FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

VOLUME 14 NUMBER 67

Washington, Friday, April 8, 1949

TITLE 3—THE PRESIDENT

PROCLAMATION 2834

WORLD TRADE WEEK, 1949

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS international trade provides the medium by which the nations of the world exchange the products of their resources and skills; and

WHEREAS the expansion of import and export trade improves standards of living, encourages full employment of labor and productive facilities, and speeds the development of human and natural resources throughout the world, thus laying the foundation for lasting world prosperity and peace; and

WHEREAS the United States advocates the removal of unnecessary restrictions and discriminations in international trade and accordingly has initiated a reciprocal - trade - agreements program and has taken steps in concert with other nations toward the establishment of an International Trade Organization:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the week commencing May 22, 1949, as World Trade Week; and I urge the appropriate officials of the several States, Territories, and possessions of the United States, as well as the municipalities and other political subdivisions of the country, to cooperate in the observance of that week.

I also invite business, educational, and civic groups, and the people of the United States generally, to observe World Trade Week with ceremonies, exhibits, and other appropriate activities.

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

DONE at the City of Washington this 5th day of April in the year of our Lord nineteen hundred and forty-nine, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 49-2714; Filed, Apr. 6, 1949; 12:40 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

AGENCY AUTHORITY TO MAKE TEMPORARY APPOINTMENTS

Subparagraphs (2), (3) and (4) of § 2.114 (e) are amended as follows:

The periods at the end of the second sentences in subparagraphs (2) and (3), and at the end of the first sentence of subparagraph (4) are changed to semicolons and the following added: "*Provided*, That whenever the making of an appointment requires the determination that some person is physically disqualified for appointment, the agency must obtain a decision from the Commission."

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

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

[F. R. Doc. 49-2622; Filed, Apr. 7, 1949; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, as reorganized and revised (13 F. R. 9376), is amended by adding said county, average value, and investment limit to the tabulations appearing in said section under the State of Georgia.

(Continued on p. 1665)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CODIFICATION GUIDE

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

GEORGIA

County	Average value	Investment limit
Liberty	$5,500	$5,500

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 5th day of April 1949.

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

[F. R. Doc. 49-2638; Filed, Apr. 7, 1949; 8:55 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, as reorganized and revised (13 F. R. 9376), are hereby superseded by the average values and investment limits set forth below for said counties.

GEORGIA

County	Average value	Investment limit
Baker	$6,500	$6,500
Carroll	7,000	7,000
Lee	6,000	6,000
Spalding	6,250	6,250

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 5th day of April 1949.

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

[F. R. Doc. 49-2639; Filed, Apr. 7, 1949; 8:55 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, as reorganized and revised (13 F. R. 9376), are hereby superseded by the average value and the investment limit set forth below for said county.

MINNESOTA

County	Average value	Investment limit
Beltrami	$5,000	$5,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 5th day of April 1949.

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

[F. R. Doc. 49-2640; Filed, Apr. 7, 1949; 8:55 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, as reorganized and revised (13 F. R. 9376), is amended by adding said counties, average values, and investment limits to the tabulations appearing in said section under the State of Minnesota.

MINNESOTA

County	Average value	Investment limit
Cook	$5,500	$5,500
Lake	5,500	5,500

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 5th day of April 1949.

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

[F. R. Doc. 49-2641; Filed, Apr. 7, 1949; 8:55 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, as reorganized and revised (13 F. R. 9376), are hereby superseded by the average values and investment limits set forth below for said counties.

NORTH CAROLINA

County	Average value	Investment limit
Alleghany	$8,000	$8,000
Moore	8,000	8,000
Person	8,000	8,000
Surry	8,000	8,000

(Secs. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 5th day of April 1949.

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

[F. R. Doc. 49-2642; Filed, Apr. 7, 1949; 8:55 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 92—IMPORTATION OF LIVESTOCK INTO THE UNITED STATES (EXCEPT FROM MEXICO)

INSPECTION AND QUARANTINE OF LIVESTOCK AND OTHER ANIMALS

On February 1, 1949, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 49-745; 14 F. R. 443) regarding a proposed amendment of § 92.20 of the regulations governing the inspection and quarantine of livestock and other animals offered for importation (except from Mexico) (9 CFR, 1944 Supp., 92.20). Pursuant to the authority conferred upon the Secretary of Agriculture by sections 6, 7, 8, and 10 of the act of Congress approved August 30, 1890, as amended (21 U. S. C. 102-105), and section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 1946 ed. 111) and after consideration of the proposals contained in said notice of rule making and all material submitted in connection therewith, § 92.20 is hereby amended to read as follows:

§ 92.20 *Cattle from Canada*—(a) *Health certificates; detention at port of entry.* Cattle offered for importation from Canada shall be accompanied by an official veterinarian's certificate showing that he has inspected the said cattle and found them free from any evidence of communicable disease and that, as far as he has been able to determine, they have not been exposed to any such disease during the preceding 60 days. Any such cattle may be detained at the port of entry and there subjected to such tests as may be required by the Chief of Bureau, and the importer shall be responsible for the care, feeding and handling of such cattle during the period of detention.

(b) *Tuberculin-test certificates.* Importations of cattle from Canada, for purposes other than slaughter as provided in § 92.23, shall be in compliance

with the following conditions and requirements:

(1) Cattle from Canadian-listed tuberculosis-free accredited herds shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that said herds have been tuberculin tested within one year of the date of importation. The date of such tuberculin test shall be shown on the certificate.

(2) Cattle from herds in accredited areas in Canada, other than accredited herds, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from herds in such areas and that the animals offered for entry have been tuberculin tested with negative results within 30 days preceding their offer for entry. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(3) Cattle from herds in restricted areas in Canada—other than range cattle and cattle from accredited herds—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (i) that they have been tuberculin tested with negative results within 30 days preceding their offer for entry, (ii) that all cattle in the herd or herds from which the animals proceed have been tuberculin tested with negative results not more than 12 months nor less than 90 days before the date of the offer for entry, and (iii) that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd tests. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(4) Range cattle of the beef types shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be range cattle and that they have been tuberculin tested with negative results within 30 days preceding their offer for entry.

(5) No cattle other than range cattle or those from accredited herds shall be imported from areas in Canada that are neither restricted nor accredited under Canadian regulations, except for slaughter as provided in § 92.23.

(c) *Brucellosis-test certificates.* Cattle six months old or more offered for importation from Canada—except steers, spayed heifers, and all cattle for immediate slaughter—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to have been tested for brucellosis (Bang's disease) with negative results within 30 days preceding their offer for entry. However, cattle from Canadian brucellosis-free listed herds need not be so tested if it is shown on the accompanying certificates that the animals have been officially vaccinated, in accordance with Canadian regulations, as calves within 16 months prior to their being offered for entry. The certificate accompanying such vaccinated cattle shall show the date of vaccination of each animal and that the herd is listed as brucellosis free.

(d) *Certificates; information required.* The certificates prescribed in paragraphs (b) and (c) of this section shall give the dates and places of testing, names of the consignor and consignee, and descriptions of the cattle, including breed, ages, markings, and tattoo and eartag numbers.

(e) *United States cattle returning from expositions in Canada.* Cattle from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other recognized expositions in Canada and have not been in that country more than 30 days may be returned to the United States within 10 days from the close of such fair or exposition without the certificates specified in paragraphs (b) and (c) of this section, if they are accompanied by copies of the tuberculin- and brucellosis-test certificates accepted by the Canadian authorities for their entry into Canada and if it is shown to the satisfaction of the inspector at the United States port of reentry that they are the identical cattle covered by the said certificates. (26 Stat. 416, 32 Stat. 792, 44 Stat. 775, 46 Stat. 1460; 21 U. S. C. 102–105, 111)

The foregoing amendment shall become effective on the 9th day of May 1949.

Done at Washington, D. C., this 5th day of April 1949. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 49-2643; Filed, Apr. 7, 1949; 8:56 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 79]

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

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, item 15, is amended to describe the counties in the Defense-Rental Area as follows:

In Coconino County, Township 21 North, Range 7 East; and in Yavapai County, Townships 13 and 14 North, Range 2 West, Gila and Salt River Base and Meridian, including the City of Prescott.

That portion of the County of Mohave south of the Colorado River.

This decontrols from §§ 825.1 to 825.12 all of Coconino County, Arizona except Township 21 North, Range 7 East in the Prescott-Flagstaff, Arizona, Defense-Rental Area.

2. Schedule A, item 293, is amended to describe the counties in the Defense-Rental Area as follows:

Shelby.
In Crittenden County, the City of West Memphis.

This decontrols from §§ 825.1 to 825.12 all of Crittenden County, Arkansas, except the City of West Memphis, in the Memphis, Tennessee, Defense-Rental Rental Area.

3. In schedule A, item 19b, all of said item 19b, which relates to the Counties of Dallas and Nevada, Arkansas, is deleted, and the description of the counties of Calhoun and Ouachita, Arkansas, is amended to read as follows:

In Ouachita County, the City of Camden.

This decontrols from §§ 825.1 to 825.12 all of the Camden, Arkansas, Defense-Rental Area, except the City of Camden, Arkansas.

4. Schedule A, item 25, is amended to describe the counties in the Defense-Rental Area as follows:

Jefferson.
Northern District of Arkansas County, consisting of the Townships of Gum Pond, Henton, Keaton, McFall, Mill Bayou and Morris.

This decontrols from §§ 825.1 to 825.12 the Southern District of Prairie County consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roc Roe, Tyler, and Watensaw, in the Pine Bluff, Arkansas, Defense-Rental Area.

5. Schedule A, item 55, is amended to read as follows:

(55) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the entire Banana River, Florida, Defense-Rental Area.

6. Schedule A, item 64b, is amended to describe the counties in the Defense-Rental Area as follows:

Clay.

This decontrols from §§ 825.1 to 825.12 Bradford County in the Starke, Florida, Defense-Rental Area.

7. Schedule A, item 214, is amended to describe the counties in the Defense-Rental Area as follows:

Pasquotank.
Chowan.

This decontrols from §§ 825.1 to 825.12 Perquimans County in the Elizabeth City, North Carolina, Defense-Rental Area.

8. Schedule A, item 217, is amended to read as follows:

(217) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the entire Henderson, North Carolina, Defense-Rental Area.

9. Schedule A, item 217c, is amended to read as follows:

(217c) [Revoked and decontrolled.]

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 632, 695, 856, 918, 979, 1005, 1083, 1345, 1394.

This decontrols from §§ 825.1 to 825.12 the entire Hendersonville, North Carolina, Defense-Rental Area.

10. Schedule A, item 219, is amended to describe the counties in the Defense-Rental Area as follows:

Richmond and Robeson.
Marlboro.

This decontrols from §§ 825.1 to 825.12 Scotland County in the Laurinburg, North Carolina Defense-Rental Area.

11. Schedule A, item 220a, is amended to read as follows:

(220a) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the entire Oxford, North Carolina, Defense-Rental Area.

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

Davidson and Rowan.

This decontrols from §§ 825.1 to 825.12 Iredell County in the Salisbury, North Carolina Defense-Rental Area.

13. Schedule A, item 223c, is amended to describe the counties in the Defense-Rental Area as follows:

In Cass County, the City of Fargo.
In Clay County, the of Moorhead.

This decontrols from §§ 825.1 to 825.12 all of Cass County, North Dakota, except the City of Fargo and all Clay County, Minnesota, except the City of Moorhead, both counties in the Fargo-Moorhead, North Dakota, Defense-Rental Area.

14. Schedule A, item 223d, is amended to describe the counties in the Defense-Rental Area as follows:

City of Grand Forks in Grand Forks County.
City of East Grand Forks in Polk County.

This decontrols from §§ 825.1 to 825.12 all of Grand Forks County, North Dakota, except the City of Grand Forks, in the Grand Forks, North Dakota, Defense-Rental Area.

15. Schedule A, item 223e, is amended to describe the counties in the Defense-Rental Area as follows:

In Burleigh County, the City of Bismarck; and in Morton County, the City of Mandan.

This decontrols from §§ 825.1 to 825.12 all of the Bismarck-Mandan, North Dakota, Defense-Rental Area, except the Cities of Bismarck and Mandan, North Dakota.

16. Schedule A, item 223f, is amended to describe the counties in the Defense-Rental Area as follows:

In the County of Stutsman, the City of Jamestown, North Dakota.

This decontrols from §§ 825.1 to 825.12 all of the Jamestown, North Dakota, Defense-Rental Area except the City of Jamestown, North Dakota.

17. Schedule A, item 358, is amended to describe the counties in the Defense-Rental Area as follows:

Jackson and Mason.
In the County of Gallia, the Townships of Addison, Gallipolis, and Green; and in the County of Meigs, the Townships of Rutland, Salisbury, and Sutton.

This decontrols from §§ 825.1 to 825.12 all of Gallia County except the Townships of Addison, Gallipolis, and Green; and all of Meigs County except the Townships of Rutland, Salisbury and Sutton, both counties in Ohio, in the Point Pleasant-Gallipolis, West Virginia, Defense-Rental Area.

18. Schedule A, item 359, is amended to describe the counties in the Defense-Rental Area as follows:

Brooke, Hancock, Marshall, Ohio, and in the County of Wetzel, the Magisterial Districts of Magnolia and Proctor.
Belmont, Columbiana, and Jefferson.

This decontrols from §§ 825.1 to 825.12 all of Wetzel County, West Virginia, except the Magisterial Districts of Magnolia and Proctor, in the Wheeling-Steubenville, West Virginia, Defense-Rental Area.

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

This amendment shall become effective April 5, 1949.

Issued this 5th day of April 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-2693; Filed, Apr. 5, 1949; 5:00 p. m.]

[Controlled Housing Rent Reg.,[1] Amdt. 80]

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

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule B is amended by incorporating Item 46 as follows:

46. Provisions relating to certain cities in the Watertown, Wisconsin, Defense-Rental Area.

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Effective April 6, 1949, an increase in maximum rents is hereby authorized for housing accommodations located in each city listed below (in the Watertown, Wisconsin, Defense-Rental Area) in the amount listed with respect to such city, said increase to apply only to housing accommodations for which (a) the maximum rent was first determined under section 4 (a) or 4 (b) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, or (b) the maximum rent was fixed by an order entered under the applicable rent regulation fixing the maximum rent on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on January 1, 1946: *Provided, however,* That where any adjustment was heretofore ordered on or after August 22, 1947 under § 825.5 (a) (12) or 825.5 (a) (16) the amount of such adjustment shall be excluded in determining the increased maximum rent: *Provided further,* That where housing accommodations are or were covered by a statutory lease, as defined in § 825.4 (b), the increase hereby authorized shall not apply after the termination of such lease, and after such termination the maximum rent shall be determined by the provisions of § 825.4 (b) (2): *And provided further,* That in the case of any housing accommodations for which the dollar amount of increase in taxes from the year 1946 to the year 1948 is less than the dollar amount of increase in the maximum rent computed by applying the percentage increase hereby authorized, the Area Rent Director may enter an order reducing the maximum rent so that it will reflect an increase of no more than the dollar amount of increase in taxes from the year 1946 to the year 1948.

City	Percentage of rent increase
Beaver Dam in Dodge County, Wis	6
Fox Lake in Dodge County, Wis	3
Horicon in Dodge County, Wis	4
Hustisford in Dodge County, Wis	9
Juneau in Dodge County, Wis	6
Mayville in Dodge County, Wis	8
Ft. Atkinson in Jefferson County, Wis	6
Jefferson in Jefferson County, Wis	6
Lake Mills in Jefferson County, Wis	6
Waterloo in Jefferson County, Wis	5
Watertown in Jefferson County, Wis	12

In applying §§ 825.1 to 825.12 to housing accommodations in any city listed above, the term "rent generally prevailing for comparable housing accommodations in the maximum rent date" shall mean the rent generally prevailing for comparable housing accommodations on January 1, 1946, plus the percentage of increase listed above for said city.

All provisions of §§ 825.1 to 825.12 insofar as they are applicable to the cities listed above are hereby amended to the extent necessary to carry these provisions into effect.

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

This amendment shall become effective April 6, 1949.

Issued this 5th day of April 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-2690; Filed, Apr. 5, 1949; 4:59 p. m.]

[Controlled Housing Rent Reg.,[1] Amdt. 81]

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

CONTROLLED HOUSING RENT REGULATIONS

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, item 67a, is amended to read as follows:

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 632, 695, 856, 918, 979, 1005, 1083, 1345, 1394.

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 632, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587.

(67a) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the entire Americus, Georgia, Defense-Rental Area.

2. Schedule A, item 72, is amended to describe the counties in the Defense-Rental Area as follows:

Decatur.

This decontrols from §§ 825.1 to 825.12 all of Grady County, Georgia, from the Bainbridge-Cairo, Georgia, Defense-Rental Area.

3. Schedule A, item 75b, is amended to read as follows:

(75b) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the entire Griffin, Georgia, Defense-Rental Area.

4. Schedule A, item 76, is amended to describe the counties in the Defense-Rental Area as follows:

Bibb and Houston.

This decontrols from §§ 825.1 to 825.12 all of Peach County, Georgia, in the Macon, Georgia, Defense-Rental Area.

5. Schedule A, item 78a, is amended to read as follows:

(78a) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the entire Thomasville, Georgia, Defense-Rental Area.

6. Schedule A, item 287, is amended to describe the counties in the Defense-Rental Area as follows:

Bradley, Hamilton and Marion.
Catoosa and Walker.

This decontrols from §§ 825.1 to 825.12 all of Dade County, Georgia, in the Chattanooga, Tennessee, Defense-Rental Area.

7. Schedule A, item 289, is amended to describe the counties in the Defense-Rental Area as follows:

In Polk County, the Cities of Copperhill, Isabella, and Ducktown.
In Fannin County, the Cities of McCaysville and Blue Ridge.

This decontrols from §§ 825.1 to 825.12 all of Polk County, Tennessee, except the Cities of Copperhill, Isabella and Ducktown; and all of Fannin County, Georgia, except the Cities of McCaysville and Blue Ridge, both counties in the Copperhill-McCaysville, Tennessee, Defense-Rental Area.

8. Schedule A, item 85b, is amended to describe the counties in the Defense-Rental Area as follows:

In Morgan County, the Township of Jacksonville and South Jacksonville.

This decontrols from §§ 825.1 to 825.12 all of the Jacksonville, Illinois, Defense-Rental Area, except the Township of Jacksonville and South Jacksonville, Illinois.

9. Schedule A, item 88c, is amended to describe the counties in the Defense-Rental Area as follows:

In Coles County, the Cities of Mattoon and Charleston.

This decontrols from §§ 825.1 to 825.12 all of the Mattoon, Illinois, Defense-Rental Area except the Cities of Mattoon and Charleston, Illinois.

10. Schedule A, item 88d, is amended to describe the counties in the Defense-Rental Area as follows:

In Jefferson County, the City of Mt. Vernon.

This decontrols from §§ 825.1 to 825.12 all of the Mt. Vernon, Illinois, Defense-Rental Area except the City of Mt. Vernon, Illinois.

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

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

This decontrols from §§ 825.1 to 825.12 all of Logan County, Illinois, except the City of Lincoln, in the Springfield-Decatur, Illinois, Denfense-Rental Area.

12. Schedule A, item 139b, is amended to describe the counties in the Defense-Rental Area as follows:

In Allegany, the City of Cumberland.

This decontrols from §§ 825.1 to 825.12 all of the Cumberland, Maryland, Defense-Rental Area, except the City of Cumberland, Maryland.

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

City of Baltimore, and the Counties of Baltimore, Carroll, Cecil, Harford, Howard; and all of Anne Arundel except Election Districts 1, 7 and 8.

This decontrols from §§ 825.1 to 825.12 Election Districts 1, 7, and 8 in Anne Arundel County, Maryland, in the Baltimore, Maryland, Defense-Rental Area.

14. Schedule A, item 141, is amended to describe the counties in the Defense-Rental Area as follows:

Charles.
In St. Mary's County, Leonardtown District No. 3.

This decontrols from §§ 825.1 to 825.12 Calvert County, and all of St. Mary's County except Leonardtown District No. 3, both counties in Maryland, in the Indian Head-Patuxent River, Maryland, Defense-Rental Area.

15. Schedule A, item 149a, is amended to describe the counties in the Defense-Rental Area as follows:

In Dickinson County, the Townships of Breitung and Norway; and in Marquette County, the Townships of Ishpeming, Marquette and Negaunee.

This decontrols from §§ 825.1 to 825.12 all of Dickinson County except the Townships of Breitung and Norway, and all of Marquette County except the Townships of Ishpeming, Marquette, and Negaunee, both counties in Michigan in the Escanaba-Marquette, Michigan, Defense-Rental Area.

16. Schedule A, item 150 c, is amended to read as follows:

(150c) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the entire Ironwood, Michigan, Defense-Rental Area.

17. Schedule A, item 153, is amended to describe the counties in the Defense-Rental Area as follows:

Clinton, and Ingham Counties, and Eaton County except the Townships of Chester, Kalamo, Roxand, Sunfield, Vermontville and that portion of Carmel Township which is outside the City of Charlotte.

This decontrols from §§ 825.1 to 825.12 the Townships of Chester, Kalamo, Roxand, Sunfield, Vermontville, and Carmel except for the City of Charlotte in Eaton County, in the Lansing, Michigan, Denfense-Rental Area.

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

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

This decontrols from §§ 825.1 to 825.12 all of the Corvallis, Oregon, Defense-Rental Area, except the Cities of Corvallis, Albany and Lebanon, Oregon.

19. Schedule A, item 253b, is amended to describe the counties in the Defense-Rental Area as follows:

In Lane County, that portion in Ranges 1, 2, 3, 4, and 5 West.

