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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10054

MODIFYING EXECUTIVE ORDER NO. 9721,[1] PROVIDING FOR THE TRANSFER OF PERSONNEL TO CERTAIN PUBLIC INTERNATIONAL ORGANIZATIONS

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes, and as President of the United States, it is ordered that paragraph 3 (a) of Executive Order No. 9721 of May 10, 1946, providing for the transfer of personnel to public international organizations in which the United States Government participates, be, and it is hereby, modified as follows:

The provision which requires that service in the public international organization to which the employee is transferred shall be terminated within three years from the date of such transfer to entitle the employee to the reemployment rights conferred by the said paragraph is modified so that Gerald C. Gross, a former employee of the Federal Communications Commission who is now employed by the International Telecommunication Union, and to whom the provisions of the said Executive Order No. 9721 became applicable pursuant to paragraph 4 thereof, shall be entitled to such reemployment rights if his service with the said International Telecommunication Union is terminated without prejudice within five years from the date of the beginning of his service with such Union; provided that he complies with all other provisions of the said Executive order with respect to such reemployment.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 29, 1949.

[F. R. Doc. 49-3467; Filed, Apr. 29, 1949; 11:58 a. m.]

[1] 3 CFR, 1946 Supp.

TITLE 7—AGRICULTURE

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

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

ORDER, AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and 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 Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held on March 16 and 17, 1949 upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, 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 de-

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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termined 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 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.

(b) *Additional findings.* It is necessary to make the present amendment to the said order, as amended, effective not later than May 1, 1949, to reflect current marketing conditions. Any further delay in the effective date of this order, amending the said order, as amended, will seriously disrupt the orderly market-

ing of milk for the Greater Boston, Massachusetts, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregong, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong. 60 Stat. 237).

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

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

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

(3) The issuance of this order further amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (December 1948) were engaged in the production of milk for sale in the Greater Boston, Massachusetts, marketing area.

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

1. In § 904.7 (b), delete subparagraphs (1), (2), (3), and (4), and substitute the following:

(1) Subject to paragraph (d) (3) of this section, subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is received, divide the remainder by 33.48, and multiply the result by 3.7.

(2) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

2. In § 904.7 (b), renumber subparagraph (5) as (3), and change the reference "subparagraphs (3) and (4)" therein to "subparagraphs (1) and (2)".

3. In § 904.7 (d) (3), change the reference "§ 904.9 (d) (1)" to "§ 904.9 (d) (2)".

4. Delete § 904.7 (d) (4).

5. In § 904.7 (e) (1), delete the phrase "deduct 5 cents,".

6. Delete § 904.7 (e) (2) and substitute the following:

(2) Divide by 3.7 the amount determined pursuant to paragraph (b) (1) of this section, and subtract from the quotient the amount determined pursuant to subparagraph (1) of this paragraph. The result is the butter and cheese differential.

7. Delete § 904.9 (d) and substitute the following:

(d) *Butterfat differential.* (1) In making the payments to each producer for milk received from him, each pool handler shall add for each one-tenth of 1 percent average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent average butterfat content below 3.7 percent, an amount per hundredweight calculated by the market administrator pursuant to subparagraph (2) of this paragraph.

(2) Subject to § 904.7 (d) (3), subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 334.8.

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

Issued at Washington, D. C. this 27th day of April 1949 to be effective on and after May 1, 1949.

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

[F. R. Doc. 49-3400; Filed, Apr. 29, 1949; 8:58 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER, AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and 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 Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held on March 16 and 17, 1949 upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, 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 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 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.

(b) *Additional findings.* It is necessary to make the present amendment to the said order, as amended, effective not later than May 1, 1949, to reflect current marketing conditions. Any further delay in the effective date of this order, amending the said order, as amended, will seriously disrupt the orderly marketing of milk for the Lowell-Lawrence, Massachusetts, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong. 60 Stat. 237).

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

rence, Massachusetts, marketing area, and it is hereby further determined that:

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

(2) The issuance of this order further amending the order, as amended, is the only practicable means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Lowell-Lawrence, Massachusetts, marketing area;

(3) The issuance of this order further amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (December 1948) were engaged in the production of milk for sale in the Lowell-Lawrence, Massachusetts, marketing area.

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

1. In § 934.6 (d), delete subparagraphs (1), (2), (3), and (4), and substitute the following:

(1) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, and multiply the result by 3.7.

(2) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

2. Renumber § 934.6 (d) (5) as (3), and change the reference "subparagraphs (3) and (4)", therein to "subparagraphs (1) and (2)."

3. Delete § 934.8 (c) and substitute the following:

(c) *Butterfat differential.* (1) Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight calculated by the market administrator pursuant to subparagraph (2) of this paragraph.

(2) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10.

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

Issued at Washington, D. C., this 27th day of April 1949 to be effective on or after May 1, 1949.

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

[F. R. Doc. 49-3398; Filed, Apr. 29, 1949; 8:57 a. m.]

PART 947—MILK IN FALL RIVER, MASS., MARKETING AREA

ORDER, AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK

§ 947.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and 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 Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held on March 16 and 17, 1949 upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, 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 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 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.

(b) *Additional findings.* It is necessary to make the present amendment to the said order, as amended, effective not later than May 1, 1949, to reflect current marketing conditions. Any further delay in the effective date of this order, amending the said order, as amended, will seriously disrupt the orderly marketing of milk for the Fall River, Massachusetts, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong. 60 Stat. 237).

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

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

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

(3) The issuance of this order further amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (February 1949) were engaged in the production of milk for sale in the Fall River, Massachusetts, marketing area.

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

In § 947.6 (b) (1) delete subdivision (ii) and substitute the following:

(ii) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

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

Issued at Washington, D. C. this 27th day of April 1949, to be effective on and after May 1, 1949.

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

[F. R. Doc. 49-3399; Filed, Apr. 29, 1949; 8:57 a. m.]

[Lemon Reg. 317]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.424 *Lemon Regulation 317*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons 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 Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons 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. 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 lemons 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., May 1, 1949, and ending at 12:01 a. m., P. s. t., May 8, 1949, is hereby fixed as follows:

(i) District 1: 400 carloads;

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 316 (14 F. R. 2010) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of April 1949.

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

[F. R. Doc. 49-3440; Filed, Apr. 29, 1949; 9:00 a. m.]

PART 954—MILK IN THE DULUTH-SUPERIOR MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK

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

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Duluth-Superior 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 supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

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

(b) *Additional findings.* It is necessary, in the public interest, to make this amendment effective not later than May 1, 1949. Any delay beyond May 1, 1949, in the effective date of this amendment will seriously threaten the orderly marketing of milk in the Duluth-Superior marketing area for the month of May and subsequent months. The nature and provisions of the amendment are well known to the handlers in the market since the hearing was held on March 30, 1949 and the final decision was issued by the Secretary on April 15, 1949, which final decision sets forth the need for the amendment. Compliance with the amendatory order will not require any preparation on the part of the handlers which cannot be completed by May 1, 1949. It is hereby found and determined in view of these facts and circumstances that good cause exists for making this amendment effective May 1, 1949; and that it would be contrary to the public interest to delay the effective date of this amendment to a date later than May 1, 1949.

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

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

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

(3) The issuance of this order, further amending the order, as amended, is approved or favored by at least two-thirds of the producers, who, during the determined representative period (December 1948), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Duluth-Superior 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. Add at the end of § 954.5 (a) (1) the following: "*Provided,* That for each of the delivery periods of May, June, July, and August 1949 the price for Class III milk for such delivery period plus $1.00."

2. Add at the end of § 954.5 (a) (2) the following: "*Provided,* That for each of the delivery periods of May, June, July, and August 1949 the price for Class III milk for such delivery period plus 60 cents."

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

Issued at Washington, D. C. this 27th day of April 1949, to be effective on and after May 1, 1949.

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

[F. R. Doc. 49-3397; Filed, Apr. 29, 1949; 8:56 a. m.]

[Orange Reg. 276]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.422 *Orange Regulation 276*—(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. 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., May 1, 1949, and ending at 12:01 a. m., P. s. t., May 8, 1949, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: 200 carloads;

(*b*) Prorate District No. 2: 50 carloads;

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

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

(*b*) Prorate District No. 2: Unlimited 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 29th day of April 1949.

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

PRORATE BASE SCHEDULE

[12:01 a. m. May 1, 1949, to 12:01 a. m. May 8, 1949]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.7967
A. F. G. Porterville	2.5819
Ivanhoe Cooperative Association	.4043
Dofflemyer, W. Todd, & Sons	.4140
Elderwood Citrus Association	.8795
Exeter Citrus Association	2.2233
Exeter Orange Growers Association	.4541
Hillside Packing Association	3.7969
Ivanhoe Mutual Orange Association	.9129
Klink Citrus Association	5.1327
Lemon Cove Association	1.5130
Lindsay Citrus Growers Association	3.9041
Lindsay Cooperative Citrus Association	2.4109
Lindsay District Orange Co	1.1077
Lindsay Fruit Association	2.9394
Lindsay Orange Growers Association	.4101
Orange Cove Citrus Association	2.3324
Orange Cove Orange Growers Association	2.0415
Orange Packing Co	1.0313
Orosi Foothill Citrus Association	1.3560
Paloma Citrus Fruit Association	.5855
Rocky Hill Citrus Association	3.0610
Sanger Citrus Association	2.0536
Sequoia Citrus Association	.8907
Stark Packing Corp	6.9547
Visalia Citrus Association	2.3642
Waddell & Son	2.9943
Orland Orange Growers Association, Inc	.0238
Grand View Heights Citrus Association	5.1762
Magnolia Citrus Association	2.7600
Porterville Citrus Association	.6494
Richgrove-Jasmine Citrus Association	.9916
Sandilands Fruit Co	2.1003
Strathmore Cooperative Association	3.0416
Strathmore District Orange Association	2.2328
Strathmore Fruit Growers Association	2.0386
Strathmore Packing House Co	1.4184
Sunflower Packing Association	2.2807
Sunland Packing House Co	3.3307
Tule River Citrus Association	1.0622
Kroells Packing Co	1.3913
Lindsay Mutual Groves	2.5440
Martin Ranch	1.1445
Woodlake Packing House	.8508
Anderson Packing Co., R. M	.2938
Baker Bros	.8865
California Citrus Groves, Inc., Ltd	2.0529
Harding & Leggett	1.5834
Lo Bue Bros	.4202
Marks, W. & M	.2723
Randolph Marketing Co., Inc	1.3311
Rooke Packing Co., B. G	1.9574
Webb Packing Co., Inc	.4357
Woodlake Heights Packing Corp	.8138
Zaninovich Bros., Inc	.3433

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0921
A. F. G. Corona	.0965
A. F. G. Fullerton	.8020
A. F. G. Orange	.4754
A. F. G. Riverside	.1136
A. F. G. San Juan Capistrano	.7667
A. F. G. Santa Paula	.5286
Hazeltine Packing Co	.4182
Placentia Pioneer Valencia Growers Association	.6541
Signal Fruit Association	.1177
Dameret-Allison Co	.8212
Glendora Mutual Orange Association	.3945
Irwindale Citrus Association	.2065
Valencia Heights Orchard Association	.4721
Covina Citrus Association	1.1722
Covina Orange Growers Association	.6274
Glendora Citrus Association	.3932
Glendora Heights Orange & Lemon Growers Association	.0637
Gold Buckle Association	.5549
La Verne Orange Association	.6659
Anaheim Citrus Fruit Association	1.3741
Anaheim Valencia Orange Association	1.2541
Eadington Fruit Co., Inc	3.0689
Fullerton Mutual Orange Association	1.7507
La Habra Citrus Association	1.0760
Orange County Valencia Association	.4510
Orangethorpe Citrus Association	1.0501
Placentia Cooperative Orange Association	.6351
Yorba Linda Citrus Association, The	.6483
Escondido Orange Association	2.3904
Alta Loma Heights Citrus Association	.0983
Citrus Fruit Growers	.1753
Etiwanda Citrus Fruit Association	.0359
Old Baldy Citrus Association	.0936
Rialto Heights Orange Growers	.0494
Upland Citrus Association	.3306
Upland Heights Orange Association	.1392
Consolidated Orange Growers	2.1598
Frances Citrus Association	1.1062
Garden Grove Citrus Association	1.4800
Goldenwest Citrus Association, The	1.3549
Irvine Valencia Growers	2.6193
Olive Heights Citrus Association	1.9478
Santa Ana-Tustin Mutual Citrus Association	.9455
Santiago Orange Growers Association	4.2224
Tustin Hills Citrus Association	2.0415
Villa Park Orchards Association, The	2.1641
Bradford Bros., Inc	.7010
Placentia Mutual Orange Association	1.9816
Placentia Orange Growers Association	2.6705
Yorba Orange Growers Association	.6192
Cali Ranch	.0315
Corona Citrus Association	.5762
Jameson Co	.0560
Orange Heights Orange Association	.5791
Crafton Orange Growers Association	.4490
East Highlands Citrus Association	.0923
Fontana Citrus Association	.1051
Highland Fruit Growers Association	.0351
Redlands Heights Groves	.2870

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orangedale Association	0.2708
Break & Sons, Allen	.0226
Bryn Mawr Fruit Growers Association	.1767
Mission Citrus Association	.1597
Redlands Cooperative Fruit Association	.3792
Redlands Orange Growers Association	.2411
Redlands Select Groves	.2464
Rialto Citrus Association	.2080
Rialto Orange Co	.1754
Southern Citrus Association	.2220
United Citrus Growers	.1720
Zilen Citrus Co	.1008
Arlington Heights Citrus Co	.1212
Brown Estate, L. V. W	.1364
Gavilan Citrus Association	.1632
Highgrove Fruit Association	.0954
Krinard Packing Co	.2868
McDermont Fruit Co	.1998
Monte Vista Citrus Association	.2271
National Orange Co	.0356
Riverside Heights Orange Growers Association	.0640
Sierra Vista Packing Association	.0602
Victoria Avenue Citrus Association	.1847
Claremont Citrus Association	.1361
College Heights Orange & Lemon Association	.2658
El Camino Citrus Association	.0710
Indian Hill Citrus Association	.2177
Pomona Fruit Growers Exchange	.4090
Walnut Fruit Growers Association	.4688
West Ontario Citrus Association	.3659
El Cajon Valley Citrus Association	.2702
San Dimas Orange Growers Association	.5172
Ball & Tweedy Association	.4907
Canoga Citrus Association	.8643
Covina Valley Orange Co	.1010
North Whittier Heights Citrus Association	.9554
San Fernando Fruit Growers Association	.6348
San Fernando Heights Orange Association	.9347
Sierra Madre-Lamanda Citrus Association	.4047
Camarillo Citrus Association	1.6853
Fillmore Citrus Association	3.6194
Mupu Citrus Association	2.2139
Ojai Orange Association	.9729
Piru Citrus Association	2.2453
Rancho Sespe	.7611
Santa Paula Orange Association	1.1175
Tapo Citrus Association	1.0660
Limoneira Co	.5627
East Whittier Citrus Association	.3629
El Ranchito Citrus Association	1.7213
Whittier Citrus Association	.6857
Whittier Select Citrus Association	.3605
Anaheim Cooperative Orange Association	1.3983
Bryn Mawr Mutual Orange Association	.0919
Chula Vista Mutual Lemon Association	.0854
Escondido Cooperative Citrus Association	.3576
Euclid Avenue Orange Association	.5522
Foothill Citrus Union, Inc	.0342
Fullerton Cooperative Orange Association	.3392
Garden Grove Orange Cooperative, Inc	.7208
Golden Orange Groves, Inc	.2359
Index Mutual Association	.2960
La Verne Cooperative Citrus Association	1.8418
Mentone Heights Association	.0376
Olive Hillside Groves, Inc	.3769
Orange Cooperative Citrus Association	1.1332
Redlands Foothill Groves	.5134

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Mutual Orange Association	0.2020
Riverside Citrus Association	.0473
Ventura County Orange & Lemon Association	1.0011
Whittier Mutual Orange & Lemon Association	.1510
Banks, L. M	.6843
California Associated Growers	.2765
Cherokee Citrus Co., Inc	.2025
Chess Company, Meyer W	.2562
Evans Bros. Packing Co	.3976
Gold Banner Association	.2550
Granada Packing House	2.8741
Hill, Fred A	.0856
Orange Belt Fruit Distributors	2.0909
Panno Fruit Company, Carlo	.0138
Paramount Citrus Association	.5116
Placentia Orchard Co	.5035
Snyder & Sons Co., W. A	.7120
Stephens, T. F	.2038
Wall, E. T	.1104
Western Fruit Growers, Inc	.6616

[F. R. Doc. 49-3465; Filed, Apr. 29, 1949; 12:03 p. m.]

PART 971—MILK IN THE DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK

§ 971.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and 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 Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 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 Dayton-Springfield, 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 8 (e) of the act are not reasonable in view of the price of feeds, the 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 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.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended and as hereby further amended, will seriously threaten the supply of milk for the Dayton-Springfield, Ohio, marketing area and will disrupt orderly marketing. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary and contrary to the public interest to delay the effective date of this order for 30 days after its publication (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong. 60 Stat. 237).

