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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9857

REGULATIONS FOR CARRYING OUT THE PROVISIONS OF THE ACT ENTITLED "AN ACT TO PROVIDE FOR ASSISTANCE TO GREECE AND TURKEY"

By virtue of the authority vested in me by the act of May 22, 1947, entitled "An Act to provide for assistance to Greece and Turkey," hereinafter referred to as the act, and as President of the United States, I hereby prescribe the following regulations for carrying out the provisions of the act:

1. Subject to such policies as the President may from time to time prescribe, the Secretary of State is hereby authorized, through such departments, agencies, and independent establishments of the Government as he may designate, to exercise any power or authority conferred upon the President by the act, including expenditure of funds made available for the purposes of the act.

2. The Chief of Mission to Greece or Turkey appointed by the President pursuant to section 8 of the act shall, under the guidance and instructions of the Secretary of State, direct United States activities within Greece or Turkey, as the case may be, in furnishing assistance under the act. The Secretary of State may delegate to the Chief of Mission such powers or authority conferred by this order as he may deem necessary and proper to the effective carrying out of the provisions of the act and of the basic agreement with the Government of Greece or Turkey, as the case may be, setting forth the general terms and conditions under which assistance is to be furnished.

3. The Secretary of State shall provide, and at his request other departments, agencies, independent establishments, and officers of the Government shall cooperate in providing to the extent considered feasible in keeping with their other established governmental responsibilities and to the extent that funds may be available therefor, such personnel, together with their compensation, allowances, and expenses, and such administrative supplies, facilities, and services as may be necessary and proper to the effective carrying out of the provisions of the act.

4. Subject to the provisions of paragraph 2 hereof, the powers and authority conferred upon the Secretary of State by this order shall be exercised by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of State as he may designate, in the interest of effective administration and proper coordination of functions under the act.

5. The Secretary of State shall make appropriate arrangements with the Secretaries of War and the Navy, and the heads of other Government departments, agencies, and independent establishments concerned, in order to enable them to fulfill their responsibilities under the act.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 22, 1947.

[F. R. Doc. 47-4993; Filed, May 23, 1947; 10:16 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 223]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.330 *Lemon Regulation 223*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date re-

(Continued on p. 3333)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

quirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 25, 1947, and ending at 12:01 a. m.; p. s. t., June 1, 1947, is hereby fixed at 525 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 22nd day of May 1947.

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

PRORATE BASE SCHEDULE

Storage Date: May 18, 1947

[12:01 a. m. May 25, 1947, to 12:01 a. m. June 8, 1947]

Handler	*Prorate base (percent)*
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.743
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.475
Consolidated Citrus Growers	.000
Corona Plantation Co	.448
Hazeltine Packing Co	.740
Leppla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers, Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.059
Ventura Pacific Co	1.343
Total A. F. G	4.808
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.641
La Verne Lemon Association	.935
La Habra Citrus Association	2.112
Yorba Linda Citrus Association, The	1.211
Alta Loma Heights Citrus Association	1.115
Etiwanda Citrus Fruit Association	.498
Mountain View Fruit Association	.699
Old Baldy Citrus Association	1.243
Upland Lemon Growers Association	6.343
Central Lemon Association	1.207
Irvine Citrus Association	1.350
Placentia Mutual Orange Association	.483
Corona Citrus Association	.354
Corona Foothill Lemon Co	1.742
Jameson Company	.941
Arlington Hts. Fruit Co	.629
College Hts. Orange & Lemon Association	2.929
Chula Vista Citrus Association, The	1.162
El Cajon Valley Citrus Association	.208
Escondido Lemon Association	3.708
Fallbrook Citrus Association	1.588

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Lemon Grove Citrus Association	0.519
San Dimas Lemon Association	2.409
Carpinteria Lemon Association	2.198
Carpinteria Mutual Citrus Association	2.328
Goleta Lemon Association	2.169
Johnston Fruit Co	4.368
North Whittier Heights Citrus Association	1.155
San Fernando Heights Lemon Association	1.197
San Fernando Lemon Association	.918
Sierra Madre-Lamanda Citrus Association	2.139
Tulare County Lemon & Grpfrt Association	.000
Briggs Lemon Association	2.496
Culbertson Investment Co	.503
Culbertson Lemon Association	1.088
Fillmore Lemon Association	1.915
Oxnard Citrus Association No. 1	2.665
Oxnard Citrus Association No. 2	2.615
Rancho Sespe	1.067
Santa Paula Citrus Fruit Association	3.248
Saticoy Lemon Association	2.776
Seaboard Lemon Association	3.276
Somis Lemon Association	2.825
Ventura Citrus Association	.823
Limoneira Company	3.047
Teague-McKevett Association	1.002
East Whittier Citrus Association	.887
Leffingwell Rancho Lemon Association	.921
Murphy Ranch Company	1.918
Whittier Citrus Association	1.019
Whittier Select Citrus Association	.760
Total C. F. G. E.	86.349
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	.780
Escondido CoOp. Citrus Association	.425
Glendora CoOp. Citrus Association	.127
Index Mutual Association	.423
La Verne CoOp. Citrus Association	1.828
Libbey Fruit Packing Company	.000
Orange CoOp. Citrus Association	.265
Pioneer Fruit Co	.900
Tempe Citrus Co	.000
Ventura Co. Orange & Lemon Association	2.268
Whittier Mutual Orange & Lemon Association	.296
Total M. O. D.	6.412
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.009
California Citrus Groves, Inc., Ltd.	.000
El Modena Citrus, Inc	.021
Evans Bros. Pkg. Co., Riverside	.118
Evans Bros. Pkg. Co., Sentinel Butte Ranch	.000
Foothill Packing Co	.160
Granada Packing House	.000
Harding & Leggett	.034
Morris Bros. Fruit Co	.000
Orange Belt Fruit Distributors	1.690
Potato House, The	.000
Raymond Bros	.000
Riverside Growers, Inc	.000
Rooke, B. G. Packing Co	.000
San Antonio Orchard Co	.130
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.269
Western States Fruit & Produce Co	.000
Total independents	2.431

[F. R. Doc. 47-4977; Filed, May 23, 1947; 8:48 a. m.]

[Orange Reg. 179]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.325 *Orange Regulation 179*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 25, 1947, and ending at 12:01 a. m., p. s. t., June 1, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1000 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 22nd day of May 1947.

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

PRORATE BASE SCHEDULE

[12:01 a. m. May 25, 1947, to 12:01 a. m. June 1, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0586
A. F. G. Fullerton	.8620
A. F. G. Orange	.6300
A. F. G. Redlands	.2241
A. F. G. Riverside	.1556
A. F. G. San Juan Capistrano	.9077
A. F. G. Santa Paula	.3823
Corona Plantation Co	.2580
Hazeltine Packing Co	.3633
Signal Fruit Association	.1002
Azusa Citrus Association	.4909
Azusa Orange Co., Inc	.1356
Damerel-Allison Co	.9305
Glendora Mutual Orange Association	.4056
Irwindale Citrus Association	.3698
Puente Mutual Citrus Association	.1951
Valencia Heights Orchards Association	.4147
Glendora Citrus Association	.3993
Glendora Heights Orange and Lemon Growers Association	.0939
Gold Buckle Association	.5604
La Verne Orange Association	.6716
Anaheim Citrus Fruit Association	1.2518
Anaheim Valencia Orange Association	1.2347
Badington Fruit Co	1.8989
Fullerton Mutual Orange Association	1.3792
La Habra Citrus Association	1.1405
Orange County Valencia Association	.5949
Orangethorpe Citrus Association	.9976
Placentia Coop. Orange Association	.6948
Yorba Linda Citrus Association, The	.5383
Alta Loma Heights Citrus Association	.1037
Citrus Fruit Growers	.1882
Cucamonga Citrus Association	.1807
Etiwanda Citrus Fruit Association	.0416
Mountain View Fruit Association	.0123
Old Baldy Citrus Association	.1178
Rialto Heights Orange Growers	.0851
Upland Citrus Association	.4327
Upland Heights Orange Association	.1388
Consolidated Orange Growers	1.8552
Frances Citrus Association	1.1081
Garden Grove Citrus Association	1.3617
Goldenwest Citrus Association, The	1.3515
Irvine Valencia Growers	2.3023
Olive Heights Citrus Association	1.5958
Santa Ana-Tustin Mutual Citrus Association	.9482
Santiago Orange Growers Association	3.3077
Tustin Hills Citrus Association	1.8157
Villa Park Orchards Association, The	1.9226
Bradford Brothers, Inc	.6119
Placentia Mutual Orange Association	1.8130
Placentia Orange Growers Association	2.1984
Call Ranch	.0708
Corona Citrus Association	.4677
Jameson Company	.0401
Orange Heights Orange Association	.4024
Break & Son, Allen	.0603
Bryn Mawr Fruit Growers Association	.2760

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Crafton Orange Growers Association	0.3904
E. Highlands Citrus Association	.0849
Fontana Citrus Association	.1093
Highland Fruit Growers Association	.0500
Krinard Packing Co	.2782
Mission Citrus Association	.1414
Redlands Coop. Fruit Association	.4039
Redlands Heights Groves	.2555
Redlands Orange Growers Association	.3311
Redlands Orangedale Association	.2398
Redlands Select Groves	.1876
Rialto Citrus Association	.1721
Rialto Orange Co	.1481
Southern Citrus Association	.2046
United Citrus Growers	.1508
Zilen Citrus Co	.1052
Arlington Heights Fruit Co	.1096
Brown Estate, L. V. W	.1399
Gavilan Citrus Association	.1473
Hemet Mutual Groves	.1083
Highgrove Fruit Association	.0839
McDermont Fruit Co	.1756
Mentone Heights Association	.0615
Monte Vista Citrus Association	.2197
National Orange Co	.0436
Riverside Heights Orange Growers Association	.0907
Sierra Vista Packing Association	.0609
Victoria Avenue Citrus Association	.1788
Claremont Citrus Association	.1597
College Heights Orange and Lemon Association	.2405
El Camino Citrus Association	.0800
Indian Hill Citrus Association	.2022
Pomona Fruit Growers Exchange	.4290
Walnut Fruit Growers Exchange	.4517
West Ontario Citrus Association	.3958
El Cajon Valley Citrus Association	.3487
Escondido Orange Association	2.5606
San Dimas Orange Growers Association	.4870
Covina Citrus Association	.9670
Covina Orange Growers Association	.3931
Duarte-Monrovia Fruit Exchange	.2462
Santa Barbara Orange Association	.0503
Ball & Tweedy Association	.7131
Canoga Citrus Association	.8517
N. Whittier Heights Citrus Association	.9238
San Fernando Fruit Growers Association	.4288
San Fernando Heights Orange Association	.9259
Sierra Madre-Lamanda Citrus Association	.3926
Camarillo Citrus Association	1.4606
Fillmore Citrus Association	3.4778
Mupu Citrus Association	2.5920
Ojai Orange Association	.9574
Piru Citrus Association	1.9580
Santa Paula Orange Association	1.0604
Tapo Citrus Association	1.1244
Limoneira Co	.3878
E. Whittier Citrus Association	.3889
El Ranchito Citrus Association	1.2218
Murphy Ranch Co	.3960
Rivera Citrus Association	.5330
Whittier Citrus Association	.6744
Whittier Select Citrus Association	.4428
Anaheim Coop. Orange Association	1.1229
Bryn Mawr Mutual Orange Association	.0672
Chula Vista Mutual Lemon Association	.0896
Escondido Coop. Citrus Association	.3271
Euclid Avenue Orange Association	.4314
Foothill Citrus Union, Inc	.0325
Fullerton Coop. Orange Association	.3409
Garden Grove Orange Coop., Inc	.7057
Glendora Coop. Citrus Association	.0662