This decontrols from §§ 825.1 to 825.12 all of the Lane County, Oregon, Defense-Rental Area, except that portion lying in Ranges 1, 2, 3, 4, and 5 West.

20. Schedule A, item 253c, is amended to describe the counties in the Defense-Rental Area as follows:

Douglas County except that portion lying East of the West Boundary of Range 3, West.

This decontrols from §§ 825.1 to 825.12 that portion of the Douglas, Oregon, Defense-Rental Area lying East of the West Boundary of Range 3, West.

21. In Schedule A, item 256, all of said item 256 which relates to Tillamook County, Oregon is deleted, and the description of Clatsop County, Oregon, is amended to read as follows:

Clackamas, Multnomah, and Washington.
Clark.
Clatsop County, except that portion lying South of Township Line 8 North.

This decontrols from §§ 825.1 to 825.12 all of Tillamook County and that portion of Clatsop County lying south of Township Line 8, North, in the Portland-Vancouver, Oregon, Defense-Rental Area.

22. Schedule A, item 256a, is amended to describe the counties in the Defense-Rental Area as follows:

Marion, except that portion lying East of the Willamette Meridian; and in Polk County, the City of West Salem.

This decontrols from §§ 825.1 to 825.12 that portion of Marion County lying East of the Willamette Meridian, in the Salem, Oregon, Defense-Rental Area.

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

This amendment shall become effective April 5, 1949.

Issued this 5th day of April 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-2689; Filed, Apr. 5, 1949; 4:59 p. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Corr.]

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

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

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

Schedule B, Item 46, incorporated into the Regulation by Amendment 72 is corrected by substituting "section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts issued pursuant to the Emergency Price Control Act of 1942, as amended," for "section 4 (a) or 4 (b) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended."

This correction shall become effective as of April 5, 1949.

Issued this 5th day of April 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-2688; Filed, Apr. 5, 1949; 4:58 p. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[2] Amdt. 75]

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

RENT REGULATIONS FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

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

1. Schedule A, item 15, is amended to describe the counties in the Defense-Rental Area as follows:

In Coconino County, Township 21 North, Range 7 East; and in Yavapai County, Townships 13 and 14 North, Range 2 West, Gila and Salt River Base and Meridian, including the City of Prescott.
That portion of the County of Mohave south of the Colorado River.

This decontrols from §§ 825.81 to 825.92 all of Coconino County, Arizona, except Township 21 North, Range 7 East in the Prescott-Flagstaff, Arizona, Defense-Rental Area.

2. Schedule A, item 293, is amended to describe the counties in the Defense-Rental Area as follows:

Shelby.
In Crittenden County, the City of West Memphis.

This decontrols from §§ 825.81 to 825.92 all of Crittenden County, Arkansas, except the City of West Memphis, in the Memphis, Tennessee, Defense-Rental Area.

3. In Schedule A, item 19b, all of said item 19b, which relates to the Counties of Dallas and Nevada, Arkansas, is deleted, and the description of the counties of Calhoun and Ouachita, Arkansas, is amended to read as follows:

In Ouachita County, the City of Camden.

This decontrols from §§ 825.81 to 825.92 all of the Camden, Arkansas, Defense-Rental Area, except the City of Camden, Arkansas.

4. Schedule A, item 25, is amended to describe the counties in the Defense-Rental Area as follows:

Jefferson.
Northern District of Arkansas County consisting of the Townships of Gum Pond, Henton, Keaton, McFall, Mill Bayou, and Morris.

This decontrols from §§ 825.81 to 825.92 the Southern District of Prairie County consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roc Roe, Tyler and Watensaw, in the Pine Bluff, Arkansas, Defense-Rental Area.

5. Schedule A, item 55, is amended to read as follows:

(55) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Banana River, Florida, Defense-Rental Area.

6. Schedule A, item 64b, is amended to describe the counties in the Defense-Rental Area as follows:

Clay.

This decontrols from §§ 825.81 to 825.92 Bradford County in the Starke, Florida, Defense-Rental Area.

7. Schedule A, item 214, is amended to describe the counties in the Defense-Rental Area as follows:

Pasquotank.
Chowan.

This decontrols from §§ 825.81 to 825.92 Perquimans County in the Elizabeth City, North Carolina, Defense-Rental Area.

8. Schedule A, item 217, is amended to read as follows:

(217) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Henderson, North Carolina, Defense Rental Area.

9. Schedule A, item 217c, is amended to read as follows:

(217c) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Hendersonville, North Carolina, Defense-Rental Area.

10. Schedule A, item 219, is amended to describe the counties in the Defense-Rental Area as follows:

Richmond and Robeson.
Marlboro.

This decontrols from §§ 825.81 to 825.92 Scotland County in the Laurinburg, North Carolina, Defense-Rental Area.

11. Schedule A, item 220a, is amended to read as follows:

(220a) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Oxford, North Carolina, Defense-Rental Area.

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

Davidson and Rowan.

This decontrols from §§ 825.81 to 825.92 Iredell County in the Salisbury, North Carolina, Defense-Rental Area.

13. Schedule A, item 223c, is amended to describe the counties in the Defense-Rental Area as follows:

In Cass County, the City of Fargo.
In Clay County, the City of Moorhead.

This decontrols from §§ 825.81 to 825.92 all of Cass County, North Dakota, except the City of Fargo and all Clay County, Minnesota, except the City of Moorhead, both counties in the Fargo-Moorhead, North Dakota, Defense-Rental Area.

14. Schedule A, item 223d, is amended to describe the counties in the Defense-Rental Area as follows:

City of Grand Forks in Grand Forks County.
City of East Grand Forks in Polk County.

This decontrols from §§ 825.81 to 825.92 all of Grand Forks County, North Dakota, except the City of Grand Forks, in the Grand Forks, North Dakota, Defense-Rental Area.

15. Schedule A, item 223e, is amended to describe the counties in the Defense-Rental Area as follows:

In Burleigh County, the City of Bismarck; and in Morton County, the City of Mandan.

This decontrols from §§ 825.81 to 825.92 all of the Bismarck-Mandan, North Dakota, Defense-Rental Area, except the cities of Bismarck and Mandan, North Dakota.

16. Schedule A, item 223f, is amended to describe the counties in the Defense-Rental Area as follows:

In the County of Stutsman, the City of Jamestown, North Dakota.

This decontrols from §§ 825.81 to 825.92 all of the Jamestown, North Dakota, Defense-Rental Area except the City of Jamestown, North Dakota.

17. Schedule A, item 358, is amended to describe the counties in the Defense-Rental Area as follows:

Jackson and Mason.
In the County of Gallia, the Townships of Addison, Gallipolis, and Green; and in the County of Meigs, the Townships of Rutland, Salisbury and Sutton.

This decontrols from §§ 825.81 to 825.92 all of Gallia County except the Townships of Addison, Gallipolis, and Green; and all of Meigs County except the Townships of Rutland, Salisbury, and Sutton, both counties in Ohio, in the Point Pleasant-Gallipolis, West Virginia, Defense-Rental Area.

18. Schedule A, item 359, is amended to describe the counties in the Defense-Rental Area as follows:

Brooke, Hancock, Marshall, Ohio, and in the County of Wetzel, the Magisterial Districts of Magnolia and Proctor.
Belmont, Columbiana, and Jefferson.

This decontrols from §§ 825.81 to 825.92 all of Wetzel County, West Virginia, except the Magisterial Districts of Mag-

---

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345.

[2] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345.

nolia and Proctor, in the Wheeling-Steubenville, West Virginia, Defense-Rental Area.

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

This amendment shall become effective April 5, 1949.

Issued this 5th day of April 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-2694; Filed, Apr. 5, 1949; 5:00 p. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 76]

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

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

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

Schedule B is amended by incorporating Item 47 as follows:

47. Provisions relating to certain cities in the Watertown, Wisconsin, Defense-Rental Area.

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Effective April 6, 1949, an increase in maximum rents is hereby authorized for housing accommodations located in each city listed below (in the Watertown, Wisconsin, Defense-Rental Area) in the amount listed with respect to such city, said increase to apply only to housing accommodations for which (a) the maximum rent was first determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts issued pursuant to the Emergency Price Control Act of 1942, as amended, or (b) the maximum rent was fixed by an order entered under the applicable rent regulation fixing the maximum rent on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on January 1, 1946: *Provided, however,* That where any adjustment was heretofore ordered on or after August 22, 1947 under § 825.85 (a) (9) the amount of such adjustment shall be excluded in determining the increased maximum rent: *Provided further,* That where housing accommodations are or were covered by a statutory lease, as defined in § 825.84 (b), the increase hereby authorized shall not apply until after the termination of such lease, and after such termination the maximum rent shall be determined by the provisions of § 825.84 (b) (2): *And provided further,* That in the case of any housing accommodations for which the dollar amount of increase in taxes from the year 1946 to the year 1948 is less than the dollar amount of increase in the maximum rent computed by applying the percentage increase hereby authorized, the Area Rent Director may enter an order reducing the maximum rent so that it will reflect an increase of no more than the dollar amount of increase in taxes from the year 1946 to the year 1948.

City	Percentage of rent increase
Beaver Dam in Dodge County, Wis	6
Fox Lake in Dodge County, Wis	3
Horicon in Dodge County, Wis	4
Hustisford in Dodge County, Wis	9
Juneau in Dodge County, Wis	6
Mayville in Dodge County, Wis	8
Ft. Atkinson in Jefferson County, Wis	6
Jefferson in Jefferson County, Wis	6
Lake Mills in Jefferson County, Wis	6
Waterloo in Jefferson County, Wis	5
Watertown in Jefferson County, Wis	12

In applying §§ 825.81 to 825.92 to housing accommodations in any city listed above, the term "rent generally prevailing for comparable housing accommodations on the maximum rent date" shall mean the rent generally prevailing for comparable housing accommodations on January 1, 1946, plus the percentage of increase listed above for said city.

All provisions of §§ 825.81 to 825.92 insofar as they are applicable to the cities listed above are hereby amended to the extent necessary to carry these provisions into effect.

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

This amendment shall become effective April 6, 1949.

Issued this 5th day of April 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-2691; Filed, Apr. 5, 1949; 4:59 p. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 77]

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

RENT REGULATIONS FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

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

1. Schedule A, item 67a, is amended to read as follows:

(67a) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Americus, Georgia, Defense-Rental Area.

2. Schedule A, item 72, is amended to describe the counties in the Defense-Rental Area as follows:

Decatur.

This decontrols from §§ 825.81 to 825.92 all of Grady County, Georgia, from the Bainbridge-Cairo, Georgia, Defense-Rental Area.

3. Schedule A, item 75b, is amended to read as follows:

(75b) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Griffin, Georgia, Defense-Rental Area.

4. Schedule A, item 76, is amended to describe the counties in the Defense-Rental Area as follows:

Bibb and Houston.

This decontrols from §§ 825.81 to 825.92 all of Peach County, Georgia, in the Macon, Georgia Defense-Rental Area.

5. Schedule A, item 78a, is amended to read as follows:

(78a) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Thomasville, Georgia, Defense-Rental Area.

6. Schedule A, item 287, is amended to describe the counties in the Defense-Rental Area as follows:

Bradley, Hamilton and Marion.
Catoosa and Walker.

This decontrols from §§ 825.81 to 825.92 all of Dade County, Georgia, in the Chattanooga, Tennessee, Defense-Rental Area.

7. Schedule A, item 289, is amended to describe the counties in the Defense-Rental Area as follows:

In Polk County, the Cities of Copperhill, Isabella, and Ducktown.
In Fannin County, the Cities of McCaysville and Blue Ridge.

This decontrols from §§ 825.81 to 825.92 all of Polk County, Tennessee, except the Cities of Copperhill, Isabella, and Ducktown; and all of Fannin County, Georgia, except the Cities of McCaysville, and Blue Ridge, both counties in the Copperhill-McCaysville, Tennessee, Defense-Rental Area.

8. Schedule A, item 85b, is amended to describe the counties in the Defense-Rental Area as follows:

In Morgan County, the Township of Jacksonville and South Jacksonville.

This decontrols from §§ 825.81 to 825.92 all of the Jacksonville, Illinois, Defense-Rental Area, except the Township of Jacksonville and South Jacksonville, Illinois.

9. Schedule A, item 88c, is amended to describe the counties in the Defense-Rental Area as follows:

In Coles County, the Cities of Mattoon and Charleston.

This decontrols from §§ 825.81 to 825.92 all of the Mattoon, Illinois, Defense-Rental Area except the Cities of Mattoon and Charleston, Illinois.

10. Schedule A, item 88d, is amended to describe the counties in the Defense-Rental Area as follows:

In Jefferson County, the City of Mt. Vernon.

This decontrols from §§ 825.81 to 825.92 all of the Mt. Vernon, Illinois, Defense-

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345.

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587.

Rental Area except the City of Mt. Vernon, Illinois.

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

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

This decontrols from §§ 825.81 to 825.92 all of Logan County, Illinois, except the City of Lincoln, in the Springfield-Decatur, Illinois, Defense-Rental Area.

12. Schedule A, item 139b, is amended to describe the counties in the Defense-Rental Area as follows:

In Allegany, the City of Cumberland.

This decontrols from §§ 825.81 to 825.92 all of the Cumberland, Maryland, Defense-Rental Area, except the City of Cumberland, Maryland.

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

City of Baltimore, and the Counties of Baltimore, Carroll, Cecil, Harford, Howard; and all of Anne Arundel except Election Districts 1, 7 and 8.

This decontrols from §§ 825.81 to 825.92 Election Districts 1, 7, and 8 in Anne Arundel County, Maryland, in the Baltimore, Maryland, Defense-Rental Area.

14. Schedule A, item 141, is amended to describe the counties in the Defense-Rental Area as follows:

Charles.
In St. Mary's County, Leonardstown District No. 3.

This decontrols from §§ 825.81 to 825.92 Calvert County, and all of St. Mary's County except Leonardstown District No. 3, both counties in Maryland, in the Indian Head-Patuxent River, Maryland, Defense-Rental Area.

15. Schedule A, item 149a, is amended to describe the counties in the Defense-Rental Area as follows:

In Dickinson County, the Townships of Breitung and Norway; and in Marquette County, the Townships of Ishpeming, Marquette and Negaunee.

This decontrols from §§ 825.81 to 825.92 all of Dickinson County except the Townships of Breitung and Norway, and all of Marquette County except the Townships of Ishpeming, Marquette, and Negaunee, both counties in Michigan in the Escanaba-Marquette, Michigan, Defense-Rental Area.

16. Schedule A, item 150c, is amended to read as follows:

(150c) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Ironwood, Michigan, Defense-Rental Area.

17. Schedule A, item 153, is amended to describe the counties in the Defense-Rental Area as follows:

Clinton, and Ingham Counties, and Eaton County except the Townships of Chester, Kalamo, Roxand, Sunfield, Vermontville and that portion of Carmel Township which is outside the City of Charlotte.

This decontrols from §§ 825.81 to 825.92 the Townships of Chester, Kalamo, Roxand, Sunfield, Vermontville, and Carmel except for the City of Charlotte in Eaton County, in the Lansing, Michigan, Defense-Rental Area.

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

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

This decontrols from §§ 825.81 to 825.92 all of the Corvallis, Oregon, Defense-Rental Area, except the Cities of Corvallis, Albany and Lebanon, Oregon.

19. Schedule A, item 253b, is amended to describe the counties in the Defense-Rental Area as follows;

In Lane County, that portion in Ranges 1, 2, 3, 4 and 5 West.

This decontrols from §§ 825.81 to 825.92 all of the Lane County, Oregon, Defense-Rental Area, except that portion lying in Ranges 1, 2, 3, 4 and 5 West.

20. Schedule A, item 253c, is amended to describe the counties in the Defense-Rental Area as follows:

Douglas County except that portion lying East of the West Boundary of Range 3, West.

This decontrols from §§ 825.81 to 825.92 that portion of the Douglas, Oregon, Defense-Rental Area lying East of the West Boundary of Range 3, West.

21. In Schedule A, item 256, all of said item 256 which relates to Tillamook County, Oregon is deleted, and the description of Clatsop County, Oregon, is amended to read as follows:

Clackamas, Multnomah, and Washington.
Clark.
Clatsop County, except that portion lying South of Township Line 8 North.

This decontrols from §§ 825.81 to 825.92 all of Tillamook County and that portion of Clatsop County lying South of Township Line 8, North, in the Portland-Vancouver, Oregon, Defense-Rental Area.

22. Schedule A, item 256a, is amended to describe the counties in the Defense-Rental Area as follows:

Marion, except that portion lying East of the Willamette Meridian; and in Polk County, the City of West Salem.

This decontrols from §§ 825.81 to 825.92 that portion of Marion County lying East of the Willamette Meridian, in the Salem, Oregon, Defense-Rental Area.

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

This amendment shall become effective April 5, 1949.

Issued this 5th day of April, 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-2692; Filed, Apr. 5, 1949; 4:59 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter E—Mechanical Equipment for Mines; Tests for Permissibility; Fees

PART 32—MOBILE DIESEL POWERED EQUIPMENT FOR NON-COAL MINES

The Bureau of Mines is prepared to inspect and test mobile Diesel powered equipment at its Central Experiment Station, Pittsburgh, Pa., for the purpose of determining whether such equipment may be approved for use in non-coal mines. Applications for approval are voluntary with manufacturers of such equipment. The rules and regulations of this part relate to the requirements of construction of mobile Diesel powered equipment which may be approved for use in non-coal mines and the conditions under which inspections and tests will be made and approvals will be granted.

Actual notice has been given to practically all manufacturers of such equipment and their comments and suggestions considered in the preparation of these rules and regulations, and good cause exists for making them effective immediately. For these reasons, the notice and procedures prescribed by section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1003) are impracticable, unnecessary and contrary to the public interest; and the rules and regulations shall become effective as of the date of their approval by the Secretary of the Interior.

Sec.
32.1 Type of equipment that may be approved.
32.2 Definitions.
32.3 Conditions under which approvals may be granted or tests made; preliminary steps preceding approval tests and inspections.
32.4 General requirements.
32.5 Inspection and tests.
32.6 Granting of approval.
32.7 Withdrawal of approval.
32.8 Changes in design subsequent to approval; extension of approval.
32.9 Recommendations on the use of mobile Diesel powered equipment in non-coal mines.
32.10 Revision of requirements and recommendations.

AUTHORITY: §§ 32.1 to 32.10 issued under 87 Stat. 681, as amended by sec. 311, 47 Stat. 410; 30 U. S. C. 3, 5, 7; E. O. 6611, Feb. 22, 1934.

§ 32.1 *Type of equipment that may be approved.* Safe operation of mobile Diesel powered equipment underground involves consideration of three possible hazards, namely, (1) toxic or objectionable gases discharged in the exhaust of the engine, (2) ignition of flammable atmospheres by the engine or by electrical equipment, and (3) fire hazards presented by the engine fuel oil and by combustible material that might come in contact with the equipment. Equipment for use in coal mines, or other situations where flammable atmospheres may be encountered, will be considered permissible only when proved by test to offer adequate protection against all these hazards. (See Part 31, Procedure for Testing Diesel Mine Locomotives for Permissibility and Recommendations on

the Use of Diesel Locomotives Underground, of this chapter.) Equipment for use in non-coal mines in which the underground atmosphere contains less than 0.25 percent by volume of flammable gas will be granted approval when proved by test to offer adequate protection against the production of toxic or objectionable gases, and when design and construction are such as to minimize the fire hazard presented by the engine fuel oil under normal operating conditions.

(a) *Approval.* Approvals will be granted for complete Diesel powered equipment units only and not for engines and other individual parts used in the assembly of such units.

(b) *Inspection and tests of sub-assemblies.* The engine and exhaust gas cooling system may be supplied as a sub-assembly to the manufacturer of the complete unit. Under such conditions this sub-assembly may be submitted for inspection and test either by the manufacturer of the complete unit or directly by the manufacturer of the sub-assembly, consisting of engine and exhaust gas cooling system. All requirements to be met under either option are identical. Application by the manufacturer of a sub-assembly for such inspection and test shall be made as outlined in § 32.3 (b). If the sub-assembly meets all requirements applicable to it, the Bureau will inform the manufacturer of the sub-assembly by letter that further test or inspection of the engine and exhaust gas cooling system will not be required after installation in a complete unit if the sub-assembly is constructed in accordance with the specifications on file at the Bureau. This letter may be cited to the manufacturer of the complete unit. The manufacturer of a sub-assembly, consisting of engine and exhaust gas cooling system, may not advertise his sub-assembly as approved by the Bureau of Mines, since only complete mobile units are granted approval. The manufacturer of a sub-assembly that meets the requirements of this part may state that the sub-assembly has been tested by the Bureau and meets the requirements of this part that pertain to the engine and exhaust gas cooling system.

§ 32.2 *Definitions.* Certain terms used throughout this part are defined as follows:

(a) *Equipment.* Mobile Diesel powered equipment used to move or transport material underground.

(b) *Unit.* The complete assembly of engine, accessories, and chassis comprising one mobile Diesel powered unit.

(c) *Non-coal mine.* A mine in which the material being mined is incombustible or contains at least 65 percent by weight of incombustible material, and in which the underground atmosphere in any open workings contains less than 0.25 percent by volume of flammable gas. Tunneling operations in which underground conditions conform with the foregoing may be considered in the same category as non-coal mines.

(d) *Normal operations.* The performance by each part of the equipment of those functions for which the part was designed.

(e) *Toxic and objectionable gases.* Toxic and objectionable gases present in the exhaust of Diesel engines are carbon monoxide, oxides of nitrogen, carbon dioxide, and aldehydes. The exhaust also will contain oxides of sulfur if the fuel contains sulfur.