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

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

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

(3) The issuance of this order, further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during February 1949 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dayton-Springfield, 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. Delete § 971.1 (e) and substitute therefor the following:

(e) "Producer" means any person who produces, under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area, milk which is (1) received at a plant from which Class I milk is disposed of in the marketing area, or (2) caused by a handler to be delivered to a plant from which Class I milk is not disposed of in the marketing area: *Provided*, That any such person who is not certified as a Grade A producer but who produces milk which is received at a handler's plant from which no milk is distributed in the marketing area for consumption as fluid milk (in Class I milk) except under a Grade A label, shall be considered a producer for the purpose of § 971.9 only.

"Grade A producer" means any producer so certified to the market administrator by an appropriate health authority in the marketing area if such certification has been in effect for not less than 16 days during the calendar month in which the delivery period occurs.

2. Delete § 971.4 (b) (3) (i) and substitute therefor the following:

(i) Used to produce, or disposed of as, ice cream, ice cream mix, frozen cream, condensed milk, condensed skim milk, cottage cheese, any other milk product not specified in Class I milk and Class II milk, or any commercially manufactured food product;

3. Delete § 971.5 (a) (3) and substitute therefor the following:

(3) The price computed by the market administrator by adding together the plus amounts calculated pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the arithmetic average of the daily wholesale prices per pound of 92-score butter on the Chicago market as reported by the Department of Agriculture during the calendar month within which the delivery period occurs, subtract 3 cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the arithmetic average of the carlot prices per pound of nonfat dry milk solids for human consumption, roller process, delivered at Chicago, as reported by the Department of Agriculture during the calendar month within which the delivery period occurs, deduct 5.5 cents, multiply the result by 8.2.

4. Delete § 971.5 (d) (1) and substitute therefor the following:

(1) The price per hundredweight of such skim milk shall be computed by dividing the amount computed pursuant to § 971.5 (a) (3) (ii) by 0.965, and (i) for the months of April, May, June, and July, subtracting 20 cents, (ii) for all other months except August, adding 20 cents.

5. Delete § 971.5 (e) and substitute therefor the following:

(e) *Grade A milk prices.* Each handler shall pay, in addition to the prices provided in paragraphs (b), (c), and (d) of this section, $0.25 per hundredweight with respect to all skim milk and butterfat in milk received from Grade A producers up to an amount equivalent to such handler's total quantity of producer milk classified as Class I milk and Class II milk pursuant to § 971.4 (e) (10).

6. Delete § 971.7 (c) (1) and substitute therefor the following:

(1) Combining into one total the values for skim milk and butterfat of all handlers who made payments pursuant to § 971.8 (b) for the previous month, except the values provided by § 971.5 (e);

7. Add the following as § 971.7 (c) (7):

(7) To the uniform price computed pursuant to subparagraph (6) of this paragraph add an amount computed (to the nearest cent per hundredweight) by dividing the total of the amounts added with respect to milk received from Grade A producers pursuant to § 971.5 (e) by the total hundredweight of milk received from Grade A producers. The result shall be known as the "Grade A uniform price" per hundredweight for milk of 3.5 percent butterfat content.

8. Delete § 971.8 (a) (1) and substitute therefor the following:

(1) Except as set forth in subparagraph (2) of this paragraph, on or before the 17th day after such month, to each producer not a Grade A producer at not less than the uniform price and to each Grade A producer at not less than the Grade A uniform price.

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

Issued at Washington, D. C., this 27th day of April 1949, to be effective at 12:01 a. m., e. s. t., on the 1st day of May 1949.

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

[F. R. Doc. 49-3396; Filed, Apr. 29, 1949; 8:56 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C. 357), the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215; 14 F. R. 886) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231, 2247, 6401; 13 F. R. 439, 1305, 2950, 4186, 6109, 6316, 8386, 8736; 14 F. R. 888, 1518) are amended as indicated below:

1. Section 141.27 *Procaine penicillin in oil* is amended by adding the following new paragraph:

(d) *Microorganism count.* Proceed as directed in § 141.8 (c).

2. In § 146.26 *Penicillin ointment* * * *, paragraph (a) is amended to read:

(a) *Standards of identity, strength, quality, and purity.* Penicillin ointment is calcium penicillin, crystalline penicillin, or procaine penicillin in a suitable and harmless ointment base. Its moisture content is not more than 1.0%. Its potency is not less than 250 units per gram, except if it is packaged and labeled solely for udder instillations of cattle, its potency is not less than 2000 units per gram. Its content of viable microorganisms is not more than 50 per gram. The calcium penicillin or crystalline penicillin used conforms to the requirements of § 146.24 (a), except the limitation on penicillin K content, and except subparagraphs (1), (2), (4), and (7) of that section, but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146.44 (a), except subparagraphs (2) and (3) of that section. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

3. In § 146.45 *Procaine penicillin in oil*, paragraph (a) *Standards of identity, strength, quality, and purity* is amended by changing the fourth and fifth sentences to read: "It is sterile, unless it is packaged and labeled solely for udder instillations of cattle, in which case its content of viable microorganisms is not more than 50 per gram. The procaine penicillin used conforms to the requirements of § 146.44 (a), except if the batch of procaine penicillin in oil is packaged and labeled solely for udder instillations of cattle, the penicillin used is exempt from the requirements of subparagraphs (2) and (3) of that section."

Paragraph (b) of § 146.45 is amended to read:

(b) *Packaging.* The immediate container of procaine penicillin in oil shall be of colorless transparent glass so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, and shall be so sealed that its contents cannot be used without destroying such seal, except if it is labeled solely for udder instillations of cattle, it may be packaged in collapsible tubes which shall be well-closed containers as defined by the U. S. P. The immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limitation therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good marketing, storage, and distribution practice shall be disregarded. The quantity of procaine penicillin in oil in each glass container shall be not less than 1 ml. and not more than 20 ml., unless it is packaged for repacking or is packaged and labeled solely for veterinary use. Unless it is packaged for repacking, each glass container shall

be filled with a volume of procaine penicillin in oil in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in single or multiple doses.

In § 146.45, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended to read:

(iv) Unless it is packaged and labeled solely for udder instillations of cattle, the statement "For intramuscular use only" and, if it does not contain a hardening agent, "Shake well"; and

In § 146.45, subparagraph (2) (i) of paragraph (d) *Request for certification; samples* is amended to read:

(i) The batch; potency, sterility (unless it is intended solely for udder instillations of cattle), moisture, and microorganism count if it is intended solely for udder instillations of cattle.

In § 146.45, subparagraph (2) (ii) of paragraph (d) is amended to read:

(ii) The procaine penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity, penicillin K content (unless it is crystalline penicillin G), procaine penicillin G content if it is procaine penicillin G, and, unless the batch of procaine penicillin in oil is intended solely for udder instillations of cattle, sterility and pyrogens.

4. In § 146.51 *Buffered penicillin powder,* paragraph (a) is amended to read:

(a) *Standards of identity, strength, quality, and purity.* Buffered penicillin powder is a mixture of crystalline penicillin or procaine penicillin and suitable buffer substances, with or without suitable and harmless diluents, colorings, and flavorings. Its moisture content is not more than 1.0%. The crystalline penicillin used conforms to the requirements of § 146.24 (a) for crystalline penicillin, except subparagraphs (2), (4), and (7) of that section. The procaine penicillin used conforms to the requirements of § 146.44 (a), except subparagraphs (2) and (3) of that section. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

In § 146.51, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended to read:

(iv) The statement "Expiration date _____," the blank being filled in, if procaine penicillin is not used, with the date which is 18 months, or if procaine penicillin is used, with the date which is 12 months after the month during which the batch was certified; and

In § 146.51, subparagraph (2) (ii) of paragraph (d) *Request for certification; samples* is amended to read:

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is procaine penicillin G.

In § 146.51, subparagraph (3) (ii) of paragraph (d) is amended to read:

(ii) The penicillin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 mg. if it is not procaine penicillin, and not less than 300 mg. if it is procaine penicillin, packaged in accordance with the requirements of § 146.24 (b) or § 146.44 (b).

5. In § 146.52 *Procaine penicillin and crystalline penicillin in oil,* paragraph (a) (1) is amended by changing the last sentence to read: "The crystalline penicillin used conforms to the requirements prescribed therefor by § 146.24 (a), except if the batch of procaine penicillin and crystalline penicillin in oil is intended solely for udder instillations of cattle, the crystalline penicillin used is exempt from the requirements of subparagraphs (2), (4), and (7) of that section."

In § 146.52, paragraph (a) (3) is amended by changing the first sentence to read: "In addition to complying with the requirements of § 146.45 (d), a person who requests certification of a batch of procaine penicillin and crystalline penicillin in oil shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the crystalline penicillin G used in making the batch for potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity, heat stability, the penicillin G content if it is crystalline penicillin G, and, unless the batch of procaine penicillin and crystalline penicillin in oil is intended solely for udder instillations of cattle, sterility and pyrogens; the number of units of procaine penicillin and the number of units of crystalline penicillin in each milliliter of the batch."

6. In § 146.101 *Streptomycin sulfate* * * *, paragraph (b) *Packaging* is amended by deleting from the second sentence the words "which meet the test for glass containers of type I or type II prescribed by the U. S. P."

This order, which provides for a change in the tests and methods of assay for procaine penicillin in oil; for modification of the standards for penicillin ointment; for modification of the standards and the packaging, labeling, and certification sample requirements for procaine penicillin in oil when intended solely for udder instillations of cattle and modification of the standards for the procaine penicillin used to make such drug; for modification of the standards, labeling, and certification samples for buffered penicillin powder to permit the use of procaine penicillin; for modification of the standards for crystalline penicillin used in the manufacture of procaine penicillin and crystalline penicillin in oil when such drug is intended solely for udder instillations of cattle; and for modification of the packaging requirements for streptomycin, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the change in the tests and methods of assay for procaine penicillin in oil; to delay modification of the standards for penicillin ointment; to delay modification of the standards and the packaging, labeling, and certification sample requirements for procaine penicillin in oil when intended solely for udder instillations of cattle and modification of the standards for the procaine penicillin used to make such drug; to delay modification of the standards, labeling, and certification samples for buffered penicillin powder to permit the use of procaine penicillin; to delay modification of the standards for crystalline penicillin used in the manufacture of procaine penicillin and crystalline penicillin in oil when such drug is intended solely for udder instillations of cattle; and to delay modification of the packaging requirements for streptomycin.

(Sec. 701, 52 Stat. 1055; as amended; 21 U. S. C. and Sup. 357)

Dated: April 26, 1949.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 49-3363; Filed, Apr. 29, 1949; 8:56 a. m.]

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C. 357), the regulations for certification of batches of penicillin- or streptomycin-containing drugs (13 F. R. 436; 14 F. R. 886) are amended as indicated below:

1. In § 146.27, subparagraphs (2) and (3) of paragraph (c) are amended to read as follows:

§ 146.27 *Penicillin tablets.* * * *

(c) *Labeling.* * * *

(2) On the outside wrapper or container, unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or any combination of two or all of these words, as the case may be.

(3) On the circular or other labeling within or attached to the package, unless it is packaged for repacking, directions and precautions adequate for the use of such tablets by physicians or dentists or veterinarians, including:

* * * * *

2. In § 146.34 *Tablets aluminum penicillin*, subparagraph (2) of paragraph (c) *Labeling* is amended by deleting subdivision (iii).

Subparagraph (3) of paragraph (c) is amended to read as follows:

(3) On the circular or other labeling within or attached to the package, unless it is packaged for repacking, directions and precautions adequate for the use of such tablets by physicians or dentists or veterinarians, including:

* * * * *

The foregoing amendments shall become effective on the sixtieth day after the date of publication of this order in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest not to require that there be closely associated with each immediate container of penicillin tablets or tablets aluminum penicillin labeling bearing adequate directions for use.

(Sec. 701, 52 Stat. 1055; as amended; 21 U. S. C. and Sup. 357)

Dated: April 26, 1949.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 49-3362; Filed, Apr. 29, 1949; 8:55 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.94 is hereby revoked, §§ 204.5, 204.10, 204.32, 204.40 (a) and (b), 204.42 (b), 204.56 (c), 204.85b (b), 204.93c (a), 204.94c (b), and the title of § 204.95 are hereby amended, the paragraph relating to Nantucket Sound at the east end of Dogfish Bar in § 204.5, and the paragraph relating to an antisubmarine practice bombing area in the vicinity of Gull Point, Prudence Island, Naval Operating Base, Newport, in § 204.10 being deleted, § 204.53, *Albemarle Sound, Pamlico Sound, and adjacent waters, N. C.; danger zones for naval operations*, is hereby renumbered § 204.54, and § 204.94h is hereby prescribed as follows:

§ 204.5 *Nantucket Sound, Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations*—(a) *Nantucket Sound in vicinity of horseshoe Shoal*—(1) *The area.* * * *, on the east by longitude * * *

(b) *Atlantic Ocean in vicinity of No Mans Land.* * * *

(c) *Buzzards Bay northeasterly of Weepecket Island.* * * *

(d) *Vineyard Sound in vicinity of Quicks Hole.* * * *

(e) *Buzzards Bay in vicinity of Gull Island.* * * *

(f) *Atlantic Ocean in vicinity of Sow and Pigs Reef.* * * *

(g) *Buzzards Bay in vicinity of Hen and Chickens Reef.* * * *

§ 204.10 *Narragansett Bay, R. I., danger zones for naval operations.* * * *

(b) *Prohibited area in vicinity of Ohio Ledge.* * * *

§ 204.32 *Chesapeake Bay, in vicinity of Chesapeake Beach, Md.; firing range, Naval Research Laboratory*—(a) *The danger zone*—(1) *Area A.* * * * the shore and running thence 90°, * * *

(b) *The regulations.* * * *

(3) * * * throughout the year * * *

§ 204.40 *Potomac River*—(a) *United States Naval Torpedo Testing Range, Piney Point, Md.* * * *

(2) *The regulations.* * * *

(v) * * * orders relative to navigating * * *

(b) *United States Naval Proving Ground, Dahlgren, Va.*—(1) *The danger zones.* * * *

(iii) *Upper zone.* * * *; thence east-southeast to Popes Creek Flats Lighted Buoy 26; * * *

§ 204.42 *Chesapeake Bay, Point Lookout to Cedar Point; aerial gunnery range and target areas, U. S. Naval Air Station, Patuxent River, Md.* * * *

(b) *The regulations.* * * *

(4) * * * until the conclusion of firing practice.

* * * * *

§ 204.54 *Albemarle Sound, Pamlico Sound, and Adjacent waters, N. C.; danger zones for naval operations.* * * *

§ 204.56 *New River, N. C., and vicinity; Marine Corps firing ranges.* * * *

(c) *The regulations.* * * *

(4) * * * *the towers bordering the sector or sectors to be closed.* * * *

§ 204.85b *Straits of Florida; Navy restricted area surrounding Woman Key and Ballast Key.* * * *

(b) *The regulations.* * * *

(4) The regulations in this section shall be enforced by the Commandant, Sixth Naval District, Charleston, South Carolina, and such agencies as he may designate.

§ 204.93c *Gulf of Mexico southeast of Corpus Christi Bay; bombing, machine gunnery, and rocket firing range, Naval Air Station, Corpus Christi, Tex.*—(a) *The danger zone.* * * *

§ 204.94c *Lake Michigan; small-arms range adjacent to United States Naval Training Station, Great Lakes, Ill.* * * *

(b) *The regulations.* * * *

(3) If such streamers * * *

§ 204.94h *Lake Erie, west end, north of Erie Ordnance Depot, Lacarne, Ohio*—(a) *Area for artillery firing by Erie Ordnance Depot, Lacarne, Ohio, aerial gunnery and bombing by Air Matériel Command, Wright Field, Dayton, Ohio, and aerial gunnery and rocket strafing by Naval Air Reserve Training Command, Grosse Ile, Mich.*—(1) *The danger zone.* That part of Lake Erie bounded as follows: Beginning at a point approximately 2,000 feet inland at latitude 41°33'50", longitude 83°03'00"; thence to latitude 41°46'45", longitude 83°11'20"; thence to latitude 41°49"00", longitude 83°05'50"; thence to latitude 41°41'20", longitude 82°58'30"; thence to latitude 41°33'40", longitude 83°01'30"; and thence to the point of beginning. That part of the danger zone bounded in the southwest by the shore and on the northeast by a line extending from latitude 41°36'07", longitude 83°00'35", to latitude 41°41'16", longitude 83°07'54", shall be open for the passage of watercraft at all times except when artillery firing (as provided in subparagraph (2) (i) of this paragraph) or antiaircraft firing (as provided in paragraph (b) of this section) is in progress.

(2) *The regulations*—(i) *Artillery firing.* The entire danger zone including the shore passage shall be closed to watercraft generally when artillery firing is in progress. Artillery firing will normally be conducted between 8:00 a. m. and 5:00 p. m. each Wednesday. In the event that firing is to be conducted at other times, a special notice of such firing and the dates and hours thereof will be published by the enforcing agency in sufficient time to permit circularization to interested parties and posting on the bulletin boards of post offices in surrounding localities. Special notices will also be furnished the District Engineer, Corps of Engineers, Detroit, Michigan, the Commander, Ninth Coast Guard District, Cleveland, Ohio, and the Regional Manager, Civil Aeronautics Authority, Chicago, Illinois. On all days when artillery firing is to be conducted, a large red flag will be displayed from the range observation tower at the Erie Ordnance Depot from 7:00 a. m. until firing ceases for the day. In the event that firing is to be conducted during hours of darkness, a flashing red light will be displayed from the top of the observation tower until such firing ceases.