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Golden Orange Groves, Inc	0.2586
Highland Mutual Groves	.0871
Index Mutual Association	.2148
La Verne Coop. Citrus Association	1.3768
Olive Hillside Groves	.7158
Orange Coop. Citrus Association	1.0398
Redlands Foothill Groves	.4735
Redlands Mutual Orange Association	.1811
Riverside Citrus Association	.0706
Ventura County Orange & Lemon Association	.9111
Whittier Mutual Orange & Lemon Association	.1960
Babijuice Corp. of Calif	.5110
Banks Fruit Co	.3190
Banks, L. M	.5329
Borden Fruit Company	.6018
Calif. Fruit Distributors	.5158
Cherokee Citrus Co., Inc	.1449
Chess Company, Meyer W	.2981
El Modena Citrus, Inc	.7869
Escondido Avocado Growers	.0538
Evans Brothers Packing Co	.8039
Gold Banner Association	.2746
Granada Hills Packing Co	.0613
Granada Packing House	2.8514
Hill, Fred A	.0747
Inland Fruit Dealers	.0910
Mills, Edward	.1046
Orange Belt Fruit Distributors	1.8430
Panno Fruit Company, Carlo	.1618
Paramount Citrus Association	.3908
Placentia Orchard Co	.3916
Placentia Pioneer Val. Growers Association	.6337
Riverside Growers, Inc	.1406
San Antonio Orchards Co	.5310
Santa Fe Groves Co	.0495
Snyder & Sons Co., W. A	1.1965
Stephens, T. F	.0852
Sunny Hills Ranch, Inc	.2432
Verity & Sons Co., R. H	.0326
Wall, E. T	.1152
Webb Packing Co	.2712
Western Fruit Growers Inc., Ana	.0799
Western Fruit Growers Inc., Reds	.7511
Yorba Orange Growers Association	.6133

[F. R. Doc. 47-4976; Filed, May 23, 1947; 8:48 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY AND DELEGATIONS OF FINAL AUTHORITY

DELEGATIONS OF AUTHORITY TO CERTAIN DIVISION AND SECTION CHIEFS, AND MANAGER, NEW YORK OFFICE

Part 500 is hereby amended by adding § 500.24 as set out below:

§ 500.24 *Delegation to Chief, Division of Business Management and Control, Chief, Division of Real Estate and Liquidation, Chief, Division of Patent Administration, Chief, Real Estate Section, Division of Real Estate and Liquidation, and Manager, New York Office.* The Chief, Division of Business Management and Control, the Chief, Division of Real Estate and Liquidation, the Chief, Division of Patent Administration, the Chief, Real Estate Section, Division of Real Estate and Liquidation, and the Manager, New York Office are authorized to exercise the powers conferred upon Division Chiefs by § 501.16 (General Order No. 26), 8 F. R. 7628.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. 1, 50 U. S. C. App., Sup. V, 5 (b); E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR Cum. Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 20th day of May 1947.

[SEAL] DONALD C. COOK,
For the Attorney General.
Director.

[F. R. Doc. 47-4874; Filed, May 23, 1947; 8:55 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 700—ARMY NURSES, DIETITIANS AND PHYSICAL THERAPY AIDES

APPOINTMENT OF FEMALE OFFICERS TO ARMY NURSE CORPS AND WOMEN'S MEDICAL SPECIALIST CORPS, REGULAR ARMY

Pursuant to the authority vested in the Secretary of War by Public Law 36, 80th Congress, April 16, 1947 and by virtue of all other authority vested in the Secretary of War, § 700.15 prescribing regulations for appointments in the Army Nurse Corps and the Women's Medical Specialist Corps of the Regular Army is set forth below:

§ 700.15 *Appointment of female officers to the Army Nurse Corps and Women's Medical Specialist Corps, Regular Army*—(a) *Eligibility for appointment.* (1) General provisions governing eligibility for appointment are as follows:

(i) An applicant must be a female citizen of the United States who has attained the age of 21 years.

(ii) An applicant must have served honorably on active duty in the Army of the United States at any time since December 7, 1941, or, in the case of applicants for commission in the Occupational Therapist Section of the Women's Medical Specialist Corps, the applicant must have served honorably at any time since December 7, 1941 as a qualified occupational therapist with the Medical Department of the Army in the status of a civilian employee.

(iii) An applicant must be physically qualified at the time of appointment.

(iv) No officer of the Army Nurse Corps or Women's Medical Specialist Corps may be appointed in a grade higher than that which she held while on active duty or higher than that grade to which she may be promoted prior to appointment.

(2) Specific provisions governing eligibility for appointment in the Army Nurse Corps, Regular Army, are as follows:

(i) An unmarried person with no dependents under 14 years of age who is otherwise qualified, who has not attained the age of 35, and who at any time since December 7, 1941 served honorably on active duty as a commissioned officer of the Army Nurse Corps, is eligible for appointment as a commissioned officer

in the Army Nurse Corps, Regular Army in a grade as prescribed by paragraph (c) of this section.

(ii) A person who at the time of application is serving honorably on active duty as a member, other than as Reserve Nurse, of the Army Nurse Corps created by chapter 5 of the act of July 9, 1918, as amended, may be appointed a commissioned officer in the Army Nurse Corps, Regular Army, in a grade prescribed by paragraph (c) of this section, regardless of whether such person is also serving under an appointment made pursuant to the act of June 22, 1944, and regardless of age, marital status, and age of dependents.

(3) Specific provisions governing eligibility for appointment in the Women's Medical Specialist Corps, Regular Army, are as follows:

(i) Dietitian Section. An unmarried person with no dependents under 14 years of age who is otherwise qualified, who has not attained the age of 45, and who at any time since December 7, 1941, served honorably on active duty as a commissioned officer of the Army of the United States, assigned to the Medical Department as a dietitian, may be appointed a commissioned officer in the Dietitian Section of the Women's Medical Specialist Corps, Regular Army, in a grade as prescribed by paragraph (c) of this section.

(ii) Physical Therapist Section: An unmarried person with no dependents under 14 years of age who is otherwise qualified, who has not attained the age of 45, and who at any time since December 7, 1941, served honorably on active duty as a commissioned officer of the Army of the United States, assigned to the Medical Department as a physical therapist, may be appointed a commissioned officer in the Physical Therapist Section of the Women's Medical Specialist Corps of the Regular Army in a grade as prescribed by paragraph (c) of this section.

(iii) Occupational Therapist Section: An unmarried person with no dependents under 14 years of age who is otherwise qualified, who has not attained the age of 45, and who at any time since December 7, 1941, served honorably as a qualified occupational therapist with the Medical Department of the Army in the status of a civilian employee, may be appointed as a commissioned officer in the Occupational Therapist Section of the Women's Medical Specialist Corps of the Regular Army in a grade as prescribed by paragraph (c) of this section.

(iv) The upper age limitation for integration appointment in the Women's Medical Specialist Corps, Regular Army, may be waived in exceptional cases by the Secretary of War upon the recommendation of The Surgeon General.

(b) *Determination of service credit.* (1) Constructive service credit will be given for the number of years, months, and days by which an applicant's age at the date of appointment in the Regular Army exceeds 25 years.

(2) Actual service to be credited to each applicant will be the number of years, months, and days the applicant was on active Federal military service subsequent to December 7, 1941, with temporary Army of the United States commission as a nurse, dietitian, or physical therapist, or with relative rank as a nurse, as the case may be, provided that in computing the total period of active Federal military service of any person discharged or placed in inactive status subsequent to May 12, 1945, she shall be credited with service from the date of such discharge or relief from active duty to the date of appointment in the Regular Army.

(c) *Determination of grade to which appointed.* The grade in which an individual will be commissioned will be determined by the amount of constructive service or active Federal military service computed, as indicated in paragraph (b) of this section.

Based upon this, appointments will be made as follows:

(1) Army Nurse Corps:

2d lieutenant	Less than 3 years' active or constructive service.
1st lieutenant	Three or more but less than 10 years' active or constructive service.
Captain	Ten or more years' active or constructive service.

(2) Women's Medical Specialist Corps:

(i) Dietitian and Physical Therapist Sections:

2d lieutenant	Less than 3 years' active or constructive service.
1st lieutenant	Three or more but less than 10 years' active or constructive service.
Captain	Ten or more years' active or constructive service.

(ii) Occupational Therapist Sections:

2d lieutenant	Less than 3 years' constructive service.
1st lieutenant	Three or more but less than 10 years' constructive service.
Captain	Ten or more years' constructive service.

(d) *Determination of rank.* (1) Relative rank among commissioned officers of the Army Nurse Corps and the Women's Medical Specialist Corps, Regular Army, within each corps, and between such officers and other commissioned officers of the Regular Army shall be determined in the manner now or hereafter prescribed by law for the determination of relative rank among other commissioned officers of the Regular Army.

(2) Among the newly appointed officers in the same grade wherever two or more are credited with the same amount of service as indicated in paragraph (b) of this section, order of rank in the respective corps will be determined by the following in the priority indicated:

(i) The greater amount of active military commissioned service.

(ii) Seniority of age.

(iii) Higher composite score attained on integration testing.

(e) *Method of applying.* (1) Applications will be made on WD AGO Form 102 (Application for Commission in the Army Nurse Corps or Women's Medical Specialist Corps, Regular Army) and will be prepared in duplicate. The original and duplicate copy of the application will be signed and forwarded as indicated in paragraph (f) of this section, on or before July 31, 1947. Applications forwarded or postmarked after July 31, 1947 will be returned without action.

(2) Forms for submitting formal applications may be obtained from:

(i) Army general hospitals.

(ii) Headquarters, zone of interior armies.

(iii) Placement and counseling services for state and district nursing associations and national associations of dietitians, physical therapists, and occupational therapists.

(iv) The Surgeon General's Office, Attention: MEDCM–B, Washington 25, D. C.

(f) *Method of submitting application.* (1) Application Form WD AGO Form 102 will be submitted in duplicate. Applicants in the category described in paragraph (a) (2) (ii) of this section, will submit applications direct to The Adjutant General, Attention: AGSO–R, Washington 25, D. C.

(2) Applicants on duty or residing in the zone of interior.

(i) Applicants on active duty.

(*a*) The completed application will be directed to the applicant's immediate commanding officer, whose indorsement will include a factual description and opinion of person being rated.

(ii) Applicants on leave prior to separation or inactive status.