(f) *Fuel:air ratio.* The ratio of fuel to air present, under a given condition of operation, in the combustion space of the engine, expressed in terms of weight, as pound of fuel per pound of air. Fuel: air ratio at any operating condition may be calculated from the composition of the exhaust gas and of the fuel.

(g) *Adequate.* Appropriate and sufficient as determined by tests and examinations by the Bureau of Mines.

(h) *Permissible.* As used in this part the term "permissible" relates to equipment formally designated by the Bureau of Mines as suitable for operation in situations where flammable atmospheres may be encountered.

(i) *Approved.* As used in this part the term "approved" relates to equipment formally designated by the Bureau of Mines as suitable for operation in atmospheres containing less than 0.25 percent by volume of flammable gases, and to have conformed to the requirements of this part.

(j) *Approval.* Official, formal, written notification by the Bureau of Mines stating that upon investigation the equipment has met satisfactorily the requirements of this part.

(k) *Extension of approval.* Official, written notification from the Bureau of Mines to the equipment manufacturer, by which the latter is authorized to make changes in approved equipment after the proposed changes have been duly examined, accepted, and recorded by the Bureau.

§ 32.3 *Conditions under which approvals may be granted or tests made; preliminary steps preceding approval tests and inspections*—(a) *Consultation.* Upon appointment, manufacturers, engineers, or their representatives may visit the Central Experiment Station of the Bureau of Mines at 4800 Forbes Street, Pittsburgh 13, Pa., to discuss the requirements of this part or to obtain criticisms of proposed design of equipment to be submitted for test. There is no charge for such consultation.

(b) *Application.* Before the Bureau of Mines will undertake the active investigation of any equipment, manufacturers shall have filed a written application requesting that the necessary examination of drawings, official inspections and tests be made. This application shall be addressed to the Director, Bureau of Mines, U. S. Department of the Interior, Washington 25, D. C., and shall be accompanied by a certified check or bank draft payable to the Treasurer of the United States to cover all required fees. A copy of the application shall be sent to the Engineer in Charge of Diesel Testing, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa. There are no application blanks to be filled out.

(c) *Fees charged for testing.*

(1) For preliminary review of drawings, specifications, and related data, for each new unit	$25.00
(2) For tests to determine the composition of exhaust gases from the engine under various conditions	300.00
(3) For detailed inspection and tests of exhaust gas cooling system	25.00
(4) For detailed inspection of the electrical system	10.00
(5) For each inspection of a completely assembled mobile unit	50.00
(6) For the final examination and recording of all the necessary drawings and specifications for a complete unit preparatory to issuing an approval	50.00
(7) For each half day, or fraction thereof, spent in the examination and recording of drawings and specifications preparatory to issuing an extension of approval	7.50

Example of Fees

Item (1)	×1 =	25.00
Item (2)	×1 =	300.00
Item (3)	×1 =	25.00
Item (4)	×1 =	10.00
Item (5)	×1 =	50.00
Item (6)	×1 =	50.00
Total		460.00

If the applicant is uncertain as to the amount of fee he should send with his application, the information will be given him upon inquiry addressed to the Engineer in Charge of Diesel Testing, Bureau of Mines, Pittsburgh 13, Pa.

(d) *Drawings and specifications required.* (1) The Bureau of Mines will not undertake the inspection and test of equipment until a set of eligible drawings, bill of material, and specifications sufficient in number and detail to identify the parts fully, have been delivered to the Engineer in Charge of Diesel Testing. No drawings or specifications should be sent to the Washington Office of the Bureau. Drawings should be numbered and dated to facilitate identification and reference in the records.

(2) The drawings and specifications to be submitted shall include the following:

(i) Drawings clearly showing the over-all dimensions of the equipment, the character, size, and relative arrangement of the electrical parts and the wiring between them; also the size and position of the fuel tank and exhaust gas cooling system.

(ii) Any other drawings or illustrations necessary to identify or explain any feature that is to be considered in the approval of the equipment.

(iii) A wiring diagram for all electrical equipment and circuits on the equipment.

(iv) The complete rating of each starting motor and charging generator, also the capacity of all fuses and the setting of overload protective devices.

(v) The size of conductors used in all the various circuits.

(3) All drawings and specifications are to be considered confidential by the Bureau of Mines.

(e) *Factory inspection form.* Each unit shall be carefully inspected by the manufacturer before it leaves the factory. The manufacturer will be required to furnish the Bureau of Mines with a

copy of the form to be used in this inspection. The form shall draw special attention to the points that must be checked in making certain that the safety features of the unit are in proper condition, complete in all respects, and agree in every detail with the drawings and specifications filed with the Bureau.

(f) *Instruction manual.* The manufacturer shall furnish an instruction manual with each unit. This manual shall give complete instructions covering the operation and servicing of the unit, particularly with reference to proper adjustment and maintenance of the engine and its auxiliaries to minimize production of smoke and toxic gases in the exhaust.

A copy of this manual shall be submitted to the Bureau for review when the reproduction of the approval plate is submitted (see § 32.6 (b)).

(g) *Material required for investigation.* Unless requested to do so, the manufacturer need not send a complete mobile unit for the purpose of inspection and test. Usually only an engine, exhaust gas cooling system, required accessory equipment, fuel tank, starting motor and switch need be shipped to the Bureau for investigation. Any special tools necessary to disassemble any parts for inspection or test shall be furnished with the equipment submitted.

(h) *Shipment of material.* All shipments must be prepaid and should be marked plainly for the attention of the Engineer in Charge of Diesel Testing. Before making any shipments, the manufacturer shall obtain shipping instructions from the Bureau. He shall arrange and pay for any trucking that may be necessary between the freight depot and the testing station. He shall also take care of crating and removal of parts upon completion of the investigation.

Inspection and tests usually are undertaken in the order of receipt of parts, provided that application, fees, and drawings have been received.

(i) *Assistance required during investigation.* When requested to do so, the manufacturer shall provide one or more men to assist in disassembling parts for inspection and in preparing them for test. These persons may serve as witnesses of the tests.

(j) *Witnesses.* No one is to be present during the tests of any equipment except the necessary Bureau of Mines engineers, their assistants, the manufacturer's representatives, and such other persons as may be mutually agreed upon by the manufacturer and the bureau.

§ 32.4 *General requirements* — (a) *Quality of material, workmanship and design.* The Bureau of Mines reserves the right to refuse to test any equipment that, in the opinion of qualified representatives of that Bureau, is not constructed of suitable materials, or that gives evidence of faulty workmanship, or that is not designed upon sound engineering principles. This right shall apply to all parts of the equipment and to the design thereof, whether or not the points in question are covered specifically by the requirements of this part.

(b) *Type of engine considered for approval.* Only mobile equipment powered by engines of the compression-ignition type will be considered for approval. Such engines shall be designed to operate only on liquid fuel of flashpoint not less than 140° F. The starting mechanism shall consist of an electric motor or other device considered safe; engines using gasoline or other volatile fuel for starting will not be considered.

(c) *Fuel injection.* The fuel injection system of the engine shall be so constructed that the mechanism controlling maximum fuel injection may be fixed definitely, permitting adjustment only by breaking a seal on a locked compartment, or by altering design. Provision shall be made in the fuel injection system to permit suitable adjustment in maximum fuel injection for engine operation at different barometric pressures.

(d) *Engine intake system*—(1) *Air-cleaner on engine intake.* An air-cleaner of automotive type shall be included in the engine intake system. The size and design of the air-cleaner shall be such at resistance to air-flow will not increase rapidly in dusty atmospheres.

(2) *Provision for attachment of gage to engine intake system.* A connection shall be provided to permit attachment of a gage to the engine intake system at a point suitable for indicating total pressure drop through that system. This connection shall be internally threaded with standard pipe threads of size not larger than half inch and is to be closed by a pipe plug when not in use.

(e) *Engine exhaust system*—(1) *Exhaust gas cooling system.* A cooling system shall be provided for the exhaust gas of the engine. The heat-dissipation capacity of this cooling system shall be such that the temperature of the exhaust gas shall not exceed 160° F. at the point of discharge from the cooling system under any condition of operation.

Cooling may be obtained by a water-spray entering the exhaust system at a point close to the outlet of the exhaust manifold, or by passing the exhaust gas through water in suitable containers, or by a combination of the two. If a water-spray is used, the water shall be delivered to the spray-nozzle by a pump, and the water shall pass through a filtering device to protect the spray-nozzle from clogging by extraneous material. Provision shall be made for draining and cleaning all exhaust cooling boxes.

(2) *Discharge of exhaust gas.* The final exhaust of the unit shall be discharged in such manner that it is not directed toward the operator's compartment, and shall be deflected so that persons alongside the unit do not encounter the exhaust at breathing level.

(3) *Provision for attachment of gage or gas-sampling equipment to exhaust system.* A connection shall be provided in the engine exhaust system between engine and exhaust cooling box for temporary attachment of a gage or gas-sampling equipment. This connection shall be internally threaded with standard pipe threads of a size not larger than half inch, and is to be closed by a pipe plug when not in use.

(f) *Composition of exhaust gas.* Under normal operating conditions, and within the rated power output range, the undiluted exhaust gas of the engine shall contain not more than 0.25 percent, by volume, of carbon monoxide.

(g) *Fuel supply system*—(1) *Fuel tank.* The fuel tank shall be fuel-tight and shall be of metal at least $^1/_{16}$ inch thick welded at all seams. The fuel tank shall be provided with a drain plug (not a valve or pet cock) that shall be locked in position when inserted. The fuel tank shall be provided with a closure of such design that atmospheric pressure is maintained inside the tank and that discharge of liquid fuel is prevented. The closure shall be secured to the unit.

The fuel tank shall be mounted in the assembly of the unit in a position such that the tank is not subject to damage in ordinary use. No provision shall be made for attachment of separate or auxiliary fuel tanks to the unit.

(2) *Fuel lines.* All fuel lines to the engine and its accessory parts shall be installed so that they are not subject to damage in ordinary use, and shall be designed to resist breakage from vibration.

(3) *Valve in fuel line.* A readily accessible shut-off valve shall be included in the fuel line from the fuel tank.

(h) *Electrical equipment*—(1) *Automatic protection of electric circuits and parts.* On equipment using storage batteries for starting of engines, each electric conductor from the battery to the starting motor shall be protected against short circuit by fuses or other suitable automatic circuit-interrupting devices placed at the battery unless conductors of adequate size are provided.

Fuses or other suitable circuit-interrupting devices shall be inserted in each conductor of all branch circuits that are connected to the main circuit between the battery and charging generator. Headlight circuits and circuits for instruments and instrument panel lights are construed as being branch circuits.

(2) *Conductors, conduits, and wiring.* Every ungrounded conductor shall have adequate insulation from "ground" and from conductors of opposite polarity. Insulation shall be selected with special reference to its ability to resist deterioration from engine heat and oil.

It is recommended that all conductors have a current-carrying capacity of not less than 110 percent of the total current rating of the motor or other load connected to them. The basis for determining such carrying capacity shall be that given by the National Electrical Code for "allowable carrying capacities of wires."

All wiring shall have adequate mechanical and electrical protection to minimize fire hazards. If for any reason rigid conduit is unsuitable or undesirable, a good grade of rubber or equivalent air hose may be construed as meeting the requirement for mechanical protection if used where it will not be damaged by engine heat and oil. Flexible metal conduit is not recommended. All conduit ends must be adequately clamped or otherwise secured to prevent their being pulled out. Inserts should be used to prevent collapse of conduit ends that are secured by external clamps.

Sharp edges and corners shall be removed at all points where there is a pos-

sibility of damaging wires, cables, or conduits by cutting or abrasion.

Wiring and conduits shall be well-cleated or otherwise held to prevent vibration and displacement.

The ends and terminal lugs of wires and cables shall be held or clamped in a manner that will minimize the possibility of the ends and lugs coming loose from their connections and swinging against metal walls or against parts of different potential.

(3) *Electrical clearances and insulation.* The clearance between live parts and casings of electric equipment shall be such as to minimize the possibility of arcs striking to the casings or, if space is limited, the casings shall be lined with adequate insulation.

(4) *Parts having special requirements*—(i) *Battery boxes and batteries.* Batteries that are not protected by position shall be enclosed in boxes or trays of material equivalent in strength to sheet steel not less than 3/16 inch in thickness or of wood reinforced with steel. Battery terminals shall be covered or shielded to prevent short circuiting by material falling on them while the equipment is in operation.

Covers, if used, shall be substantially constructed and, if made of metal, the Bureau reserves the right to require nonbrittle insulating linings of adequate strength, quality, and dimensions, should the clearance over the battery terminals be in question. Ample openings for ventilation shall be provided to prevent accumulation of explosive hydrogen-air mixtures above the battery.

Unless the battery cells are insulated from the trays in an acceptable manner, the trays shall be insulated from any metal box or holder by means of rubber or equivalent insulators of adequate dimensions. For cells in metal containers mounted in "open" trays, a lining of wood or equally suitable insulation shall be provided under the trays. All wood and other insulating linings susceptible to damage by battery electrolyte shall be treated or painted with suitable material to resist such damage.

The number, type, rating, and manufacturer of the cells comprising the battery shall be specified.

A diagram showing the connections between cells and between trays shall be submitted. The connections between cells and between trays shall be such that the maximum total battery potential will not be placed between any two adjacent cells.

§ 32.5 *Inspection and tests*—(a) *Inspection and tests of parts other than electrical*—(1) *Detailed inspection.* An inspection will be made by engineers of the Bureau of Mines of all parts of the equipment covered by the requirements of this part or any other parts or features that are associated with safety in operation. This inspection will include the following items:

(i) A detailed inspection to determine the adequacy of materials, workmanship, and design.

(ii) A detailed comparison of parts or assemblies with drawings to check materials, dimensions, and position. Notes will be made of significant discrepancies that may exist between the drawings and the parts or assemblies. Satisfactory adjustment and correction of these discrepancies will be required before approval is granted.

(2) *Determination of composition of exhaust gas.* The exhaust gas of the engine will be sampled while the engine is operating at minimum speed and at maximum rated speed. At both speeds the engine will be operated at minimum power output, at approximately one-half maximum rated power output, and at maximum rated power output. Under any of these test conditions the engine will be at temperature equilibrium before exhaust gas samples are collected or other test data recorded. Under each test condition rate of fuel consumption will be determined, and atmospheric pressure and temperature will be noted.

The exhaust gas samples will be analyzed for carbon dioxide, oxygen, carbon monoxide, hydrogen, methane, nitrogen, oxides of nitrogen, and aldehydes.

(3) *Maximum allowable fuel:air ratio.* If the carbon monoxide content of the engine exhaust does not exceed 0.25 percent by volume throughout the rated range of speeds and power outputs, the manufacturer's adjustment of the fuel injection equipment will be considered acceptable. The maximum fuel:air ratio (lb. of fuel/lb. of air) determined under this condition will be the maximum allowable fuel:air ratio.

If the carbon monoxide content of the exhaust exceeds 0.25 percent by volume only at or near maximum power output, the maximum fuel:air ratio will be determined at which the carbon monoxide content of the exhaust does not exceed 0.25 percent by volume, and this fuel:air ratio will be the maximum allowable fuel:air ratio. Adjustment of the fuel injection system may be made in the course of these tests to meet the requirement of maximum allowable fuel:air ratio.

In connection with establishment of maximum allowable fuel: air ratio, the barometric pressure existing during the tests and the maximum rate of fuel consumption at maximum allowable fuel: air ratio will be recorded as part of the requirements for operation of the equipment under recommended conditions, As stated in § 32.9, operation at barometric pressures significantly lower than that existing during tests to determine the maximum allowable fuel:air ratio will necessitate readjustment of the fuel injection system so that the maximum allowable fuel:air ratio is not exceeded as a result of the decrease in air density at the lower barometric pressure.

(4) *Determination of adequacy of exhaust gas cooling system.* The adequacy of the exhaust gas cooling system and its accessory parts will be determined with the engine operating at its maximum power output for a period sufficient for all parts of the engine and exhaust gas cooling system to reach their respective equilibrium temperatures.

The following determinations will be made:

(i) Exhaust gas temperature at outlet of exhaust manifold but upstream from cooling system;

(ii) Temperature at outlet of exhaust gas cooling system;

(iii) Cooling water consumed;

(iv) Temperature of water in all compartments.

The final exhaust gas temperature shall not exceed 160° F.

The water consumed in cooling the exhaust gas under the test conditions shall not exceed by more than 10 percent that required for the adiabatic saturation of the exhaust gas at the outlet temperature of the exhaust gas cooler. The water consumed in excess of that required for adiabatic saturation at the outlet temperature of the cooler will be considered as entrained water.

(5) *Factory inspection and tests.* The Bureau of Mines reserves the right to conduct inspections or tests of the mobile equipment, or any part thereof, at the plant of the manufacturer.

(b) *Additional tests.* The Bureau of Mines reserves the right to make any additional tests, not covered by the provisions of this part, that may be considered necessary to determine the adequacy of the equipment, or any part thereof.

§ 32.6 *Granting of approval*—(a) *Notification of approval or disapproval.* After the Bureau of Mines has considered the results of the investigation, and suitable drawings and specifications have been placed on file, a formal written notification of approval or disapproval of the equipment will be supplied to the applicant by the Bureau of Mines. If the equipment meets all requirements, the notification of approval will not be accompanied by test data or detailed results of tests. If the equipment fails to meet any of the requirements, notification of such failure will be accompanied by details of the failure with a view to possible remedy of defects. The Bureau of Mines will not otherwise release, or make public, results of tests of equipment that fails to meet the requirements.

No verbal reports of the Bureau's decisions concerning the investigation will be given, and no verbal, temporary, or informal approvals will be granted.

The manufacturer shall not advertise his equipment as approved until he has received the formal notification of approval in which an approval number is assigned.

All drawings and specifications that must be submitted to the Bureau in connection with the investigation will be retained in confidential status by the Bureau. A drawing list numbered to correspond to the approval number will accompany the notification of approval. This list will include the drawings and specifications covering the details of construction upon which the approval is based. The applicant receiving an approval shall keep exact duplicates of the drawings and specifications retained by the Bureau. These are to be adhered to in commercial production of the approved equipment.

(b) *Approval plate.* With the notification of approval the applicant will receive a photograph of a design of approval plate. The plate will bear the seal of the Bureau of Mines, the approval number, designation of the type of equipment for

which the approval is granted, and the name of the manufacturer. The plate will bear also a statement regarding proper operation and maintenance of the equipment.

The manufacturer shall have this design reproduced as a plate for attachment to each approved unit. A sample plate and sketch or description of its proposed mounting on the unit shall be sent to the Engineer in Charge of Diesel Testing, Bureau of Mines, Pittsburgh 13, Pa., for approval before final adoption.

(c) *Purpose and significance of approval plate.* The approval plate identifies the equipment as having met the requirements of the Bureau of Mines for use in non-coal mines in which the concentration of flammable gas in the underground atmosphere is less than 0.25 percent by volume.

The use of the approval plate on his equipment obliges the manufacturer to maintain the quality of his product and to see that each unit is constructed according to drawings and specifications accepted by, and on file with, the Bureau of Mines. Each unit sold as approved shall carry an approval plate permanently attached to the unit. Equipment exhibiting changes in design that do not have official authorization from the Bureau are not approved and therefore must not bear the approval plate.

§ 32.7 *Withdrawal of approval.* The Bureau of Mines reserves the right to rescind for cause, at any time, any approval granted under this part.

§ 32.8 *Changes in design subsequent to approval; extension of approval.* All approvals are granted with the understanding that the manufacturer will make his equipment according to final drawings and specifications submitted to the Bureau of Mines. Therefore, before changing any feature of the equipment considered in the original approval, the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Director, Bureau of Mines, Washington 25, D. C., requesting an extension of his original approval and stating the change or changes proposed. He shall send a copy of this letter, with revised drawings and specifications showing the change in detail, to the Engineer in Charge of Diesel Testing, Bureau of Mines, Pittsburgh 13, Pa.

(b) The Bureau of Mines will consider the application and inspect the drawings and specifications to determine whether tests of the modified part or parts will be necessary.

(c) If tests are necessary, the applicant will be informed by the Bureau of the amount of the fee and the material or parts required for the tests, and also will be informed, on the basis of the results of such tests, of the approval or disapproval of the proposed modification.

(d) If tests are unnecessary, the applicant will be informed by the Bureau of the approval or disapproval of the proposed modification.

(e) If the proposed modification complies with the requirements of this part, under the provisions of either paragraph (c) or (d) of this section, formal written authorization, known as an extension of approval, allowing the modification will be issued to the applicant by the Bureau of Mines. The letter notifying the applicant of extension of approval will be accompanied by a list of new and corrected drawings to be added to the list of official drawings relating to the equipment.

§ 32.9 *Recommendations on the use of mobile Diesel powered equipment in non-coal mines.* The approval of any type of equipment by the Bureau of Mines means that the equipment has met certain specified requirements of design and performance, but the approval does not guarantee that it is impossible to use an approved device in an unsafe manner. The manufacturer must develop equipment that will meet these specified requirements to be granted an approval, but it is the responsibility of the user to see that the equipment is maintained in proper condition and is used in a proper manner.

The use of Diesel equipment underground involves, in addition to proper maintenance of the equipment itself, certain other factors, such as ventilation, which are of equal importance in establishing safe operating conditions. The following recommendations on the use of Diesel powered equipment underground in non-coal mines are included in this part as an expression by the Bureau of Mines of the conditions under which approved equipment should be used. The recommendations are as follows:

(a) *Ventilation*—(1) *Definition of ventilation requirements.* The use of Diesel powered equipment underground should be restricted to haulageways or other workings where positive ventilation is maintained by mechanical means. If possible the ventilation in places where Diesel equipment is used should be arranged so that air carrying exhaust gases from the engine is returned to the surface without traversing working places. The quantity of ventilating air supplied must be adequate to dilute all toxic or objectionable constituents of the engine exhaust to such extent that the composition of the air of the haulageways, or any working place connected thereto, meets recognized hygienic standards for working environments. The air supplied for ventilation in places where Diesel equipment is used should not contain combustible gas or other contaminant in such concentration that combustion processes in the engine may be altered, with resultant increase in production of toxic or objectionable constituents in the engine exhaust.