(ii) *Aerial gunnery, bombing, and rocket strafing.* Aerial gunnery, bombing, and rocket strafing will normally be conducted between 8:00 a. m. and 5:00 p. m. on all days, including Saturdays, Sundays, and holidays, except Wednesdays and other days when artillery firing is in progress. Such aerial operations will take place over all that part of the danger zone outside the shore passage. Navigation in the shore passage will not be affected by aerial operations.

(iii) *Navigation prohibited.* No vessel shall enter or remain in the danger zone, including the shore passage, during the hours described in subdivision (i) of this subparagraph or when a red flag or flashing red light is displayed from the range observation tower, or in that part of the danger zone outside the shore passage during the hours described in subdivision (ii) of this subparagraph, unless specific permission is granted in each case by one of the representatives of the enforcing agency policing the area in patrol boats. These boats are in constant radio communication with the

Safety Controls Station, Erie Ordnance Depot.

(iv) *Navigation and fishing permitted.* The entire danger zone shall be open to the public for navigation and fishing from 5:00 p. m. to 8:00 a. m. throughout the year, except as otherwise provided in subdivision (i) of this subparagraph and in paragraph (b) of this section.

(v) *Fishing permits.* Fishermen desiring to set fixed nets within the danger zone are required in every instance to have a written permit. A fixed net for the purpose of the regulations in this section is defined as a pound net, staked gill net or fike net, and all other types of nets fastened by means of poles, stakes, weights, or anchors. Permits to fish within the area may be obtained by written application to the enforcing agency. Applicants for permits must state the location at which they desire to set fixed nets and the period of time which they desire the permit to cover.

(vi) *Injurious chemicals.* No phosphorous or other poisonous chemicals injurious to wild fowl, fish, or other sea food will be discharged into the waters of the area.

(vii) *Enforcing agency.* The regulations in this section shall be enforced by the Commanding Officer, Erie Ordnance Depot, and such agencies as he may designate. Equipment used in clearing the area will fly or expose a square red flag.

(b) *Temporary area for antiaircraft firing from Camp Perry and Locust Point, Ohio, by National Guard of Ohio and Pennsylvania, under jurisdiction of Headquarters, Second Army, Fort George G. Meade, Md.*—(1) *The danger zone.* That part of Lake Erie bounded as follows: Beginning at a point on the south shore of Lake Erie at longitude 83°05'19", in the vicinity of Locust Point; thence to latitude 41°45'14", longitude 83°12'18"; thence to latitude 41°46'45", longitude 83°11'23"; thence to latitude 41°48'58", longitude 83°05'54"; thence to latitude 41°42'52", longitude 82°52'47"; thence to latitude 41°38'36", longitude 82°56'49"; thence to latitude 41°35'31", longitude 82°54'47"; thence approximately 241°15' true to a point on the south shore of Lake Erie at the pier at Camp Perry; and thence northwesterly along the shore to the point of beginning. The boundaries of the danger zone will be marked by spar buoys placed by the United States Coast Guard prior to July 12, 1949, which buoys will remain in place until August 6, 1949.

(2) *The regulations*—(i) *Antiaircraft firing periods.* Except as otherwise provided in this paragraph, the danger zone shall be closed to navigation during the following periods:

July 12 to 15, inclusive, 1949—1:00 p. m. to 5:00 p. m.
July 18 to 22, inclusive, 1949—8:00 a. m. to 12:00 m. and 1:30 p. m. to 5:00 p. m.
July 25 to 29, inclusive, 1949—8:00 a. m. to 12:00 m. and 1:30 p. m. to 5:00 p. m.
August 1 to 5, inclusive, 1949—8:00 a. m. to 12:00 m. and 1:30 p. m. to 5:00 p. m.

No vessels shall enter or remain in the danger zone during these periods unless specific permission is granted in each case by one of the representatives of the enforcing agency policing the area in patrol boats. These boats will be in constant radio communication with the Safety Controls Station, Erie Ordnance Depot, and the danger zone will be under radar and visual surveillance during the periods of use.

(ii) *Warning flag.* On days when antiaircraft firing is to be conducted a large red flag will be displayed from the rang observation tower at the Erie Ordnance Depot from 7:00 a. m. until firing ceases for the day.

(iii) *Enforcing agency.* The danger zone and the patrolling thereof shall be under control of the Commanding Officer, Erie Ordnance Depot, and such agencies as he may designate. Equipment used in clearing the area will fly or expose a square red flag.

(iv) *Temporary restrictions additional.* The restrictions imposed on navigation by this paragraph are in addition to those imposed by paragraph (a) of this section.

§ 204.95 *Pacific Ocean, between La Jolla and Solana Beach, Calif.; firing range, Coast Artillery Replacement Training Center, Camp Callan, San Diego.* * * *

[Regs. Apr. 13, 1949, 800.2121 (Erie Lake) ENGWR] (40 Stat. 366, 892; 33 U. S. C. 1, 3)

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

[F. R. Doc. 49-3357; Filed, Apr. 29, 1949; 8:45 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

JOINT PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS

The Joint Procurement Regulations, formerly published as Parts 801 to 813, inclusive, of Chapter VIII, Title 10, are amended by changing §§ 803.300–1 and 803.300–7, to read as follows:

§ 803.300–1 *Authority.* (a) Authority to authorize the publication of advertisements, notices, or proposals has been delegated by the Secretary to:

(1) Under Secretary of the Army.
(2) Each Assistant Secretary of the Army.
(3) Director of Logistics, General Staff, United States Army.
(4) Chief, Current Procurement Branch, Logistics Division, General Staff, United States Army.
(5) Commanding generals, armies (ZI), for recruiting purposes only.
(6) Division engineers, Corps of Engineers, for civil works and construction only.
(7) Director, Procurement and Supply Division, Office of the Secretary of the Army.
(8) Under Secretary of the Air Force.
(9) Chief of Staff, United States Air Force.
(10) Vice Chief of Staff, United States Air Force.
(11) Deputy Chief of Staff, Matériel, United States Air Force.
(12) Commanding General, Air Matériel Command.
(13) Director, Procurement and Industrial Planning, Headquarters, Air Matériel Command.
(14) Chief, Procurement Division, Office of the Director, Procurement and Industrial Planning, Headquarters, Air Matériel Command.

Such delegations shall not be redelegated.

(b) No advertisement, notice, or proposal shall be published in any newspaper except in pursuance of written authority for such publication from the Secretary or the appropriate official named above, or of a person to whom administrative duties have been duly assigned by the Secretary or the appropriate official named above, and no bill for any such advertising or publication shall be paid unless there be presented, with such bill, a copy of such written authority.

(c) The administrative duties involved in accomplishing such advertising may be assigned by the appropriate official named above to subordinates by name or position (or by name and position, if appropriate) by suitable instruments in writing setting forth the extent of the administrative duties involved and authorized to be performed by or through such subordinates. (28 Comp. Gen. 305). Copies of instruments assigning administrative duties hereunder (1) must either be attached to the first voucher submitted for payment and accompany same to the Army Audit Branch, General Accounting Office; or (2) such instruments assigning administrative duties may be forwarded direct to that Branch immediately upon the issuance of same.

(d) Standard Form 1143—Revised (Advertising Order) will be assigned by the person to whom authority to advertise has been delegated as indicated in paragraph (a) of this section, or by the person to whom authority to place the advertising order has been assigned in accordance with paragraph (c) of this section. When the person signing is acting under an instrument assigning him authority as to administrative duties, reference will be made to the date and number of such instrument of assignment in the box on the revised standard form to the left of his signature, in addition to the reference to JPR 3–300.1 (1), November 1, 1947, delegating authority to advertise by the Secretary in the box in the upper right-hand corner of the form. The Comptroller General has directed that the present supply of Standard Form 1143 (Advertising Order) on hand and at the Government Printing Office will continue to be used until exhausted, and has indicated that at the next reprint of the form a box to the left of the line for signature will be provided thereon for a reference to the instrument of assignment. Until the revised form is available, such reference to the instrument of assignment should be made on the Standard Form 1143 in the space under the title (Advertising Order) of that form.

* * * * *

§ 803.300–7 *Forms*—(a) *WD AGO Forms.* WD AGO Form 192 (Request for Authority to Advertise),

(b) *Standard forms.* (1) The following standard forms for Government advertising are hereby prescribed and listed for general use (when available) in lieu of all other forms of like character previously used for this purpose:

(i) Standard Form 1142—Revised (Statement of Advertising Rates).

(ii) Standard Form 1142a—Revised (Statement of Advertising Rates—Memorandum).

(iii) Standard Form 1143—Revised (Advertising Order).

(iv) Standard Form 1143a—Revised (Advertising Order—Memorandum).

(v) Standard Form 1144—Revised (Public Voucher for Advertising).

(vi) Standard Form 1144a—Revised (Public Voucher for Advertising—Memorandum).

(2) The Comptroller General has directed that, in the interest of economy, the present supply of unused Standard Forms 1142, 1142a, 1143, 1143a, 1144, and 1144a, on hand and at the Government Printing Office will be used until exhausted.

(c) The above forms will be requisitioned as prescribed in AR 310-200.

[Proc. Cir. 11, 1949] (Pub. Law 413, 80th Cong.)

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

[F. R. Doc. 49-3315; Filed, Apr. 29, 1949; 8:48 a. m.]

Chapter VII—Department of the Air Force

Subchapter H—Procurement

PART 890—INTERIM STATEMENT

PUBLIC INFORMATION; FUNCTIONS PERFORMED BY THE ARMY FOR THE AIR FORCE

Sections 890.6 (b) and 890.7 are amended to read as follows:

§ 890.6 *Public information.* * * *

(b) *Bid invitations.* A copy of each invitation for bid (formal advertising) issued by United States Air Force activities and a copy of each abstract of bids indicating award or other action taken are on file in the Procurement Information Center, Office, The Assistant Secretary of the Army, Room 4E 789, The Pentagon, Washington, D. C., and are available for public inspection during business hours. This office is maintained for this purpose for both the Departments of the Air Force and the Army.

* * * * *

§ 890.7 *Functions performed by the Army for the Air Force.* The Secretary of the Army and the Department of the Army will continue to perform for the Secretary of the Air Force and the Department of the Air Force, to the same extent as they did prior to the transfer of procurement functions to the Department of the Air Force, the functions enumerated below:

(a) Renegotiation cases involving contracts of the Army Air Forces under the Renegotiation Act of 1942 as amended (56 Stat. 245 as amended; 50 U. S. C. App. 1191).

(b) Approval of all bonds furnished by contractors of the Department of the Air Force in connection with contracts hereafter made by the Department of the Air Force.

(c) Matters now or hereafter authorized to be considered and disposed of by Army Board of Contract Appeals.

(d) Appeals in relation to requisitioning personal property heretofore requisitioned.

(e) Contract insurance matters.

(f) Administration of outstanding and unsettled guaranteed loans.

(g) Claims under the act of August 7, 1946 (60 Stat. 902; 41 U. S. C. 106 note).

(Pub. Law 413, 80th Cong., 62 Stat. 21)

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-3356; Filed, Apr. 29, 1949; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter IV—War Assets Administration

[Reg. 17]

PART 404—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

This part contains War Assets Administration Regulation 17, issued in furtherance of, and pursuant to, the provisions of Public Law 520, 79th Congress (60 Stat. 596), entitled the "Strategic and Critical Materials Stock Piling Act," which expressly repealed section 22 of the Surplus Property Act of 1944.

War Assets Administration Regulation 17, August 9, 1948, as amended through October 5, 1948, entitled "Stock Piling of Strategic and Critical Materials" (13 F. R. 4707, 6053), is hereby revised and amended as hereinafter set forth. Order 1, November 27, 1946 (11 F. R. 14019), and Order 5, August 21, 1946 (11 F. R. 9575), are also revised and amended effective May 1, 1949. Order 4, July 19, 1946 (11 F. R. 8225, 8361), and Order 6, January 8, 1947 (12 F. R. 257), under this part continue in full force and effect.

Sec.
404.1 Definitions.
404.2 Scope.
404.3 Basic policy.
404.4 Central control of stock piling.
404.5 Reports to Bureau of Federal Supply.
404.6 Functions of Bureau of Federal Supply.
404.7 Functions of Munitions Board.
404.8 Functions of the Department of Commerce.
404.9 Disposition of strategic materials.
404.10 Limitation on transfers to stock pile.
404.11 Minimum quantities of strategic materials.
404.12 Unsuitable items.
404.13 Regulations and reports by affected agencies.
404.14 Records and reports.

Exhibit A: List of strategic and critical materials.

AUTHORITY: §§ 404.1 to 404.14 issued under 58 Stat. 765, as amended, 59 Stat. 533, 60 Stat. 596, Reorg. Plan I of 1947, 12 F. R. 4534, 61 Stat. 952, Pub. Law 862, 80th Cong., 62 Stat. 1196, Pub. Law 7, 81st Cong., 63 Stat. 6; 50 U. S. C. App. and Sup. 1611, 1614a, 1614b, 5 U. S. C. 524, 551, 565, 568, 50 U. S. C. 98.

§ 404.1 *Definitions.* (a) "Act" means the Strategic and Critical Materials Stock Piling Act (Public Law 520, 79th Congress (60 Stat. 596)).

(b) "Administrator" means the War Assets Administrator.

(c) "Current requirements of industry" means the quantity of the material required to meet the estimated needs of industry as determined by the Department of Commerce.

(d) "Deficiency of the supply" means the difference between the current requirements of industry and the estimated domestic industrial production plus industrial imports of the material for the period covered by the current requirements. Determinations of the deficiencies of supply may be reviewed from time to time by the Department of Commerce.

(e) "Department of Commerce" means the Office of Domestic Commerce in the Department of Commerce in its capacity as successor to the Civilian Production Administration.

(f) "Owning agency" means the Executive Department, the independent agency in the Executive Branch of the Federal Government, or the corporation (if a Government agency), having control of such property otherwise than solely as a disposal agency.

(g) "Strategic materials" means material determined to be strategic and critical by the Munitions Board pursuant to the act, a list of such materials being appended hereto as Exhibit A.

(h) "Transfer to the stock pile" means a transfer of Government-owned accumulations of strategic materials when determined to be surplus, to the account of the Bureau of Federal Supply, to be added to the stock pile authorized by the act and subject to the provisions of such act.

§ 404.2 *Scope.* This part applies to stock piling of strategic materials under the act, wherever located, when determined to be surplus by the owning agency. This part does not apply to contractor inventory if the owning agency shall not have taken possession of such inventory.

§ 404.3 *Basic policy.* In general, the Strategic and Critical Materials Stock Piling Act directs that every material determined to be strategic and critical as listed in Exhibit A, which is owned or contracted for by the United States or any agency thereof, including any material received from a foreign government under an agreement made pursuant to the act of March 11, 1941 (55 Stat. 31), as amended, or any other authority, shall be transferred by the owning agency, when determined by such agency to be surplus to its needs and responsibilities, to the stock pile. There is exempt from this requirement such amount of any material as is necessary to make up any deficiency of the supply of such material for the current requirements of industry as determined by the Department of Commerce. There is also exempt from this requirement (a) any material which constitutes contractor inventory

if the owning agency shall not have taken possession of such inventory and (b) such amount of any material as the Munitions Board determines (1) are held in lots so small as to make the transfer thereof economically impractical or (2) do not meet or cannot economically be converted to meet the stock pile requirements as determined by the Munitions Board.

§ 404.4 *Central control of stock piling.* In order to centralize procedures for determining (a) the classification of surplus property as strategic or non-strategic, (b) the disposition of strategic materials for the purpose of supplying current industrial deficiencies as determined by the Department of Commerce, and (c) whether strategic materials meet Munitions Board specifications, the Bureau of Federal Supply and the Munitions Board are empowered and directed to exercise the functions prescribed for them under this part.

§ 404.5 *Reports to Bureau of Federal Supply*—(a) *Purpose of reports.* All strategic materials shall, when determined to be surplus, be reported by the owning agency to the Bureau of Federal Supply for the purpose of determining dispositions, either by transfer to stock pile, or by sale to satisfy current industrial deficiencies. Unless otherwise directed by the Bureau of Federal Supply in specific cases, owning agencies shall report all surplus strategic materials listed in Exhibit A to the Bureau of Federal Supply and shall not be required to determine prior to such report whether such strategic materials meet Munitions Board specification.

(b) *Form of reports.* Owning agencies shall file reports of strategic materials with the Bureau of Federal Supply on forms prescribed by order published under this part.

(c) *Exemptions from reporting.* Owning agencies shall not report strategic materials in lots less than the minimum quantities of strategic property determined to be suitable for the stock pile as provided in § 404.11, and listed in Exhibit A. Such lots shall be disposed of in accordance with existing law other than the Surplus Property Act.