The application form will be completed in duplicate and forwarded by the applicant, without indorsement, direct to The Adjutant General, Attention: AGSO–R, Washington 25, D. C.

(3) Applicants on duty or residing in oversea theaters or departments.

(i) Applicants on active duty.

(*a*) The completed application will be directed to the applicant's immediate commanding officer, whose indorsement will include a factual description and opinion of the person being rated.

(ii) Applicants on inactive duty or leave prior to separation.

The application form will be completed in duplicate and forwarded by the applicant without indorsement direct to the theater or department commander within whose area she resides. The theater or department commander will forward the original to The Adjutant General, Attention: AGSO–R, Washington 25, D. C.

(g) *Change of address by applicant.* (1) An applicant for appointment in the Army Nurse Corps or Women's Medical Specialist Corps, Regular Army, who changes residence or receives orders for a change of station within the continental limits of the United States subsequent to filing an application and prior to appearance before an interview board, will be responsible for advising, in writing, such change to The Adjutant General, Attention: AGSO–R, Washington 25, D. C. Applicants stationed or residing in oversea theaters or departments will advise theater or department commanders of changes of address.

(2) It is the responsibility of each applicant to notify The Adjutant General, Attention: AGSO–R, Washington 25, D. C., and theater or department commander of any change of military or home address after she has completed the integration testing. Failure to comply with this may result in the non-

delivery of official notification of appointment.

(h) *Technical specialists.* Appointment of technical specialists in the following categories may be made in the Army Nurse Corps, Regular Army, not in excess of 30 percent of the total number of nurses integrated under the provisions of this section:

(1) An administrator in the nursing service will be a graduate of a school of nursing recognized by The Surgeon General and should hold at least a bachelor's degree from a recognized institution including or supplemented by a program of studies for administration of the nursing service, and a minimum of 5 years' experience in one or more of the following, or submit satisfactory evidence of having demonstrated ability to function in an administrative or teaching position.

(i) Head nurse (may be combined with the position of assistant clinical instructor) or supervisor (may be combined with the position of clinical instructor).

(ii) Instructor in nursing arts, physical and biologic science, or social science.

(iii) Assistant director of nursing service (may be combined with the position of assistant director of nursing school).

(iv) Director of nursing service (may be combined with the position of director of nursing school).

(2) An anesthetist must have had 6 months' postgraduate training in anesthesiology in an Army or civilian hospital approved for teaching anesthetists, or have demonstrated her ability to perform such professional duties. She must be a graduate of a school of nursing recognized by The Surgeon General.

(3) An operating room supervisor must have had 6 months' postgraduate training in the surgical service of an Army or civilian hospital approved for the teaching of operating room nurses, or have demonstrated her ability to perform such professional duties. She must be a graduate of a school of nursing recognized by The Surgeon General.

(4) A neuropsychiatric nurse must have had 5 months' postgraduate training in neuropsychiatry in an Army or civilian hospital approved for training neuropsychiatric nurses, or have demonstrated her ability to perform such professional duties. She must be a graduate of a school of nursing recognized by The Surgeon General.

(i) *Action by the War Department.* (1) Where applicant fails to achieve the requirements of the technical proficiency test, The Adjutant General will advise the applicant by letter that she is disqualified.

(2) When it is determined that an applicant is not physically qualified for appointment, The Adjutant General will advise the applicant of such determination. Decision of the War Department is final.

(3) The records of each applicant will be examined to determine whether there is anything which, in the opinion of the War Department, would make her appointment undesirable. An eligible list will be established showing names, serial numbers, and composite scores, arranged by grades for which eligible, in order of composite scores, for each corps and section. Recommendations for appointment will be made as follows:

(i) Where technical specialists are required as set forth in paragraph (h) of this section, such specialists will be selected by starting from the top of the list and going down until the required number with suitable qualifications have been obtained.

(ii) From those remaining on the list starting with the top of the list and going down until authorized vacancies are filled.

(4) Applicants will be notified of appointment or rejection by The Adjutant General. Cases of those applicants who are neither appointed nor rejected will be retained in order of composite score in the files of The Adjutant General. [WD Cir 113, 3 May 1947]

(40 Stat. 879, 41 Stat. 767; Pub. Law 36, 80th Cong., 10 U. S. C. 161–164)

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

[F. R. Doc. 47-4862; Filed, May 23, 1947; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS WAIVERS

Rescind paragraph (c) of § 201.4 and substitute the following in lieu thereof:

§ 201.4 *Waivers.* * * *

(c) *Waiver of age limitations.* Maximum age-in-grade requirements prescribed in § 201.2 (d) (3) will not be waived. Recognition will be extended, in the grade of second lieutenant, to applicants under the age of 21 years if otherwise qualified provided they have previously been commissioned upon graduation from an Officer's Candidate School, hold a corresponding commission in the Officers' Reserve Corps, or have been granted a battlefield commission in the Army of the United States.

[NGR–20, 14 Nov. 1946 as amended by NGB Cir. No. 18, May 7, 1947] (48 Stat. 155; 32 U. S. C. 4)

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

[F. R. Doc. 47-4875; Filed, May 23, 1947; 8:55 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

AUTHORITY DELEGATED

At a meeting of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of May 1947;

It appearing, that requests submitted by petitioners asking that their respective petitions, be dismissed are required to be decided by the Commission; and

It further appearing, that petitions requiring the consideration of the Commission often contain requests which have become moot; and

It further appearing, that the public interest, convenience and necessity will be served by delegating authority to the Motions Commissioner to act upon requests seeking dismissals of pending petitions or petitions which contain requests which have become moot; and

It further appearing, that the amendment adopted herein is procedural, and that publication of general notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not required;

It is ordered, That § 1.112 of the Commission's rules and regulations be, and it is hereby, amended to add paragraphs (e) and (f) reading as follows:

§ 1.112 *Authority delegated.* * * *

(e) Petitions requesting the dismissal of other pending petitions filed by the same party.

(f) Petitions containing requests, all of which have become moot.

It is further ordered, That this order shall become effective immediately.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i).)

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

[F. R. Doc. 47-4877; Filed, May 23, 1947; 8:54 a. m.]

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of May 1947;

The Commission having under consideration the question of the existence of a shortage of radiotelegraph operators possessing six months' previous service required by section 353 (b) of the Communications Act of 1934, as amended, and further having under consideration the necessity for alleviation of the difficulties which may result therefrom to the public, while at the same time having in mind the safety purposes of section 353 (b) of the act; and

It appearing that there is a current shortage of radiotelegraph operators who have the six months' ship experience required by section 353 (b) of the Communications Act of 1934, as amended; and

It further appearing that this shortage does not exist generally throughout the United States; and

It further appearing that in the areas where the shortage exists ships are from time to time delayed in meeting normal departure schedules; and

It further appearing that in view of the safety purposes of section 353 (b), it is appropriate under the circumstances to consider each case individu-

ally upon its merits with a view to granting where necessary a limited individual waiver of the experience requirement; and

It further appearing that such individual action can be best taken at the ports of scheduled departure of the particular ships through the exercise of delegated authority by the Commission's Engineer in Charge at those ports or in their vicinity; and

It further appearing that general notice of proposed rule making is not required herein under the provisions of section 4 of the Administrative Procedure Act since the amendments of the Commission's Rules and the new Rules ordered herein relate to Commission organization and procedure and are designed to relieve a restriction in that they will expedite action upon applications for individual waivers as hereinbefore referred to;

It is ordered, That new §§ 1.151 and 1.152 of the Commission's rules and regulations be and the same are hereby adopted, reading as follows:

§ 1.151 *Authority delegated to Engineer in Charge of Port Offices.* The Engineer in Charge of each Port Office (or in his absence the Acting Engineer in Charge) is designated to act upon the following matter:

(a) Applications for waiver of the requirement of six months' previous service contained in section 353 (b) of the Communications Act of 1934, as amended, and in paragraphs (c) (3) and (d) (2) of § 13.61 of the rules and regulations of this chapter.

§ 1.152 *Record of actions taken.* Action taken on applications in accordance with § 1.151 shall be recorded each week and a copy thereof forwarded to the Secretary of the Commission to be filed in the official minutes of the Commission.

It is further ordered, That § 1.211 of the Commission's rules and regulations be and it hereby is amended, to read as follows:

§ 1.211 *Applications for exemptions and waivers under Part II of Title III.* (a) Applications filed under the provisions of section 352 (b) for exemption from the requirements of Part II, Title III of the Communications Act of 1934, as amended, shall be filed at the Commission's office in Washington, D. C.

(b) Applications filed under the provisions of section 353 (b) for waiver of the requirements of that section shall be filed at the office of the Commission's Engineer in Charge at or in the vicinity of the port from which the vessel for which the waiver is requested is scheduled to depart. Prior to filing an application for such waiver, the applicant must have exhausted all known sources of ship radio operators within a reasonable distance. The determination of what sources will be considered to be within a reasonable distance will be made by a reference, among other factors, to the date when efforts were commenced by the applicant to secure a fully qualified radio-telegraph operator in relation to the date when the applicant first became aware of the scheduled (or approximate) sailing date of the vessel concerned.

It is further ordered, That § 1.331 of the Commission's rules and regulations be and it hereby is amended, to read as follows:

§ 1.331 *Applications for exemptions and waivers under Part II of Title III.* (a) Applications filed under the provisions of section 352 (b) for exemption from the requirements of Part II, Title III of the Communications Act of 1934, as amended, and Article 27 of the Safety of Life at Sea Convention, London, 1929, shall be submitted on FCC Form 820, entitled "Application for Exemption."

(b) Applications filed under the provisions of section 353 (b) for waiver of the requirements of that section and paragraphs (c) (3) and (d) (2) of § 13.61 of the rules and regulations are not required to be submitted on any numbered or prescribed form. However, all such applications must be submitted in writing by or on behalf of the owner, charter party, or operating agent of the ship, must be signed, must be sworn to either when submitted or by confirmation as set forth below, and must contain a specific request for waiver which specifies at least the following information:

(1) Name of ship and port of scheduled departure.

(2) Date and time of scheduled departure.

(3) Nature of cargo.

(4) Destination.

(5) Statement that all known sources of ship radio operators within a reasonable distance have been exhausted, including both all union and non-union sources and the nearest United States Employment Service local office.

(6) Listing by name, location and date contacted the sources canvassed.

(7) Date that applicant first became aware of the scheduled (or approximate) sailing date of the vessel concerned.

(8) Name and description of qualifications of the radiotelegraph operator presently available and intended to be employed under the requested waiver.

Unsworn applications for waiver under this paragraph may, when necessary, be submitted and acted upon. In each case, however, an applicant must immediately upon filing an unsworn application submit a sworn confirmation thereof.

It is further ordered, That this order shall become effective on the 15th day of May 1947.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i))

By the Commission.

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

[F. R. Doc. 47-4886; Filed, May 23, 1947; 8:56 a. m.]

