 9, 1949; 8:49 a. m.]

[Vesting Order 13734]

LOUISE THIELKE

In re: Estate of Louise Thielke, deceased. File No. D 28-1514 E. T. sec. 244.

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 Louise Diettrich, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the First National Bank of Neenah, Wisconsin, arising out of a savings account, Account No. 4453, entitled Louise Thielke Estate William A. Gerhardt, Executor maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 26, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-7337; Filed, Sept. 9, 1949; 8:49 a. m.]

[Vesting Order 13726]

ROSA HANDRICH

In re: Bank account, stock and note owned by Rosa Handrich, also known as Rosa Handrich Rothenberg. F-28-6273-A-1, F-28-6273-E-1.

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

1. That Rosa Handrich, also known as Rosa Handrich Rothenberg, whose last known address is Richard Wagnerstr. 11, 17a, Heidelberg, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Rosa Handrich, also known as Rosa Handrich Rothenberg, by Manufacturers Trust Company, 55 Broad Street, New York 15, New York, arising out of a Special Interest Account, account number 39697B, entitled Rosa Handrich, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of the persons set

forth in Exhibit A, presently in the custody of Manufacturers Trust Company, 55 Broad Street, New York 15, New York, together with all declared and unpaid dividends thereon,

c. That certain debt or other obligation owing to Rosa Handrich, also known as Rosa Handrich Rothenberg, by A. Raabe, evidenced by a note, in the principal sum of $1,000, dated July 15, 1926, and presently in the custody of Manufacturers Trust Company, 55 Broad Street, New York 15, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note, and

d. One hundred eighty-six (186) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, evidenced by a certificate numbered P7055, for sixty-two (62) shares no par value common capital stock of the aforesaid corporation, registered in the name of Rosa Handrich, and presently in the custody of the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, together with all declared and unpaid dividends thereon and any and all rights to receive a new certificate for one hundred eighty-six (186) shares of no par value common capital stock of the aforesaid corporation,

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

and it is hereby determined:

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

All determinations and 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 August 25, 1949.

For the Attorney General.

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

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Certificate Nos.	Number of shares	Par value	Type of stock	Registered owner
Armour & Co. (Illinois), Union Stock Yards, Chicago, Ill.	Illinois	7179	20	$5.00	Common	Rosa Handrich.
Do	do	NP0975	10	No par	$6.00 cumulative convertible prior preferred.	Do.
Temple Malleable Iron & Steel Corp		A933	10		Class A	Hurley & Co.
United States Rubber Co., Rockefeller Center, 1230 6th Ave., New York 20, N. Y.	New Jersey	C0259	15	10.00	Common	Rosa Handrich.

[F. R. Doc. 49-7334; Filed, Sept. 9, 1949; 8:49 a. m.]

[Vesting Order 13732]

CAROLINE R. KRAUSE

In re: Trust u/w of Caroline R. Krause, deceased. File D-66-137; E. T. sec. 16873.

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 Hertha von Wachholtz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That such property is in the process of administration by the Central National Bank of Cleveland, Cleveland, Ohio, as Trustee, acting under the judicial supervision of the Probate Court of Cuyahoga County (Ohio);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 26, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-7335; Filed, Sept. 9, 1949; 8:49 a. m.]

[Vesting Order 13735]

PAUL VALY

In re: Trust under will of Paul Valy, deceased. File No. D-28-2077; E. T. sec. 2415.

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 Mathilda (e) L. Becker, (Julius) Caesar Becker, and Augusta (e) Valy, 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 Anna Augusta (e) Becker, deceased; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mathilda (e) L. Becker; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of (Julius) Caesar Becker; and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Augusta (e) Valy, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Paul Valy, deceased, is property payable or deliverable to, or claimed by,

the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William A. Kessler, 3065 Lincoln Avenue, Chicago 13, Illinois, as trustee, acting under the judicial supervision of the Circuit Court of Cook County, Illinois;

and it is hereby determined:

5. 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 Anna Augusta(e) Becker, deceased; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mathilda(e) L. Becker; the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of (Julius) Caesar Becker; and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Augusta(e) Valy 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 August 26, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-7338; Filed, Sept. 9, 1949; 8:50 a. m.]

[Vesting Order 13763]

WILHELMINE SEIBICKE

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Wilhelmine Seibicke, also known as Wilhelmina Seibicke, deceased. F-28-589-E-2.

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

1. That the personal representatives, heirs, next of kin, legatees and distributees of Wilhelmine Seibicke, also known as Wilhelmina Seibicke, deceased, who, there is reasonable cause to believe, are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Morthrift Finance Co., Stockton, California, arising out of a Thrift (Savings) Account, Account Number 2383, entitled "Albert Seibicke, Trustee for Wilhelmine Seibicke", maintained with the aforesaid finance company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Wilhelmine Seibicke, also known as Wilhelmina Seibicke, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Wilhelmine Seibicke, also known as Wilhelmina Seibicke, 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 August 29, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7341; Filed, Sept. 9, 1949; 8:50 a. m.]

[Vesting Order 13764]

TAKESHI TAKAHASHI

In re: Debt owing to Takeshi Takahashi. D-39-14039-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 Takeshi Takahashi, whose last known address is Tenjinyama, Yoshiimachi, Shitsuki-gun, Okayama-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Takeshi Takahashi, by Munagi Yoshitaka, P. O. Box 255, Ogden, Utah, in the amount of $1,500.00, as of May 31, 1941, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 29, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7342; Filed, Sept. 9, 1949; 8:50 a. m.]