(2) *Quantity of ventilating air.* In the described approval tests of a Diesel-powered unit, data will be obtained on the rate of production (cubic feet per minute) of toxic constitutents of the exhaust gas, such as carbon dioxide, carbon monoxide, and oxides of nitrogen, under conditions representing the range of rated engine speed and power output. These data will provide a basis for calculating the rate at which ventilating air should be supplied in the place where that Diesel unit is used, so that under any normal operating condition the toxic gases produced by the engine will be diluted to limits acceptable in the air of working places. This recommended rate of ventilating (in cubic feet of air per minute) will be shown upon the approval plate issued for the Diesel unit. This rate applies to the use of one unit only; if more than one unit is used at a given location, or in any continuous course of air, then the rate of ventilation should be the sum of the requirements for the individual units. As this recommended rate of ventilation will be determined during the approval tests, with engines that are new and presumably in the best mechanical condition, it will be desirable to supply ventilation in excess of the rate indicated on the approval plate, thus furnishing a factor of safety in operation.

Measurements of air-flow should be made at intervals sufficiently frequent to insure that adequate ventilation is being maintained. Records should be kept of such measurements.

(3) *Quality of ventilating air.* The air supplied for ventilation in connection with the use of Diesel powered equipment underground should contain at least 20 percent, by volume, of oxygen (dry basis); less than 0.25 percent flammable gas; and less than 0.5 percent carbon dioxide. This statement applies to the air current before the exhaust gases from the Diesel equipment are added to it.

(4) *Examination of air at working places.* The air of places in which Diesel powered equipment is used should be examined at frequent intervals to determine that the composition of the intake air is within the limits given in subparagraph (3) of this paragraph, and that the concentration of contaminants, such as carbon dioxide, carbon monoxide, and oxides of nitrogen added to this air by the equipment, are within acceptable limits. Methods used in determining the concentrations of these contaminants and the composition of the intake air should be sufficiently sensitive and accurate to produce reliable results, as the interpretation of these results may in some instances depend on variations in concentrations of as little as 0.01 percent or less. Concentrations of gases considered permissible in working environments are as follows:

Carbon dioxide (CO_2)—not more than 0.5 percent, by volume.

Carbon monoxide (CO)—not more than 0.01 percent, by volume.

Oxides of nitrogen (NO_2)—not more than 0.0025 percent, by volume.

Oxygen (O_2)—not less than 20 percent, by volume.

Ventilation and operating condition of Diesel powered equipment should be such that the composition of the air of haulageways, and working places connected thereto, always remains within these tolerable limits.

Aldehydes and smoke are self-evident if present in objectionable concentrations and need not be determined by analysis. Production of sulfur gases by the engine may be controlled by using a fuel-oil of low sulfur content.

A smoky exhaust is a good practical indication of faulty operation and usually accompanied by the production of excessive quantities of carbon monoxide. Therefore, abnormal production of

smoke should be sufficient reason for removing Diesel powered equipment from service until this condition has been corrected.

In the event that any of the foregoing conditions of air quality are not maintained, as determined by analysis of the air or by observation, operation of the equipment should be stopped until proper conditions of air quality are established, either by increasing ventilation or by correcting mechanical imperfections in the equipment, whichever is found to be the cause of the undesirable conditions.

Records should be kept of all air analyses, and of any changes in ventilation or adjustments of equipment made as a result of these analyses.

(b) *Maintenance*—(1) *General.* The maintenance of Diesel powered equipment in approved conditions is essential if undesirable conditions in the use of such equipment are to be avoided. To insure adequate maintenance, a person thoroughly familiar with the proper procedures for maintaining Diesel powered equipment in approved condition should be responsible for all maintenance work.

Inspection and maintenance procedures should be in accordance with the instructions furnished by the manufacturer. Records of all inspections should be kept and a routine inspection schedule should be drafted from experience and information obtained in the inspections during the first several months of operation.

All maintenance work should be done in accordance with detailed instructions furnished by the manufacturer of the equipment. These instructions should form the basis of a routine inspection and maintenance schedule. Some of the more important inspection and maintenance procedures are summarized below.

(2) *Engine fuel-injection system*—(i) *Injection valves.* Improperly functioning injection valves may cause incomplete combustion of some of the fuel and lead to increased production of smoke, carbon monoxide, and aldehydes. It is important, therefore, to maintain injection valves in proper operating condition. Particular attention should be paid to injection valves to prevent leaking and to prevent imperfect atomization or distribution of the fuel.

The manufacturer's recommendations regarding inspection and maintenance of injection valves should be followed.

(ii) *Fuel pump.* The fuel pump on the engine is set by the manufacturer in accordance with approval requirements of the Bureau of Mines. This setting is made to limit the fuel injected at full throttle and to prevent operation of the engine with insufficient air for complete combustion with the attendant production of dangerous quantities of carbon monoxide. After this adjustment is made, the fuel pump is sealed or locked to prevent alteration.

It should not be necessary to reset the fuel pump unless some part breaks or unless the pump is disassembled for a complete overhaul or unless the unit is to be operated at a barometric pressure significantly less than that for which the pump was set. When it is necessary to set the fuel pump, the seal or lock should be broken by an authorized person and the final adjustment should be made under the supervision of this person. After this adjustment has been made, the fuel pump should be sealed or locked by an authorized person.

(iii) *Method of adjusting fuel pump.* Adjustment of the fuel pump should be made preferably by the manufacturer of the engine. A spare pump should be available to permit this to be done. If this procedure is not followed and it becomes necessary to reset the stop limiting the fuel injected at full throttle, it is essential that some means be available for reproducing the original setting. Failure to reproduce the original setting may lead to the production of dangerous quantities of carbon monoxide if too much fuel is injected at full throttle. The fuel delivered at maximum throttle setting can be determined either by weight or by volume. If the determination is made by volume, a suitable correction for the density of the fuel at the existing temperature must be made. The test procedure should be designed so that the maximum quantity of fuel delivered per revolution of the fuel pump drive shaft can be determined. The fuel pump should be set to deliver no more than the maximum weight of fuel per revolution corresponding to the value specified by the manufacturer and shown on the approval plate for the particular engine and conditions of use.

(iv) *Adjustment of maximum fuel injection for operation at different barometric pressures.* The average barometric pressure existing at the place where a Diesel engine is to be used must be considered in setting the maximum fuel injected. Barometric pressure affects the density of the air and therefore affects the weight of air drawn into the engine. Unless the quantity of fuel injected at full throttle is adjusted to maintain a constant fuel : air ratio, dangerous quantities of carbon monoxide may be produced at high altitude and low barometric pressure where the density of the air is low.

The maximum rate of fuel consumption for approved operation at different barometric pressures will be determined in approval tests made by the Bureau of Mines. This information will be furnished the manufacturer and will be included on the approval plate. The fuel pump of the engine should be set in accordance with the values given for the barometric pressure existing at the place where the engine is to be operated.

(3) *Engine intake system.* The air cleaner should be maintained in accordance with the manufacturer's instructions. Abnormal reduced pressure in the intake system is likely to increase production of toxic or objectionable gases in the exhaust.

(4) *Engine exhaust system.* The exhaust system of the engine, including the cooling system, should be inspected at periodic intervals. The frequency of these inspections should be determined in accordance with the recommendations made under general maintenance instructions.

Operators of the equipment should be made responsible for maintaining an adequate supply of water in the exhaust gas cooling system. It is important that the water used in the exhaust gas cooling system be substantially free of acid to prevent corrosion. In some situations this might necessitate chemical treatment of the water used.

If the exhaust from the engine appears abnormally smoky or odorous, the manufacturer's manual of instructions should be consulted immediately and the cause determined. Particular attention should be paid to inspection of the fuel injection valves, the pressure in the intake and exhaust systems, and to the possibility of excessive injection of fuel at full throttle. Restrictions in the intake or excessive pressure in the exhaust can cause smoke and objectionable odor. This can be caused also by the injection of fuel in excess of the allowable maximum. A smoky exhaust usually is indicative of the presence of significant concentrations of carbon monoxide, and therefore steps should be taken immediately to determine the cause and eliminate it.

(5) *Electrical equipment*—(i) *Wiring.* Air hose, rigid steel, and other types of conduit should be firmly held at the ends, and also between ends when lengths are such as to require additional supports. Conduit and other means of affording mechanical protection of wiring should be kept intact and in place.

(ii) *Headlight and instrument lenses.* Lenses forming part of the casings of headlights and instruments should be held securely and protected to prevent damage to them.

(iii) *Overload protection.* Tampering with fuses, relays, and other means supplied by the manufacturer for overload and short-circuit protection of wiring and equipment should not be permitted, nor should substitutes that defeat this protection be allowed.

(iv) *Battery.* Battery cell tops should be kept free of electrolyte and dust. Connections between cells should be kept tight and free of corrosion.

(c) *Fuel.* The fuel used for Diesel powered equipment in underground service should conform to the manufacturer's specifications for viscosity, pour point, cetane number, carbon residue, and water. The flash point must not be less than 140° F. and the sulfur content should not be greater than 0.5 percent by weight.

Wherever possible fuel storage should be on the surface, and the fuel tanks of the Diesel units should be filled above ground. In situations where this is not feasible, fuel stored underground should be limited in quantity to that required for one day's operation of the units. The fuel should be transported and stored in strong, tight containers provided with positive closing devices. All fuel taken underground, and awaiting transfer to the fuel tanks of the units, should be stored in a closed compartment, constructed of incombustible materials, and situated in well-ventilated places, the return air from which does not pass through any active workings. The walls of the compartment should form a liquid-tight joint with the floor, and no openings through the walls should be at a height less than that necessary to form a reservoir of greater capacity than the maximum volume of fuel that may be stored in the

compartment. Fuel tanks of units should be filled only at the fuel storage compartment. A supply of sand or other suitable incombustible material should be at hand to absorb fuel that may be spilled accidentally in the filling operation.

Clean fuel is necessary to minimize the possibility of damage to the fuel-injection systems. Therefore in handling the fuel all precautions should be taken to keep the fuel clean and free from water.

(d) *Fire extinguishers.* At least one fire extinguisher of the type containing liquid carbon dioxide should be carried at all times with each unit. Extinguishers of the same type should be installed at underground fuel storage compartments, repair shops, and barns.

(e) *Repair shops and barns.* Repair shops for Diesel powered equipment and storage of such equipment preferably should be above ground. If such arrangement is impracticable, such spaces should be situated close to the shaft or portal underground and between an intake and a return air-way, so that persons in such places will be provided with fresh air, and so that if engines are operated in the repair shop, or if fire should occur, products of combustion will enter the return air.

Underground repair shops and storage spaces should be lined with incombustible material, and doors, or other closures, should be of incombustible material. The floor should be impervious to oil and should slope to a sump, so that spilled oil may be collected and removed. A supply of sand or other suitable incombustible material should be kept on hand to aid in fighting fires or to absorb spilled oil.

Welding or other operations that might create fire hazards should not be carried on in the repair shop unless adequate precautionary measures are taken against the ignition of Diesel fuel or lubricants.

§ 32.10 *Revision of requirements and recommendations.* In the preparation of the requirements and recommendations embodied in this part the Bureau of Mines has endeavored to provide a basis for the production of safe and practicable Diesel powered equipment that will meet the demands of existing conditions. However, it is possible that instances might arise in which the protection afforded would be inadequate. The Bureau of Mines, with the cooperation of manufacturers and users of the equipment, will be alert to such situations. When a situation arises in which inadequacy of protection or unusual hazard attending the use of approved equipment is established, the manufacturer of the equipment will be requested to issue precautions or, if necessary, to cease marketing the equipment for use in the particular situation or condition until such changes or provisions as will provide adequate protection are made. It shall be understood that any changes or provisions made must be submitted to the Bureau of Mines and have its approval before being adopted. Should the situation require a change in the basic requirements and tests provided in this part, or the recommendations contained therein, such change will be issued as a supplement to this part.

JAMES BOYD,
Director.

Approved: March 29, 1949.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-2607; Filed, Apr. 7, 1949; 8:46 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

TRAINING OF STUDENTS

Section 562.17 is changed to read as follows:

§ 562.17 *Training of students ineligible for enrollment.* When desired by institutional authorities, students who for any reason cannot be enrolled in the Reserve Officers' Training Corps may be permitted to pursue the Reserve Officers' Training Corps course without expense to the Government. Such students will not be included in enrollment reports nor in the enrollment allotment, and cannot be issued Government uniforms or commutation therefor, but may use the arms and equipment issued to the institution. [C 11, Ar 145-10, Mar. 17, 1949] (R. S. 161; 5 U. S. C. 22)

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

[F. R. Doc. 49-2623; Filed, Apr. 7, 1949; 8:51 a. m.]

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 §§ 803.103 (a) (1), 803.116-4, and 809.603-3 to read as follows:

§ 803.103 *Distribution of invitations for bids.* (a) Except as indicated in paragraph (b) of this section:

(1) One copy of every invitation for bids (both Army and Air Force) and one copy of every amendment to an invitation for bids (both Army and Air Force) will be sent on the date issued direct to the Procurement Information Center, Office of the Assistant Secretary of the Army, Washington 25, D. C. Letters of transmittal are not necessary.

* * * * *

§ 803.116-4 *Distribution of abstracts of bids.* Within 3 days after bids have been opened and final action taken thereon, or after it is decided to cancel the invitation before opening of bids, a copy of the abstract of bids (both Army and Air Force) will be mailed direct to the Procurement Information Center, Office of the Assistant Secretary of the Army, Washington 25, D. C.

* * * * *

§ 809.603-3 *Furnishing of posters.* Contracting officers are responsible for seeing that contractors who are awarded contracts subject to the Walsh-Healey Act are furnished Posters, Form PC-13 (Revised June 1948) simultaneously with the making of the award, or as soon thereafter as possible. All copies of previously issued posters which bear no revision date or a revision date other than June 1948, must be destroyed and be replaced by that revised issue. The forms may be obtained from the Record Keeping and Control Section, Room 1106, Department of Labor, Washington 25, D. C. In this connection, see § 809.601.

* * * * *

[Proc. Cir. 9, 1949] (Pub. Law 413, 80th Cong.)

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

[F. R. Doc. 49-2624; Filed, Apr. 7, 1949; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

1. In § 127.216 *Belgium* (13 F. R. 9117) amend paragraph (c) (2) (ii) to read as follows:

(ii) Not more than 3 pounds of meat may be included in each relief parcel; and the combined total domestic retail value of all medicinals and drugs included in each relief parcel must not exceed $5.

2. In § 127.231 *China (including Taiwan (Formosa) and the leased territory of Kwangchowwan (Fort Bayard))* (13 F. R. 9130) amend paragraph (c) (2) (ii) to read as follows:

(ii) Not more than 3 pounds of meat may be included in each relief parcel; and the combined total domestic retail value of all medicinals and drugs included in each relief parcel must not exceed $5.

3. In § 127.268 *Great Britain and Northern Ireland (England, Scotland and Wales; also Northern Ireland)* (13 F. R. 9158) amend paragraph (c) (2) (ii) to read as follows:

(ii) Not more than 3 pounds of meat may be included in each relief parcel; and the combined total domestic retail value of all medicinals and drugs included in each relief parcel must not exceed $5.

4. In § 127.283 *Italy (including the Republic of San Marino)* (13 F. R. 9174) amend paragraph (c) (2) (ii) to read as follows:

(ii) Not more than 3 pounds of meat may be included in each relief parcel; and the combined total domestic retail value of all medicinals and drugs included in each relief parcel must not exceed $5.

5. In § 127.286 *Japan* (13 F. R. 9176; 14 F. R. 459) amend paragraph (c) (2) (ii) to read as follows:

(ii) Not more than 3 pounds of meat may be included in each relief parcel; and the combined total domestic retail value of all medicinals and drugs included in each relief parcel must not exceed $5.

6. In § 127.288 *Korea* (13 F. R. 9178) amend paragraph (c) (2) (ii) to read as follows:

(ii) Not more than 3 pounds of meat may be included in each relief parcel; and the combined total domestic retail value of all medicinals and drugs included in each relief parcel must not exceed $5.

7. In § 127.295 *Luxemburg (Grand Duchy)* (13 F. R. 9181) amend paragraph (c) (2) (ii) to read as follows:

(ii) Not more than 3 pounds of meat may be included in each relief parcel; and the combined total domestic retail value of all medicinals and drugs included in each relief parcel must not exceed $5.

8. In § 127.342 *Ryukyu Islands* (13 F. R. 9212) amend paragraph (c) (2) (ii) to read as follows:

(ii) Not more than 3 pounds of meat may be included in each relief parcel; and the combined total domestic retail value of all medicinals and drugs included in each relief parcel must not exceed $5.

9. In § 127.375 *Vatican City State* (13 F. R. 9234) amend paragraph (c) (2) (ii) to read as follows:

(ii) Not more than 3 pounds of meat may be included in each relief parcel; and the combined total domestic retail value of all medicinals and drugs included in each relief parcel must not exceed $5.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25; 48 Stat. 943; 5 U. S. C. 22, 369, 372)

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

[F. R. Doc. 49-2609; Filed, Apr. 7, 1949; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 1, Rev., Suspension and Revocation]

PART 500—CONSERVATION OF RAIL EQUIPMENT

MERCHANDISE FREIGHT TRAFFIC

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, and Executive Order 9919, *It is hereby ordered*, That all provisions of General Order ODT 1, Revised, as amended, §§ 500.1 through 500.8a (11 F. R. 8228, 8740, 9040, 10616), and all provisions of outstanding permits issued in connection therewith, shall be, and they are hereby, suspended from 11:59 o'clock p. m., April 16, 1949, until 11:59 o'clock p. m., June 30, 1949, or until such earlier time as the Office of Defense Transportation may hereafter designate.

It is hereby further ordered, That General Order ODT 1, Revised, as amended, and all outstanding permits issued in connection therewith, shall be, and they are hereby, revoked effective at 11:59 o'clock p. m., June 30, 1949.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, 945, 62 Stat. 342; 50 U. S. C. App. and Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 5th day of April 1949.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 49-2630; Filed, Apr. 7, 1949; 8:52 a. m.]

[General Order ODT 18A, Rev., Suspension and Revocation]

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, and Executive Order 9919, *It is hereby ordered*, That all provisions of General Order ODT 18A, Revised, as amended, §§ 500.70 through 500.79 (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), and all provisions of outstanding special directions and permits issued in connection therewith, shall be, and they are hereby, suspended from 11:59 o'clock p. m., April 16, 1949, until 11:59 o'clock p. m., June 30, 1949, or until such earlier time as the Office of Defense Transportation may hereafter designate.

It is hereby further ordered, That General Order ODT 18A, Revised, as amended, and all outstanding special directions and permits issued in connection therewith, shall be, and they are hereby, revoked effective at 11:59 o'clock p. m., June 30, 1949.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, 945, 62 Stat. 342; 50 U. S. C. App. and Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 5th day of April 1949.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 49-2631; Filed, Apr. 7, 1949; 8:53 a. m.]

[General Order ODT 16C, Rev., Revocation]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

FREIGHT SHIPMENTS TO OR WITHIN PORT AREAS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, and Executive Order 9919, *It is hereby ordered*, That General Order ODT 16C, Revised as amended, §§ 502.200 through 502.204 (11 F. R. 13426, 13465, 13913), and all outstanding permits issued in connection therewith, shall be, and they are hereby revoked effective at 11:59 o'clock p. m., April 16, 1949.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, 945, 62 Stat. 342; 50 U. S. C. App. and Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 5th day of April 1949.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 49-2632; Filed, Apr. 7, 1949; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 912]

HANDLING OF MILK IN DUBUQUE, IOWA, 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 Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area. Interested parties may file 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 Dubuque, Iowa, on January 12, 1949, pursuant to notice thereof which was issued on December 23, 1948 (13 F. R. 8713).

The material issues on the record relate to (1) a redefinition of certain terms, (2) a restatement of the powers and duties of the market administrator, (3) a revision of the classes of utilization, (4) a change in the method of accounting for milk, (5) a revision of the class prices and the incorporation of class butterfat differentials to handlers, (6) a revision of the producer butterfat differential, (7) a charge for interest on overdue accounts, and (8) a general revision of the order to facilitate its administration and clarify its terminology.

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 evidence indicates that in the interest of clarity some of the existing terms should be redefined and some additional terms should be defined.

The term "handler" should be restricted to include only (a) the operators of plants from which milk is disposed of on wholesale and retail routes within the marketing area and (b) cooperative associations with respect to milk of members which is caused by the association to be diverted from a handler's plant to the plant of a nonhandler. The term "producer" should be restricted to include only those persons who produce milk in conformity with the requirements of the City of Dubuque, Iowa, which is received at the plant of a handler or which is caused by a cooperative association to be diverted from such a plant to the plant of a nonhandler. This definition of producer would remove from the scope of the order those farmers who produce milk which is not acceptable for consumption as fluid milk within the City of Dubuque. At the present time such producers do not share in the uniform price on the market but receive the Class III price for their milk. There appears to be no need for continuing to regulate the handling of such milk.

The terms "Department of Agriculture," "producer milk," and "other source milk" should be defined. While the use of these terms would not affect the application of the order to any person or circumstance, it would tend to provide greater clarity and would facilitate drafting the subsequent substantive provisions of the order.