PART 3—RADIO BROADCAST SERVICES

APPENDIX TO SUBPART B—STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING FM BROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of April 1947;

Whereas, sections 16, 17 and 18 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations provide that lists of approved equipment will be issued from time to time for incorporation in these standards, and

Whereas, the Commission has approved certain equipment in accordance with sections 13, 14 and 15 of these standards, and

Whereas, the Commission has found that it will be in the public interest to amend the Standards of Good Engineering Practice concerning FM broadcast stations so as to set forth this equipment approved by the Commission, and

Whereas, these amendments do not preclude the approval of additional equipment in accordance with these standards, and

Whereas, the amendments are issued under the authority of sections 303 (e) and 303 (r) of the Communications Act of 1934, as amended, and

Whereas, in view of the foregoing, the Commission is of the opinion that it is unnecessary that the procedure for proposed rule making prescribed in section 4 of the Administrative Procedure Act be followed and that for the same reasons the amendments may become effective immediately,

It is therefore ordered, That sections 16, 17 and 18 of these Standards be and are hereby amended as follows:

SEC. 16. *Approved transmitters.*

Manufacturer's name	Type No.	Rated power	Type of approval [1]
Collins Radio Company, Cedar Rapids, Iowa	731A	250 watts	Final.
Do	732A	1 kw	Do.
Do	733A	3 kw	Tentative.
Do	734A	10 kw	Do.
Federal Telephone & Radio Corp. Newark, N. J	191A	1 kw	Do.
Do	192A	3 kw	Do.
Do	193A	10 kw	Do.
Do	199A	20 kw	Do.
Do	194A	50 kw	Do.
Gates Radio Co., Quincy, Ill	BF-250A	250 watts	Final.
Do	BF-1A	1 kw	Do.
General Electric Co., Schenectady, N. Y	BT-1-A	250 watts	Do.
Do	BT-2-A	1 kw	Tentative.
Do	BT-3-A	3 kw	Do.
Do	BT-4-A	10 kw	Do.
Do	BT-5-A	50 kw	Do.

[1] Tentative approval indicates that the manufacturer has supplied the Commission with preliminary data, including guaranteed performance of equipment to be constructed or under construction. Final approval indicates that construction details and measured performance data of completed equipment have been supplied.

Manufacturer's name	Type No.	Rated power	Type of approval
Harvey Radio Laboratories, Inc., Cambridge, Mass.	FM-500	250 watts	Final.
Radio Corporation of America, New York, N. Y.	MI-7016	Exciter	Do.
Do	BTF-250A	250 watts	Do.
Do	BTF-1C	1 kw	Do.
Do	BTF-3B	3 kw	Tentative.
Do	BTF-10B	10 kw	Do.
Radio Engineering Laboratories, Long Island City, N. Y.	549A-DL	250 watts	Do.
Do	518A-DL	1 kw	Do.
Raytheon Manufacturing Co., Chicago, Ill.	RF-250	250 watts	Do.
Do	RF-1000	1 kw	Do.
Do	RF-3	3 kw	Do.
Western Electric Co., Inc., New York, N. Y.	501 B-1	250 watts	Do.
Do	501 B-2	250 watts	Do.
Do	503 B-1	1 kw	Do.
Do	503 B-2	1 kw	Do.
Do	504 B-1	3 kw	Do.
Do	504 B-2	3 kw	Do.
Do	506 B-1	10 kw	Do.
Do	506 B-2	10 kw	Do.
Do	508 B-2	25 kw	Do.
Do	507 B-1	50 kw	Do.
Do	507 B-2	50 kw	Do.
Westinghouse Electric & Mfg. Co., Baltimore, Md.	MO/MP	Exciter	Final.
Do	FM-1	1 kw	Do.
Do	FM-3	3 kw	Tentative.
Do	FM-10	10 kw	Do.
Do	FM-50	50 kw	Do.

SEC. 17. *Approved frequency monitors.*

Manufacturer's Name and Type No.

Doolittle Radio, Inc., Chicago, Ill.: FD11.
General Electric Co., Schenectady, N. Y.: BM-1-A.
Radio Engineering Laboratories, Long Island City, N. Y.: 600.

SEC. 18. *Approved modulation monitors.*

Manufacturer's Name and Type No.

Doolittle Radio, Inc., Chicago, Ill.: FD11.
General Electric Co., Schenectady, N. Y.: BM-1-A.
Radio Engineering Laboratories, Long Island City, N. Y.: 600.

(Sec. 303 (e), 48 Stat. 1082; sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (e), 303 (r))

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

[F. R. Doc. 47-4883; Filed, May 23, 1947; 8:55 a. m.]

[Docket No. 8262]

PART 13—COMMERCIAL RADIO OPERATORS

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of May 1947;

The Commission having under consideration the matter of amending its procedure governing the issuance of restricted radiotelephone operator permits; and

It appearing, that by public notices dated April 4, 1947 and April 10, 1947, both of which were released and duly published in the form of a notice of proposed rule making and a correction thereto, which public notices set forth a proposal for the amendment of Part 13 of the Commission's rules governing commercial radio operators and set April 25, 1947 as the final date for interested parties to submit comments on the proposal; and

It further appearing, that the final date, April 25, 1947, for submitting comments on the proposal has passed without any adverse comments having been received; and

It further appearing, that the purpose of the proposed amendments is to provide for the more expeditious issuance of restricted radiotelephone operator permits to qualified applicants, without changing the qualifications for or the scope of authority of such permits, and without in any way affecting the procedure governing the issuance of any other kind or class of operator license or permit for which examination on any subject matter is required; and

It further appearing, that as the proposed amendments comprise changes in Commission procedure and would relieve a restriction by simplifying operator licensing procedure, and would be in the public interest, convenience, and necessity;

It is ordered, That the following amendments to Part 13 of the Commission's rules governing commercial radio operators be, and they are hereby, adopted, effective May 1, 1947.

1. Section 13.11 is amended to read as follows:

§ 13.11 *Procedure*—(a) *General.* The application, in the prescribed form and including all required subsidiary forms and documents, properly completed and signed shall be submitted in person or by mail to the office at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for renewal of license,[3] it must be submitted during the last year of the license term,[3a] and if all prescribed service requirements are fulfilled,[4] the renewal license may be issued by mail. A renewal application shall also be accompanied by the license to be renewed.

(b) *Restricted radiotelephone operator operator permit.* No oral or written examination is required for this permit. If the application is properly completed and signed, and if the applicant is found to be qualified, the permit may be issued forthwith by personal delivery to the applicant or by mail.

2. Footnote 3a to § 13.11 as hereby amended, is amended to read as follows:

[3a] By order No. 128-B, adopted December 17, 1946, effective January 1, 1947, any application filed or mailed not later than June 30, 1947, for renewal of a commercial radio operator license (other than a Temporary Emergency or Temporary Limited Radiotelegraph Second Class Operator License) which was valid on or after December 7, 1941 and which has expired by its own terms without having been cancelled or suspended, may, until further order of the Commission, be acted upon, notwithstanding the provisions of Section 13.11, if a statement is filed as a part of the renewal application showing that (1) the applicant is serving in the armed forces of the United States or has been honorably discharged therefrom since December 7, 1941; or (2) the applicant is serving in the United States Maritime Service or has voluntarily left that Service since December 7, 1941; or (3) the applicant is or has been employed outside the continental United States and has been unable to file timely application for renewal of license because of such employment outside the continental United States.

3. Paragraph (e) of § 13.22 is amended by deleting everything after the words "operator permit:", and substituting therefor the following: "No oral or written examination is required for this permit. In lieu thereof, applicants will be required to certify in writing to a declaration which states that the applicant has need for the requested permit; can receive and transmit spoken messages in English; can keep at least a rough written log in English or in some other language in general use that can be readily translated into English; is familiar with the provisions of treaties, laws and rules and regulations governing the authority granted under the requested permit; and understands that it is his responsibility to keep currently familiar with all such provisions."

4. Section 13.25 is amended by adding at the end thereof the following: "However, no person holding a new, duplicate, or replacement restricted radiotelephone operator permit issued upon the basis of a declaration, or a renewed restricted radiotelephone operator permit which renews a permit issued upon the basis of a declaration, shall, by reason of the declaration or the issuance of the permit based thereon, be relieved of qualifying by examination on any phase of the subject matter of the declaration when applying for any other operator license or permit for which examination on any subject matter is required."

5. Section 13.28 is amended by deleting, at the beginning of the first sentence, the words "A license," and inserting in lieu thereof the words "A restricted radiotelephone operator permit may be renewed without examination or showing of service and upon the same basis as an original permit of this class is issued. A license of any other class."

6. Footnote 7a to § 13.28 as hereby amended, is amended to read as follows:

[7a] By Order No. 77, dated and effective December 4, 1940, this section was suspended, until further order of the Commission, insofar as the required showing of service or use of license is required. The suspension has been continued by Orders Nos. 77-A through 77-G. Order No. 77-G, adopted December 17, 1946, effective January 1, 1947, extends the suspension until further order of the Commission, but in no event beyond June 30, 1947.

7. Section 13.73 is deleted in its entirety.

8. Sections 13.74 and 13.75 are re-numbered §§ 13.73 and 13.74, respectively.

(Sec. 303 (l), 48 Stat. 1082; sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (l), 303 (r))

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

[F. R. Doc. 47-4885; Filed, May 23, 1947; 8:56 a. m.]

PART 14—RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

FREQUENCIES FOR SHIP STATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of May 1947;

The Commission having under consideration the matter of providing an effective radio communication system for vessels operating in Alaskan waters; and

It appearing, that the frequencies presently available to ship stations licensed by this Commission for communication in Alaskan waters with coastal stations of the Alaska Communication System are congested with the result that such ship stations are experiencing difficulty in establishing and maintaining communication with such coastal stations; and

It further appearing, that this difficulty could be alleviated by providing an additional frequency upon which to conduct such communications; and

It further appearing, that upon the condition that no interference would result to other services, the additional frequency 2134 kilocycles could be provided by an amendment to Part 14 of the Commission's rules governing radio stations in Alaska; and

It further appearing, that it would be in the public interest, convenience, and necessity to adopt such an amendment, and that authority for such an amendment is contained in sections 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended; and

It further appearing, that the immediate adoption of such an amendment would relieve an existing restriction on the use of the frequency 2134 kilocycles and would promote the safety of life and property and, therefore, that the general public notice and procedure for rule making and the 30 day advance publication prior to the effective date of an adopted rule, as provided by section 4 of the Administrative Procedure Act, are not required;

It is ordered, That § 14.54 of the Commission's rules and regulations governing radio stations in Alaska be, and it is hereby, amended to read as follows:

§ 14.54 *Frequencies for ship stations.* (a) The following frequencies are allocated for use by ship stations in Alaskan waters in addition to those set forth in the general regulations: 1592 and 2538 kilocycles: A1, A2, A3 emission, maximum power 100 watts.[14]

(b) The frequency 2134 kilocycles is allocated for use by ship stations in Alaskan waters for communication primarily with Government coastal stations for types A1, A2, and A3 emission with a maximum power of 100 watts, upon the condition that no interference will result to other services.

It is further ordered, That this order shall be effective immediately.