(d) *Pending reports and reserves.* (1) If, on the effective date of this revision of this part, reports of strategic materials made prior thereto remain to be processed, the Reconstruction Finance Corporation shall turn them over to the Bureau of Federal Supply, which shall complete their processing according to the terms of this revision of this part.

(2) Any reserves of strategic materials which were established under § 404.9 prior to the effective date of this revision of this part and which remain in the hands of Reconstruction Finance Corporation on that date shall be reported by Reconstruction Finance Corporation to the Bureau of Federal Supply in the same manner as strategic materials determined to be surplus by owning agencies.

§ 404.6 *Functions of Bureau of Federal Supply.* (a) The Bureau of Federal Supply will act for and on behalf of the owning agencies and shall furnish a central control of all strategic materials reported to it by the owning agencies as provided by § 404.5 (a). Such central control shall have for its purpose the determination of dispositions of strategic materials, either by transfer to stock pile, by sale to satisfy deficiencies for current industrial requirements, or by disposition in accordance with existing law other than the Surplus Property Act.

(b) The Bureau of Federal Supply shall, pursuant to any order published under this part, report all strategic materials which are to be transferred to the stock pile as provided in this part to the Secretary of the Treasury, and the Bureau of Federal Supply shall promptly issue shipping instructions to the owning agency, which shall comply with such instructions. In connection with transfers to stock pile, all expense of preparation for shipment, all shipping and conversion expenses, and all expenses after the date of shipment (including transportation, maintenance, and storage) may be paid from funds appropriated pursuant to the act unless the owning agency elects to bear such expenses.

§ 404.7 *Functions of the Munitions Board.* The Munitions Board shall;

(a) Determine whether (and in what quantities) any materials shall be added to the list of strategic and critical materials enumerated in Exhibit A;

(b) Determine which materials are suitable for Army, Navy, and Air Force requirements;

(c) Be responsible for all necessary amendments, deletions, and additions to the strategic materials listed in Exhibit A, and for all specifications and requirements for such materials;

(d) Make such inspections as may be necessary to carry out its functions under this part;

(e) Advise the Administrator under §§ 404.11 and 404.12 as to minimum quantities and unsuitable items of strategic materials which are not to be transferred to the stock pile;

(f) Establish liaison with, and promptly furnish the Bureau of Federal Supply and the War Assets Administrator and any other interested Government agency designated by the Bureau of Federal Supply with copies of the Munitions Board specifications for strategic materials, all amendments, deletions, and additions to the list of materials on Exhibit A, and all other determinations, requests, and recommendations which the Munitions Board is required to make pursuant to this part; and

(g) The Munitions Board may authorize the Bureau of Federal Supply (directly or through the appropriate owning agency) to make such inspections as the Munitions Board may desire, but all final determinations under those paragraphs as to whether any materials meet the specifications and requirements for stock piling shall be made by the Munitions Board.

§ 404.8 *Functions of the Department of Commerce.* The Department of Commerce will, from time to time, determine and advise the Bureau of Federal Supply and the Munitions Board in writing of the amount of any strategic material necessary to make up any deficiency of the supply of such material for the current requirements of industry. The Department of Commerce will make appropriate revisions in its determination of industrial deficiencies, to the extent that the supply of, or the industrial requirements for, strategic materials may increase or decrease from time to time. The Department of Commerce will promptly notify the Bureau of Federal Supply and the Munitions Board in writing of any revision in its determination.

§ 404.9 *Disposition of strategic materials*—(a) *Sales for industrial deficiencies.* Upon receipt of a determination from the Department of Commerce that a deficiency exists in the supply of any strategic material for the current requirements of industry, the Bureau of Federal Supply shall withhold from transfer to the stock pile such amounts of strategic materials reported to it by the owning agencies pursuant to § 404.5 as the Department of Commerce shall determine necessary to satisfy such industrial deficiency pursuant to its responsibility under Public Law 520, 79th Congress. In such case, the Bureau of Federal Supply shall confirm to the Department of Commerce in writing that it has so withheld such amounts of strategic materials, identifying them fully, and shall also advise the owning agencies in writing that they shall sell such withheld materials under the terms of existing law and in accordance with directions which the Department of Commerce shall issue to them.

(b) *Balance to stock pile.* All remaining strategic materials shall be transferred to the stock pile as provided by § 404.6 (b), subject to the following:

(1) Strategic materials reported by the owning agencies and listed on Exhibit A shall be held for determination by the Munitions Board which shall promptly determine whether such materials meet Munitions Board specifications for stock piling, or can economically be converted to meet stock piling requirements, or exceed the amounts required by the Munitions Board.

(2) Strategic materials which meet such requirements for stock piling as determined by the Munitions Board shall be transferred to the stock pile as provided in this part.

(d) *Disposition of surplus.* Any quantities of strategic materials which do not meet such stock piling requirements and which are not disposed of pursuant to paragraph (a) or (b) of this section shall be returned to the owning agencies for disposition under the terms of existing law other than the Surplus Property Act.

§ 404.10 *Limitation on transfers to stock pile.* All transfers of strategic materials to the stock pile shall be reported by the Bureau of Federal Supply to the Secretary of the Treasury who shall thereupon, and pursuant to the act:

(a) Cause to be determined the fair market value of the strategic materials so transferred, and

(b) Notify the Administrator, the Bureau of Federal Supply, and the Munitions Board, in writing, when the total amount of all strategic materials trans-

ferred to the stock pile during any fiscal year has by value reached an amount fixed by the appropriation act or acts relating to the acquisition of strategic and critical materials under the act, and that no further transfers of strategic materials shall be made for the balance of such fiscal year.

§ 404.11 *Minimum quantities of strategic materials.* Accumulations of strategic materials which owning agencies are required to report to the Bureau of Federal Supply for stock piling purposes, do not include such minimum quantities of strategic materials as the Munitions Board determines to be economically impractical to transfer to the stock pile. Therefore, the Munitions Board will advise the Administrator from time to time of such determinations. Upon the basis of such determinations, amounts less than the minimum quantities of the various classes of strategic materials listed on Exhibit A shall not be reported to the Bureau of Federal Supply but shall be disposed of by the owning agencies pursuant to existing law other than the Surplus Property Act.

§ 404.12 *Unsuitable items.* The Munitions Board will determine amounts of strategic materials which do not meet or cannot economically be converted to meet stock pile requirements. The Munitions Board will keep the Administrator, the Bureau of Federal Supply, and the owning agencies advised as to such unsuitable items, and if not listed in Exhibit A, such materials shall not be reported to the Bureau of Federal Supply, or if so listed but later determined to be unsuitable after having been reported to the Bureau of Federal Supply, shall not be transferred to the stock pile, but instead may be disposed of by the owning agencies pursuant to existing law other than the Surplus Property Act.

§ 404.13 *Regulations and reports by affected agencies.* The Bureau of Federal Supply and the owning agencies shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which may be issued in furtherance of the provisions, or any of them, of this part. The Munitions Board shall file with the Administrator copies of the lists, specifications, and determinations which it is required to file with the Bureau of Federal Supply or owning agencies hereunder. The Department of Commerce shall file with the Administrator copies of its determinations of deficiencies of the supply of current industrial requirements which it is required to make under § 404.8.

§ 404.14 *Records and reports.* The Bureau of Federal Supply and the owning agencies shall prepare and maintain such records as will show full compliance with the provisions of this part. Reports shall be filed with the Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This revision of this part shall become effective May 1, 1949.

JESS LARSON,
Administrator.

APRIL 26, 1949.

EXHIBIT A—LIST OF STRATEGIC AND CRITICAL MATERIALS

Material	Types, grades, or forms to be reported	Minimum quantity at one location to be reported
Agar	Shreds, flakes, or granules	1,000 pounds.
Aluminum	Primary or secondary pig or ingot of grades 3, 4, and 5. Primary or secondary pig or ingot, or mill forms, over 2 inch minimum dimension, of grades 2S, 3S, 24S, 25S, A51S, 52S, or 61S.	50,000 pounds.
Antimony	Ores or concentrates, metal or alloys with other metals, in pieces exceeding 5 pounds each.	Do.
	Liquated (needle) antimony	1,000 pounds.
Asbestos	Rhodesian chrysotile fiber of grades C and G-1 or C and G-2.	10,000 pounds.
	South African amosite fiber of grades B-1, B-3, D-3 or 3/DM-1.	Do.
Barite	Ores or concentrates	50,000 pounds.
Bauxite	do	Do.
Beryl	do	10,000 pounds.
	Beryllium metal in all forms, including clean scrap.	100 pounds.
	Copper-beryllium alloys in all forms including clean scrap.	100 pounds, beryllium content.
Bismuth	Metal, or alloys with other metals, in pieces exceeding 5 pounds each.	1,000 pounds.
Cadmium	Metal, in all forms and sizes. Alloys with other metals, in pieces exceeding five pounds each.	Do.
Castor Oil	Oil in bulk	50,000 pounds.
Celestite	Ore	Do.
Chalk-English	Navy Spec. 52W/e	10,000 pounds.
Chromite	Metallurgical, refractory, or chemical ore or concentrates.	50,000 pounds.
Cobalt	Metal, ores, concentrates, oxide, or crudes	10,000 pounds, cobalt content.
Coconut oil	Oil in bulk	50,000 pounds.
Columbite	Ores in concentrates	1,000 pounds.
Copper	Refined copper in any primary form. Copper, cartridge brass, leaded brass or gilding metal in semi-finished or finished mill forms or remelt ingot. Copper, cartridge brass, leaded brass or gilding metal in the form of partially or completely manufactured articles or parts, salvaged parts, or scrap, so long as each lot is of substantially uniform composition and is not mixed with parts or scrap of other than copper base alloy composition. Demilitarized or fired brass ammunition parts, including popped or burned small arms ammunition. It is intended that all copper or copper base alloy materials having a net salvage value are to be reported.	40,000 pounds.
Cordage fibers	Manila or sisal fiber in bales	10,000 pounds.
Corundum	Crystal or boulder ore or concentrates	Do.
Cryolite	Natural cryolite ore	50,000 pounds.
Diamond dies	Partly or completely finished dies	No minimum.
Diamond, Industrial.	Tool stones, crushing bort, powder	Do.
Emery	Foreign or domestic ores or concentrates	50,000 pounds.
Emetine	Emetine hydrochloride, USP XII	100 ounces.
Fluorspar	Metallurgical or acid grade ores or concentrates.	50,000 pounds.
Graphite	Amorphous lump, flake, or fines	10,000 pounds.
Hyoselne	Hyoscine hydrobromide, USP XII	10 ounces.
Iodine	Crude Iodine or USP Iodine	2,000 pounds.
Jewel bearings	Finished bearings, set or unset, of following classes: Instrument jewels, V jewels, watch jewels.	1,000 pieces of a single design.
Kyanite	Ore	50,000 pounds.
Lead	Concentrates. Metal, or alloys with other metals, in any form, so long as each lot is of substantially uniform composition.	Do.
Magnesium	Primary or secondary pig or ingot of ASTM grades 1, 2, 4, or 17.	Do.
Manganese ore	Battery or metallurgical ore	Do.
Mercury	Metal or oxide	1,000 pounds.
Mica	Muscovite block and film, muscovite splittings, phlogopite block, phlogopite splittings. All grades.	Do.
Molybdenum	Concentrates, oxide, ferro	10,000 pounds.
Monazite	Monazite sand	Do.
Nickel	Electrolytic, pig, ingot, or shot. Nickel oxide, nickel rolled products.	Do.
Opium	Crude or refined opium and opium derivatives, including dosage forms.	No minimum.
Palm oil	Oil in bulk	50,000 pounds.
Pepper	Ungrounnd pepper	1,000 pounds.
Platinum group. Metals: Iridium, osmium, palladium, platinum, rhodium, ruthenium.	Pure metals, or alloys combining any two or more of such metals, in any form.	10 troy ounces.
Pyrethrum	Flowers or 20 per cent extract	20 pounds, pyrethrin content.
Quartz crystals	Raw quartz, radio grade	100 pounds.
	Sections, slabs, bars, wafers	25 pounds.
	Blanks or finished plates, unmounted or mounted.	1,000 pieces.
Quebracho	Dried extract	1,000 pounds.
Quinidine	Any alkaloids	100 pounds.
Quinine	do	1,000 ounces.
Rapeseed oil	Oil in bulk	50,000 pounds.
Natural rubber	Crude natural rubber or natural rubber latex.	10,000 pounds.
Rutile	Ore or concentrates	Do.
Sapphire and ruby	Half boules, rods, or cut pieces exceeding 10 carats each.	1,000 carats.
Selenium	Ingot, block, bar, granules, or powder	1,000 pounds.
Shellac	Dried raw shellac, all grades	10,000 pounds.
Sperm oil	Oil in bulk	50,000 pounds.
Talc	Steatite talc block	1,000 pounds.
	Ground steatite talc	10,000 pounds.
Tantalite	Ore or concentrates	100 pounds.
Tin	Concentrates or pig	2,000 pounds.
Tung oil	Oil in bulk	50,000 pounds.
Tungsten	Ores, concentrates, ferro, powder metal, oxide.	10,000 pounds.
Vanadium	Ores, concentrates, oxide, ferro	Do.
Zinc	Concentrates, slab zinc, oxide, mill products	50,000 pounds.
Zirconium ores	Baddeleyite or zircon ores or concentrates	10,000 pounds.

[F. R. Doc. 49-3371; Filed, Apr. 29, 1949; 8:57 a. m.]

[Reg. 17, Order 1]

PART 404—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

REPORT BY BUREAU OF FEDERAL SUPPLY

Pursuant to the authority of the Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); Reorganization Plan 1 of 1947 (12 F. R. 4534); Public Law 862, 80th Congress (62 Stat. 1196); Public Law 7, 81st Congress (63 Stat. 6); and Public Law 520, 79th Congress (60 Stat. 596), it is hereby ordered that:

§ 404.51 *Report by Bureau of Federal Supply.* (a) The Bureau of Federal Supply shall transmit a report to the War Assets Administrator or his successor on July 15, 1949, covering its activities under this part between May 1, 1949, and June 30, 1949; and thereafter shall transmit quarterly reports on the fifteenth day of each month next following such quarterly periods. Such reports shall be marked "confidential" and shall be transmitted accordingly.

(b) The reports shall be transmitted in the format most convenient to the Bureau of Federal Supply and shall include the following data employing the same unit of measure as appears in Exhibit A of this part:

(1) *Strategic materials reported to Bureau of Federal Supply.* (i) The total amount of each strategic material reported by owning agencies;

(ii) The total reported cost (or estimated value in the case of scrap) of each strategic material reported by the owning agencies.

(2) *Sales to satisfy deficiencies in the current requirements of industry.* (i) The total amount of each strategic material sold to satisfy deficiencies in the current requirements of industry;

(ii) The total reported cost (or estimated value in the case of scrap) of each such strategic material so disposed of;

(iii) The amount received for each strategic material so disposed of.

(3) *Strategic materials transferred to the stock pile.* (i) The total amount of each strategic material transferred to the stock pile;

(ii) The total reported cost (or estimated value in the case of scrap) of each strategic material transferred to the stock pile;

(iii) The fair market value of each strategic material so transferred as determined by the Secretary of the Treasury.

(4) *Materials reported as strategic but rejected by the Munitions Board.* (i) The total amount of each material reported as strategic but rejected by the Munitions Board;

(ii) The total reported cost (or estimated value in the case of scrap) of each material reported as strategic but rejected by the Munitions Board.

(58 Stat. 765, as amended, 59 Stat. 533, 60 Stat. 596, Reorg. Plan I of 1947, 12 F. R. 4534, 61 Stat. 952, Pub. Law 862, 80th Cong., 62 Stat. 1196, Pub. Law 7, 81st Cong., 63 Stat. 6; 50 U. S. C. App. and Sup. 1611, 1614a, 1614b, 5 U. S. C. 524, 551, 565, 568, 50 U. S. C. 98)

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective May 1, 1949.

JESS LARSON,
Administrator.

APRIL 26, 1949.

[F. R. Doc. 49-3372; Filed, Apr. 29, 1949; 8:57 a. m.]

[Reg. 17, Order 5]

PART 404—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

FORMS FOR REPORTING STRATEGIC MATERIALS

Pursuant to the authority of the Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); Reorganization Plan 1 of 1947 (12 F. R. 4534); Public Law 862, 80th Congress (62 Stat. 1196); Public Law 7, 81st Congress (63 Stat. 6); and Public Law 520, 79th Congress (60 Stat. 596), it is hereby ordered that:

§ 404.53 *Forms for reporting strategic materials.* (a) Owning agencies shall report strategic property and shall make corrections or withdrawals of previous reports to the Bureau of Federal Supply, Washington 25, D. C., on WAA Form 1003, "Report or Adjustment of Previous Report of Strategic Materials to Bureau of Federal Supply," as attached hereto, in accordance with the instructions accompanying such form. The supply of printed forms prepared prior to this revision may be used until exhausted, provided they are corrected to conform to the aforesaid form attached hereto.