The term "emergency milk" should not be defined. There has not been in any recent period an occasion when receipts of producer milk were insufficient to fulfill the market's requirements nor is there any indication that such a situation is likely to exist in the foreseeable future. Accordingly, it appears advisable that the definition of emergency milk and the drafting of provisions relating to its regulation should not be undertaken until there appears to be a need for them. Action taken now to remedy a hypothetical situation might be inadequate or ineffectual in coping with actual circumstances of a varying nature.

The terminology of certain of the other definitions should be changed for the sake of clarity or to bring them into conformity with the terminology in general use in other orders. Such changes, however, do not affect the application or scope of the order and merit no further discussion.

2. The powers and duties of the market administrator should be redefined.

The present order enumerates only 2 of the 4 powers which may be conferred upon the market administrator. The other powers—those of making rules and regulations to effectuate the terms and provisions of the order and of recommending to the Secretary amendments to the order — should also be stated. While there is little doubt that the market administrator has these powers regardless of whether they are specified in the order, it is reasonable and desirable to enumerate in the order those powers which are specified by the act.

The miscellaneous duties of the market administrator in connection with the operation of the order should, as far as possible, be set forth in the same section of the order. Therefore several of the duties of the market administrator which are currently enumerated in different sections of the order have been grouped together under the general heading of "duties of the market administrator."

The proposal that the market administrator be required to furnish the cooperative association each month a report of the utilization of its milk by each handler who purchased or received milk from it should be adopted. This information would enable the cooperative association to allocate milk more equitably among handlers in times of shortage and thus insure each handler a more nearly adequate supply of milk.

3. Changes should be made in the classes of utilization as now defined. Class I milk should contain those products which are required under the applicable health regulations to be made from milk which meets the requirements for milk for fluid consumption. Under the present order cream, buttermilk, milk drinks, and cottage cheese are classified as Class II. Since the cream, buttermilk, and milk drinks are required to be made from approved milk they should be classified as Class I. Cottage cheese should be classified with manufactured dairy products which do not require approved milk.

At the present time all other dairy products are classified in Class III. There should be, however, a further breakdown in the classification of manufactured dairy products. The markets for products of surplus milk in this area are of two types. There is a local market for ice cream ingredients and for cottage cheese in which, because these products are somewhat less concentrated than other products of surplus milk, local producers have an advantage of location and milk used for these products may be priced at a somewhat higher level than milk used for the more concentrated products. A separate class for pricing these less concentrated products must therefore be established. Evaporated and condensed milk should be included in this class also because the degree of concentration of these products is similar to that of ice cream ingredients and, in fact, condensed milk is an important constituent of ice cream. This class should be designated as Class II.

The products of Class II will not, however, provide outlets for all of the surplus of the market at all times of the year. It is necessary in order to effect complete disposal of the surplus to have a second surplus class which will be designated as Class III and to which a price somewhat lower than Class II will apply. This class will contain the more concentrated products such as butter, American cheddar cheese, casein, and nonfat dry milk solids. It will also include skim milk used for animal feed which is a very low valued salvage use of skim milk and, in accordance with previous practice, allowable shrinkage.

It was proposed at the hearing that a Class I–A be established which would include only fluid cream. It is decided for the reasons set forth above to classify cream in Class I and, hence, it is not necessary to establish a Class I–A.

4. The existing method of accounting should also be changed. Under the present plan milk is accounted for in Class I on a volume basis and in the other classes on the milk equivalent of the butterfat contained therein. If the sum of the resulting amounts varies from the pounds of milk received, an adjustment is made in Class III. This method is unsatisfactory for two reasons. First, inequities in costs between handlers may arise because of differences in the butterfat content of the milk received from producers or in the test of the products sold. Secondly, the amounts of milk shown in each class are, except in the case of Class I, theoretical and not actual and, hence, it is impossible to obtain an accurate picture of the utilization of skim milk and butterfat.

To remedy these faults it is proposed that skim milk and butterfat be accounted for separately and on a volume basis in each class. This method of accounting in conjunction with the revised pricing procedures which have been proposed will eliminate any inequities that may exist. The reporting of actual volumes of skim milk and butterfat in each class will provide an exact picture of the utilization on the market, a highly important point from a statistical viewpoint. This method of accounting will also lessen somewhat the bookkeeping problems of both the market administrator and the handlers.

5. The class prices should be revised. The Class I differential should be changed from 70 cents throughout the year to 80 cents in January, February, and March; 60 cents in April, May, and June; and $1.05 during the remaining months of the year. The record indicates that producer prices in the Dubuque market should be fixed in relation to the prices in the Quad Cities market which are 10 cents higher than the prices recommended herein. Over the past year and a half several producers have shifted from the Dubuque to the Quad Cities market. A few have shifted to Cedar Rapids, Iowa. An effort is still being made to induce producers to shift to the Quad Cities market.

In order to prevent producers from shifting, the handlers on the Dubuque market have, since September 1947, paid premiums which have ranged as high as 50 cents per hundredweight but which average approximately 30 cents per hundredweight on all milk received. These premiums are still being paid.

It was proposed by the producers that the Class I differentials be fixed at the same level as those provided in the Quad Cities Order. It appears, however, that it would cost producers substantially more to have their milk hauled to Quad Cities than to Dubuque, and that the price recommended herein would return a net price to producers at the farm equal to that which they would receive were they to send their milk to the Quad Cities. While the proposed differentials would result in an average return to producers less than they are currently receiving in view of the premium being paid, the returns will be adequate to insure a sufficient supply of milk and will help to produce a more desirable production pattern. In 1948 Dubuque received twice as much milk as was needed during the month of peak production, and had scarcely enough milk to meet its requirements during the month of shortest production. This is due in part to the fact that returns to producers were unduly high in the flush months and that little or no increase in price occurred during the months of short production.

It was proposed by a handler witness that the Class I differential be fixed at 90 cents for all months and that a Class I-A price be fixed for cream, 45 cents less than the Class I price. The Class I differentials which are recommended herein will average 87.5 cents for the year. As pointed out above this amount should vary seasonally not only to maintain a stable relationship with Quad Cities prices but also to encourage a more even production pattern on the market.

The proposal for a Class I-A price should be denied. Historically in this market there has been a difference of 45 cents between the price of milk sold as milk and the price of milk used to produce cream. Under the proposed method of accounting, however, the price applies to the pounds of cream and not to the pounds of milk used to produce the cream. Thus the increase in cost to handlers is much less than the apparent increase in the differential. As pointed out above, cream must be made from milk which meets the same requirements as milk disposed of for consumption in the form of milk and that portion of the milk used as cream should return to the producer the same value as milk disposed of as milk.

The basic price to be used in determining the Class I price should be based on the value of manufactured products during the preceding rather than during the current delivery period. In addition to being necessary to maintain the proper price relationship between Dubuque and Quad Cities, this change will permit handlers to know what they will be required to pay for milk at the beginning of the month in which it is sold. At the present time handlers do not know the price of their milk until after the end of the month in which it is sold.

Two classes should be established for milk used in the manufacture of dairy products which are not required to be made of approved milk. Class II which would contain cottage cheese, ice cream, ice cream mix, condensed milk, and similar products should be priced at the average price paid for milk by a group of nearby manufacturing plants. Class III which would include butter, cheese, casein, nonfat dry milk solids, and animal feed would be priced according to a formula based on the price of the cheese known as "Cheddars" on the Wisconsin Cheese Exchange.

At the present time all manufactured products are classified and priced in the same class, the price being based on the Chicago quotation for the cheese known as "Twins." Since there has been a difference of approximately 2 cents per pound between the price of Twins at Chicago and the price of Cheddars on the Exchange, those plants which have utilized the surplus milk in the market in cheese have been penalized since their cheese is customarily sold on the basis of the Exchange quotation.

On the other hand the present price has been an advantage to handlers who utilized their surplus milk primarily in the manufacture of ice cream, ice cream mix, and condensed milk, since the price paid for milk in similar uses by persons not subject to the order is comparable to the proposed Class II price. The proposed classification and pricing of manufacturing milk will result in greater equity in the market and will return to producers approximately the same value for their surplus milk as they are now receiving.

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.

Under the proposed method of accounting it is necessary that Class butterfat differentials be incorporated in the order. The Class I butterfat differential should be fixed at 1.4 times the market price of 92-score butter. In Classes II and III the butterfat differential should be fixed at 1.2 times the market price of 92-score butter. The butterfat differentials reflect the approximate value of butterfat in milk when used in the various classes. In effect the use of butterfat differentials in each class provides separate pricing of the butterfat and skim milk, the price of skim milk being equal to the difference between the class price and the butterfat value.

The Class I differential will have little effect on handler's costs for milk to be disposed of as milk since the average butterfat content of the milk sold in the market is very close to 3.5 percent. However, if handlers should distribute milk containing a higher percentage of butterfat, producers should receive for the extra butterfat the same value that they would receive were the butterfat used to produce cream. A comparison of butter prices and cream prices indicates that on the average the price of butterfat in cream is equivalent to 1.4 times the price of 92-score butter. Since the Class I butterfat differential is approximately the price required to be paid by handlers for butterfat used in cream, it should be fixed at 1.4 times the price of butter.

The butterfat differentials in Class II and III reflect the value of butterfat when used in manufactured dairy products and should be fixed at 1.2 times the price of 92-score butter. This is generally accepted as a reasonable basis for pricing butterfat used to produce butter, cheese, and other manufactured dairy products.

It was proposed by a handler witness that the Class I butterfat differential also be fixed at 1.2 times the price of butter. Since the butterfat differential is the principal factor in pricing milk used in cream, the adoption of such a

differential would return to producers little more than the manufacturing price for the milk used to produce the cream, and the proposal should be denied.

It was proposed by the producers' association that the Class II butterfat differential be fixed at 1.3 times the price of 92-score butter. The record, however, fails to support the adoption of such a differential.

6. The producer butterfat differential should be revised. The present order provides that the producer butterfat differential be equal to one thirty-fifth of the Class III price. This results in the value of butterfat being equal to the value of Class III milk with no value allocated to skim milk. Butterfat value should be determined on the basis of the value of butter rather than on the value of whole milk. A differential of 1.2 times the price of butter is used in the Quad Cities market and in most others and producers indicated they felt it desirable in the Dubuque market. Since, under the proposed order, the butterfat differential is merely a means of prorating returns to producers, handlers' costs will not be affected by it.

7. Interest at the rate of one-half of one percent per month should accrue on all accounts owed to the market administrator by handlers, or owed to handlers by the market administrator. This interest would accrue on the first day of the month following the due date of such obligation and on the first day of each successive month until the account is paid. Such a provision is needed to bring about a prompt settlement of all accounts between the market administrator and the handlers in the market.

8. Several minor changes should be made in other provisions of the order to facilitate its administration. For the most part these changes do not affect the application of the order and merit no comment except as set forth below.

One of the more important of the administrative changes is the provision that the market administrator add back in the pool computation each month only half of the reserve in the producer-settlement fund instead of the entire reserve. In the past there have been times when the reserve in the producer-settlement fund was insufficient to meet large audit adjustments. In order to eliminate the possibility of this situation occurring again it is recommended that a larger reserve be maintained. The effect of adding back only half the fund will be a reserve approximately twice that carried at the present time.

The date for filing reports of utilization and receipts should be shifted from the 5th of the month to the 7th. The present date works a hardship on handlers when a weekend or a holiday falls within the first 5 days of the month. At such times it is necessary for their office staffs to work overtime to get out the reports. The additional two days provided will remedy this situation.

Another change is the setting up of a separate section to provide for adjustments of accounts. The adjustment provisions are now a part of the general section on payments. They are of sufficient importance to be set out as a separate section.

There should also be added to the order a section on separability of provisions to provide that the whole order should not fall if one provision of it were declared invalid or if its application to a particular person or circumstance should be held invalid. Similar provisions are a part of most regulatory documents and the parties at interest here should be protected in the event that some minor provision of the order should be invalidated.

The other changes which have been made are chiefly in terminology or in the arrangement of the provisions.

Ruling on proposed findings and conclusions. Briefs were filed on behalf of the Dubuque Cooperative Dairy Marketing Association, Brookside Dairy, and Beatrice Foods Company, all handlers under the Dubuque, Iowa, milk order. 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 requests 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 order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the recommended order.

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

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

(c) "Dubuque, Iowa, marketing area," hereinafter called "marketing area," means the territory within the corporate limits of the City of Dubuque and the township of Dubuque, sections 1, 2, 3, 11, and 12 of the township of Table Mound, and sections 5 and 6 of the township of Mosalem, all in Dubuque County, Iowa.

(d) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the Department of Agriculture.

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

(f) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(g) "Cooperative association," means any cooperative marketing association of producers which the Secretary determines (1) is qualified under the provisions of the act of Congress of February 11, 1922, as amended, known as the "Capper-Volstead Act"; (2) has full authority in the sale of milk of its members; and (3) is engaged in making collective sales of or marketing milk or its products for its members.

(h) "Producer" means any person who, in conformity with the requirements of the health authorities of the City of Dubuque for the production of milk for consumption as milk, produces milk which (1) is received at a plant from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (2) is caused by a cooperative association to be diverted from a plant described in subparagraph (1) of this paragraph to a plant from which no Class I milk is disposed of within the marketing area. This definition shall not include a person who produces milk which is received by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this order pursuant to § 912.6 (b).

(i) "Handler" means (1) any person with respect to all milk received at a plant operated by him from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (2) a cooperative association with respect to milk which it causes to be diverted from a plant described in subparagraph (1) of this paragraph to a plant from which no Class I milk is disposed of within the marketing area.

(j) "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise and the personal risk of such person.

(k) "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

(l) "Other source milk" means all skim milk and butterfat except that contained in producer milk.

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

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

(1) Administer the terms and provisions hereof;

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

(3) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof including but not limited to the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(4) Pay out of the funds provided by § 912.10, the cost of his bond and the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 912.11, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(6) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(7) Publicly announce unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 912.3, or (ii) payments pursuant to §§ 912.8, 912.9, 912.10, or 912.11;

(8) Audit each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(9) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the utilization of the milk caused to be delivered to each handler by such cooperative association. For this purpose such milk shall be prorated to each class in the same proportion that the total receipts of producer milk by such handler were used in each class.

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(i) On or before the 5th day of each delivery period, (*a*) the minimum price for Class I milk computed pursuant to § 912.5 (a) (1) and the butterfat differential computed pursuant to § 912.5 (b) (1), both for the current delivery period, and (*b*) the minimum prices for Class II milk and Class III milk computed pursuant to § 912.5 (a) (2) and (3), and the butterfat differentials computed pursuant to § 912.5 (b) (2) and (3) for the previous delivery period, and

(ii) On or before the 10th day after the end of each delivery period, the uniform price computed pursuant to § 912.7 and the butterfat differential computed pursuant to § 912.8 (b); and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

§ 912.3 *Reports, records, and facilities*—(a) *Delivery period report of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and skim milk contained in milk received from producers;

(2) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from any other handler;

(3) The quantities of skim milk and butterfat contained in receipts of other source milk (except nonfluid milk products disposed of in the form in which received without further processing by the handler);

(4) The utilization of all receipts required to be reported pursuant to this paragraph; and

(5) Such other information with respect to receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 20th day of each delivery period each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period which shall show (i) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions involved in such payments.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(1) The receipts and utilization, in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing;

(2) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(3) Payment to producers and cooperative associations; and

(4) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each delivery period.

(d) *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 912.4 *Classification.* (a) All skim milk and butterfat in any form received by a handler during the delivery period and required to be reported pursuant to § 912.3 (a) shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, or any mixture (except ice cream mix) of cream and milk or skim milk containing more than 6 percent of butterfat and all skim milk and butterfat not specifically accounted for under subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream, ice cream mix, cottage cheese, and any milk product other than those specified in Class I milk or Class III milk.

(3) Class III milk shall be all skim milk and butterfat (i) used to produce butter, American type Cheddar cheese, animal feed, casein, and nonfat dry milk solids; (ii) in actual shrinkage up to 2 percent of receipts from producers; and (iii) in shrinkage of other source milk.

(c) *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(1) Compute the total shrinkage of skim milk and butterfat for each handler.

(2) Prorate the resulting amounts between the receipts of skim milk and butterfat received from producers and from other sources.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk, or cream.

(3) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonhandler's plant unless (i) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 7th day after the end of the delivery period within which such transfer or diversion occurred, (ii) such nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant, which are made available if requested by the market administrator for the purpose of verification, and (iii) such nonhandler's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That, if verification of such nonhandler's records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher priced classification in which such nonhandler had utilization.

(f) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(g) *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to paragraph (f) of this section, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class III the pounds of skim milk determined pursuant to paragraph (b) (3) (ii) of this section;

(ii) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use, the pounds of skim milk contained in other source milk;

(iii) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to paragraph (e) (1) of this section;

(iv) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subdivision (i) of this subparagraph; and

(v) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers an amount equal to the difference shall be substracted from the pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use. Any amount so subtracted shall be called "overrun."

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

§ 912.5 *Minimum prices*—(a) *Class prices.* Subject to the provisions of paragraphs (b) and (c) of this section, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(1) *Class I milk.* The price for Class II milk for the previous delivery period plus 80 cents during the months of January, February, and March; plus 60 cents during the months of April, May, and June; and plus $1.05 during the remaining months of each year.

(2) *Class II milk.* The higher of the prices resulting from the computations made pursuant to subdivisions (i) and (ii) of this subparagraph.

(i) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the following plants for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator of Plant and Location

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pecatonica, Ill.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo Fay, Ill.

(ii) The price resulting from the following computations:

(*a*) Multiply by 6 the average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period,

(*b*) Add an amount equal to 2.4 times 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. 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.

(*c*) Divide the resulting sum by 7,

(*d*) Add 30 percent thereof, and

(*e*) Multiply the resulting sum by 3.5.

(3) *Class III milk.* The higher of the prices resulting from the following computations by the market administrator:

(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 1.20 the average of the 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 multiply the resulting sum by 3.5.

(b) *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 912.4(g) is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to paragraph (a) of this section for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

(1) *Class I milk.* Multiply by 1.40 the average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the previous delivery period and divide the result by 10.

(2) *Class II milk.* Multiply by 1.20 the average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(3) *Class III milk.* Multiply by 1.20 the average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(c) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose the market administrator shall add to the specified price the amount of any subsidy or other similar payment being

made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 912.6 *Application of provisions*—(a) *Producer-handlers.* Sections 912.4, 912.5, 912.7, 912.8, 912.9, 912.10, and 912.11 shall not apply to a producer-handler.

(b) *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines, disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(2) If the price which such handler is required to pay, under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this order is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

§ 912.7 *Determination of uniform price*—(a) *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, and adding together the resulting amounts: *Provided*, That if the handler had overrun of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overrun by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(1) Combine into one total the values computed pursuant to paragraph (a) of this section for all handlers who made the reports prescribed by § 912.3 (a) and who made the payments pursuant to § 912.8 for the preceding delivery period;

(2) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of contingent obligations to handlers pursuant to § 912.9;

(3) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by: multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 912.8 (b) and multiplying the resulting figure by the total hundredweight of such milk;

(4) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(5) Subtract not less than 4 cents nor more than 5 cents from the amount per hundredweight computed pursuant to subparagraph (4) of this paragraph. The resulting figure shall be the uniform price for milk received from producers.

(c) *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing:

(1) The classification and value of the milk received from producers by such handler;

(2) The applicable class prices and the uniform price; and

(3) The amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to §§ 912.8, 912.9, 912.10, and 912.11.

§ 912.8 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payments as follows:

(1) On or before the 15th day after the end of the delivery period during which the milk was received to each producer for milk, except that for which payment is made to a cooperative association pursuant to subparagraph (2) of this paragraph, at not less than the uniform price per hundredweight computed pursuant to § 912.7 (b) subject to the butterfat differential computed pursuant to paragraph (b) of this section.

(2) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers' farms, of an amount equal to not less than the sum of the individual payments otherwise payable to such producers.

(b) *Producer butterfat differential.* In making payments pursuant to paragraph (a) of this section there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from producers is above or below 3.5 percent, an amount computed by multiplying by 1.20 the average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and dividing the resulting sum by 10.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and § 912.9, and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section and § 912.9.

(d) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of the milk received by such handler from producers during such delivery period is greater than the amount required to be paid producers by such handler pursuant to paragraph (a) of this section.

(e) *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of the milk received by such handler from producers during such delivery period is less than the amount required to be paid by such handler pursuant to paragraph (a) of this section: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 912.9 *Adjustments of accounts*—(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred.

(b) *Interest on overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 912.8 (c), (d), and (e), 912.10, 912.11, and paragraph (a) of this section shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 912.10 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator

on or before the 12th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and from sources other than producers or other handlers.

§ 912.11 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section each handler, in making payment to producers (other than himself) pursuant to § 912.8 (a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay such deduction to the cooperative association rendering such services.

§ 912.12 *Effective time, suspension or termination, continuing obligations, and liquidation*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The Secretary shall, whenever he finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or such provision.

(c) *Continuing obligations.* If, upon the suspension or termination of any or all of the provisions of this order, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(d) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

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

§ 912.14 *Separability of provisions.* If any provision hereof or its application to any person or circumstance, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

§ 912.15 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Filed at Washington, D. C., this 5th day of April 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-2637; Filed, Apr. 7, 1949; 8:55 a. m.]

[7 CFR, Part 978]

[Docket No. AO-184 A-3]

HANDLING OF MILK IN NASHVILLE, TENN., MILK MARKETING AREA

PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Sup. I 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR and Supps. Part 900; 13 F. R. 8585), notice is hereby given of a public hearing to be held at the County Court House, Nashville, Tennessee, beginning at 9:30 a. m., c. s. t., April 13, 1949, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, milk marketing area (7 CFR and Supps. Part 978.0; 13 F. R. 5526). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 78), as amended, for the Nashville, Tennessee, milk marketing area were proposed, as follows:

By the Nashville Milk Producers, Inc.:

1. Delete that part of § 978.5 (b) (1) following the colon and substitute therefor the following: "*Provided,* That for the period from the effective date hereof to and including August, 1949, the price for Class I milk shall not be less than $5.00 per hundredweight."