(Secs. 303 (b), (c) and (f), 48 Stat. 1082, sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (b), (c), (f), and (r))

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

[F. R. Doc. 47-4884; Filed, May 23, 1947; 8:55 a. m.]

PART 41—TELEGRAPH AND TELEPHONE FRANKS

FREE SERVICE TO OFFICIAL PARTICIPANTS IN 1947 WORLD TELECOMMUNICATIONS CONFERENCES

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 14th day of May 1947;

The Commission, having under consideration Public Law 48, 80th Congress, 1st session, enacted May 13, 1947, permitting United States communication common carriers to accord free communication privileges to official participants in the world telecommunications conferences to be held in the United States in 1947, subject to such rules and regulations as the Commission may prescribe;

It is ordered, That pursuant to Public Law 48, 80th Congress, 1st Session, and section 4 (i) of the Communications Act of 1934, as amended, Part 41 of the Commission's rules and regulations is amended forthwith by the addition of the following sections:

§ 41.41 *Free service permitted.* For the duration of the world telecommunications conferences to be held in Atlantic City, New Jersey in 1947, United States communication common carriers may render, to official participants in such conferences, free communications services outbound from the United States to the respective foreign countries which the official participants represent at the conferences, provided the foreign connecting carriers involved in each case handle free the portion of such communication service rendered by them. The term "official participants" means persons whose names appear on the list of official participants maintained by the official secretariat of the world telecommunications conferences.

§ 41.42 *Communication common carriers.* The communication common carriers may establish and apply such restrictions on the use of the free communication services provided for in § 41.41 of these rules and regulations as may be necessary to assure the maintenance of adequate communications service to the general public.

Public notice of rule making deemed impracticable. Public Law 48, 80th Congress, was enacted on May 13, 1947. The first of the world telecommunications conferences to be held in the United States in 1947, the Radio Administrative Conference, convenes in Atlantic City, New Jersey, on May 15, 1947. Because of the lack of time between the enactment of the Joint Resolution and the convening of this conference, the Commission finds that the notice and public procedure thereon provided for in the Administrative Procedure Act are impracticable. Accordingly, §§ 41.41 and 41.42 of these rules and regulations are effective immediately.

(Sec. 4 (i), 48 Stat. 1066; Pub. Law 48, 80th Cong., May 13, 1947; 47 U. S. C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4887; Filed, May 23, 1947; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 904]

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

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

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a marketing agreement and a proposed amended order, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the seventh day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate

Preliminary statement. The proceeding was initiated by the Production and Marketing Administration as a result of requests received from cooperative associations of producers and from handlers

of milk in the Boston milk shed. In a letter dated January 17, 1947, the market administrator of the Greater Boston marketing area notified all handlers, cooperative associations, and other interested persons that they should file not later than February 3, 1947, any proposals which they wished to make with respect to amendments to the order. Forty-one proposals were submitted by cooperative associations, handlers, and the market administrator. After consideration of these various proposals, it was concluded that a hearing should be held to accept evidence on all of the proposals except one. It was decided to defer until a later date any hearing on the proposal made by several cooperative associations to enlarge the Greater Boston marketing area to such an extent as to create a New England-wide market pool.

On March 5, 1947, there was issued a notice of hearing which listed all of the proposals on which evidence would be taken. The hearing was held at Burlington, Vermont, on March 14 and 15, 1947, and continued at Boston, Massachusetts, on March 17–19 and 24–26, 1947.

Previously a hearing was held at Boston on November 20, 1946, to consider amendments to Order No. 4, which had been proposed by cooperative associations of producers and by the Dairy Branch. Action was taken at that time with respect to all of the issues except one which were developed at the hearing. No action was taken or has since been taken on a proposal designed to prevent contraseasonal changes in the Class I price which might otherwise occur as a result of the butter-powder formula contained in the order. This issue should be disposed of at this time.

Findings and conclusions. The issues which were listed in the notice and which were developed at the hearing in March 1947 are grouped under the following headings. The issue developed at the hearing held November 20, 1946 is included under the issue "Basis for determining Class I prices."

(1) *Basis for determining Class I prices.* The butter-powder formula for determining the Class I price should be retained in its present form with a provision to prevent contraseasonal changes in the Class I price. In addition, minimum floor prices for the period from July 1947 through December 1947 should be provided.

There is a very serious need for encouraging a shift toward more fall production. During three of the last four years the production of milk in the Boston milk shed has been insufficient in November and December to supply the needs for Class I milk. Production varies seasonally to such an extent that it is nearly twice as great in May and June as in November and December. A price plan to encourage increasing fall production is imperative for the Boston market. Minimum Class I floor prices are required for each month through December 1947 in order to assure a substantial rise in prices from the spring to the fall and thus develop a better seasonal pattern of production.

The uncertainty of economic conditions in the fall and winter requires a safeguard in addition to minimum floor prices for Class I milk. The butter-powder formula should be retained to give producers the benefit of any increase over the floor prices which may be justified by the prices of other dairy products and by the general price level in the fall and winter. The butter-powder formula should be modified to prevent contraseasonal price changes in the months just preceding or during the season of greatest shortage or seasonal flush production. Generally, the Class I price for any of the months of September through December of any year should not be lower than the Class I price in effect for the preceding month and the Class I price for the months of March through June of any year should not be higher than the Class I price in effect for the preceding month.

Producers contended that the butter-powder formula method of determining the Class I price be deleted entirely from the order and fixed prices substituted for it. Exact prices cannot be determined from this record for nine months to a year in advance. The present trend toward increasing production and decreasing consumption and the general uncertainty as to business conditions this fall and winter preclude a fixed guarantee of exact Class I prices. The present butter-powder formula should be retained until some other plan is developed. The formula will establish prices this fall above the floor prices named if conditions warrant higher prices, and will provide a method of pricing after December. The provision to prevent a contraseasonal price change will avoid nullification of the seasonal price plan by movements of the general price level. It is not considered advisable to provide for complete prevention of downward price movements in the last half of the year or upward price movements in the first half because such a provision would hold back unduly adjustments to the general price level.

(2) *Minimum floor prices for Class I milk for the latter half of 1947.* The minimum floor price for Class I milk in the 201–210-mile zone of the Boston milk shed should be $4.77 per hundredweight in July, August, and September 1947. The minimum floor price should be $5.21 in the short production months of October, November, and December 1947. If the butter-powder formula produces a higher price than $5.21 in October, November, or December, this price should continue to the end of the year. The maximum drop in price from either level between December and January or January and February should be 44 cents.

In 1946 a start was made in New England on a program of encouraging the production of more milk in the fall months. Shifting to fall freshening has involved substantial additional costs of producing milk. These special costs include breeding difficulties and the cost of purchasing additional fall-freshening cows. The current prices and rates paid for feed, labor, and farm machinery are higher than last year. These factors indicate that the program to encourage more fall production may be seriously hampered unless producers are assured of absolute floor prices for the last quarter of 1947 as high as the floor established in 1946. Absolute floor prices should be established also for July, August, and September 1947 at 44 cents below the last quarter prices to conform to the seasonal pattern of prices which is necessary to insure an adequate supply of producer milk in the area during the short season. On the other hand, the current trend toward greater milk production this year with some indication of smaller Class I sales does not justify absolute floor prices for Class I milk for the last quarter of 1947 higher than the last quarter of 1946.

A seasonal price spread equivalent to about 40 percent of the May-June price is necessary to encourage fall production. Farmers indicated that at present price levels this would require a price in November as near as possible to $1.50 above the blended price for May and June. Such a spread should encourage farmers who have already started the shift toward more fall production to continue and encourage other farmers to follow their example. The minimum floor price for Class I milk of $5.21 in October, November, and December will provide this encouragement. Following a seasonal pattern, the drop from December 1947 to January 1948 should not exceed 44 cents with a floor price of $4.77 for January and any further drop which might be indicated by the formula for February should be limited to not more than 44 cents. The limitation of any price decrease from December to January and January to February will prevent any precipitous price drop immediately following the period for which greater production is to be encouraged.

(3) *A "take-out" and "pay-back" plan of seasonal pricing.* The proposal to "take-out" of the Class I price during April, May, and June, 44 cents to be paid back according to the amount collected, in equal amounts during October, November, and December should not be adopted.

The seasonal change in Class I prices will accomplish the adjustment in producer prices which proponents of the "take-out" and "pay-back" plan advocated. Since the change in Class I prices was generally supported and better understood than this proposal, it can be expected to encourage producers more effectively to produce more fall milk.

(4) *Reported prices to be used as basis for Class II skim value.* No change should be made at this time in the reported prices used as a basis for Class II skim value.

The proponents of a change to another price series did not show that official prices published by the United States Department of Agriculture for nonfat dry milk solids manufactured by the roller process for human food or animal feed products do not reflect changes in the value of skim milk marketed in Class II milk. Moreover, the prices reported by the United States Department of Agriculture for nonfat dry milk solids, roller process, for human consumption, sold wholesale at New York and the average of commercial quotations for the same product listed as "known brands" and "other brands," have been less than

a cent apart for the years 1941 through 1946.

Prices for nonfat dry milk solids sold for animal feed products should be retained in the Class II skim value formula. The exact amount of the allowance factor to be used if the animal factor were omitted was not established at the hearing. The proposal to use a simple average of quotations for nonfat dry milk solids for human and animal consumption as the basis for pricing Class II skim milk was abandoned by the proponents at the hearing.

(5) *Allowance to handlers to cover freight and administration assessment on Class II milk.* No change should be made in the allowance to cover freight and administration assessment on Class II milk.

The handling allowance is only one of the many factors which are included in the Class II price formula. With so many factors, it is easy for one or more factors to be out of line in one direction while at the same time other factors are out of line in the opposite direction. One group of factors may underprice skim milk somewhat while other factors may overprice Class II milk at the same time. There is no evidence that the total allowance should be changed or that the increase in freight and administration assessment is not offset by other factors in the Class II price. In fact, the proposal to increase the allowance was brought up under the general statement that the several proposals affecting the Class II price formula should be considered in relation to other factors not specifically mentioned in each proposal. The presiding officer ruled that this specific proposal was not covered by the notice. Since the proponent did not establish the merits of the total level of Class II price which his proposal along with others would achieve or relate his proposal to the specific proposals, the presiding officer's ruling did not prejudice the proponent of this proposal.

(6) *Pricing of butterfat made into butter or cheese.* The butter and cheese adjustment provision of the order should be limited to butterfat which is manufactured into salted butter and the named cheeses and which is disposed of as such, and a separate cheese class should not be established.

Plastic cream or cream containing 80 percent butterfat is widely used in ice cream mix and is not eligible for special pricing because the fat in ice cream mix has a value comparable with that of the fat in fluid cream. Sweet butter is interchangeable with plastic cream in making ice cream mix and, therefore, should not be eligible for special pricing. A separate cheese class is not needed to provide an additional outlet for milk and might return to producers less than the butter value of the fat in Class II milk.

(7) *Months in which butter and cheese adjustment should apply.* The months in which the butter and cheese adjustment should apply should not be changed.