(b) The Bureau of Federal Supply is authorized to correct or adjust a report submitted on WAA Form 1003 after verification of the report and inspection of the property. When the Bureau of Federal Supply makes such a correction or adjustment without the submission by the owning agency of a WAA Form 1003 covering such correction or adjustment, the submission of such WAA Form 1003 by the owning agency shall not be required. In each such case, the owning agency shall be informed of such correction or adjustment, and a copy of such adjusted or corrected WAA Form 1003 shall be directed to the owning agency concerned.

(c) WAA Form 1003 may carry the listing of strategic materials reported, or it may be used as a cover transmittal sheet for mechanical accounting lists. If a machine tabulated form is used for listing the items of property, the columnar arrangement shall conform to that of WAA Form 1003 and the Form shall be 11" x 14⅞" in size.

(d) WAA Form 1003 may be reproduced by the owning agency: *Provided*, That the size and format are identical with such form on file with the Division of the Federal Register, sample copies of which may be obtained from the Administrator, or meet the conditions specified above with respect to machine tabulated forms. The form may be reproduced by the owning agency in fanfold and carry the name of the owning agency imprinted on the form. The complete instructions shall be printed on the back of the form.

(e) If any legal restrictions exist, including patent restrictions, as to the power of the owning agency to dispose of the property reported, the report shall include a statement clearly indicating such restrictions.

(f) Where sales of strategic materials are made by an owning agency pursuant to the provisions of § 404.9, a report of each such sale shall be furnished by the owning agency concerned to the Bureau of Federal Supply. Such report of sale may take the form of a copy of the sales documents and shall make reference to the particular WAA Form 1003 on which the strategic materials were first reported.

(g) Upon receipt of a WAA Form 1003 and after a determination that the strategic materials described thereon are suitable for the stock pile and are to be transferred thereto, the Bureau of Federal Supply shall report to the owning agency which prepared the particular WAA Form 1003 and to the Secretary of the Treasury, those strategic materials listed on such WAA Form 1003 which are to be transferred to the stock pile. Such reports of strategic materials to be transferred to the stock pile shall be accomplished by forwarding WAA Form 1003 to the specified addresses designated in this paragraph.

58 Stat. 765, as amended, 59 Stat. 533, 60 Stat. 596, Reorg. Plan I of 1947, 12 F. R. 4534, 61 Stat. 952, Pub. Law 862, 80th Cong., 62 Stat. 1196, Pub. Law 7, 81st Cong., 63 Stat. 6; 50 U. S. C. App. and Sup. 1611, 1614a, 1614b, 5 U. S. C. 524, 551, 565, 568, 50 U. S. C. 98)

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective May 1, 1949.

JESS LARSON,
Administrator.

APRIL 26, 1949.

WAA Form-1003
(Rev. 5-1-49)

Budget Bureau No. 16-R114
Approval Expires June 30, 1949

UNITED STATES OF AMERICA
WAR ASSETS ADMINISTRATION

REPORT OR ADJUSTMENT OF PREVIOUS REPORT OF STRATEGIC MATERIALS

Page of Pages

8. Standard commodity classification group code	9. Date of report
10. Reporting agency No.	11. Total cost this report

1. To Bureau of Federal Supply. Attention: Assistant Director, Strategic and Critical Materials, Washington 25, D. C.

2. From

12. If this is an *adjustment or withdrawal of a previous report*, complete this block.
Report to be adjusted:
Reporting agency No.:
Dated:

3. Custodian

4. Location of property

5. Rail carrier serving the site

6. Proceeds—If proceeds are "reimbursable," give symbol and title of appropriation of Government corporation

7.

Signature of reporting official — Name and title (please type)

Item No. (a)	Description (b)	Standard commodity classification (c)	Condition (d)	Unit (e)	Number of units (f)	Unit cost (g)	Total cost (h)

INSTRUCTIONS FOR WAA FORM 1003

Owning agencies shall use WAA Form 1003 to report surplus strategic materials, as defined in WAA Regulation 17, to the Bureau of Federal Supply. Such reports will not constitute a declaration of surplus to a disposal Agency. WAA Form 1003 shall be filed in quintuplicate (5) with the Bureau of Federal Supply, Attention: Assistant Director, Strategic and Critical Materials, Washington 25, D. C.

The items of property listed on any such report shall be confined to property at a single location and classified in a single major group (2 digits) of the Standard Commodity Classification.

If any legal restrictions exist (including patent restrictions) as to the power of the owning agencies to dispose of the property reported as surplus, the report shall include a statement clearly indicating such restrictions.

The receipt of each WAA Form 1003 will be acknowledged to the reporting office by the Bureau of Federal Supply by a post card notice stating the reporting agency's report number and date. In the case of withdrawals or adjustments the post card notice will constitute an approval of the request for permission to withdraw property previously reported unless the notice specifically states otherwise.

Block 2. Insert the name and address of the reporting agency. Show the department, bureau, office, or other similar subdivision involved. The Bureau of Federal Supply will send one copy of the shipping instructions to the custodian and one copy to the reporting agency as shown on the report.

Block 3. Insert the name and complete address of the custodian of the property reported.

Block 4. Insert the warehouse number and complete address of the site at which the property is located.

Block 5. Insert the name of the rail carrier serving the site location of warehouse reported in Block 4.

Block 6. If the net proceeds from the sale or transfer are reimbursable pursuant to the Surplus Property Act of 1944, as amended, give the symbol and title of the appropriation to be credited or the name and address of the Government corporation to receive the funds. A single report on WAA Form 1003 should cover items for which the net proceeds are reimbursable or nonreimbursable, but never both classes of items.

Block 8. Enter code number of the single major group (2 digits) of the Standard Commodity Classification in which the items listed on the report are classified.

Block 9. Enter the date on which the report is signed by the authorizing official.

Block 10. Enter the serial number assigned by the reporting agency to identify the report.

Block 11. Enter the sum of all amounts in column (h), Total Cost, of all pages of the declaration and supporting lists.

Block 12. If the report is an adjustment or withdrawal of a previous report, enter the reporting agency number and date of the report to be adjusted or withdrawn.

Column (a). Enter consecutive numbers starting with 1 on each page for each item listed, leaving blank line space across all columns between successive property items.

Column (b). Describe the material in sufficient detail as to chemical or other composition, specifications, size, etc., to indicate the nature of the strategic material. Complete purchase specifications or material content analyses shall be included whenever available.

Column (c). If known, enter the detailed classification number for each item according to the Standard Commodity Classification (Government Printing Office). If the strategic property being reported, however, is scrap, no entry should be made in columns (c), (d), and (g), and in column (h) enter an amount representing the total estimated value.

Column (d). If the item being reported is a fabricated article, indicate condition of the property by the following combination letter code:

Means

N=New.
E=Used—reconditioned.
O=Used—useable without repairs.
R=Used—repairs required.
X=Items of no further value for use as originally intended but of possible value other than scrap.
1. Excellent.
2. Good.
3. Fair.
4. Poor.

Where the code condition does not provide an accurate description of the material's condition leave this column blank and in appropriate language describe the condition of the property.

Column (e). Indicate the unit of measurement with respect to each specific item, i. e., pounds, tons, dozen, etc. Distinguish between long, short and metric tons. Standard clearly understandable abbreviations may be used. The unit or measurement used for the particular material should be the same as the unit used in Exhibit A to Regulation 17.

Column (f). Specify the quantities of each item reported in terms of the unit used in column (e).

Column (g). Insert the recorded procurement cost or, in its absence, the estimated cost (in dollars and cents) excluding transportation and handling charges incurred after the original purchase. Indicate estimated unit cost by the prefix "E."

Column (h). Insert the total cost. The total cost will be "No. of Units" multiplied by "Unit Cost."

INSTRUCTIONS FOR USE AS A WITHDRAWAL OR ADJUSTMENT OF PREVIOUS REPORT

WAA Form 1003 shall be used by the owning agencies in reporting any adjustment in prior reports including withdrawals of materials.

When using WAA Form 1003 as a withdrawal of the entire property previously reported only blocks 2, 7, and 12 need be filled in and the phrase "all items to be withdrawn" written in column (b).

When using WAA Form 1003 to correct or adjust a previous report, the owning agency shall fill in all of the numbered blocks, including Block 12, underlining any correction that is being made. To identify the items being adjusted the owning agency shall insert in column (a) the page and item number appearing on the original report.

[F. R. Doc. 49-3373; Filed, Apr. 29, 1949; 8:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 935]

HANDLING OF MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA

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

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketng 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 Omaha-Council Bluffs marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated was conducted at Omaha, Nebraska, on March 3 and 4, 1949, pursuant to notice thereof which was issued on February 15, 1949 (14 F. R. 738).

The material issues on the record related to (1) redefining emergency milk and the conditions under which it should be handled, (2) reclassifying certain milk products, (3) pooling separately Grade A and non-Grade A milk, (4) pricing Class I and Class II milk, (5) establishing a premium for Grade A milk, (6) preventing contra-seasonal price trends, and (7) increasing the butterfat differential to producers.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

(1) The provisions relating to the handling of emergency milk should be revised. The present order permits the importation of skim milk and butterfat as emergency milk only during the months of September to December, inclusive. The record evidence indicates, however, that during the past year and a half there have been many delivery periods, other than those listed, in which the receipts of skim milk or butterfat from producers were insufficient to satisfy the needs of the market. To meet this situation, it is concluded that a handler should be permitted to use emergency milk in any delivery period in which the market administrator determines that the supply of producer milk available to him is insufficient to fill his Class I and Class II requirements. To avoid the possibility of abuse and at the same time allow a reasonable margin for day to day fluctuation in sales and receipts etc., the amount of skim or butterfat classified as emergency milk should be limited to an amount not in excess of the difference between the receipts of producer milk by the handler and 115 percent of his Class I and Class II requirements.

Under a recently adopted amendment to the Omaha milk ordinance (March 1, 1949), it is required that all milk to which Vitamin D is added must be Grade A milk. Approximately 20 percent of the present Class I sales in the market are of this type of milk. Existing production of Grade A milk, however, amounts to scarcely 50 percent of this volume. Handlers are required to import Grade A milk to fill this demand. It is concluded that handlers should be permitted to receive Grade A emergency milk under the same conditions and limitations outlined above, even though receipts of non-Grade A milk from producers may exceed the total volume of Class I and Class II sales by the handler.

As under the present order, emergency milk should be prorated over the entire utilization of the handler's milk remaining after the substraction of other source milk.

(2) Changes should be made in the classes of utilization as now defined. Skim milk and buttermilk disposed of for consumption in fluid form should be classified as Class I. These products are required to be made from milk which meets the same health standards that are applicable to milk for fluid consumption. They are beverages in direct competition with whole milk and flavored milk for the fluid market and should be similarly classified and priced. Likewise eggnog should be classified as Class II. It is a seasonal item, usually sold only during the Christmas holidays and is a direct competitor of fluid cream for the consumer trade. No objection appears on the record to this reclassification of skim milk, buttermilk and eggnog.

It was also proposed that aerated cream be classified as Class II, and there is considerable merit to the arguments advanced in support of this proposal. It has been concluded, however, that under the existing circumstances it should not be so classified. This type of product is not required to be made from inspected milk at the present time. The only persons disposing of such products in the marketing area, are not handlers subject to regulation. It appears likely that with uninspected cream available at or close to the Class III price, these persons would turn to such sources for their supplies, and producers would benefit little or not at all from the reclassification. A further consideration is the fact that the market is short of inspected butterfat during several months of the year, and it is in the interest of the market to channel the available butterfat into those products which are required by the health authorities to be made from inspected butterfat. To broaden the Class II definition to include this and similar products would accentuate the shortage and result in further importations of emergency milk which would in turn dilute the uniform price and perhaps actually lower returns to producers.

(3) Separate pooling of Grade A and non-Grade A milk should not be adopted at this time.

At the present time the municipalities in the marketing area do not require the use of Grade A milk in Class I and Class II products. The only exception to this rule is the requirement of the city of Omaha, that if a handler sells Vitamin D fortified milk, it must be produced from Grade A milk. Sales of this type of milk now represent somewhat less than 20 percent of the combined Class I and Class II disposition in the market.

Under the circumstances it appears that Grade A milk should be considered in the same category as other special or premium milk. Since its use is not required by local health ordinances, and production of this type of milk represents only a small portion of the total, it would be no more appropriate to establish a separate pool for this type of milk than to do so for any other milk which may be sold under a special trade-mark. The only areas in which separate pooling of Grade A and non-Grade A milk have been provided in a marketing order, have been those in which the health authorities in a portion of the area regulated, have required that all sales of fluid milk within the area be of Grade A milk.

Establishment of separate pooling under the conditions existing in the Omaha market might result in discouraging production which is badly needed on the market. Since the Grade A production on the market is well below Grade A sales, it is likely that for some time to come all Grade A milk produced will actually be utilized in Class I. Loss of this volume of sales by the non-Grade A producers who represent by far the greater portion of the market, might so reduce the uniform price, that the proposed increases in class prices would be more than offset. Were this to happen, there would be a further diversion of producers from the market, and the shortage of milk instead of being relieved would become more acute. In view of these facts establishment of pooling provisions for Grade A milk should not be undertaken until such time as Grade A milk is required for all fluid disposition in at least a portion of the marketing area.

(4) The Class I and Class II differentials for milk of 3.8 percent butterfat content should be changed to 75 cents during the months of April, May, June, and July and to $1.15 during the remaining months of the year. The price per hundredweight of butterfat in Class I and Class II should be changed to $15.00

over the price of butterfat in Class III during the months of April, May, June, and July, and to $23.00 over the Class III value during the remaining months of the year. At the present time the Class I and Class II differentials are 75 cents during January, February, and March, 60 cents during April, May, and June, and $1.00 during the remaining months of the year. The price of butterfat in Class I and Class II during the same periods is $15.00, $12.00, and $20.00, respectively, over the price of butterfat in Class III.

A review of the market statistics shows that the decline in producer numbers which commenced in the spring of 1947 has continued almost without interruption. In May of 1947 there were 2,764 producers on the market. In January 1949 the number had declined to 2,134 the smallest number of producers in any delivery period from January 1940 to date. In consequence of this drastic decline in producer numbers, total receipts of producer milk or butterfat in the Omaha-Council Bluffs market were less than the Class I and Class II sales on the market in 6 of the 12 months of 1948. In at least 2 other months while receipts and sales for the month balanced, it was undoubtedly necessary to import some outside milk during at least a portion of the month to balance out the daily fluctuations.

The Omaha-Council Bluffs market lies in the heart of a diversified farm area and producers can shift readily from dairying to other farm enterprises. For some time the production of beef, hogs, and cash grains has been relatively more favorable than milk production. This situation has been accentuated in recent months. The drastic decline in fluid milk prices which began in September 1948 and has continued uninterrupted since then has caused milk prices to fall much more rapidly than the prices of other commodities. At the same time the local health authorities have undertaken a more rigid enforcement of their regulations. These factors have been jointly responsible for the decline in producer numbers.

The record evidence clearly indicates that present differentials are inadequate. While there was a difference of opinion expressed as to the level at which prices should be fixed, the testimony of both producer and handler witnesses is to the effect that prices are too low. This fact is further substantiated by the fact that all handlers in recent months have paid premiums on Class I and Class II milk which have ranged from 25 cents to 37 cents above the order prices.

The market statistics reveal that during April, May, June, and July, producer receipts are ample to supply the market's requirements, while in August production falls off rapidly and from September through March a shortage or near shortage exists every month. To encourage a greater production during the months of August through March, it is necessary that a much higher differential be provided in those months than is provided in the months of April through July. All parties of record at the hearing are apparently in agreement as to the need for fixing the differentials in the proposed seasonal pattern.

It is concluded that the recommended differentials of 75 cents during the 4 flush months, and $1.15 during the remaining 8 months are the minimum amounts which will insure an adequate supply of milk for the market.

In order to maintain the established ratio between the prices of skim milk and butterfat, it is necessary that the differential on butterfat in Class I and Class II should be fixed at $15.00 per hundredweight during April, May, June, and July, and at $23.00 during the remaining months. It should further be provided that the value of butterfat in Class I and Class II should be based on the price of butterfat in Class III for the preceding rather than for the current month. The Class I price for milk of 3.8 percent butterfat is now based on the Class III price for the previous delivery period. Both the price of whole milk and of the butterfat therein should be fixed on the Class III values for the same period. To use different bases could result in a distortion of the relationship between the two in times of fluctuating prices.

(5) The order should not fix a price for Grade A milk at this time. As pointed out above under issue No. 3, Grade A milk, is, strictly speaking, not required by the health authorities of any of the municipalities in the marketing area. As long as this condition prevails it should be considered the same as any other special milk and given no preferential treatment under the order. The record evidence indicates that handlers have in the past paid producers a premium for Grade A milk, and that there is in effect at the present time a contract between all of the handlers and the producers' association whereby the handlers have agreed to pay a premium for all Grade A milk received by them. It appears that until Grade A milk is required for use in Class I and Class II milk in at least a portion of the marketing area, the amount of the premium for Grade A milk should be fixed by negotiation between the handlers and producers.