2. Delete that part of § 978.5 (b) (2) following the colon and substitute therefor the following: "*Provided,* That for the period from the effective date hereof to and including August, 1949, the price for Class II milk shall not be less than $4.50 per hundredweight."

By the handlers:

3. Delete § 978.4 (b) (1), (2), and (3) and substitute therefor the following:

(1) Class I milk shall be all skim milk and butterfat disposed of in fluid form for consumption as skim milk or milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as flavored milk, flavored milk drinks and buttermilk, and in the form of cream, aerated cream, eggnog, and any other cream products, except ice cream mix, disposed of in fluid form.

(3) Class III milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream and ice cream mix, and cottage cheese.

(4) Class IV milk shall be all skim milk and butterfat:

(i) Used to produce butter and other items than those specified under subparagraph (2) and (3) of this paragraph.

(ii) In inventory variations.

(iii) Dumped or disposed of for livestock feed.

(iv) In actual plant shrinkage of skim milk and butterfat received in producer milk, but not in excess of 3 percent of such receipts of skim milk and butterfat, respectively, hereinafter known as allowable shrinkage; and

(v) In actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and other source milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

4. Amend § 978.4 (d), *Transfers*, as follows:

Delete from § 978.4 (d) (3) the following words: "and as Class II milk if so disposed of in the form of any item specified in paragraph (b) (2) of this section."

Delete from § 978.4 (d) (4) the following words: "and as Class II milk so disposed of in the form of any item specified in paragraph (b) (2) of this section."

Add a new subparagraph to § 978.4 (d) to read as follows:

(5) As Class III milk if transferred or diverted to a person other than an Order 78 Handler located beyond the limits of the marketing area.

5. Amend § 978.5 (b) by adding thereto a new subparagraph, to read as follows:

(4) *Class IV milk.* The respective prices per hundredweight for skim milk and butterfat in milk received from producers which is classified as Class IV milk shall be computed as follows:

(i) The price per hundredweight for skim milk shall be calculated as follows:

From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, subtract 5.5 cents; then multiply this difference by 7.

(ii) The price per hundredweight of butterfat shall be the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period, multiplied by 1.05.

6. Amend § 978.5 (b) (3) by adding thereto the following proviso: "*Provided*, That the price per hundredweight for all milk transferred or diverted in the form of milk to a non-handler shall be the price as specified under this subparagraph, less 25 cents per hundredweight."

7. Amend Order No. 78, as amended, by the inclusion of such "Out-of-Area Sales" provision in the order as will effect a producer price to the handler for the quantity of milk distributed by such handler beyond the limits of the marketing area equivalent to the average producer price paid by the following distributors who distribute outside of the marketing area but who are not "handlers" as defined in the order:

Lawrenceburg Pure Milk Co., Lawrenceburg, Tenn.
Clarksville Pure Milk Co., Clarksville, Tenn.
Supreme Dairy Products Co., Springfield, Tenn.
Shelbyville Pure Milk Co., Shelbyville, Tenn.
Crescent Hill Milk Co., Gallatin, Tenn.
Jersey Pride Dairy Co., Columbia, Tenn.

8. Amend Order 78, as amended, to provide that a handler will not be required to pay the expense of administration as specified in § 978.9 on any milk product received and processed without the "fluid milk plant" of the handler.

9. Amend Order 78, as amended, by incorporating therein, in the manner indicated, the following provisions:

Retention of records. All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such 3 year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

10. Amend Order 78, as amended, by adding thereto, in the manner indicated, the following provisions:

Termination of obligations. The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2 year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2 year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2 year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

By the Dairy Branch, Production and Marketing Administration:

11. Amend the proviso of § 978.7 (a) to read as follows:

Provided, That if a handler, after subtracting receipts of other source milk and receipts from other handlers, has

disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 978.3 (a), has been credited to producers as having been received from them, there shall be added any plus amount computed by multiplying the pounds in each class as subtracted pursuant to subparagraphs (1) (iv) and (2) of § 978.4 (f) by the applicable price adjusted by the butterfat differentials to handlers specified in § 978.5 (c).

12. Make such other changes as may be required to make the entire marketing agreement and the order, as amended, conform with any amendment thereto which may result from this hearing.

It has been represented that an emergency exists in the market with respect to the establishment of a "floor" price for Class I and Class II milk through August 1949. Accordingly, evidence will be received in connection with proposals 1 and 2 herein, prior to receipt of evidence on any other proposals, so that appropriate action may be taken promptly.

The proposals, Nos. 1 and 2, to establish floor prices for Class I and Class II milk of $5.00 and $4.50 per hundredweight, respectively, through August 1949 raise the question whether the provisions of § 978.7 (b), relating to the deduction of 45 cents per hundredweight from the uniform price computed for the months of April, May, and June for payment to producers as a fall season production incentive on milk deliveries in the months of September, October, and November, should be reviewed. Similarly, the proposals, Nos. 3 and 5, to establish lower prices for some products now classified as Class I milk and Class III milk, respectively, raise the question as to the appropriate price for all products now classified as Class I milk and Class III milk. Accordingly, evidence with respect to these questions will also be received at the hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, 402 Presbyterian Building, 152 Fourth Avenue, North, Nashville, Tennessee, or from the Hearing Clerk, Room 1846, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 5, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-2636; Filed, Apr. 7, 1949; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1959267]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 1, 1949.

Notice is given that the plat of survey of an island in the Clark Fork of the Columbia River in section 29, T. 56 N., R. 2 E., B. M., Idaho, accepted February 1, 1945, including lands hereinafter described, will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10:00 a. m., May 6, 1949.

The lands affected by this notice are described as follows:

BOISE MERIDIAN

T. 56 N., R. 2 E.,
sec. 29, lots 5 to 12, inclusive.

The area described aggregates 175 acres.

Subdivisions represented by this plat are lands which were granted to the Northern Pacific Railway Company under the act of July 2, 1864 (13 Stat. 365), and the Joint Resolution of May 31, 1870 (16 Stat. 378). The release of the railway company of all further land grant claims was filed and approved on April 16, 1940, under section 321b, Part 2, Title 3, of the Transportation Act of 1940 (54 Stat. 94, 49 U. S. C. 65), and the Regulations of October 10, 1940, Circular No. 1480.

Upon the filing of this plat the lands represented thereby will not be subject to selection, location, entry or other disposition until an appropriate order is issued by the Department of the Interior making them subject to disposition under the public land laws.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49-2608; Filed, Apr. 7, 1949; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1932]

LOAN ANNOUNCEMENT

MARCH 21, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 17S Claiborne	$340,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2644; Filed, Apr. 7, 1949; 8:56 a. m.]

[Administrative Order 1933]

LOAN ANNOUNCEMENT

MARCH 22, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 25C Aurora	$910,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2645; Filed, Apr. 7, 1949; 8:56 a. m.]

[Administrative Order 1934]

LOAN ANNOUNCEMENT

MARCH 22, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alabama 35E Jackson	$620,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2646; Filed, Apr. 7, 1949; 8:56 a. m.]

[Administrative Order 1935]

LOAN ANNOUNCEMENT

MARCH 22, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 1Y Miami	$600,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2647; Filed, Apr. 7, 1949; 8:56 a. m.]

[Administrative Order 1936]

LOAN ANNOUNCEMENT

MARCH 23, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 59B Cole	$2,600,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2648; Filed, Apr. 7, 1949; 8:56 a. m.]

[Administrative Order 1937]

LOAN ANNOUNCEMENT

MARCH 24, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 11E Taos	$765,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2649; Filed, Apr. 7, 1949; 8:56 a. m.]

[Administrative Order 1938]

LOAN ANNOUNCEMENT

MARCH 24, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 28T Lancaster	$420,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2650; Filed, Apr. 7, 1949; 8:56 a. m.]

[Administrative Order 1939]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 71M Buchanan	$240,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2651; Filed, Apr. 7, 1949; 8:57 a. m.]

[Administrative Order 1940]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 69M Washington	$120,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2652; Filed, Apr. 7, 1949; 8:57 a. m.]

[Administrative Order 1941]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 26L Shelby	$640,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2653; Filed, Apr. 7, 1949; 8:57 a. m.]

[Administrative Order 1942]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 125H Jasper	$260,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2654; Filed, Apr. 7, 1949; 8:57 a. m.]

[Administrative Order 1943]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 80S Collingsworth	$80,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2655; Filed, Apr. 7, 1949; 8:57 a. m.]

[Administrative Order 1944]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 19R Chippewa	$148,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2656; Filed, Apr. 7, 1949; 8:57 a. m.]

[Administrative Order 1945]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 25S Monroe	$330,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2657; Filed, Apr. 7, 1949; 8:57 a. m.]

[Administrative Order 1946]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 2M Lane	$250,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2658; Filed, Apr. 7, 1949; 8:57 a. m.]

[Administrative Order 1947]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 35R Davidson	$100,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2659; Filed, Apr. 7, 1949; 8:57 a. m.]

[Administrative Order 1948]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 32P Person	$167,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2660; Filed, Apr. 7, 1949; 8:58 a. m.]

[Administrative Order 1949]

LOAN ANNOUNCEMENT

MARCH 25, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 46R Madison	$335,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-2661; Filed, Apr. 7, 1949; 8:58 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 46]

E. A. BROMUND CO.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of E. A. Bromund Company, Jesse F. Bromund, 258 Broadway, New York 7, New York.

This proceeding was begun on January 14, 1949, by the mailing of a charging letter to the above named respondents, wherein the Office of International Trade charged respondents with having violated the regulations issued pursuant to section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, by altering, without authorization from the Office of International Trade, export license No. 1160357 issued under date of May 6, 1948, authorizing the export of 750 kilos of white ceresine wax by respondents to a named consignee in Greece at a total price of $272.91, so as to make such license appear to be a license for the export of 21,750 kilos of white fully refined paraffin wax to a named consignee in Holland at a total price of $5,981.25, and by using such altered license for the purpose and in the attempt to make an unauthorized export shipment of white fully refined paraffin wax to the substituted consignee in Holland.

A hearing was held on said charges before the Compliance Commissioner of the Office of International Trade in Washington, D. C., pursuant to notice given in the charging letter, on January 28, 1949. Respondents personally appeared and were heard. The Compliance Commissioner, after receiving the evidence presented and after due consideration of the record, on March 14, 1949, filed his report in the matter.

It appears from the record and the report of the Compliance Commissioner that respondent E. A. Bromund Company is and, at all times relevant to this proceeding, was a corporation of which respondent Jesse F. Bromund is and, at all such times, was the president, treasurer, and principal stockholder, engaged in New York City in domestic and export trade.

It further appears from the record and the report of the Compliance Commissioner that respondents admitted making the alterations in export license No. 1160357, as charged, and that respondents' defense and plea in mitigation was that respondents intended to have said altered license picked up by the Bureau of Customs so as to bring about the institution of some administrative proceeding in which respondents could bring to the attention of officials of the Office of International Trade the fact that respondents had been receiving licenses for only small percentages of the amounts of commodities applied for. Although the record and the report of the Compliance Commissioner do not entirely bear out this defense, it is important to note that the Compliance Commissioner, who heard respondent Jesse F. Bromund testify, gained the impression therefrom that Mr. Bromund, who was the moving force in the violation, was not motivated by malevolence or a purpose to defraud, and that he quite obviously acted with little realization of the seriousness of the offense. Furthermore, it appears from the record and the report of the Compliance Commissioner, that the respondents, except for a few small applications (some of which were granted), adopted a unilateral "self-imposed suspension" of export license privileges from May or June 1948 until the time of the hearing.

The Compliance Commissioner has accordingly found that respondents have violated the regulations issued pursuant to section 6 of the act of July 2, 1940 (54 Stat. 714), as amended. Having in mind the foregoing considerations relating to the motivation of the violation, the Compliance Commissioner has recommended that said respondents be denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, for a period of three months from the date of this order; that such denial be made applicable not only to said individuals and under any trade name in which they may operate but also to any firm, corporation, or other business association in which they shall be or become a partner or have a controlling interest or hold a position of responsibility; and that any outstanding licenses held by either of the respondents be forthwith revoked and returned to the Office of International Trade for cancellation.

The findings and the recommendations of the Compliance Commissioner have been carefully considered together with the record in this matter and it appears that such findings are supported by the record and that such recommendations are reasonable and should be adopted. *Now, therefore, it is ordered*, As follows:

(1) Respondents and each of them are hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, for a period of three months from the date of this order.

(2) Such denial of export license privileges shall extend not only to each of said respondents individually and under any trade name in which they may operate but also to any firm, corporation, or other business association in which either of the respondents shall be or become a partner or have a controlling interest or hold a position of responsibility.

(3) All outstanding export licenses held by or issued in the names of any of said respondents are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation.

Dated: March 30, 1949.

LORING K. MACY,
Acting Director,
Commodities Division.

[F. R. Doc. 49-2625; Filed, Apr. 7, 1949; 8:51 a. m.]

[Case No. 49]

PAN PACIFIC TRADING CO.

ORDER DENYING LICENSE PRIVILEGES

In the matter of Pan Pacific Trading Company, Nicholas R. Benedetti, 110 Market Street, San Francisco, California.

This proceeding was begun February 8, 1949, by the mailing of a charging letter to the above-named respondents wherein the Office of International Trade charged respondents with having violated section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the regulations issued thereunder, by attempting to make an unlicensed exportation from the United States to the Philippine Islands, during March and April 1947, of 800 vials of streptomycin with a declared value of $5,400 and by filing with the Collector of Customs at San Francisco export declarations in which such shipments were falsely described as penicillin.

A hearing was held on said charges before the Compliance Commissioner of the Office of International Trade in Washington, D. C., pursuant to notice given in the charging letter, on March 1, 1949. Respondents failed to appear and their default was noted. Documentary evidence was received on behalf of the Office of International Trade and a verbatim transcript was taken. The Compliance Commissioner, after reviewing the transcript and after due consideration of the record, on March 30, 1949, filed his report in the matter.

It appears from the record and the report of the Compliance Commissioner that respondent Nicholas R. Benedetti at all times relevant to this proceeding was engaged in San Francisco, California, first in partnership with others and later alone, under the trade name of respondent Pan Pacific Trading Company, in the purchase, sale and shipping of merchandise in export trade, but has since dissolved such firm and discontinued such business; that during March and April 1947 respondents attempted to make unlicensed exportations of 800 vials of streptomycin, having a declared value of approximately $5,400, from the United States to the Philippine Islands; that such attempted exportation was made by falsely describing such streptomycin as penicillin on the export declarations submitted by respondents to the Collector of Customs at San Francisco; and that re-

spondents thereby violated the regulations issued pursuant to section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the United States Criminal Code (18 U. S. C. 1001).

It further appears from the record and the report of the Compliance Commissioner that respondents are not presently engaged in export trade and that respondent Nicholas R. Benedetti has already been subjected to substantial penalties for such violation as a result of confiscation of the merchandise attempted to be exported and as a result of being fined and placed on probation for five years after conviction of such violation by a United States District Court.

The Compliance Commissioner, having taken into account the above described factors, has recommended that respondents be denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, until such time as they, upon applying and making full disclosure of their proposed export activities to the Office of International Trade, secure approval and consent of the Office of International Trade to the reinstatement of their export license privileges upon such terms and conditions as may at that time seem suitable; that such denial of export license privileges be made applicable not only to each of said respondents but also to any trade name, firm, corporation or other form of business organization in which respondent Nicholas R. Benedetti shall be or become a partner or have a controlling interest or hold a position of responsibility; and that all outstanding export licenses held by or issued in the name of either of said respondents be revoked and ordered returned forthwith to the Office of International Trade for cancellation.

The findings and recommendations of the Compliance Commissioner have been carefully considered together with the record in this matter and it appears that such findings are supported by the record and that such recommendations are reasonable and should be adopted. *Now, therefore, it is ordered*, As follows:

(1) Respondents and each of them are hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, until such time and except upon such terms and conditions as the Office of International Trade shall, upon application and full disclosure of their proposed export activities by respondents, order the reinstatement of such license privileges.

(2) Such denial of export license privileges shall extend not only to each of said respondents but also to any trade name, firm, corporation or other form of business organization in which respondent Nicholas R. Benedetti shall be or become a partner or have a controlling interest or hold a position of responsibility.

(3) All outstanding export licenses held by or issued in the names of either of said respondents are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation.

Dated: March 31, 1949.

LORING K. MACY,
Acting Director,
Commodities Division.

[F. R. Doc. 49-2626; Filed, Apr. 7, 1949; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2346]

TRANSCONTINENTAL & WESTERN AIR, INC. AND DELTA AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the reopened proceeding on the joint application of Transcontinental & Western Air, Inc., and Delta Air Lines, Inc., for approval of the Civil Aeronautics Board under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of 1938, as amended, of an agreement relating to the interchange of equipment.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that further argument in the above-entitled proceeding is assigned to be held on April 25, 1949, at 10:00 a. m. (eastern daylight time), in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 4, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-2628; Filed, Apr. 7, 1949; 8:52 a. m.]

[Docket No. 3037]

NATIONAL AIRLINES, INC.

NOTICE OF HEARING

In the matter of the petition of National Airlines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an increase in the temporary rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over its entire system, and the order to show cause published by the Board on February 21, 1949 (Serial No. E-2474).

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on April 11, 1949, at 9:30 a. m., (e. s. t.), in Room 2029, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., April 4, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-2627; Filed, Apr. 7, 1949; 8:52 a. m.]

[Docket No. 3357]

STANDARD AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the suspension and revocation of Letter of Registration No. 826 issued to Standard Air Lines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (a), 403 (a), 403 (b), 404 (b), 407 (a), 411, 412, 1001, 1002 (b), and 1002 (c), of said act that oral argument in the above-entitled proceeding is assigned to be held on April 14, 1949, at 10:00 a. m. (e. s. t.), in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 5, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-2629; Filed, Apr. 7, 1949; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8990]

RCA COMMUNICATIONS, INC.

ORDER POSTPONING HEARING

In the matter of RCA Communications, Inc., applications for modification of licenses to add Tel Aviv, Israel, as a point of communication; Docket No. 8990.

The Commission, having under the consideration a motion filed by RCA Communications, Inc., on March 10, 1949, requesting a postponement of the hearing herein for approximately 40 days;

It appearing, that RCA Communications, Inc., is the only party to this proceeding;

It is ordered, This 17th day of March 1949, that the hearing herein, now scheduled to commence on March 28, 1949, is postponed to May 2, 1949, at the same time and place heretofore designated.

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

[F. R. Doc. 49-2670; Filed, Apr. 7, 1949; 8:59 a. m.]

[Docket No. 9187]

ZIVA RAY BROWN

ORDER CONTINUING HEARING

In the matter of Ziva Ray Brown, Huntington Beach, California, suspension of radiotelegraph first class operator license; Docket No. 9187.

The Commission having under consideration the hearing in the above-entitled matter scheduled for April 18, 1949, at Los Angeles, California; and

It appearing, that several Commission witnesses are out of the United States and will not be available for such hearing on the date aforesaid, and that the

date of the availability of such witnesses cannot be presently ascertained;

It is ordered, This 17th day of March 1949, that the hearing in the above-entitled matter be continued until a date and at a place later to be specified;

It is further ordered, That the licensee be provided with duplicate copies of this order, and that the licensee's attorneys of record be similarly provided with copies thereof.

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

[F. R. Doc. 49-2671; Filed, Apr. 7, 1949; 8:59 a. m.]

[Docket No. 8176]

TERRELL BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Terrell Broadcasting Corporation, Terrell, Texas, Docket No. 8176, File No. BP-5778; for construction permit.

The Commission having under consideration a petition filed March 9, 1949, by Terrell Broadcasting Corporation, Terrell, Texas, requesting a continuance in the hearing presently scheduled for March 21, 1949, upon its above-entitled application for construction permit;

It is ordered, This 18th day of March 1949, that the petition be granted; and that the hearing upon the above-entitled application be continued to 10:00 a. m., Wednesday, June 29, 1949, at Washington, D. C.

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

[F. R. Doc. 49-2672; Filed, Apr. 7, 1949; 8:59 a. m.]

[Docket No. 8594]

NEWS PUBLISHING CO. (WLAQ)

ORDER CONTINUING HEARING

In re application of News Publishing Company (WLAQ), Rome, Georgia, docket No. 8594, File No. BP-6406; for construction permit.

The Commission having scheduled a hearing upon the above-entitled application for March 24, 1949, at Rome, Georgia; and

It appearing, that the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 18th day of March 1949, on the Commission's own motion, that the hearing upon the above-entitled application be continued to 10:00 a. m., Wednesday, April 27, 1949, at Rome, Georgia.

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

[F. R. Doc. 49-2673; Filed, Apr. 7, 1949; 8:59 a. m.]

[Docket No. 8246]

YORK BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of York Broadcasting Company, York, Pennsylvania, Docket No. 8246, File No. BP-5907; for construction permit.

The Commission having under consideration a petition filed March 16, 1949, by York Broadcasting Company, York, Pennsylvania, requesting a 90-day continuance in the hearing presently scheduled for March 31, 1949, upon its above-entitled application for construction permit;

It is ordered, This 18th day of March 1949, that the petition be granted; and that the hearing upon the above-entitled application be continued to 10:00 a. m., Monday, June 20, 1949, at Washington, D. C.

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

[F. R. Doc. 49-2674; Filed, Apr. 7, 1949; 8:59 a. m.]

[Docket Nos. 8691, 8692, 9231]

DETROIT BROADCASTING CO. (WJBK) ET AL.