The requirements of the marketing area for fluid cream far exceed cream available from producer milk except in a few of the months of flush production. The fluid cream market is generally available to all handlers. The proposed year-around butter price which would permit certain handlers to churn butter and thus keep New England cream off the Boston market could not be expected to influence in any compensating degree the market price of the large volume of cream sold in Boston from western sources.

The proposal to permit a handler to claim the butter price in April and July only if the market administrator could not market his cream in fluid channels would involve special machinery for administration and detailed plans for determining whether the cream was of marketable quality and what price should be considered reasonable. Proponents did not show the details of the plan to carry out their proposal.

(8) *Pricing of skim milk made into casein and animal feed powder.* The special price for skim milk made into casein should be eliminated from the order and there should be no special price provision for skim milk made into animal powder.

Prior to 1942, casein returned a higher skim value than skim milk powder. During the war, casein production was purposely discouraged by a low ceiling price. The casein market has been strong since the end of the war while the powder market is slow and sluggish. A return to the price relationship which existed before the war between the two products may be expected.

The casein adjustment, and any separate adjustment for skim milk made into animal feed powder, tend to remove the incentive to vigorous merchandising which will return to producers the regular Class II price for skim milk. The skim formula is already heavily weighted with animal powder in the months of flush production. The pool should not absorb losses on lower value uses of skim milk when alternative outlets for higher value uses are available. Since it is concluded to eliminate the special price for skim milk made into casein, the proposal to change the quotation on which such price is based becomes a moot issue.

(9) *Transportation differentials on Class II milk shipped to city plants in fluid form.* Class I transportation differentials on Class II milk shipped to city plants in fluid form should not be allowed.

The differential proposed would have the effect of creating a separate class for skim milk which would return less than the regular Class II price for milk shipped to city plants from certain zones. The alternative outlet for this milk would be in fluid cream and manufactured skim products as regular Class II milk at country plants. Since this alternative outlet exists, the value of Class II milk at country plants should not be lower than the regular Class II value. The proposal would also have increased the cost of Class II milk from certain nearby zones but since the Class II milk price covers milk utilized in a number of different ways, some higher and some lower in value than others, there is no good reason to single out this particular use of milk for a higher price. The proposal to achieve more uniformity with respect to the cost of Class II milk moved as milk to city plants was not accompanied by evidence upon which a new class price based upon the value of milk in this particular use could be established.

(10) *Basis of pooling.* The proposed revision of the basis of pooling and related proposals made by the market administrator should be adopted. The revised basis of pooling should permit an individual producer to be retained on the pay roll of a pool plant even if his milk is delivered directly to a nonpool plant of the handler, provided the pool receives full Class I credit for the milk of such producer. The proposal to provide that the operation of the three-day provision in paragraph (c) of § 904.8 be measured from the date on which the plant first becomes a pool plant rather than being measured from August 1 should not be adopted except with regard to New York pool plants.

The adoption of the administrator's proposal would reduce or eliminate the possibility of accidental inclusion or exclusion of a plant from the pool, would curb the movement of plants in and out of the pool to the handler's advantage and loss to the pool, and would promote a more efficient physical handling of milk. The proposal sets up sound basic requirements for the inclusion of country plants in the market pool, which will prevent any plant from participation in the pool unless it is actually qualified to supply fluid milk to the marketing area.

Producer milk and all other sources of milk should be clearly defined and the obligations on handlers with respect to all sources of milk should be stated. Administration expense should be shared by handlers who receive milk which is not a part of the normal supply of the market. This outside milk involves additional administrative cost which should be borne by the handlers who receive it, including producer handlers and handler buyers.

In connection with the proposed change in the section regarding expense of administration, the change in the rate of assessment should be made by the Secretary instead of by the market administrator subject to review by the Secretary. Payments to the producer-settlement fund on outside milk which displaces producer milk in Class I should be made by the handler who receives the milk for disposition in the Boston marketing area. During an emergency period, when supplies of producer milk are not sufficient to meet the needs of the market, the outside milk which is considered emergency milk should not be subject to such payments.

More efficient handling of milk will be provided by allowing an individual producer to be retained on the pay roll of a plant even if his milk is delivered directly to a nonpool plant of the handler, provided the pool receives full Class I credit for the milk of such producer.

The proposal to provide that the operation of the three-day provision in the "Dairy Farmers for Other Markets" paragraph be measured from the date on which the plant first becomes a pool plant rather than being measured from August 1 would apply to plants other than those newly acquired if it were

adopted as it was proposed in the notice. If the inclusion were that broad, the provisions to prevent transfers in and out of the pool could be circumvented by this provision. If the proposal were revised to apply only to newly acquired plants, it, too, could provide a vehicle for circumvention if a handler wished to maintain his newly acquired plant as a supply for a Class I outlet in another market outside the pool for several delivery periods. The lapse of time during each calendar month is sufficient for the ordinary acquisition of the plant by passing legal papers and obtaining other evidence of the right to ship milk to the Boston market. In general, under the revised basis of pooling, if a newly acquired plant otherwise qualified makes one shipment of Class I milk to the marketing area in the form of milk during any month, it becomes eligible for pooling for the entire month. However, this is not true in the case of New York pool plants.

In the case of a transfer of a milk plant from the New York pool to the Boston pool, the New York order would require that the plant be pooled for the entire month if it were pooled for any part of the month. The Boston order exempts from pooling any plant which is a New York pool plant. Therefore, the transfer of a plant from New York to Boston would have to be accomplished on the first day of the month to prevent the producers delivering to that plant from being considered "Dairy farmers for other markets" during the following April, May, June, and July.

(11) *Uniform payment of premiums.* The uniform payment of premiums to producers should not be required.

Recurring milk shortages since 1943 have caused an acute increase in the payment of cash premiums and in the building of new plants in the supply area of existing plants as competitive means of securing milk. Hauling subsidies and free use of cans are other forms of premium payments in use in the Boston milk shed. Regulation of cash premiums only would not be an effective solution of the problems involved. The problem will gradually disappear as supplies become more ample. It is possible that the administration of such a provision would discourage the payment of premiums for quality and incentives for seasonal production.

The evidence failed to show that the payment of premiums to producers supplying the Boston market constituted unfair trade practices.

(12) *Permissive variation in butterfat differential.* Handlers should not be allowed to use an adjusted butterfat differential in making payments to producers at any of their plants in any period even if total payments to producers at such a plant during the period were not less than the total payments required by the order.

A permissive variation in the butterfat differential was offered as a device to aid in meeting competition in areas where producers can deliver to handlers subject to the provisions of Order No. 27. If it were adopted, producers delivering milk with a high butterfat content would receive less and producers delivering milk with a low butterfat content to the same plant would receive more than the minimum prices required by the order. The high test producers would, in effect, be paying part of the handler's cost in meeting local competition for milk.

(13) *Months in which milk subject to the New York order is allocated to Class II.* The months in which milk subject to the New York order is allocated to Class II should not be changed.

The record does not show the need for a change. In each of the months of April and July since January 1, 1938, Class II milk has exceeded 42 percent of total producer receipts except during 1946 when Class II exceeded 30 percent of receipts. In case of an emergency, New York milk would be available under the provision discussed in issue 14, which is recommended for adoption. The proposal to extend the months during which New York milk should be allocated entirely to Class II was not in the hearing notice and was not fully developed at the hearing.

(14) *Modification of emergency milk definition and classification.* The provision for classifying emergency milk should apply only to the period within the month during which the handler brings in some emergency milk, and the wording revised to make clear how it is applied. The definitions of emergency period and emergency milk should be revised to delete any reference to the New York milk shed and make any milk outside the regular Boston supply available on an emergency basis.

Since handlers who do not purchase any emergency milk are not limited in the amount of Class II milk they may handle during an emergency period, other handlers who purchase emergency milk only during a part of the period should have the same privilege during the part of the period in which they bring in no emergency milk.

The language of the section which provides for allocating emergency milk to classes should also be worded to make clear that receipts of cream are not used in determining the base or the quantity of Class II milk, and that total receipts of other products are adjusted for inventory variations.

There may be extra milk in the New York milk shed which is not available to Boston handlers because of provisions of health regulations. Boston may need emergency milk even when New York is adequately supplied.

The supply of milk in Boston pool plants should be the basis for determining whether an emergency exists in the Boston market. New York milk should be considered as emergency milk during any emergency which might occur during April, May, June, and July.

(15) *Revision of the definition of producer-handler.* A producer-handler should be defined as any person who is both a dairy farmer and a handler who receives milk of his own production only from farms within 80 miles of Boston and who receives no milk from other dairy farmers except producer-handlers.

The present definition of producer-handler in the order can work a hardship and is not needed to establish the bona fide nature of a producer-handler's operation. The proposed 80-mile limit is consistent with other provisions of the order which grant special pricing to producers within that area and there have never been producer-handlers under Order No. 4 located beyond 80 miles.

(16) *Maintenance of records by handlers.* Handlers should be required to maintain detailed and summary records which will show all receipts, movements, and disposition of milk and milk products.

The order does not now specifically require that records be maintained although proper verification of reports is not possible in the absence of adequate records. The requirement that adequate records be maintained should be set forth in the order so that it could be relied on in legal proceedings to compel a handler to maintain records.

(17) *Reports regarding individual producers.* The section of the order providing for reports regarding individual producers should be clarified and revised to permit handlers to submit such reports only twice a month.

The first subparagraph of paragraph (c) in the reports section has been in the order since August 1, 1937, and was intended for use in connection with base ratings. It has never been used and should be deleted.

Filing reports regarding individual producers twice each month will be a convenience to some handlers and will not create any administrative difficulties.

(18) *Time limit on reaudits and rebillings.* The proposal to provide a time limit with respect to the retention of records and with respect to reaudits and the issuance of revised billings should not be adopted at this time.

The evidence indicated that a limitation of time on the keeping of records involved important collateral issues which were not included in the notice of hearing or fully developed at the hearing. For example, it was pointed out that if there were a time limit on reaudits, it would be necessary to set a companion limit on the time within which handlers be permitted to file revised reports. Safeguards would have to be provided with respect to records which become involved in audit adjustments, litigation, or where there is fraud or intentional falsification. There is involved also the question of a limitation of time within which the market administrator could enforce a claim against a handler or a handler against the market administrator. The order should not be amended to provide for these matters until a hearing has been held on proposals which contain specific language to cover these collateral issues.

(19) *Time of payment to producers.* An advance payment to producers should not be required if a first and final payment is made on or before the seventeenth day after the end of the delivery period.

A single monthly payment will be advantageous to some handlers in that they can reduce their total pay roll work. Producers will not be inconvenienced and payment by the seventeenth will not require them to extend handlers any more credit than they do now.

(20) *Bring up to date table of transportation differentials and emergency price provision.* The table of plant handling and transportation differentials in the minimum price section should be brought up to date by substituting the table of differentials which has been in use since January 1, 1947, when "New England Joint Tariff M–5" became effective.

The emergency price provision should be revised to delete references to subsidies and maximum uniform prices which were war time measures and are no longer in effect.