(6) The proposal to prevent contra-seasonal price changes should be denied. The testimony in support of the proposal is not conclusive and at times is contradictory. The witness testifying in favor of this proposal stated that the relationship between the fall and spring prices was the important point rather than a decline in price which might take place in the fall. He could recall the situation, for which the proposal was requested as a remedy, occurring during his sixteen years of experience only during the month of October 1947 and the months of October, November, and December 1948. The recommended seasonal pricing pattern is believed to be sufficient to keep fall prices higher than spring prices.

(7) The butterfat differential to producers should be changed by adding 20 percent to the value of butter. The present differential, 1/10 of the price of butter, results in producers' receiving for their butterfat less than its manufacturing value. This has discouraged the production of higher testing milk and the average test of milk received has fallen well below 3.8 percent butterfat. The market is much shorter of butterfat than it is of skim milk. In many months in which the volume of producer receipts was apparently equal to the market's needs, it was necessary to import butterfat to overcome a deficit.

Producers should not receive for their butterfat less than its value for manufacturing. The butterfat differential therefore should be 1/10 the price of butter plus 20 percent. This higher differential should also encourage the production of a higher testing milk which will more nearly supply the market with its requirements for butterfat.

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 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 of and demand for such 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 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. Briefs were filed on behalf of Roberts Dairy Company, Alamito Dairy, and the Nebraska-Iowa Non-Stock Cooperative Milk Association. The briefs contain statements of fact, conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the proposed findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and amendment to the order. The following amendment to 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 decision because the regulatory provisions thereof

would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 935.1 (l) and substitute therefor the following:

(l) "Emergency milk" means skim milk or butterfat which is received by a handler from sources other than producers or other handlers under the conditions and subject to the limitations prescribed in § 935.4 (f).

2. Add as § 935.1 (p) the following:

(p) "Grade A milk" means (1) producer milk which is produced in conformity with the Grade A quality requirements of the milk ordinance of any of the municipalities in the marketing area, or (2) skim milk or butterfat which is permitted by the health authorities of any of the municipalities in the marketing area to be labeled "Grade A" and which is received by a handler from sources other than producers or other handlers.

3. Delete subparagraphs (1) and (2) of § 935.4 (b) and substitute therefor the following:

(1) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, or flavored milk drinks and all skim milk and butterfat not specifically accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as cream, either sweet or sour, including butterfat and skim milk containing more than 6 percent butterfat, for consumption in fluid form, and eggnog.

4. Amend § 935.4 (c) (1) by deleting therefrom the reference, "(f) (2)," and substituting therefor the reference "(g) (2)."

5. Amend § 935.4 by renumbering paragraph "(f)" thereof as paragraph "(g)," and inserting the following as paragraph "(f)."

(f) *Emergency milk.* In any delivery period in which the market administrator determines that the supply of skim milk and butterfat available to any handler in producer milk is insufficient to fulffill his Class I and Class II requirements, skim milk or butterfat received by such handler from sources other than producers or other handlers and which is permitted by the health authorities of any of the municipalities in the marketing area to be disposed of as Class I or Class II milk, shall be considered emergency milk up to an amount equal to the difference between the receipts by such handler of skim milk or butterfat in producer milk and 115 percent of his total disposition of skim milk or butterfat as Class I and Class II milk: *Provided,* That if the supply of skim milk or butterfat in Grade A producer milk available to any handler is insufficient to fulfill his requirements for those products which are required by the health authorities of any of the municipalities in the marketing area to be made from Grade A milk, Grade A skim milk or Grade A butterfat received by such handler from sources other than producers or other handlers shall be considered emergency milk up to an amount equal to the difference between the receipts by such handler of skim milk and butterfat in Grade A producer milk and 115 percent of such handler's requirements for Grade A skim milk or Grade A butterfat, even though the available supply of skim milk or butterfat in Non-Grade A producer milk is equal to the handler's total disposition of skim milk or butterfat in Class I and Class II milk.

6. Delete § 935.5 (b) (1) and substitute therefor the following:

(1) *Class I.* The price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of April, May, June, and July, and plus $1.15 during all other months of the year.

(i) The price per hundredweight of butterfat in Class I milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph for the preceding delivery period $15.00 during April, May, June, and July, and $23.00 during all other months of each year.

(ii) The price per hundredweight of skim milk in Class I milk shall be computed by (*a*) multiplying by 0.038 the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph for Class I milk containing 3.8 percent butterfat, (*c*) dividing the result by 0.962, and (*d*) adjusting to the nearest cent.

7. Delete § 935.5 (b) (2) and substitute therefor the following:

(2) *Class II.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of April, May, June, and July, and plus $1.15 during all other months of the year.

(i) The price per hundredweight of butterfat in Class II milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph for the preceding delivery period $15.00 during April, May, June, and July, and $23.00 during all other months of each year.

(ii) The price per hundredweight of skim milk in Class II milk shall be computed by (*a*) multiplying by 0.038 the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph for Class II milk containing 3.8 percent butterfat, (*c*) dividing the result by 0.962, and (*d*) adjusting to the nearest cent.

8. Amend §§ 935.6 and 935.7 by deleting all references therein to "§ 935.4 (f)" and substituting therefor references to "§ 935.4 (g)."

9. Delete § 935.7 (a) (3) and substitute therefor the following:

(3) *Butterfat differential to producers.* If any handler has received from any producer during the delivery period, milk having an average butterfat content other than 3.8 percent, such handler, in making the payment pursuant to subparagraph (1) of this paragraph shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent not less than or shall deduct from the uniform price for such one-tenth of 1 percent that such average butterfat content is below 3.8 percent not more than an amount computed by the market administrator as follows: To the average of the prices per pound of 92-score butter at wholesole in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, add 20 percent, divide the resulting sum by 10, and adjust to the nearest cent.

Filed at Washington, D. C., this 26th day of April 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-3361; Filed, Apr. 29, 1949; 8:47 a. m.]

[7 CFR, Part 944]

HANDLING OF MILK IN QUAD CITIES MARKETING AREA

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

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was conducted at Rock Island, Illinois, on January 7, 1949, after the issuance of a notice on December 22, 1948 (13 F. R. 8717).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on March 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 on March 16, 1949 (14 F. R. 1194).

The material issues of record related to (1) allocation of other source milk received in processed form, (2) revision of the price of skim milk used to produce condensed milk, and (3) revision of the Class IV price.

Rulings on exceptions. Exceptions were filed on behalf of the Sturtevant Dairy Products Company and the Quality Milk Association and the Illinois-Iowa Milk Producers Association. These exceptions have been considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions pertaining thereto, such exceptions are hereby overruled.

Findings and conclusions. The following findings and conclusions on the above

issues are based upon the evidence introduced at the hearing and the record pertaining thereto. The findings and conclusions of the recommended decision with respect to issue (3) have been adopted without substantive change. The findings and conclusions with respect to issues (1) and (2) have been revised in the light of the exceptions filed and a further consideration of the record evidence.

(1) The present method of allocating other source milk should be retained. The proponents of the proposal to change the method of allocating other source milk received in processed form are engaged in the manufacture of ice cream. They either have inadequate facilities for condensing and drying skim milk or are completely lacking in such facilities. In consequence they must purchase solids in the form of condensed skim milk or powder. These solids are usually purchased outside the market. It is the contention of the proponents that they are handicapped by those provisions of the order whereby producer milk takes the highest classification in a handler's plant. Whatever disadvantage occurs results from the fact that the solids are purchased outside the market. The record indicates that facilities in the market are adequate to process all the solids needed, but that they are not being fully utilized. It appears that the interests of the entire industry in the market would best be served by the utilization of producer milk in the manufacture of ice cream to the greatest extent possible.

Adoption of the proposal would also tend to give the proponents a competitive advantage over other handlers who are processing their own solids, if at any time the Class III price were temporarily higher than the market for non-fat milk solids.

(2) The price of skim milk used in the production of condensed milk should not be changed. The proponents of the proposal to make the change contended that under the present Class III pricing formula the value of skim milk used in the production of condensed milk is often out of line with the national market for condensed milk. They argue that whenever the skim milk price in the order is higher than the market for solids, a price based on the latter should be used. They object, however, to using the solids price when it is higher than the present formula, and in their exceptions suggest that no change be made if it is felt the evidence does not support their proposal that the solids price be used only when it is to their advantage.

A comparison between the skim milk values provided by the present formula, and those that would result from a formula based on the market values of non-fat solids indicates that the differences between the two are generally slight and are of a short run nature. It appears that over any lengthy period of time, the two prices would be approximately the same. Any losses that might occur during an unfavorable period would be offset by additional profits made during other periods when the relationship was more favorable.

(3) The Class IV price should be revised. There is a likelihood that the casein quotation which is currently used as a part of the formula for establishing the Class IV price will be discontinued. Therefore, it is necessary that some other basis be adopted. Since no evidence was presented to indicate any need for a change in the level of the Class IV price, the new formula should be that which would result in a price most nearly equal to that resulting from the present formula. Of the several formulas discussed on the record, the following would result in a price most nearly equal to the existing butter-casein formula: Multiply the price of Cheddars on the Wisconsin Cheese Exchange by 2.4 and multiply the result by 3.5. This formula should be adopted as the basis for pricing Class IV milk.

Because the value of whole milk should never be less than the value of the butterfat contained therein, provision should be made that the Class III price shall never be lower than the value of the butterfat in such milk at the butterfat differential. While it is extremely unlikely that such a situation would develop, it could possibly happen in a period of rapidly changing prices if the price of cheese were to fall substantially in relation to the price of butter. The present formula would prevent the Class III price from ever falling below the value of butterfat and the same safeguard should be provided in the proposed amendment.

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 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 of and demand for such milk and the minimum prices specified in the proposed marketing agreement and in 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, regulate the handling of milk in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held.

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

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

This decision filed at Washington, D. C., this 27th day of April 1949.

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

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

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

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Quad Cities 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 supplies of and demand for such milk, and the minimum prices specified in the order, as amended,

[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 orders have been met.

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 hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Quad Cities 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:

Delete § 944.5 (a) (4) and substitute therefor the following:

(4) *Class IV milk.* The higher of the prices resulting from the following computations:

(i) Multiply by 2.4 the average of the weekly prices of the cheese known as "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture during the delivery period and multiply such result by 3.5 if there are no sales on the Exchange during any week, the last previously quoted price shall be used as the price for that week in making these computations.

(ii) Multiply by 3.5 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and add 20 percent thereof.

[F. R. Doc. 49-3395; Filed, Apr. 29, 1949; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 49-14]

THIRD COAST GUARD DISTRICT OFFICE AND MARINE INSPECTION OFFICE AT NEW YORK

CHANGE OF ADDRESS

The notice containing the description of organization and functions of the United States Coast Guard, published in the FEDERAL REGISTER December 30, 1948, 13 F. R. 8815–8818, is amended in section 4 *Field organization* as follows:

The address of the Coast Guard District Office for the Third Coast Guard District in the table in paragraph (b) was changed from "42 Broadway, New York 4, N. Y." to "80 Lafayette Street, New York 13, N. Y.," effective April 1, 1949.

The address for the Marine Inspection Office at New York in paragraph (d), under the Third Coast Guard District, was changed from "42 Broadway, New York 4, N. Y." to "80 Lafayette Street, New York 13, N. Y.," effective April 1, 1949.

Dated: April 26, 1949.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 49-3403; Filed, Apr. 29, 1949; 8:54 a. m.]

[CGFR 49-15]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, and 4491, as amended; 46 U. S. C. 375, 489; and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875, 60 Stat. 1097, 46 U. S. C. 1), as well as the additional authorities cited with specific items below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire.

Approval No. 160.008/408/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, flexible plastic film cover and straps, stitched seams, Dwg. No. 4–4–49, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4–1, 160.008)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/31/0, 30-inch cork ring life buoy, U. S. C. G. Specification 160.009, manufactured by C. J. Hendry Co., 27 Main Street, San Francisco, Calif.

(R. S. 4417a, 4426, 4482, 4488, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 475, 481, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4–1, 33.7–1, 59.56, 60.49, 76.53, 94.53, 113.46, 160.009)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/9/0, Type B Sea Anchor, U. S. C. G. Dwg. No. MMI–562 and specification dated November 1, 1943, rev. August 24, 1944, manufactured by McIlwaine Canvas Co., 247 West Sixth Street, San Pedro, Calif.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 33.3–1, 33.3–2, 59.11, 76.14)

BOILERS, HEATING

Approval No. 162.003/8/1, Model Crane 20 cast iron heating boiler, maximum working pressure 15 pounds per square inch, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Supersedes Approval No. 162.003/8/0, published in FEDERAL REGISTER July 31, 1947.)

Approval No. 162.003/9/1, Model Crane 16 cast iron heating boiler, maximum working pressure 15 pounds per square inch, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Supersedes Approval No. 162.003/9/0, published in FEDERAL REGISTER July 31, 1947.)

Approval No. 162.003/11/1, Model Crane 14 cast iron heating boiler, maximum working pressure 15 pounds per square inch, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Supersedes Approval No. 162.003/11/0, published in FEDERAL REGISTER July 31, 1947.)

(R. S. 4417a, 4418, 4426, 4433, 4434, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 412, 1333, 50 U. S. C. 1275; 46 CFR, Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-TETRACHLORIDE TYPE

Approval No. 162.004/32/1, Phister No. 1/2, 2-quart carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 195, dated March 31, 1948; name plate Dwg. No. BB–1/2–NY, Rev. March 15, 1948, manufactured by The Phister Manufacturing Co., 621–627 East Pearl Street, Cincinnati, Ohio. (Supersedes Approval No. 162.004/32/0, published in the FEDERAL REGISTER of July 31, 1947.)

(R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.5–1, 61.13, 77.13, 95.13, 114.15)

VALVES, PRESSURE SYSTEM RELIEF

Approval No. 162.017/61/0, Butterworth type 1H–1 pressure vacuum relief valve, single unit, enclosed pattern, spring loaded, fitted with spring lifting lever, bronze body, Dwg. No. PV 206, dated February 16, 1949, approved for 3", 4", 5", and 6" inlet sizes, for use with inflammable and combustible liquids of Grade A or lower in closed venting system, manufactured by Butterworth System, Inc., Bayonne, N. J.

(R. S. 4417a, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR 32.7–4)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval Nos. 162.025/9/1, 162.025/10/1, and 162.025/11/1, Model Nos. E600, E600A and E600B, respectively; Dwg. No. B–6612; Reliance Eye-Hye secondary boiler water gauge, remote reading level indicator; manufactured by The Re-

liance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio. (Supersedes Approval Nos. 162.025/9/0, 162.025/10/0, and 162.025/11/0, published in FEDERAL REGISTER of July 31, 1947.)

Approval Nos. 162.025/12/1, 162.025/13/1, and 162.025/14/1, Model Nos. E601, E601A and E601B, respectively; Dwg. No. B–6613; Reliance Eye-Hye secondary boiler water gauge, remote reading level indicator; manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio. (Supersedes Approval Nos. 162.025/12/0, 162.025/13/0, and 162.025/14/0, published in FEDERAL REGISTER July 31, 1947.)

Approval Nos. 162.025/15/1, 162.025/16/1, 162.025/17/1, 162.025/18/1, Model Nos. E400, E400A, E400B and E400C, respectively; Dwg. No. D–6610; Reliance Eye-Hye secondary boiler water gauge, remote reading level indicator; manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio. (Supersedes Approval Nos. 162.025/15/0, 162.025/16/0, 162.025/17/0, 162.025/18/0, published in FEDERAL REGISTER of July 31, 1947.)

Approval Nos. 162.025/19/1, 162.025/20/1, 162.025/21/1, 162.025/22/1, Model Nos. E401, E401A, E401B and E401C, respectively; Dwg. No. B–6611; Reliance Eye-Hye secondary boiler water gauge, remote reading level indicator; manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio. (Supersedes Approval Nos. 162.025/19/0, 162.025/20/0, 162.025/21/0, 162.025/22/0, published in FEDERAL REGISTER July 31, 1947.)

Approvals Nos. 162.025/23/1 and 162.025/24/1, Model Nos. E900 and E900A, respectively; Dwg. No. B–6614; Reliance Eye-Hye secondary boiler water gauge, remote reading level indicator, manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio. (Supersedes Approval Nos. 162.025/23/0 and 162.025/24/0, published in FEDERAL REGISTER of July 31, 1947.)

Approval Nos. 162.025/25/1 and 162.025/26/1, Model Nos. E901 and E901A, respectively; Dwg. No. B–6615; Reliance Eye-Hye secondary boiler water gauge, remote reading level indicator; manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio. (Supersedes Approval Nos. 162.025/25/0 and 162.025/26/0, published in FEDERAL REGISTER July 31, 1947.)

Approval No. 162.025/33/1, Model No. E–2000; Dwg. No. B–6618; Reliance Eye-Hye secondary boiler water gauge, remote reading level indicator; manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio. (Supersedes Approval No. 162.025/33/0, published in FEDERAL REGISTER March 25, 1948.)

Approval No. 162.025/35/1, Model No. E–2001; Dwg. No. B–6619; Reliance Eye-Hye secondary boiler water gauge, remote reading level indicator; manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio. (Supersedes Approval No. 162.025/35/0, published in FEDERAL REGISTER March 25, 1948.)

Approval No. 162.025/36/0, Model No. E–1500; Dwg. No. B–6616; Reliance Eye-Hye secondary boiler water gauge, remote reading level indicator; manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio.