ORDER CONTINUING HEARING

In re applications of Detroit Broadcasting Company (WJBK), Detroit, Michigan, Docket No. 8691, File No. BP-6235; James Gerity, Jr. (WABJ), Adrian, Michigan, Docket No. 8692, File No. BP-6251; Hico Broadcasters, Jonesville, Michigan, Docket No. 9231, File No. BP-6889; for construction permits.

The Commission having scheduled a hearing upon the above-entitled applications for April 25, 1949, at Washington, D. C.; and

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing filed on July 9, 1948;

It is ordered, This 18th day of March 1949, on the Commission's own motion, that the hearing upon the above-entitled applications be continued indefinitely, pending action on the said petition for reconsideration and grant.

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

[F. R. Doc. 49-2675; Filed, Apr. 7, 1949; 9:00 a. m.]

[Docket No. 8828]

MASTER BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of the Master Broadcasting Corporation, Rio Piedras, Puerto Rico, Docket No. 8828, File No. BP-6111; for construction permit.

The Commission having scheduled a hearing upon the above-entitled application for April 7, 1949, at Washington, D. C.; and

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing filed on June 22, 1948;

It is ordered, This 18th day of March 1949, on the Commission's own motion, that the hearing upon the above-entitled application be continued indefinitely, pending action on petition for reconsideration and grant.

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

[F. R. Doc. 49-2676; Filed, Apr. 7, 1949; 9:00 a. m.]

[Docket Nos. 9131-9133]

LOUIS G. BALTIMORE (WBRE) ET AL.

ORDER CONTINUING HEARING

In re applications of Louis G. Baltimore (WBRE), Wilkes-Barre, Pennsylvania, Docket No. 9131, File No. BP-5969; WKAP, Inc. (WKAP), Allentown, Pennsylvania, Docket No 9132, File No. BP-6552; Lackawanna Valley Broadcasting Company (WSCR), Scranton, Pennsylvania, Docket No. 9133, File No. BP-6727; for construction permits.

The Commission having under consideration a petition filed March 11, 1949, by WKAP, Inc., Allentown, Pennsylvania, requesting a continuance in the hearing presently scheduled for April 4, 1949, at Washington, D. C., upon the above-entitled application for construction permit:

It is ordered, This 18th day of March 1949, that the petition be granted; and that the hearing upon the above-entitled applications be continued to 10:00 a. m., Monday, May 9, 1949, at Washington, D. C.

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

[F. R. Doc. 49-2677; Filed, Apr. 7, 1949; 9:00 a. m.]

[Docket Nos. 8987, 8988]

FOULKROD RADIO ENGINEERING CO. (WTEL) AND INDEPENDENCE BROADCASTING CO. (WHAT)

ORDER CONTINUING HEARING

In the matter of Foulkrod Radio Engineering Company (WTEL), Philadelphia, Pennsylvania, Docket No. 8987; Independence Broadcasting Company (WHAT), Philadelphia, Pennsylvania, Docket No. 8988; order to show cause.

The Commission having under consideration a petition filed March 21, 1949, by Foulkrod Radio Engineering Company (WTEL), Philadelphia, Pennsylvania, requesting a continuance in the oral argument presently scheduled for March 25, 1949, upon the above-entitled matter;

It is ordered, This 21st day of March 1949, that the petition be granted; and that the oral argument in the above-

entitled matter be continued without date.

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

[F. R. Doc. 49-2678; Filed, Apr. 7, 1949; 9:00 a. m.]

[Docket No. 9157]

FORT INDUSTRY CO. (WSPD) AND NORTHEASTERN INDIANA BROADCASTING CO., INC. (WKJG)

ORDER CONTINUING HEARING

In the matter of the petition of The Fort Industry Company (WSPD), for designation for hearing of Northeastern Indiana Broadcasting Company, Inc. (WKJG), Fort Wayne, Indiana, Docket No. 9157, File No. BMP-3332; for modification of construction permit.

The Commission having under consideration a joint petition filed March 17, 1949, by the Fort Industry Company (WSPD), and Northeastern Indiana Broadcasting Company, Inc. (WKJG), requesting a continuance in the hearing presently scheduled for April 6, 1949; in the above-entitled matter for modification of construction permit;

It is ordered, This 25th day of March 1949, that the petition be granted; and that the hearing in the above-entitled matter be continued to 10:00 a. m., Monday, June 13, 1949, at Washington, D. C.

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

[F. R. Doc. 49-2679; Filed, Apr. 7, 1949; 9:00 a. m.]

[Docket No. 8861]

TIMES-PICAYUNE PUBLISHING CO. (WTPS)

ORDER CONTINUING HEARING

In re application of the Times-Picayune Publishing Company (WTPS), New Orleans, Louisiana, Docket No. 8861, File No. BMP-3268; for modification of construction permit.

The Commission having under consideration a petition filed March 18, 1949, by the Times-Picayune Publishing Company (WTPS), New Orleans, Louisiana, requesting a continuance in the hearing upon its above-entitled application for construction permit, which is presently scheduled for March 31, 1949, at Washington, D. C.;

It is ordered, This 25th day of March 1949, that the petition be granted; and that the hearing upon the above-entitled application be continued to 10:00 a. m., Monday, May 2, 1949, at Washington, D. C.

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

[F. R. Doc. 49-2680; Filed, Apr. 7, 1949; 9:00 a. m.]

[Docket No. 8460]

RADIO LAKEWOOD, INC.

ORDER CONTINUING HEARING

In re application of Radio Lakewood, Inc., Lakewood, Ohio, Docket No. 8460, File No. BP-5949; for construction permit.

The Commission having under consideration a petition filed March 21, 1949, by Radio Lakewood, Inc., Lakewood, Ohio, requesting a continuance in the hearing presently scheduled for April 7, 1949, upon its above-entitled application for construction permit;

It is ordered, This 25th day of March 1949, that the petition be granted; and that the hearing upon the above-entitled application be continued to 10:00 a. m., Monday, June 13, 1949, at Washington, D. C.

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

[F. R. Doc. 49-2681; Filed, Apr. 7, 1949; 9:00 a. m.]

[Docket No. 8302]

CHARLES WILBUR LAMAR, JR.

ORDER CONTINUING HEARING

In re application of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, Docket No. 8302, File No. BP-4913; for construction permit.

The Commission having scheduled a hearing upon the above-entitled application for March 28, 1949, at Morgan City, Louisiana; and

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing filed on March 23, 1949;

It is ordered, This 25th day of March 1949, on the Commission's own motion, that the hearing upon the above-entitled application be continued indefinitely, pending acting on the said petition for reconsideration and grant.

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

[F. R. Doc. 49-2682; Filed, Apr. 7, 1949; 9:00 a. m.]

[Docket No. 8716]

GREENWICH BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Greenwich Broadcasting Corporation, Greenwich, Connecticut, Docket No. 8716, File No. BP-6315; for construction permit.

The Commission having scheduled a hearing upon the above-entitled application for March 31, 1949, at Greenwich, Connecticut; and

It appearing, that the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 25th day of March 1949, on the Commission's own motion, that the hearing upon the above-entitled application be continued to 10:00 a. m., Thursday, April 28, 1949, at Greenwich, Connecticut.

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

[F. R. Doc. 49-2683; Filed, Apr. 7, 1949; 9:00 a. m.]

[Docket Nos. 7965, 8104]

SEASIDE BROADCASTING CO. AND PIONEER BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re applications of Seaside Broadcasting Company, Atlantic City, New Jersey, Docket No. 7965, File No. BP-5384; Pioneer Broadcasters, Inc., Pleasantville, New Jersey, Docket No. 8104, File No. BP-5694; for construction permits.

The Commission having under consideration a petition filed March 24, 1949, by Pioneer Broadcasters, Inc., Pleasantville, New Jersey, requesting a continuance in the further hearing presently scheduled for March 29, 1949, at Washington, D. C., upon the above-entitled applications for construction permits;

It is ordered, This 25th day of March 1949, that the petition be granted; and that the hearing upon the above-entitled applications be continued to 10:00 a. m., Monday, April 4, 1949, at Washington, D. C.

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

[F. R. Doc. 49-2684; Filed, Apr. 7, 1949; 9:01 a. m.]

[Docket No. 8589]

ROBERT F. WOLFE CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Robert F. Wolfe and Margaret R. Wolfe d/b as Robert F. Wolfe Company, Fremont, Ohio, Docket No. 8589, File No. BP-6240; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of March 1949;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station in Fremont, Ohio to operate on the frequency 900 kilocycles, with 500 watts power, daytime only, using a directional antenna;

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

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the charac-

ter of other broadcast service available to those areas and populations.

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

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

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

5. To determine whether the proposed radiation fields could be obtained and maintained in actual practice.

6. To determine whether the proposed operation would render interference free service to the city of Fremont in accordance with the Commission standards.

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

[F. R. Doc. 49-2685; Filed, Apr. 7, 1949; 9:01 a. m.]

[Docket Nos. 9107, 9278]

CHESAPEAKE BROADCASTING CORP. (WASA) AND FREDERICK BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of the Chesapeake Broadcasting Corporation (WASA), Havre De Grace, Maryland, Docket No. 9278, File No. BP-7050; Paul Leroy Romsburg, tr/as Frederick Broadcasting Company, Frederick, Maryland, Docket No. 9107, File No. BP-6273; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of March 1949;

The Commission having under consideration the above-entitled application of the Chesapeake Broadcasting Corporation requesting a construction permit to change the operating assignment of Station WASA, Havre de Grace, Maryland, from 1600 kc, with 500 watts power, daytime only to 1330 kc, with 1 kw power, daytime only; and

It appearing, that the Commission on July 21, 1948, designated for hearing in a separate proceeding the application of Paul Leroy Romsburg, tr/as Frederick Broadcasting Company (File No. BP-6273; Docket No. 9107) requesting a permit to construct a new standard broadcast station in Frederick, Maryland, to operate on the frequency 1330 kc, with 1 kw power, daytime only; and that hearing thereon has been scheduled for May 10, 1949, at Washington, D. C.;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of the Chesapeake Broadcasting Corporation (WASA) is designated for hearing in a consolidated proceeding with the above-entitled application of Paul Leroy Romsburg, tr/as Frederick Broadcasting Company, upon the following issues:

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

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

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

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

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

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

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

It is further ordered, That the Commission's order of July 21, 1948, designating for hearing the above application of Paul Leroy Romsburg, tr/as Frederick Broadcasting Company is amended to include the said application of the Chesapeake Broadcasting Corporation (WASA) and the issue specified above as No. 7.

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

[F. R. Doc. 49-2686; Filed, Apr. 7, 1949; 9:01 a. m.]

[Docket Nos. 9279, 9280]

UKIAH BROADCASTING CO. AND MENDOCINO BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bartley T. Sims and William T. Smith d/b as Ukiah Broadcasting Company, Ukiah, California, Docket No. 9279, File No. BP-6911; Lloyd Bittenbender, F. Walter Sandelin, Edgar W. Dutton, Guido Benassini and T. R. Amarante, a partnership d/b as Mendocino Broadcasting Company, Ukiah, California, Docket No. 9280, File No. BP-7145; for construction permits.

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 30th day of March 1949;

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station to operate on the frequency 1400 kilocycles, with 250 watts power, unlimited time at Ukiah, California;

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

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

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

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

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

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

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

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

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

[F. R. Doc. 49-2687; Filed, Apr. 7, 1949; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–882]

TRUNKLINE GAS SUPPLY CO.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR FILING BRIEFS AND ORAL ARGUMENT

A motion was filed on March 17, 1949, by Trunkline Gas Supply Company (Applicant) requesting that the intermediate decision procedure be omitted, oral argument be had before the Commission not later than April 13, 1949, and the filing of briefs be not required, but that any party to the proceeding be permitted to file a brief on or before five days prior to the date set for oral argument.

In support of such motion Applicant urges that if final action by the Commission is not forthcoming by April 30, 1949, its gas purchase contracts will expire, and cannot be extended beyond that date. Uncontroverted evidence in support of this averment was presented at the hearing. In further support of its motion Applicant states that under its gas purchase contracts it is obligated to begin construction of the pipeline facilities by July 1, 1950, and complete construction thereof by October 27, 1951; that immediately upon the issuance of a certificate Applicant must move to perfect construction, financial and organizational plans and that action thereon must begin promptly by April 30, 1949, if Applicant is to assure that it can commence and complete construction of its facilities by the dates set forth above. It is further urged, and the record shows, that three different Presiding Examiners heard testimony and received evidence during the course of four separate hearings held in this matter and that the Commission has previously required the record be forthwith certified to it for the purpose of disposing of certain pending motions to dismiss and to strike.

Answers in opposition to the aforesaid motion for omission of the intermediate decision procedure were filed herein by National Coal Association on March 25, 1949, by Council Bluffs Gas Company on March 25, 1949, and by Central Electric & Gas Company on March 28, 1949, all interveners herein. Council Bluffs Gas Company in addition requests that oral argument in no event be held prior to April 25, 1949.

At the conclusion of the hearing on March 22, 1949, the Presiding Examiner fixed April 13, 1949, for the simultaneous filing of briefs and April 20, 1949, for the filing of reply briefs, if any.

On March 18, 1949, the Corporation Commission of the State of Oklahoma (petitioner) filed a petition for leave to intervene in this proceeding alleging that natural gas is available to the Applicant in the Guymon-Hugoton field and requesting that, after petitioner has made a study of the questions involved in the application in this proceeding, it then be permitted to appear and introduce evidence in support of the position taken after such study. Such petition was not filed within the time prescribed by the Commission's rules of practice and procedure.

The Commission finds: (1) Public hearings were held in this matter on September 8, through September 16, 1948, October 18 and 19, 1948, February 1 through February 8, 1949, and March 8 through March 22, 1949. Ample opportunity was given all parties to present evidence and cross-examine witnesses.

(2) Unless final action is taken by the Commission prior to April 30, 1949, Applicant's gas purchase contracts will expire, and unless the intermediate decision procedure is omitted, it appears that a decision by the Commission cannot be rendered before April 30, 1949.

(3) Due and timely execution of its functions imperatively and unavoidably requires that the Commission omit the intermediate decision procedure and render final decision in the proceedings.

(4) It may be in the public interest to permit the Corporation Commission of the State of Oklahoma to participate in oral argument for the purpose of showing good cause, if any exists, why its petition to intervene should be granted and of making an offer of proof as to what natural gas reserves in the Guymon-Hugoton field may be available to Applicant and under what terms and conditions.

The Commission orders:

(A) The intermediate decision procedure in this matter be and the same is hereby omitted in accordance with the provisions of § 1.30 (c) of the Commission's rules of practice and procedure.

(B) Briefs shall be filed by all parties who are to participate in oral argument on or before April 13, 1949, reply briefs may be filed on or before April 19, 1949, and oral argument shall be had before the Commission commencing on April 19, 1949, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) The Corporation Commission of the State of Oklahoma shall be permitted to participate in oral argument for the purposes set forth in finding number (4) above, and for the further purpose of enabling the Commission to determine whether or not the participation of the Corporation Commission of the State of Oklahoma as an intervener in this proceeding may be in the public interest.

Date of issuance: April 4, 1949.

By the Commission.

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

[F. R. Doc. 49–2621; Filed, Apr. 7, 1949; 8:51 a. m.]

[Docket No. 234]

BORDER PIPE LINE CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 4, 1949.

Notice is hereby given that, on March 30, 1949, the Federal Power Commission issued its order entered March 29, 1949, dismissing application for certificate of public convenience and necessity in the above-designated matter.

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

[F. R. Doc. 49–2619; Filed, Apr. 7, 1949; 8:50 a. m.]

[Docket No. ID–1036]

CHANDLER W. JONES

NOTICE OF AUTHORIZATION

APRIL 4, 1949.

Notice is hereby given that, on March 30, 1949, the Federal Power Commission issued its order entered March 29, 1949, in the above-designated matter, authorizing Chandler W. Jones to hold a certain position in Worcester County Electric Company, pursuant to section 305 (b) of the Federal Power Act.

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

[F. R. Doc. 49–2616; Filed, Apr. 7, 1949; 8:50 a. m.]

[Docket No. E–6200]

MOUNTAIN STATES POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

APRIL 4, 1949.

Notice is hereby given that, on March 31, 1949, the Federal Power Commission issued its order entered March 30, 1949, authorizing and approving issuance of securities in the above-designated matter.

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

[F. R. Doc. 49–2617; Filed, Apr. 7, 1949; 8:50 a. m.]

[Project No. 1892]

NEW ENGLAND POWER CO.

NOTICE OF ORDER APPROVING EXHIBIT DRAWINGS

APRIL 4, 1949.

Notice is hereby given that, on March 31, 1949, the Federal Power Commission issued its order entered March 29, 1949, approving drawings of Exhibit L in the above-designated matter.

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

[F. R. Doc. 49–2618; Filed, Apr. 7, 1949; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5535]

BOND TRADING CO.

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

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1949.

In the matter of Benjamin Molin and Harry Richter, individually and as copartners trading as Bond Trading Company, Docket No. 5535.

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

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

It is further ordered, That the taking of testimony and the receipt of evidence begin on Friday, April 8, 1949, at ten o'clock in the forenoon of that day (e. s. t.), in Room 500, 45 Broadway, New York, New York.

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

By the Commission.

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

[F. R. Doc. 49-2633; Filed, Apr. 7, 1949; 8:54 a. m.]

[Docket No. 5489]

PEARL GARMENT CO. ET AL.

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

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1949.

In the matter of Henry G. Pearl and Mildred Pearl, individually and as copartners trading as Pearl Garment Co., Mode Craft Co. and Mode Craft; Docket No. 5489.

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

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

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, April 7, 1949, at ten o'clock in the forenoon of that day (e. s. t.), in Civil Service Room, Fifth Floor, Post Office Building, Camden, New Jersey.

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

By the Commission.

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

[F. R. Doc. 49-2634; Filed, Apr. 7, 1949; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2096]

PUBLIC SERVICE COORDINATED TRANSPORT

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 1st day of April 1949.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Public Service Coordinated Transport ("Transport"), an indirect subsidiary of the United Corporation, a registered holding company. Declarant has designated sections 9 (a) and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 11, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 11, 1949, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Transport proposes to purchase and acquire 200,000 shares of the no par value common stock of Public Service Interstate Transportation Company ("Interstate"), for a cash consideration of $2,000,000. Transport owns all the outstanding securities of Interstate.

The proceeds of the sale of the common stock will be utilized by Interstate in connection with its construction program and principally in the purchase of new buses.

The proposed sale by Interstate has been approved by the Interstate Commerce Commission and is, pursuant to Rule U-8, exempt from the provisions of the act.

By the Commission.

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

[F. R. Doc. 49-2610; Filed, Apr. 7, 1949; 8:46 a. m.]

[File No. 70-2029]

NEW YORK STATE ELECTRIC & GAS CORP. ET AL.

SUPPLEMENTAL ORDER DECLARING EXPENDITURE OF PROCEEDS NECESSARY AND APPROPRIATE

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

In the matter of New York State Electric & Gas Corporation, Associated Electric Company, General Public Utilities Corporation; File No. 70-2029.

The Commission having, on March 11, 1949 and March 24, 1949, granted and permitted to become effective joint applications-declarations, as amended, filed pursuant to the Public Utility Holding Company Act of 1935 ("act") by General Public Utilities Corporation ("GPU"), Associated Electric Company ("Aelec"), and New York State Electric & Gas Corporation ("New York State"), wherein, among other things, GPU proposed the sale of its holdings of the common stock of its subsidiary, New York State; and

GPU having advised the Commission that it now proposes to pay, from the proceeds of such sale, its bank loans maturing in 1949 and 1950 in the aggregate amount of $11,698,800; and

GPU having requested the Commission that it find that the proposed expenditure of $11,698,800 of the proceeds from the sale of the common stock of New York State for the payment of the aforementioned bank loans maturing in 1949 and 1950 is necessary and appropriate to effectuate the provisions of section 11 (b) of the act and that the order of the Commission entered herein contain appropriate recitals conforming to sections 371-373, inclusive, of the Internal Revenue Code, as amended, and

The Commission deeming the retirement of the bank loans of GPU in the aggregate amount of $11,698,800 is necessary and appropriate to effectuate the provisions of section 11 (b) of the act and deeming it appropriate to grant the request of GPU as to the suggested recitals;

It is hereby ordered and recited, That the expenditure by GPU of not in excess

of $11,698,800 of the proceeds received from the earliest sales in the order made of common stock of New York State, sold pursuant to the orders of the Commission dated March 11, 1949 and March 24, 1949, respectively, from which GPU received proceeds aggregating $11,698,800, for the payment of the bank loans enumerated below is necessary or appropriate to the integration or simplification of the GPU system and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

(a) Serial Notes issued pursuant to the terms of a Loan Agreement dated December 6, 1945, aggregating $1,200,000 and maturing on January 14, 1950,

(b) Serial Notes issued pursuant to the terms of a Loan Agreement dated December 16, 1946, aggregating $250,000 and maturing on February 20, 1950,

(c) Series B Notes issued pursuant to the terms of a Loan Agreement dated March 6, 1947, aggregating $748,800 and maturing on April 3, 1949,

(d) Serial Notes issued pursuant to the terms of a Loan Agreement dated March 12, 1948, aggregating $8,000,000 and maturing on April 15, 1950,

(e) Serial Notes issued pursuant to the terms of a Loan Agreement dated December 16, 1948, aggregating $1,500,000 and maturing on January 14, 1950,

all of said Notes being held in equal amounts by Bankers Trust Company, Manufacturers Trust Company, The Marine Midland Trust Company of New York and Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania, except the Serial Notes issued pursuant to the Loan Agreement dated December 16, 1946, which are held in equal amounts by Manufacturers Trust Company, The Marine Midland Trust Company of New York and Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2611; Filed, Apr. 7, 1949; 8:47 a. m.]