Incorporation into the order of these recommendations will require changes in the wording of certain related paragraphs. Several new definitions of terms are needed to give greater clarity to certain sections of the order that are being amended. These newly defined terms can be utilized to advantage in clarifying other paragraphs in which no substantive changes are being made.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Bethel Cooperative Creamery, Grand Isle County Cooperative Creamery, Milton Cooperative Creamery, New England Dairies, Inc., Shelburne Cooperative Creamery, United Farmers' Cooperative Creamery Association, The Independent Cooperative Association, Inc., The Eastern New York Dairy Cooperative Association, Inc., New England Milk Producers' Association, David Buttrick Company, H. P. Hood & Sons, Inc., White Bros. Milk Company, and Whiting Milk Company. The first six cooperative associations named also filed a request that findings be made with respect to specified proposed findings of fact and a ruling upon a ruling made by the presiding officer during the course of the hearing.

The briefs contain statements of fact, conclusions, and arguments with respect to nearly all of the proposals discussed at the hearing. 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. Although the briefs do not contain specific requests to make the proposed findings and conclusions stated therein, it is assumed that they were submitted with that intention and are treated accordingly. Some of the proposed findings of fact are immaterial to the issues presented or outweighed by other facts found herein, and some of the proposed conclusions do not logically follow from the proposed findings of fact. To the extent that the proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the implied requests to make such findings are denied because of the reasons stated for the conclusions in this recommended decision.

The ruling complained of by the aforementioned six cooperative associations involved their proposal to increase the allowance for freight and the administrative assessment which are only two of the factors that are included in the 27-cent allowance in the Class II price formula. This proposal was not contained in the notice of hearing. The presiding officer ruled that the proposal could not be made at the hearing as a separate or new proposal, but that evidence thereon would be received for consideration in connection with the proposals which were contained in the notice of hearing. As we have indicated in our discussion of issue No. 5, the evidence offered by the proponent of the disputed proposal became a part of the record and the proposal was considered on its merits. For the reasons stated in connection with this issue, the proposal was rejected. Hence the propriety of the ruling by the presiding officer presents a moot question.

With regard to the request of the aforementioned six cooperative associations that findings be made with respect to specified proposed findings, the following findings are made:

1. There is no evidence in the record concerning the cost of producing milk on September 21, 1946 or on April 11, 1947.

2. The prices or rates paid for feed, labor, and farm machinery were higher during the first quarter of 1947 than they were during the corresponding period of 1946.

3. There is no evidence in the record concerning the exact difference between the cost of producing milk in fall and winter and in the spring months.

4. The Class I price formula was adopted so that any general change on a national basis in the prices of butter and nonfat dry milk solids would be automatically and immediately reflected in the returns to producers in the Boston milk shed and to prevent disparity between the New York and Boston Class I order prices.

5. The payment of premiums to producers supplying the Boston market under the circumstances and for the purposes indicated by the evidence in the record does not constitute an unfair trade practice.

Recommended marketing agreement and order. The following amended order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended. It is further recommended that the recommended amendments changing the basis of pooling be made effective August 1, 1947, the beginning of the "marketing year" under the proposed amendment, but the amendments to the price provisions of the order should be made effective as soon as possible.

§ 904.1 *Definitions.* As used in the regulations in this part the words and phrases defined in this section shall have the meanings herein assigned to them unless the context otherwise requires.

(a) *General.* (1) "Act" means Public Act No. 10, 73d Congress, as amended and re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) "Greater Boston, Massachusetts, marketing area", also referred to in this order as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns.

Arlington.	Marblehead.	Somerville.
Belmont.	Medford.	Stoneham.
Beverly.	Melrose.	Swampscott.
Boston.	Milton.	Wakefield.
Braintree.	Nahant.	Waltham.
Brookline.	Needham.	Watertown.
Cambridge.	Newton.	Wellesley.
Chelsea.	Peabody.	Weymouth.
Dedham.	Quincy.	Winchester.
Everett.	Reading.	Winthrop.
Lexington.	Revere.	Woburn.
Lynn.	Salem.	
Malden.	Saugus.	

(3) "Month" means a calendar month.

(4) "Marketing year" means the twelve months' period from August 1 of each year through July 31 of the following year.

(5) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

(b) *Persons.* (1) "Person" means any individual, partnership, corporation, association, or any other business unit.

(2) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(3) "Market administrator" means the person designated by the Secretary as the agency for the administration of the regulations in this part.

(4) "Dairy farmer" means any person who delivers milk of his own production to a plant, except a producer-handler in respect to his deliveries in packaged form to another handler.

(5) "Segregated dairy farmer" means a dairy farmer whose milk is kept separate from the supply for the marketing area.

(6) "Dairy farmer for other markets" means any dairy farmer, except a segregated dairy farmer, whose milk is received by a handler at a pool plant during April, May, June, or July from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of August through March. The term shall not include a person who was a producer-handler or a person delivering to a New York order pool plant during any of the preceding months of August through March.

(7) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a segregated dairy farmer. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to one of the handler's nonpool plants, if the handler, in filing his monthly report pursuant to § 904.6 (a), reports the milk as receipts

from a producer and as Class I milk at such pool plant.

(8) "Handler" means any person who, in a given month, operates a pool plant, or engages in the handling of milk or other fluid milk products which are received at any plants from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(9) "Pool handler" means any handler who receives milk from producers at a pool plant.

(10) "Buyer-handler" means any handler who operates a bottling or processing plant from which Class I milk is disposed of in the marketing area, and whose entire supply of fluild milk products is received from other handlers.

(11) "Producer-handler" means any person who is both a handler and a dairy farmer and who receives milk of his own production only from farms located within 80 miles of the State House in Boston, and who receives no milk from other dairy farmers except producer-handlers.

(12) "Dealer" means any person who engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(13) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

(c) *Plants.* (1) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(2) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(3) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(4) "Receiving plant" means any milk plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(5) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in § 904.4 for being considered a pool plant in that month.

(6) "Regulated plant" means any pool plant; any of a pool handler's plants which is located in the marketing area and from which Class I milk is disposed of in the marketing area; and any plant operated by a handler in his capacity as a buyer-handler or producer-handler.

(7) "Distributing plant" means any plant from which Class I milk in the form of milk is disposed of to consumers in the marketing area without intermediate movement to another plant.

(8) "New York order pool plant" means any plant designated as a pool plant in accordance with the provisions of Order No. 27, issued by the Secretary, regulating the handling of milk in the New York metropolitan marketing area.

(d) *Milk and milk products.* (1) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(2) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term "cream" also includes sour cream, frozen cream, and milk and cream mixtures containing 16 percent or more of butterfat.

(3) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

(5) "Pool milk" means milk, including fluid milk products derived therefrom, which a handler has received as milk from producers.

(6) "Outside milk" means (i) All milk received from dairy farmers for other markets; (ii) All nonpool milk, including other fluid milk products derived therefrom except cream, which is received at a regulated plant from any unregulated plant, except receipts from a New York order pool plant and receipts of emergency milk; and (iii) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant without its intermediate movement to another plant.

(7) "Emergency milk" means fluid milk products, other than cream, received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

§ 904.2 *Market administrator*—(a) *Selection, removal, and bond.* The market administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

(c) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof;

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

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

(4) To recommend to the Secretary amendments hereto.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person, who within 15 days after the date upon which he is required to perform such acts, has not (i) Made reports pursuant to § 904.6 or (ii) Made payments pursuant to § 904.9;

(6) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status, for the first month of the marketing year in which the plant's status has changed or is changing to that of a nonpool plant;

(7) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

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

(9) Pay, out of the funds provided by § 904.11, (i) The cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) His own compensation, and (iii) All other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

(e) *Responsibility.* The market administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler, or to any other person, for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or dishonesty.

§ 904.3 *Classification of milk and other fluid milk products*—(a) *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to the other provisions of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(2) Class II milk shall be all fluid milk products the utilization of which is estab-

lished: (i) As being sold, distributed, or disposed of other than as or in milk; and other than as or in flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and (ii) As plant shrinkage, not in excess of 2 percent of the volume handled.

(b) *Classification of milk and milk products utilized at regulated plants of pool handlers.* All milk and milk products received at a regulated plant of any pool handler shall be classified in accordance with their utilization at such plant, except as provided otherwise in paragraph (c) of this section.

(c) *Classification of fluid milk products, other than cream, moved to other plants.* Milk, flavored milk, skim milk, cultured or flavored skim milk, or buttermilk which is moved from the regulated plant of a pool handler to any other plant shall be classified as follows:

(1) If moved to any other regulated plant, it shall be classified in accordance with its utilization at the plant to which it is moved.

(2) If moved to an unregulated plant, it shall be classified as Class I milk up to the total quantity of milk, or the corresponding milk product so moved, which is utilized as Class I milk at the unregulated plant.

(3) If moved to a regulated plant of a nonpool handler or to an unregulated plant, and thence to another such plant, it shall be classified as Class I milk.

(d) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

§ 904.4 *Determination of pool plant status*—(a) *Basic requirements for pool plant status.* Subject to the provisions of paragraph (b) of this section, each receiving plant shall be a pool plant in the first month in which the handler operates it in conformity with the basic requirements specified in this paragraph, and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated by the same handler. The basic requirements for acquiring pool plant status shall be as follows:

(1) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, Section 16, of the Massachusetts General Laws.

(2) The handler holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, Section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plants are approved by such an inspector as sources of supply for milk for sale in his municipality.

(3) Class I milk in the form of milk is disposed of in the marketing area from the plant.

(4) The handler's total Class I milk in the marketing area exceeds 10 percent of his total receipts of fluid milk products other than cream.

(b) *Conditions resulting in nonpool plant status.* (1) Each plant which has acquired pool plant status but from which no Class I milk in the form of milk is disposed of in the marketing area for two successive months in the marketing year shall be a nonpool plant in the second of the two months and for each consecutive succeeding month of the marketing year during which no such Class I disposition is made.

(2) Each nondistributing plant for which the market administrator has received on or before the 16th day of the preceding month the handler's written request for nonpool plant designation shall be a nonpool plant in each month of the marketing year to which the request applies.

(3) Each city distributing plant operated by a handler who operates no other plant which is a pool plant in the same month shall be a nonpool plant in any month in which the handler's total Class I milk in the marketing area does not exceed 10 percent of his total receipts of fluid milk products other than cream.

(4) Each plant which is operated as the plant of a producer-handler shall be a nonpool plant in any month in which it is so operated.

(5) Each plant which is operated as a New York order pool plant or as a plant from which emergency milk is received shall be a nonpool plant during the month or portion of a month of such operation.

(6) Each of a handler's plants which is a nonpool receiving plant during any of the months of August through March shall be a nonpool plant in any of the months of April through July of the same marketing year in which it is operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler, unless its operation during August through March was in the handler's capacity as a producer-handler or as the operator of a New York order pool plant.

(c) *Disposition of Class I milk in the form of milk in the marketing area.* For the purposes of this section, each plant from which milk is moved at some time during the month to another plant from which Class I milk in the form of milk is disposed of in the marketing area shall itself be considered to have made such a disposition, except that no movement of milk to any unregulated nondistributing plant shall be considered a disposition of Class I milk in the form of milk in the marketing area.