Approval No. 162.025/37/0, Model No. E–1501; Dwg. No. B–6617; Reliance Eye-Hye secondary boiler water gauge, remote reading level indicator; manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio.

(R. S. 4417a, 4418, 4426, 4433, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 1333, 50 U. S. C. 1275; 46 CFR, Part 52)

FIRE EXTINGUISHING SYSTEMS, SEMIPORTABLE

Semiportable foam fire extinguishing system for cargo spaces of tank vessels, Pyrene Air-Foam hose application type, one unit consisting of Pyrene foam dual proportioning tank, Model PPT10D–3 (Assembly Dwg. No. D–9966, Rev. January 9, 1946, Name Plate Dwg. No. B–15673, dated December 1, 1948, indicating that tank is to be filled with Pyrene Foam Compound PPR5H or PPR5L), with Pyrene foam playpipe, Model PP35SF, (Assembly Dwg. No. C–9929, dated May 6, 1944), approved for a superficial liquid area not exceeding 600 square feet; multiple units may be used to protect greater areas in the ratio of one unit for each 600 square feet or fraction thereof to be protected, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

(R. S. 4417a, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR 34.3–2)

Dated: April 26, 1949.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 49–3402; Filed, Apr. 29, 1949; 8:54 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Department of the Army

UNITED STATES MILITARY GOVERNMENT FOR GERMANY

EXPORT IMPORT INFORMATION

Instructions and Memoranda controlling exports from Germany and imports into Germany, published in 14 F. R. 244, January 18, 1949, amended in 14 F. R. 660, February 15, 1949, 14 F. R. 1066, March 9, 1949, 14 F. R. 1302, March 23, 1949, and 14 F. R. 1828, April 15, 1949, are further amended by the addition of Addendum "C", JEIA Instruction No. 1, Revision No. 1, as follows:

JEIA INSTRUCTION No. 1

[Revision 1, Addendum "C"]

(Effective Date, April 11, 1949)

SUBJECT: EXPORT PROCEDURE

OBJECT

To extend the operation of JEIA Instruction No. 1, Revision No. 1, as amended, to the French Zone of Occupied Germany, effective April 11, 1949, upon the following terms and conditions:

1. Wherever the terms "VfW" or "competent German authority designated by VfW" appears in said instruction, the words "appropriate Landeswirtschaftsministerium (LWM) at Freibourg, Tubingen or Koblenz," will be substituted.

2. Where an export license has been issued by the JEIA Branch Office for French Zone at Baden-Baden prior to the effective date of this Addendum said export license shall remain valid and in effect during its period of validity. If the export is made across the French Zone of Occupied Germany frontiers, the exporter will make his export under his existing export license and no ECD will be required. If the export is to be made across the US or UK Zone of Occupied Germany frontiers, the export license shall be returned to the JEIA Branch Office at Baden-Baden for cancellation and the export shall be accompanied by an ECD. Each outstanding export license will expire on the expiration date stated on the license and no renewal of any such export license will be granted. After the expiration of an existing export license an ECD will be required with each export. As of the effective date of this Addendum no further export licenses will be granted in the French Zone of Occupied Germany and all exports shall be accompanied by ECDs.

3. Wherever the term "Military Governments for Germany US/UK" appears in said instruction, the term "Military Governments for Germany US/UK and France" will be substituted.

4. All provisions of JEIA Instruction No. 1, Revision No. 1 shall be in full force and effect in connection with exports from the French Zone of Occupied Germany except as herein specifically otherwise provided.

Date of issuance: April 5, 1949.

For the Director General.

C. E. BINGHAM,
Director,
Foreign Trade Division.

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

[F. R. Doc. 49–3358; Filed, Apr. 29, 1949; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 33227]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM BLUE-SOUTH PLATTE PROJECT

APRIL 25, 1949.

An order of the Bureau of Reclamation dated January 31, 1949, concurred in by the Associate Director, Bureau of Land Management, February 8, 1949, revoked the Department Order of March 15, 1946, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described lands in connection with the Blue-South Platte Project, Colorado, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

SIXTH PRINCIPAL MERIDIAN

T. 5 S., R. 76 W.,
Sec. 18, SE¼SE¼;
Sec. 19, NE¼NE¼.

The lands are withdrawn for national forest purposes.

This order shall not become effective to change the status of the lands until 10:00 a. m. on the 35th day after the date of this order.

Inquiries concerning the lands shall be addressed to the Manager, District Land Office, Denver, Colorado.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49-3355; Filed, Apr. 29, 1949; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3649]

EMPIRE AIR LINES, INC.

NOTICE OF HEARING

In the matter of extending the effectiveness of the temporary certificate of public convenience and necessity of Empire Air Lines, Inc., for route No. 78 from September 27, 1949, the expiration date of its certificate, to December 31, 1950, inclusive.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that the above-entitled proceeding is assigned for hearing Monday, May 9, 1949, at 10:00 a. m. (eastern daylight saving time) in Room 2015, Temporary Building No. 5, 16th Street and Constitution Avenue NW, Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

(1) Whether the public convenience and necessity require the extension of the effectiveness of the temporary certificate of public convenience and necessity of Empire Air Lines, Inc., for route No. 78 from September 27, 1949, the expiration date of the certificate, to December 31, 1950, inclusive.

(2) Whether Empire Air Lines, Inc., is fit, willing, and able to perform the service which may be authorized under an amended certificate authorizing such extension and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding must file with the Board on or before May 9, 1949, a statement setting forth the issues of fact or law which he desires to controvert.

Dated at Washington, D. C., April 27, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-3401; Filed, Apr. 29, 1949; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6209]

BLUE RIDGE ELECTRIC COOPERATIVE, INC.

NOTICE OF DECLARATION OF INTENTION

APRIL 25, 1949.

Notice is hereby given that Blue Ridge Electric Cooperative, Inc., of Pickens, S. C., has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a water power project on the Keowee River. Keowee River is a tributary of the Seneca River which in turn, empties into the Savannah River. The proposed plant would supply energy for transmission through the declarant's existing system for the use of REA cooperative customers in the area, and where feasible, energy would be supplied to REA cooperatives in contiguous areas.

The proposed project would consist of a rolled earth dam about 150 feet in maximum height and having crest length of 1,400 feet, to be located at the Old Pickens site about 3,000 feet upstream from State Highway No. 183; a spillway equipped with tainter gates; two low dikes, a reservoir with surface area of 8,400 acres extending 18 miles upstream and having total storage capacity of 392,000 acre-feet and usable storage capacity of 180,000 acre-feet with a 25-foot drawdown; a powerhouse with installed capacity of 21,000 horsepower; and appurtenant facilities.

The proposed project will be investigated by the Commission and if, upon such investigation, the Commission finds that the projects will affect the interests of interstate or foreign commerce, the proposed construction may not be commenced until a license is applied for and received. If the proposed project does not require license authority from the Commission, it may be constructed merely upon compliance with applicable state law.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3359; Filed, Apr. 29, 1949; 8:46 a. m.]

[Docket No. G-1194]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 26, 1949.

Notice is hereby given that on April 13, 1949, Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, filed an application with the Federal Power Commission pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing Applicant to construct and operate an 8⅝ inch O. D. branch line approximately 2.31 miles in length, together with appurtenances thereto, extending in an easterly direction from a point of interconnection with Applicant's 16-inch Omaha, Nebraska, branch line in section 34, Township 14 North, Range 13 East, Sarpy County, Nebraska, to a regulating station proposed to be constructed by Applicant in section 36, Township 14 North, Range 14 East, Sarpy County, Nebraska.

Applicant states that the service to be rendered by the construction of the facilities hereinbefore described is the delivery and sale of gas by it to Peoples Natural Gas Company for resale on an interruptible basis to the Nebraska Public Power System Power Plant in Bellevue, Nebraska. Moreover, Applicant states that the facilities proposed herein will be used to provide an additional delivery point for gas sold in the Fort Crook, Nebraska, area.

Applicant proposes to begin the construction of the facilities hereinbefore described as soon as practicable after the issuance of a certificate of public convenience and necessity by the Commission and expects to complete such construction by July 1, 1949. The Applicant states that the proposed facilities will enable it to deliver 2,228,000 Mcf to Peoples Natural Gas Company for resale to the Nebraska Public Power Plant in Bellevue, Nebraska, during the first year of operation, and 6,300,000 Mcf during the fifth year.

The estimated overall capital cost of the proposed facilities is $58,700, and such costs will be financed out of the general funds of Applicant.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Northern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§1.8 or 1.10, whichever is applicable, of the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3360; Filed, Apr. 29, 1949; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

SPECIAL DELEGATION OF AUTHORITY

Sec. IV, *Special delegation of authority*, paragraph a (14 F. R. 1627) is amended by changing "April 1, 1949" to read "June 1, 1949".

Approved: April 25, 1949.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 49-3354; Filed, Apr. 29, 1949; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2083]

WISCONSIN PUBLIC SERVICE CORP.

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 25th day of April 1949.

Wisconsin Public Service Corporation ("Wisconsin"), a public utility subsidiary of Standard Gas and Electric Company, a registered holding company, has filed a declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), particularly sections 6 (a) and 7 thereof, with respect to the following proposed transactions:

Wisconsin proposes to issue and sell notes in the total principal amount of $1,500,000 to the following banks: The Chase National Bank of the City of New York, New York, New York; Harris Trust and Savings Bank, Chicago, Illinois; Irving Trust Company, New York, New York; Marshall & Ilsley Bank, Milwaukee, Wisconsin; Marine National Exchange Bank, Milwaukee, Wisconsin; and The Security National Bank, Sheboygan, Wisconsin. These notes will be dated May 1, 1949, to be due November 1, 1949, will bear interest at the rate of 2⅛% per annum and may be prepaid by Wisconsin without penalty when permanent financing is completed. The proceeds of the sale of these notes will be used for construction requirements of the company.

Wisconsin states that no Commission other than this Commission has jurisdiction over the proposed transactions.

Such declaration and amendment thereto having been duly filed and notice of the filing of the declaration, as amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated under the 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 the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

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

By the Commission.

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

[F. R. Doc. 49-3364; Filed, Apr. 29, 1949; 8:48 a. m.]

[File No. 70-2040]

NORTHERN STATES POWER CO.

MEMORANDUM OPINION AND ORDER RELEASING JURISDICTION AS TO LEGAL AND ACCOUNTING FEES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of April A. D. 1949.

This matter involved the issuance and sale, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder, of $10,000,000 principal amount of First Mortgage Bonds by Northern States Power Company, a Wisconsin corporation and subsidiary of Northern States Power Company, a Minnesota corporation and a registered holding company.

In our order of February 21, 1949 granting the application, and in our supplemental order of March 2, 1949 approving the results of competitive bidding, we reserved jurisdiction with respect to legal and accounting fees applicable to the transaction.

The claims for legal services are:

Flynn, Clerkin & Hansen, of Chicago, Ill., counsel to the issuer	$7,500
Campbell & Riley, of Eau Claire, Wis., counsel to the issuer	4,000
Gardner, Carton & Douglas, of Chicago, Ill., independent counsel to the underwriters	6,000

The claims for accounting services are:

Haskins & Sells, of Minneapolis, Minn.	$3,960
Arthur Andersen & Co., of Minneapolis, Minn	600

The claimants have filed statements showing the character of their several services and the amount of time devoted thereto; from which it appears that the claims are not unreasonable and that we may appropriately release our reserved jurisdiction over them.

It is therefore ordered, That the reservation of jurisdiction heretofore made as to legal and accounting fees be and the same hereby is released.

By the Commission.

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

[F. R. Doc. 49-3365; Filed, Apr. 29, 1949; 8:49 a. m.]

[File No. 7-1099]

OHIO EDISON CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

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

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock $8 Par Value of Ohio Edison Company, a security listed and registered on the Cleveland Stock Exchange and on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 24, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

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

[F. R. Doc. 49-3366; Filed, Apr. 29, 1949; 8:49 a. m.]

[File No. 70-2101]

COLUMBIA GAS SYSTEM, INC.

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 25th day of April 1949.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, regarding the making of a cash contribution of $600,000 to Home Gas Company, a wholly owned subsidiary of Columbia, such contribution to be used by Home for construction, and regarding a further contribution to Home of $300,000 by forgiving non-interest-bearing loans presently owing to Columbia by Home.

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

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

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the

declaration be, and same hereby is, permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-3367; Filed, Apr. 29, 1949; 8:49 a. m.]

[File No. 70-2087]

TOLEDO EDISON CO.

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 25th day of April A. D. 1949.

The Toledo Edison Company ("Toledo"), a public utility subsidiary of Cities Service Company, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder regarding the issuance and sale of $2,500,000 principal amount of First Mortgage Bonds, --% Series, due 1979, pursuant to the competitive bidding provisions of Rule U-50 and the application of the proceeds therefrom to provide part of the funds required by Toledo for construction of property additions; and

The application having been filed on March 18, 1949, and the last amendment thereto having been filed on April 21, 1949, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Toledo is entitled to an exemption from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b) thereof, it appearing that the issuance of said bonds is solely for the purpose of financing the business of Toledo and that the Public Utilities Commission of Ohio, the State Commission of the State in which Toledo is organized and doing business, has expressly authorized the proposed issuance and sale of said bonds, and that there is no basis for the imposition of terms and conditions other than those hereinafter stated; and

It appearing from the filing that the fees and expenses to be incurred in connection with the proposed transaction are estimated at an aggregate amount of $51,400 in which are included $12,000 for legal fees of counsel, $350 payable to Electric Advisers, Inc., a system service company, and $4,800 and $200, respectively, for fees and expenses of independent counsel for the underwriters, to be paid by the successful bidder or group of bidders for the bonds; and it further appearing that the record is not complete with respect to the fees and expenses of all counsel and that the other fees and expenses, if they do not exceed the estimates, do not appear to be unreasonable; and

The Commission deeming it appropriate to grant the request of the applicant that the ten day period provided by Rule U-50 for invitation of bids be shortened to six days and that the order herein become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted forthwith, subject to a reservation of jurisdiction with respect to the payment of all fees and expenses for legal services incurred or to be incurred in connection with the proposed transaction including those of independent counsel for underwriters, and subject to the terms and conditions prescribed in Rule U-24 and to the additional condition that the proposed sale of bonds by Toledo 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 shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved at this time for such purpose.

It is further ordered, That the ten day notice period provided by Rule U-50 for invitation of bids, be, and the same hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-3368; Filed, Apr. 29, 1949; 8:49 a. m.]

[File No. 70-2092]

TEXAS ELECTRIC SERVICE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION 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 26th day of April A. D. 1949.

Texas Electric Service Company ("Texas Electric"), a direct subsidiary of Texas Utilities Company ("Texas Utilities"), a registered holding company and an indirect subsidiary of American Power & Light Company and Electric Bond and Share Company, also registered holding companies, having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-50 thereunder, regarding the issue and sale at competitive bidding of $8,000,000 principal amount of its First Mortgage Bonds, --% Series, due 1979; and

The Commission having by order dated April 14, 1949, permitted said declaration, as amended, to become effective, subject to the condition that the proposed issue and sale of bonds 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 by the Commission in the light of the record so completed, and subject to a reservation of jurisdiction with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions; and

Texas Electric having filed a further amendment to its declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to an invitation for competitive bids for the bonds have been received:

Bidding group headed by—	Coupon rate	Price to company	Cost to company
Union Securities Corp.	2¾	100.65	2.8421
Salomon Bros & Hutzler	2¾	100.618	2.8442
Halsey, Stuart & Co., Inc.	2¾	100.40991	2.8545
The First Boston Corp.	2¾	100.27	2.8615
Blythe & Co., Inc. Kidder, Peabody & Co. Carl M. Loeb, Rhoades & Co.	2¾	100.089	2.8705
Harriman Ripley & Co., Inc.	3	102.13	2.8933
Hemphill, Noyes & Co. Drexel & Co.	3	102.085	2.8955

Said amendment to the declaration having further set forth that Texas Electric has accepted the bid of Union Securities Corporation as shown above and that said bonds will be offered for sale to the public at a price of 101.108% of the principal amount thereof plus accrued interest from April 1, 1949 to the date of delivery, resulting in an underwriters' spread of .448% of the principal amount of said bonds; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms and conditions, other than those contained in Rule U-24, with respect to said matters;

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said Bonds under Rule U-50 be, and the same hereby is, released, and that the said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions contained in Rule U-24.

It is further ordered, That the reservation of jurisdiction contained in our order of April 14, 1949, with respect to fees and expenses in connection with the issue and sale of said Bonds, including fees payable to counsel for the successful bidders, be, and the same hereby is continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-3369; Filed, Apr. 29, 1949; 8:49 a. m.]

[File No. 70-1949]

UNITED GAS CORP. AND ELECTRIC POWER & LIGHT CORP.

NOTICE OF FILING

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

Notice is hereby given that Electric Power & Light Corporation ("Electric"), a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company, and Electric's gas utility subsidiary, United Gas Corporation ("United"), have filed an application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7 and 12 (f) thereof, with respect to certain proposed amendments of the charter and by-laws of United and the composition of the board of directors of United.