[File No. 812-588]

BANKERS SECURITIES CORP. AND ALBERT M. GREENFIELD & CO., INC.

NOTICE OF APPLICATION

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

Notice is hereby given that Bankers Securities Corporation ("Bankers"), located at 1315 Walnut Street, Philadelphia 7, Pennsylvania, a registered investment company, and Albert M. Greenfield & Co., Inc ("Greenfield Co., Inc."), a real estate brokerage company, located at No. 521 Fifth Avenue, New York, New York, have jointly filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (e) (1) of the act, the receipt by the Greenfield Co., Inc., of a real estate commission in connection with the sale by City Stores Company ("City Stores"), located at 207 West 9th Street, Wilmington, Delaware, a controlled company of Bankers, to Ray C. Johnson, a non-affiliated person, of certain real estate located at No. 400 Brookline Street, Cambridge, Massachusetts, known as the R. H. White warehouse.

Bankers is a closed-end, non-diversified, management investment company and is registered under the Investment Company Act of 1940. Bankers owns approximately 84.3% of the voting securities of City Stores. R. H. White Corporation ("R. H. White"), Washington and Bedford Streets, Boston, Massachusetts, a Massachusetts corporation engaged in the business of operating a department store, is a wholly owned subsidiary of City Stores.

Greenfield Co., Inc., a New York corporation, is a duly licensed real estate broker under the laws of New York and is a wholly owned subsidiary of Albert M. Greenfield & Co., a Delaware corporation. The Greenfield Co., Inc., and Bankers, being under common control, are affiliated persons within the meaning of section 2 (a) (3) of the act.

On March 8, 1949, Greenfield Co., Inc., negotiated an agreement for the sale by City Stores of the real estate referred to above for the sum of $1,000,000 payable in cash. The agreement is specifically conditioned upon the concurrent execution by the purchaser of a lease of the property to R. H. White at a base rental of $65,000 annually for five years with an option to lessee to terminate at any time on six months' notice.

City Stores has agreed to pay Greenfield Co., Inc. and a cooperating broker, Benjamin L. Cohen & Sons of Boston, Massachusetts, a real estate commission of $50,000, being 5% of the sale price, for services rendered by the brokers in negotiating the sale of the said real estate. The application states that the commission is the usual or customary commission for like brokerage services in Cambridge, Massachusetts. Based on the agreed division of services rendered by the brokers, Greenfield Company, Inc. is to receive $28,000. The receipt by an affiliated person (Greenfield Co., Inc.) of an affiliated person (Albert M. Greenfield & Co.) of a registered investment company (Bankers) of such real estate commission is prohibited by section 17 (e) (1) of the act unless an exemption therefrom is granted by the Commission pursuant to section 6 (c) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after April 18, 1949, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 15, 1949, at 5:30 p. m., eastern standard time, submit in writing to the Commission his views or any additional facts bearing upon the application or the desirability of a hearing or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature and interest of the person submitting such information or requesting such hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2612; Filed, Apr. 7, 1949; 8:47 a. m.]

[File No. 70-2029]

NEW YORK STATE ELECTRIC & GAS CORP. ET AL.

NOTICE OF FILING OF POST EFFECTIVE AMENDMENT

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

In the matter of New York State Electric & Gas Corporation, Associated Electric Company, General Public Utilities Corporation; File No. 70-2029.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has, pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), filed in the above-entitled matter a post effective amendment to the joint applications-declarations. Applicant-declarant has designated section 12 (d) of the act and Rules U-44 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 11, 1949, at 3:00 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by the said post effective amendment which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 3:00 p. m. on April 11, 1949, said post effective amendment, as filed or as further amended, may be granted and permitted to become effective forthwith as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said post effective amendment which is on file in the offices of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

On March 12, 1949, transferrable warrants evidencing rights to subscribe to an aggregate of 787,644 shares of the common stock of New York State Elec-

tric & Gas Corporation ("New York State") were issued to GPU's stockholders, giving them until 3:00 p. m. on April 11, 1949 to exercise their rights at a price of $41 per share. The sale was not underwritten but GPU entered into an agreement with a dealer-manager group which agreed to use its best efforts to form and manage a group of securities dealers to enable GPU to dispose of the shares of New York State common stock covered by the warrants. GPU agreed to pay each participating dealer a fee of $1.25 per share for each share sold through such participating dealer and to pay the dealer-manager group a fee of 12½ cents for each share sold.

GPU believes that some of the rights may never be exercised and that GPU will hold shares of the common stock of New York State at the end of the subscription period (which shares are hereafter referred to as "balance shares"). GPU now proposes to sell the balance shares during period commencing 3:00 p. m. on April 11, 1949 and terminating at the close of business on April 20, 1949, by employing the same machinery and upon the same terms, as it employed to dispose of the shares of common stock of New York State covered by the warrants, and requests an exception from the provisions of Rule U-50, if it be applicable, for the purpose of effecting the contemplated transaction.

From time to time GPU will advise the dealer-manager group as to the number of balance shares which it wishes to sell to participating dealers. The price at which such balance shares will be sold by GPU to participating dealers will be to price applicable to such sales as determined and announced by GPU on the date of such sale, but will not be in excess of the closing asked price of such shares on the preceding business day plus 30¢ per share and will not be less than the higher of the closing bid price for such shares on such preceding business day or the subscription price of $41 per share.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2613; Filed, Apr. 7, 1949; 8:47 a. m.]

[File No. 70-2097]

KANSAS POWER AND LIGHT CO.

NOTICE OF FILING

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

Notice is hereby given that an application has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by The Kansas Power and Light Company ("Kansas Power"), a subsidiary of North American Light & Power Company, a registered holding company. Applicant designates section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 14, 1949, at 12:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application as filed, or as amended, may be granted as provided in Rule U-23 of the Rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

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

Kansas Power proposes to issue and sell $10,000,000 principal amount of its First Mortgage Bonds, --% Series due 1979 ("new bonds") at competitive bidding pursuant to the provisions of Rule U-50 promulgated under the act. The coupon rate per annum for the new bonds (to be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be received by the Company (to be not less than 100% nor more than 102.75% of the principal amount of the new bonds) are to be determined by the competitive bidding.

The new bonds will be issued under the provisions of an existing Mortgage and Deed of Trust dated July 1, 1939, between Kansas Power and Harris Trust and Savings Bank, Chicago, Illinois, Trustee, as supplemented by a Second Supplemental Indenture thereto to be dated April 1, 1949.

It is stated that the net proceeds from the issue and sale of said new bonds will be applied toward the payment of the cost of the Company's construction program for 1949-50, estimated in the approximate amounts of $15,914,540 for 1949, and $8,077,917 for 1950, and to reimburse the Company's treasury for capital expenditures previously made.

Kansas Power has filed an application with the State Corporation Commission of the State of Kansas regarding the proposed issue and sale of new bonds.

Kansas Power requests that the Commission order issue herein on or before April 14, 1949.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2614; Filed, Apr. 7, 1949; 8:48 a. m.]

[File No. 70-2082]

TEXAS ELECTRIC SERVICE CO. AND TEXAS UTILITIES CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 4th day of April A. D. 1949.

Texas Electric Service Company ("Texas Electric"), an electric utility company, and its parent registered holding company, Texas Utilities Company ("Texas Utilities"), a subsidiary of American Power & Light Company, in turn a subsidiary of Electric Bond and Share Company, both registered holding companies, having filed an application-declaration, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a), 10 and 12 (f) thereof, and Rules U-23 and U-43 thereunder, with respect to the following proposed transactions:

Texas Electric proposes to amend its charter and thereafter issue and sell to Texas Utilities and Texas Utilities proposes to purchase 2,000,000 shares of the common stock, without par value, of Texas Electric for $4,000,000. Texas Electric states that the funds to be derived from such issue and sale will be used to finance, in part, its construction program for the year 1949, to repay short-term advances, and for other corporate purposes. The advances to be repaid were or will be made by Texas Utilities for the purpose of temporarily financing a portion of the company's construction program.

The issuance and sale of such shares of common stock by Texas Electric will require an amendment of its charter so as to increase the number of shares of common stock authorized to be issued. In order that Texas Electric may sell additional shares of common stock in the future without further charter amendments, it is proposed at this time that Texas Electric amend its Charter so as to increase its authorized common stock from 1,750,003.634 shares to 6,000,000 shares.

The application-declaration having been filed on March 10, 1949 and an amendment thereto having been filed on March 21, 1949, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the application-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 the said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder have been satisfied, the Commission being of the opinion that it is appropriate to grant and permit to become effective said application-declaration, as amended, without the imposition of terms and conditions other than those herein ordered, and the Commission also deeming it appropriate to grant applicant-declarant's request that the order herein become effective forthwith upon the issuance thereof;

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become

effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

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

[F. R. Doc. 49-2615; Filed, Apr. 7, 1949; 8:48 a. m.]

[File No. 68-120]

STANDARD POWER AND LIGHT CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of April 1949.

In the matter of H. Mortimer Kremer and Herbert Myerberg, as a Protective Committee for $7 Cumulative Preferred Stock of Standard Power and Light Corporation; File No. 68-120.

Notice is hereby given that H. Mortimer Kremer and Herbert Myerberg, as a Protective Committee for the $7 Cumulative Preferred Stock of Standard Power and Light Corporation, a registered holding company, have filed a declaration pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935 ("act").

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the matters contained therein which are summarized as follows:

H. Mortimer Kremer and Herbert Myerberg state in their declaration that the committee was formed at the request of Leon J. Engel and Selma Myerberg, holders of the $7 Cumulative Preferred Stock of Standard Power and Light Corporation, and that the committee intends to solicit authorizations from other holders of said stock with regard to all reorganization proceedings involving that company and/or its subsidiaries, Standard Gas and Electric Company and Philadelphia Company. The committee has designated Albert J. Fleischmann as its Secretary and Counsel.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration and that said declaration shall not become effective except pursuant to further order of this Commission; and

It further appearing to the Commission that it is necessary and appropriate to aid in the enforcement of the provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, and to aid the Commission in the prescribing of rules and regulations under said act, to investigate the facts, practices, matters, policies, and conditions, both present and past, relating to the said committee and all persons connected with it:

It is hereby ordered, Pursuant to sections 11 (g), 12 (e) and 18 (a) of the act and the rules and regulations promulgated thereunder, that a hearing be held upon said matter on April 15, 1949, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such day the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate therein shall on or before April 14, 1949, notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice.

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

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said declaration in the light of sections 11 (g), 12 (e) and 18 (a) of the act and that on the basis thereof the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the declaration and the proposed solicitation material contains any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading;

(2) Whether the proposed solicitation of the holders of the $7 Cumulative Preferred Stock of Standard Power and Light Corporation is in the public interest and in the interest of investors and for proper purposes and whether the solicitation, as proposed, is in circumvention of any of the provisions of the act or any rule, regulation, or order promulgated thereunder;

(3) Whether the proposed solicitation is consistent with the applicable standards of the act and the rules thereunder, and, whether, if such solicitation be permitted, the interest of the public or of investors or consumers requires the imposition of terms and conditions with respect thereto;

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on H. Mortimer Kremer, Herbert Myerberg, Albert J. Fleischmann, Selma Myerberg, and Leon J. Engel, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 49-2707; Filed, Apr. 7, 1949; 9:04 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-7-4]

RALSTON PURINA CO.

APPLICATION DENIED AND DISMISSED

APRIL 5, 1949.

Complaint as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930 has been denied and dismissed.

Name of article	Purpose of request	Date received	Name and address of complainant
Crisp rye wafers, imported under the name "Ry-King."	Exclusion from entry.	Jan. 10, 1949	Ralston Purina Co., 835 South 8th St., St. Louis 2, Mo.

By direction of the Commission.

[SEAL] SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 49-2635; Filed, Apr. 7, 1949; 8:54 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 500A-250]

COPYRIGHTS OF J. C. HINRICHS, GERMAN NATIONAL

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

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The coyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

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

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

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

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
A. For. 33503 (vol. I); A. For. 39014 (vol. II); A. For. 3658 (vol. III); A. For. 9623 (vol. IV); A. For. 15930 (vol. V).	Wörterbuch der ägyptischen Sprache, vol. I, 1926; vol. II, 1928; vol. III, 1929; vol. IV, 1930; and vol. V, 1931.	Adolf Erman and Hermann Grapow (editors) (nationalities not established).	J. C. Hinrichs, Verlag, Leipzig, Germany. (Nationality, German).	Owner.

[F. R. Doc. 49-2666; Filed, Apr. 7, 1949; 8:58 a. m.]

[Dissolution Order 87]

YAMANAKA & CO., INC.

Whereas, by Vesting Order Number 25 executed June 16, 1942 (7 F. R. 5207, July 9, 1942), as amended on September 24, 1942 (7 F. R. 7818, October 2, 1942), there were vested 150 shares of no par value common capital stock, constituting all of the issued and outstanding capital stock of Yamanaka & Co., a Massachusetts corporation; and

Whereas, by Vesting Orders 330, executed November 5, 1942 (7 F. R. 9755, November 24, 1942), 6195, executed April 16, 1946 (11 F. R. 4681, April 27, 1946), and 12390, executed November 15, 1948 (13 F. R. 7392, December 3, 1948), there were vested certain obligations owed by the corporation to foreign nationals, which obligations were subsequently discharged by payment; and

Whereas, Yamanaka & Co., Inc. has been substantially liquidated;

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a decree by the Supreme Judicial Court of Massachusetts, Suffolk County, dissolving said corporation having been entered;

hereby orders, that the officers and directors of Yamanaka & Co., Inc. (to wit, C. R. Bergherm, President, Treasurer and Director, and C. Gordon Lamude, Secretary and Director, and their successors, or any of them), continue the proceedings for the dissolution of Yamanaka & Co., Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading With the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *And provided further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Yamanaka & Co., Inc. pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of

subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 5th day of April 1949.

For the Attorney General.

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

[F. R. Doc. 49-2667; Filed, Apr. 7, 1949; 8:58 a. m.]

[Vesting Order 12964]

MAX DECKER

In re: Estate of Max Decker, deceased. File No. D-28-2021, E. T. sec. 2122.

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 Johann (Hans) Decker, Hans Walber, Emma Wilhelmine Walber, Dieter Walber, and Ernst Alfred Walber, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

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

4. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Maximilian Walber, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on March 21, 1949.

For the Attorney General.

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

[F. R. Doc. 49-2662; Filed, Apr. 7, 1949; 8:58 a. m.]

[Vesting Order 12967]

RICHARD HELLMANN AND TITLE GUARANTEE AND TRUST CO.

In re: Trust under agreement dated January 5, 1926, between Richard Hellmann, grantor, and Title Guarantee and Trust Company, trustee. File No. F-28-13675-G-1.

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

1. That Luise (Louise) Hellmann and Paul Hellmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the child or children, names unknown, of Luise (Louise) Hellmann and Paul Hellmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 5, 1926, by and between Richard Hellmann, grantor, and Title Guarantee and Trust Company, trustee, presently being administered by Title Guarantee and Trust Company, 176 Broadway, New York 7, New York, trustee,

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

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the child or children, names unknown, of Luise (Louise) Hellmann and Paul Hellmann 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 March 21, 1949.

For the Attorney General.

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

[F. R. Doc. 49-2663; Filed, Apr. 7, 1949; 8:58 a. m.]

[Vesting Order 12987]

ELSE SCHANZ

In re: Trust under the will of Else Schanz, deceased. File No. D-28-8102; E. T. sec. 9463.

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

1. That the City of Schoenbeck, Germany, is a political sub-division of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the said City of Schoenbeck, Germany, in and to the trust created under the will of Else Schanz, deceased, is property payable or deliverable to, or claimed by the aforesaid designated enemy country (Germany);

3. That such property is in the process of administration by The State Trust Company at Plainfield, New Jersey, as trustee, acting under the judicial supervision of the Superior Court of New Jersey, Probate Division, Union County.

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 March 21, 1949.

For the Attorney General.

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

[F. R. Doc. 49-2664; Filed, Apr. 7, 1949; 8:58 a. m.]

[Vesting Order 13025]

MARTHA DAUBE AND ERNEST K. GRAICHEN

In re: Rights of Martha Daube as beneficiary under Certificate No. 15313 issued by State Employees' Retirement System, State of California, to Ernest K. Graichen. File No. D-28-12173-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 Martha Daube, 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 Certificate No. 15313 issued by the State Employees' Retirement System, Sacramento, California, to Ernest K. Graichen, San Francisco, California, 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 March 29, 1949.

For the Attorney General.

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

[F. R. Doc. 49-2665; Filed, Apr. 7, 1949; 8:58 a. m.]

[Vesting Order 13063]

HENRY BRUMMEL

In re: Remainder interest in real property and property insurance policies owned by Henry Brummel.

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 Henry Brummel, whose last known address is Herebrock, Prexel, 67, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-third interest in real property situated in Bremer County and Butler County, State of Iowa, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, excepting, however, the life estate in the aforesaid owned by Marie Busse, and

b. All right, title and interest of Henry Brummel in and to the property insurance policies described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the real property described in subparagraph 2-a hereof,

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 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 in subparagraph 2-a hereof, excepting the life estate therein owned by Marie Busse, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

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

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

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

Executed at Washington, D. C., on March 30, 1949.

For the Attorney General.

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

EXHIBIT A

Parcel No. 1. All that certain piece or parcel of land situate in the County of Bremer, State of Iowa, described as follows, to wit:

The South One-half (S½) of Lots One (1) and Two (2), in Block Fifteen (15) in Wm. Sturdevant's Addition to the Town (now City) of Waverly, Iowa.

Parcel No. 2. All that certain piece or parcel of land situate in the County of Bremer, State of Iowa, described as follows, to wit:

The North Half (N½) of Lots One and Two (1 and 2) in Block Six (6) in J. J. Smith's Addition to Waverly, Iowa.

Parcel No. 3. All that certain piece or parcel of land situate in the County of Butler, State of Iowa, described as follows, to wit:

The West One-half (W½) of the Southeast Quarter (SE¼) of Section Thirty-five (35), Township Ninety-three (93) North, Range Fifteen (15) West of the 5th P. M. and The North Fractional One-half (Nfr½) of the Northwest Quarter (NW¼) of Section Two (2) and the West (W) 24.30 acres of the Northwest Fractional Quarter (NWfr¼) of the Northeast Quarter (NE¼) of Section Two (2), all in Township Ninety-two (92) North, Range Fifteen (15) West of the 5th P. M.

EXHIBIT B

Name of company and address	Type	Number	Amount	Expiration date	Property covered
The Bremer County Mutual Fire and Lightning Insurance Association, Waverly, Iowa.	Fire and lightning	29642	$7,450	Sept. 2, 1950	310 5th St. SW. (parcel No. 1).
Iowa Mutual Tornado Insurance Association, Des Moines, Iowa.	Tornado	274486	7,250	do	Do.
Town Mutual Dwelling Insurance Co., Des Moines, Iowa.	Fire and windstorm.	667413	5,400	Mar. 1, 1950	623 2d St. NW. (parcel No. 2).
The Bremer County Mutual Fire and Lightning Insurance Association, Waverly, Iowa.	Fire and lightning	29031	18,200	Sept. 23, 1949	Farm property (parcel No. 3).
Iowa Mutual Tornado Insurance Association, Des Moines, Iowa.	Tornado and windstorm.	229788	18,300	July 22, 1949	Do.

[F. R. Doc. 49-2599; Filed, Apr. 6, 1949; 8:56 a. m.]

RAOUL HAFNER

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

Raoul Hafner, Somerset, England, Claim No. 3387; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to all right, title and interest in and to United States Letters Patent Nos. 2,121,345; 2,131,348; 2,067,633; 2,150,969; 2,265,366; 2,070,657; 2,078,663; 2,067,634; and the undivided one-half part of the whole right, title and interest in and to United States Letters Patent No. 1,909,845. Property described in Vesting Order No. 2429 (8 F. R. 16536, December 8, 1943) relating to all right, title and interest in and to United States Letters Patent Nos. 2,088,413 and 2,047,776. Property described in Vesting Order No. 68 (7 F. R. 6181, August 11, 1942) relating to United States

Patent Application Serial No. 223,406 (now United States Letters Patent No. 2,338,935). Property described in Vesting Order No. 2435 (8 F. R. 16327, December 4, 1943) relating to an undivided one-half part of the whole right, title and interest in and to United States Letters Patent No. 1,992,015 and an undivided one-third part of the whole right, title and interest in and to United States Letters Patent No. 2,070,686.

Executed at Washington, D. C., on March 30, 1949.

For the Attorney General.

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

[F. R. Doc. 49-2605; Filed, Apr. 6, 1949; 8:57 a. m.]

[Return Order 288]

ADELINE B. HYNEY

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

Adeline B. Hyney, Roselle Park, New Jersey, Claim No. 25845; February 26, 1949, (14 F. R. 913); $1020.86 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 1, 1949.

For the Attorney General.

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

[F. R. Doc. 49-2668; Filed, Apr. 7, 1949; 8:58 a. m.]

[Return Order 291]

ODDA SMELTEVERK

Having considered the claim set forth below and having issued a determination allowing the claims, 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

Odda Smelteverk A/S, Odda, Norway, Claim No. 33754; February 22, 1949, (14 F. R. 814); Property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943), relating to United States Letters Patent Nos. 1,816,285; 1,821,309; 1,834,454; 1,834,455; 1,856,187; 1,859,738; 1,876,501; 1,900,287; 1,924,041; 1,939,351 and 1,976,283. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 1, 1949.

For the Attorney General.

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

[F. R. Doc. 49-2669; Filed, Apr. 7, 1949; 8:59 a. m.]