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

On March 1, 1949, the Commission issued its Findings and Opinion approving a plan of reorganization of Electric (Holding Company Act Release No. 8889), and on March 7, 1949, the Commission issued its Order approving said plan as amended in accordance with the Commission's Opinion, reserving jurisdiction over, among other things, the application of United theretofore filed with respect to certain charter amendments and the composition of the board of directors of United.

United proposes to amend its certificate of incorporation so as to provide for (a) cumulative voting to the common stockholders at all elections of directors effective after the expiration of one year from the date such amendment becomes effective; (b) preemptive rights to stockholders with respect to any offering of common stock or security convertible into common stock for money, other than with respect to a public offering of such shares; (c) a majority vote of the common stock to amend or repeal the by-laws with respect to the qualifications, terms of office, and compensation of directors, the filling of vacancies on the board of directors, and quorum requirements for stockholders' meetings; (d) deletion of the present provisions giving the board of directors authority to determine what part of the consideration from the sale of new shares of common stock shall be capital; and (e) deletion from the Certificate of Incorporation of such provisions as are inconsistent with (a), (b), (c) and (d) above.

It is proposed that the by-laws of United be amended to provide that a majority of the shares of stock shall constitute a quorum. The other proposed amendments to the by-laws relate to proxy provisions, the number, compensation and term of office of directors, and provisions for amending the by-laws.

The application-declaration states that the President of United will recommend at the board of directors' meeting on April 27, 1949, that the board fix the close of business of May 9, 1949, as the record date for voting at the annual stockholders' meeting of United to be held on June 15, 1949.

It is indicated that the management of Electric contemplates recommending to its board of directors that the consummation dates of Parts I, II, and III of the plan of Electric (those parts relating to creation of Middle South Utilities, Inc., settlement of intercorporate claims, and distributions to the preferred stockholders of Electric) be fixed at a date subsequent to May 9, 1949, but prior to June 15, 1949, the date of United's annual meeting.

In order to carry out the provisions of the plan and the Commission's order concerning the termination of interlocking relationships between United and Middle South Utilities, Inc., the application-declaration states that the management of United is presently consulting with representative stockholders, including those who will be stockholders upon the consummation of the Electric plan.

It is the proposal of Electric that it, as the holder of 94.9% of the common stock of United on the record date, will vote its stock in favor of the above described amendments to the charter of United and in favor of such slate of directors as shall be submitted by United and approved by this Commission.

Prior to the issuance of an order herein an appropriate amendment will be submitted setting forth the proposed slate of directors of United, their background and the discussions leading up to their selection.

Notice is further given that any interested person may request the Commission in writing that a hearing or argument be held on such matters, or may request that he be notified if the Commission should order a hearing thereon. Any person so objecting or any person desiring a copy of the slate of the board of directors and the explanatory material to be submitted therewith shall file such objection, or request such information, by letter filed with the Secretary of the Commission on or before May 9, 1949, at 11:30 a. m., e. d. s. t. Should there be no such objection or request for a copy of the slate of the board of directors at that time, the Commission may, at any time thereafter, grant and permit to become effective said application-declaration, as further amended at that time. Should requests for copies of the slate of the board of directors be filed, the Commission shall afford opportunity until May 13, 1949, at 5:30 p. m., e. d. s. t., or such later time as may be granted for appropriate reasons, for the filing of any such request for hearing or argument. Any request for hearing or argument shall set forth the nature of the interest asserted, the reasons for such request, and the issues, if any, of fact or law raised by said application-declaration, or the amendment thereto, desired to be controverted or argued. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 13, 1949, at 5:30 p. m., e. d. s. t., or such later time as the Commission may grant for the filing of requests for hearing or argument (and unless this application-declaration shall have been granted and permitted to become effective earlier, as heretofore provided), said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof, without the issuance of further notice.

By the Commission.

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

[F. R. Doc. 49-3370; Filed, Apr. 29, 1949; 8:49 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 13130]

RIYOSHIN OKANO

In re: Debt owing to Riyoshin Okano. D-39-18040-C-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 Riyoshin Okano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the trustees for the creditors and stockholders of Pacific Bank (in dissolution), P. O. Box 1200, Honolulu, T. H., arising out of a savings account in the name of Riyoshin Okano, maintained with said Bank, and a check in payment thereof payable to Riyoshin Okano and drawn on the Bishop National Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., numbered 11700, dated March 1, 1948 and in the amount of $140.75, and presently in the custody of the trustees for the creditors and stockholders of the Pacific Bank (in dissolution), P. O. Box 1200, Honolulu, T. H., 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 rights to possession and presentation for payment of the aforesaid check,

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 April 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3375; Filed, Apr. 29, 1949; 8:50 a. m.]

[Vesting Order 13134]

REV. S. TAKUMIYO

In re: Debt owing to Rev. S. Takumiyo also known as Rev. S. Takumyo. F-39-3350-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 Rev. Takumiyo also known as Rev. S. Takumyo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation evidenced by check No. 282, dated December 27, 1944, issued by the Supervisor of Pacific Bank, payable to Rev. S. Takumiyo, in the amount of $148.75 and presently in the custody of The Trustees for the Creditors and Stockholders of Pacific Bank in Dissolution, P. O. Box 1200, Honolulu, Territory of Hawaii, 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, the aforesaid check,

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, Rev. S. Takumiyo also known as Rev. S. Takumyo, 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 April 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3374; Filed, Apr. 29, 1949; 8:50 a. m.]

[Vesting Order 13118]

CHRISTINA BIRMELE

In re: Bank account owned by Christina Birmele. F-28-29260-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 Christina Birmele on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Hoboken Bank for Savings, Hoboken, New Jersey, arising out of a savings account, account number 162933, entitled August Birmele or Christina Birmele, 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, Christina Birmele, 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 April 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3376; Filed, Apr. 29, 1949; 8:50 a. m.]

[Vesting Order 13140]

TAMEJIRO YOKOYAMA

In re: Bank account owned by Tamejiro Yokoyama. F-39-6404-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 Tamejiro Yokoyama, whose last know address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Receiver's Liability Number 3344, entitled Tamejiro Yokoyama, 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, Tamejiro Yokoyama, 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 April 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3377; Filed, Apr. 29, 1949; 8:50 a. m.]

[Vesting Order 13153]

CARL SCHMIDT

In re: Estate of Carl Schmidt, deceased. File No. D-28-12475; E. T. sec. 16706.

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 Marianne Opperman, Heinrich (Henry) Schmidt, Wilhelm Schmidt, Theodor Schmidt, Anna Behrens, and Berta Schridde, whose last known address was, on February 25, 1949, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $5,289.32 was paid to the Attorney General of the United States by Charles G. Seidel, as administrator *de bonis non* of the estate of Carl Schmidt, deceased;

3. That the said sum of $5,289.32 was accepted by the Attorney General of the United States on February 25, 1949, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $5,289.32 is presently in the possession of the Attorney General of the United States and was 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 was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

(5) That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on February 25, 1949, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

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.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

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 April 13, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3378; Filed, Apr. 29, 1949; 8:50 a. m.]

[Vesting Order 13165]

AUGUSTE A. HIMMLER

In re: Rights of Auguste A. Himmler under insurance contract. File No. F-28-7130-H-1.

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

1. That Auguste A. Himmler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2674, issued by The Connecticut Mutual Life Insurance Company, Hartford, Connecticut, to Auguste A. Himmler, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (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 April 20, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3379; Filed, Apr. 29, 1949; 8:50 a. m.]

[Vesting Order 13166]

BUN IKEGAMI

In re: Rights of Bun Ikegami, a/k/a Bun Nawa, under Insurance Contract. File No. D-39-18790-H-1.

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

1. That Bun Ikegami, a/k/a Bun Nawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 0266-43013, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Yasburo Ikegami, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 20, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3380; Filed, Apr. 29, 1949; 8:50 a. m.]

[Vesting Order 13167]

HEINRICH ALBIN LANGE

In re: Estate of Heinrich Albin Lange, also known as Albin Henry Saxe, deceased. File No. F-66-24; Et. sec. 685).

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 Paul Otto Lange and Karl Richard Weber, legal guardian of Paul Otto Lange, Olga Schneider, Paula Else Baldauf, Ernst Friedrich Lange, Max Lange, Paul Lange, Ella Boerner, Martha Kirchbach, Frieda Lange, Ewald Lange, Arno Lange, and Hedwig Mathes, 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 identified in subparagraph 1 hereof, and each of them, in and to the estate of Heinrich Albin Lange, also known as Albin Henry Saxe, 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 Gustav Detjen, as Ancillary Executor, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified 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 April 20, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3381; Filed, Apr. 29, 1949; 8:50 a. m.]

[Vesting Order 13172]

JOSEPH BAUER

In re: Bank account owned by Joseph Bauer. F-28-28964-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 Joseph Bauer, whose last known address is Teuschnitz 20, Oberfranken, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Joseph Bauer, by United States Savings Bank of Newark, New Jersey, 772-4 Broad Street, Newark 2, New Jersey, arising out of a Savings Account, account number 93989, entitled Joseph Bauer, 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 April 20, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3382; Filed, Apr. 29, 1949; 8:51 a. m.]

[Vesting Order 13175]

KUNZO KANAI AND HENRY KITAOKA

In re: Savings accounts owned by Kunzo Kanai and Henry Kitaoka. F-39-5854-E-1, F-39-5855-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 Kunzo Kanai, whose last known address is Hiroshima, Asa, Karuga, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That Henry Kitaoka, whose last known address is #43, Nakama Toyono-Mura, Schimomashiki-gun, Kumamoto Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation owing to Kunzo Kanai, by Western Loan and Building Company, 45 East 1st South Street, Salt Lake City, Utah, arising out of a deferred payment account, Account Number 23891, maintained at the aforesaid loan and building 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 Kunzo Kanai, the aforesaid national of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation owing to Henry Kitaoka, by Western Loan and Building Company, 45 East 1st South Street, Salt Lake City, Utah, arising out of an "'A' Certificate and Deferred payment" account, Account Number 13947, maintained at the aforesaid loan and building 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 Henry Kitaoka, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 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 April 20, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3383; Filed, Apr. 29, 1949; 8:51 a. m.]

[Vesting Order 13176]

YOSHIAKI KAWAOKA

In re: Bank account owned by Yoshiaki Kawaoka. F-39-4365-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 Yoshiaki Kawaoka, whose last known address is Hiroshima-ken, Saiki-gun, Miya Uchi-mura, 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 Yoshiaki Kawaoka, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, account number 158-A, entitled Kawaoka, Yoshiaki, maintained at the branch office of the aforesaid bank located at Arroyo Grande, California, 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 April 20, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3384; Filed, Apr. 29, 1949; 8:51 a. m.]

[Vesting Order 13177]

MARGARETHE CHARLOTTE EUGENIE KLINGLER

In re: Debt owing to Margarethe Charlotte Eugenie Klingler also known as Margarethe Gwinner Klingler and as Margarethe Klinger. F-28-26419-A-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 Margarethe Charlotte Eugenie Klingler also known as Margarethe Gwinner Klingler and as Margarethe Klinger, whose last known address is 32D Ostfeldstrasse, Hannover-Kirchrode, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Dominick & Dominick, 14 Wall Street, New York, New York, in the amount of $203.12, as of December 31, 1945, arising out of the collection by the said Dominick & Dominick on November 26, 1941, of the proceeds of coupons due April 1, 1938, from twenty-five (25) United States of Brazil 6½% Bonds, and representing a portion of an account entitled Union de Banques Suisses, Zurich, Switzerland, Special G. R. No. 6 Account maintained with Dominick & Dominick, together with any and all accruals to the aforesaid debt or other obligation, 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, Margarethe Charlotte Eugenie Klingler also known as Margarethe Gwinner Klingler and as Margarethe Klinger, 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 April 20, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3385; Filed, Apr. 29, 1949; 8:51 a. m.]

[Vesting Order 13179]

T. MIZUKAMI

In re: Bank account owned by T. Mizukami, also known as Tadayoshi Mizukami, and as Tadayori Mizukami. D-39-8600-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 T. Mizukami, also known as Tadayoshi Mizukami, and as Tadayori Mizukami, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to T. Mizukami, also known as Tadayoshi Mizukami, and as Tadayori Mizukami, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a savings account, account number 14208, entitled T. Mizukami, maintained at the branch office of the aforesaid bank located at 863 South San Pedro Street, Los Angeles, California, 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 April 20, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3386; Filed, Apr. 29, 1949; 8:51 a. m.]

[Return order 308]

WILLEM NICOLAAS VAN DRANEN

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

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

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

Willem Nicolaas van Dranen de Bilt, The Netherlands, Claim No. 6561; March 16, 1949 (14 F. R. 1205); Property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942) relating to United States Patent Application Serial No. 326,773 (now United States Letters Patent No. 2,313,304). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 25, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3388; Filed, Apr. 29, 1949; 8:51 a. m.]

[Vesting Order 13180]

TSUJIO MUROI

In re: Bank account owned by Tsujio Muroi. D-39-19224-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 Tsujio Muroi, whose last known address is Hiroshima-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 obli-

gation owing to Tsujio Muroi, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, account number 5500, entitled Tsujio Muroi, maintained at the branch office of the aforesaid bank located at West Fresno, California, 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 April 20, 1949.

For the Attorney General.

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

[F. R. Doc. 49-3387; Filed, Apr. 29, 1949; 8:51 a. m.]

[Return Order 311]

ANNA ELISSA GENTILLI

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

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

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

Anna Elissa Gentilli a/k/a Anna Elisa Gentilli Trieste, Venezia Giulia, Claim No. 12143; March 17, 1949 (14 F. R. 1226); $39,956.61 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Anna Elissa Gentilli in and to the Estate of Camillo Gentilli, deceased.

Appropriate documents and papers effectuating this order will issue.

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

For the Attorney General.

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

[F. R. Doc. 49-3390; Filed, Apr. 29, 1949; 8:52 a. m.]

[Return Order 310]

HILDEGARD BAECK BIERMANN

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

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

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

Hildegard Baeck Biermann, New York, N. Y.; March 11, 1949 (14 F. R. 1117); $1,966.00 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

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

For the Attorney General.

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

[F. R. Doc. 49-3389; Filed, Apr. 29, 1949; 8:52 a. m.]

ARIEN DEKKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Arien Dekker, Fynaart N. B., The Netherlands; 6021; The property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942) relating to United States Patent Application Serial No. 332,417 (now United States Letters Patent No. 2,367,460).

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

For the Attorney General.

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

[F. R. Doc. 49-3392; Filed, Apr. 29, 1949; 8:52 a. m.]

[Return Order 316]

INDEPENDENT ALUMINUM CORP.

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

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

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

Independent Aluminum Corporation, New York, N. Y., Claim No. A-115; March 12, 1949 (14 F. R. 1150); All right, title and interest of the Attorney General in and to United States Letters Patent No. 2,198,673 vested by Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) and in and to the Reissue thereof, No. 22,270. This return shall not be deemed to include the rights of any licensee under the above patent.

Appropriate documents and papers effectuating this order will issue.

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

For the Attorney General.

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

[F. R. Doc. 49-3391; Filed, Apr. 29, 1949; 8:52 a. m.]

JEREMIAS H. LEDEBOER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jeremias H. Ledeboer, Velsen, The Netherlands; 4451; All interests and rights created in Jeremias H. Ledeboer (to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order No. 1453, 8 F. R. 10522, July 28, 1943) by virtue of an agreement dated December 19, 1922, (including all modifications thereof and supplements thereto, if any) by and between Jeremias H. Ledeboer and the Freyn Engineering Company relating, among other things to United States Patent No. 1,508,560 and royalties accrued thereunder in the amount of $954.95.

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

For the Attorney General.

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

[F. R. Doc. 49-3393; Filed, Apr. 29, 1949; 8:52 a. m.]

ROBERT TADASHI ISHII

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Robert Tadashi Ishii; 5383; Real property situated in the County of Santa Barbara, State of California, particularly described as: Lots 5 and 6 in Block 3 of Fesler's Addition, in the City of Santa Maria, County of Santa Barbara, State of California, according to the "Supplemental Plat," recorded December 20, 1886 in Book 1, page 43 of Maps and Surveys, in the Office of the County Recorder of said County, Lots 1, 2, 3, 4 and 5 in Block 3 of Curryer and Smith's Addition to the City of Santa Maria, in the County of Santa Barbara, State of California, according to the map on file in the Office of the County Recorder of said County, Lots 1 and 2 in Block 4 of Fairmead Addition, in the City of Santa Maria, County of Santa Barbara, State of California, according to the Amended Map thereof recorded January 18, 1923 in Book 15, page 14 of Maps, records of said County, Lots 4 of Grisingher and DeGaspari's Addition to the Town of Guadalupe, in the County of Santa Barbara, State of California, being a subdivision of portion of Lot 3 of Rancho Guadalupe, according to the map thereof recorded in Book 15, pages 136 and 137, of Maps, in the Office of the County Recorder of said County, together with all hereditaments, fixtures, improvements and appurtenances thereto; $17,813.85 in the Treasury of the United States.

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

For the Attorney General.

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

[F. R. Doc. 49-3394; Filed, Apr. 29, 1949; 8:53 a. m.]