(d) *Total receipts of fluid milk products other than cream.* For the purposes of this section, each handler's total receipts of fluid milk products other than cream, referred to in this paragraph as "total reecipts", shall be determined as follows:

(1) For each month of the marketing year until and including the first month in which the handler is a pool handler, his total receipts shall be the receipts at all plants from which Class I milk in the form of milk is disposed of in the marketing area, except his receipts from segregated dairy farmers and his receipts at any plant which fails to meet the applicable standards set forth in subparagraph (1) and (2) of paragraph (a) of this section or which is a nonpool plant pursuant to subparagraph (2) of paragraph (b) of this section.

(2) For each of the other months of the marketing year, the handler's total receipts shall be the total receipts determined pursuant to subparagraph (1) of this paragraph plus the receipts at any other of his plants which is a pool plant in such month.

§ 904.5 *Assignment of receipts to Class I milk and Class II milk*—(a) *General provisions.* Except as provided in the other paragraphs of this section, all receipts of fluid milk products, other than receipts from producers, shall be assigned to Class I milk or Class II milk as follows:

(1) Receipts as to which Class II use is established shall be assigned to Class II milk.

(2) All other receipts shall be assigned to Class I milk.

(b) *Receipts of cream and other milk products.* All receipts of cream, and milk products other than fluid milk products, shall be assigned to Class II milk.

(c) *Receipts of skim milk from producer-handlers.* Skim milk received from a producer-handler shall be assigned to Class II milk, except that if the specific Class I use of the skim milk is established, it shall be assigned to Class I milk.

(d) *Receipts of outside milk.* All receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

(e) *Receipts from New York order pool plants.* Except as provided in paragraph (f) of this section, receipts of fluid milk products, other than cream, from New York order pool plants shall be assigned to Class I milk or Class II milk as follows:

(1) All receipts during the months of April through July, inclusive, shall be assigned to Class II milk.

(2) Receipts of milk and flavored milk during the months of August through March, inclusive, shall be assigned to Class I milk when classified in Classes I–A, I–B, or I–C under the New York order, except that the quantity as to which specific Class II use is established shall be assigned to Class II milk.

(3) Receipts of skim milk, cultured or flavored skim milk, or buttermilk during the months of August through March, inclusive, shall be assigned to Class II milk, except that if the quantity so received is in excess of the total quantity of the corresponding milk product classified as Class II milk at the plant of receipt, such excess shall be assigned to Class I milk.

(f) *Receipts of emergency milk.* (1) Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products, other than cream, handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this subparagraph, the handler's total Class II milk and total volume handled shall be the total of the

respective quantities from the first day on which emergency milk is received by the handler during the month up to and including the last such day in the month.

(2) If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity assigned to Class II milk pursuant to subparagraph (1) of this paragraph, such greater quantity shall be assigned to Class II milk in lieu of the quantity determined under that subparagraph.

(3) Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

§ 904.6 *Reports of handlers*—(a) *Monthly reports of pool handlers.* On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(2) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to § 904.5;

(3) The receipts of outside milk at each plant; and

(4) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to § 904.3.

(b) *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

(c) *Reports regarding individual producers.* (1) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(2) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(d) *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer pay roll for such month, which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test thereof and

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(e) *Outside cream purchases.* Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

(f) *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month.

(g) *Verification of reports.* For the purpose of acertaining the correctness of any report made to the market administrator as required by the regulations in this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in reports submitted in accordance with this section;

(2) Weigh, sample, and test milk and milk products; and

(3) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

§ 904.7 *Minimum class prices*—(a) *Class I prices.* (1) Each pool handler shall pay producers, in the manner set forth in § 904.9 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined for each month as follows:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(ii) Using the midpoint of any range as one quotation, compute the average of all the hot roller process dry skim milk quotations per pound for "other brands, animal feed, carlots, bags, or barrels," and for "other brands, human consumption, carlots, bags, or barrels", published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current"; subtract 4 cents; and multiply the remainder by 1.8.

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

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to (iii) of this subparagraph (cents)		Class I price (dollars per cwt.)	
At least	But less than—	April through June	July through March
0	25	1.69	2.13
25	30	1.91	2.35
30	35	2.13	2.57
35	40	2.35	2.79
40	45	2.57	3.01
45	50	2.79	3.23
50	55	3.01	3.45
55	60	3.23	3.67
60	65	3.45	3.89
65	70	3.67	4.11
70	75	3.89	4.33
75	80	4.11	4.55
80	85	4.33	4.77
85	90	4.55	4.99
90	95	4.77	5.21
95	100	4.99	5.43
100	105	5.21	5.65

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month; and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $4.77 per hundredweight for each of the months of July through September, 1947, and shall not be less than $5.21 per hundredweight for each of the months of October through December, 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

(2) For the purpose of this section, each pool handler's Class I milk during the month, after excluding receipts assigned to Class I milk pursuant to § 904.5, shall be allocated to his plants as follows: (i) His Class I milk first shall be considered to have been the receipts at his city plants of milk from producers' farms, and of outside milk. (ii) Thereafter, his Class I milk shall be considered to have been the receipts at his country plants of that milk received from producers' farms, and that outside milk, which was shipped as fluid milk products, other than cream, from each of his country plants, in the order of the nearness of the plants to Boston. However, shipments to plants located in the States of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II milk is established, shall not be allocated to Class I milk.

(b) *Class II prices.* Each pool handler shall pay producers, in the manner set forth in § 904.9 and subject to the differentials set forth in this section, for Class II milk delivered by them, not less than the price per hundredweight calculated by the market administrator for each month by combining in one sum such of the following computations as apply:

(1) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, multiply this result by 3.7 and subtract 27 cents.

(2) For any month for which no cream price as described in subparagraph (1) of this paragraph is reported, multiply the average price reported for such month by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the Chicago market by 1.4, multiply this result by 3.7, and subtract 27 cents.

(3) Compute any plus amount for skim milk value which results from the following calculation. Using the midpoint in any range as one price, compute the average price per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the month by the United States Department of Agriculture for New York City. Multiply each such average price by the applicable percentage indicated for the month in the following table and combine the results; subtract 4 cents; and multiply the remainder by 7.5.

Month	Percent	
	Human food products	Animal feed products
January	100	
February	100	
March	50	50
April	50	50
May	25	75
June	25	75
July	50	50
August	75	25
September	75	25
October	100	
November	100	
December	100	

(c) *Plant handling and transportation differentials.* The minimum prices set forth in paragraphs (a) and (b) of this section shall be subject to the differentials contained in the following table for the zone applicable to the plant at which the milk is received from producers. For each country plant the zone shall be determined in accordance with the railroad freight mileage distance to Boston from the railroad shipping point for such plant. In case the rail tariff for the transportation of milk in carlots in tank cars, as published in the New England Joint Tariff, M–5, is increased or decreased, the differentials set forth in Column B for zones other than 201–210 miles shall be increased or decreased to the extent of any increase or decrease in the difference between the rail tariff for mileage distances of 201–210 miles inclusive and for the other applicable distances. Such adjustment shall be made to the nearest one-half cent per hundredweight, effective with the first complete month in which such increase or decrease in the rail tariff applies. For the purpose of this paragraph, it shall be considered that the rail tariff on milk received at a city plant is zero.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I price differentials (cents per cwt.)	Class II price differentials (cents per cwt.)
City plant	+46.0	+29.0
41–50	+12.0	+5.0
51–60	+11.0	+5.0
61–70	+10.5	+5.0
71–80	+9.5	+5.0
81–90	+9.0	+5.0
91–100	+8.5	+5.0
101–110	+8.5	+1.5
111–120	+7.5	+1.5
121–130	+7.5	+1.5
131–140	+6.5	+1.5
141–150	+4.5	+1.5
151–160	+3.0	+0.5
161–170	+3.0	+0.5
171–180	+1.0	+0.5
181–190	+1.0	+0.5
191–200	0	+0.5
201–210	[1]	[1]
211–220	−3.5	0
221–230	−4.0	0
231–240	−4.5	0
241–250	−5.5	0
251–260	−6.0	−0.5
261–270	−6.5	−0.5
271–280	−7.0	−0.5
281–290	−8.0	−0.5
291–300	−11.0	−1.0
301–310	−11.0	−1.0
311–320	−12.0	−1.0
321–330	−12.0	−1.0
331–340	−12.5	−1.0
341–350	−12.5	−1.5
351–360	−12.5	−1.5
361–370	−13.0	−1.5
371–380	−13.0	−1.5
381–390	−13.0	−1.5
391 and over	−13.0	−1.5

[1] No differential.

(d) *Butter and cheese adjustment.* During the months of April, May, and June, and July, the value of a pool handler's milk computed pursuant to § 904.8 (a) (2) shall be reduced by an amount determined as follows:

(1) Using the midpoint of any range as one price, compute the average of the daily prices for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market which are reported during the month by the United States Department of Agriculture, deduct 5 cents, and add 20 percent.

(2) Divide by 3.7 the value determined as applicable to milk delivered to country plants in the 201–250 freight mileage zone pursuant to subparagraphs (1) and (2) of paragraph (b) of this section, whichever applies, and subtract therefrom the value determined in subparagraph (1) of this paragraph. The result is the butter and cheese differential.

(3) Determine the pounds of butterfat in Class II milk received from producers, which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(4) Subtract such portion of the quantity determined in subparagraph (3) of this paragraph as was disposed of by the handler or the operator of the plant of the second person in a form other than salted butter or one of the designated types of cheese.

(5) Multiply the pounds of butterfat remaining after subtracting the quantity determined pursuant to subparagraph (4) of this paragraph by the butter and cheese differential determined pursuant to subparagraph (2) of this paragraph.

(e) *Use of equivalent prices in formulas.* If for any reason a price for any milk product specified by the regulations in this part for use in computing class prices and for other purposes is not reported or published in the manner described by the order, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

(f) *Announcement of class prices and differentials.* The market administrator shall make public announcements of the class prices and differentials in effect pursuant to this section, as follows:

(1) He shall announce any change in the Class I price on the 25th day of the month preceding the month in which such change is effective.

(2) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

§ 904.8 *Minimum blended prices to producers*—(a) *Computation of value of milk received from producers.* For each month, the market administrator shall compute the value of milk received from producers which is sold, distributed, or used by each pool handler, in the following manner:

(1) Multiply the quantity of milk in each class by the price applicable pursuant to paragraphs (a) and (b) of § 904.7; and

(2) Add together the resulting value of each class.

(3) Adjust the value determined in subparagraph (2) hereof as provided in § 904.7 (d).

(b) *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(1) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 904.9 (b) (2) and (g) for milk received during each month since the effective date of the most recent amendment hereof;

(2) Add the total amount of payments required from handlers pursuant to § 904.9 (g)

(3) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to § 904.9;

(4) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.9 (e).

(The report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, dated February 14, 1947, with respect to Order No. 4, contained recommendations for amendment of the

provisions of § 904.9 (b) (5) and (6) of the order, as amended. A decision on these recommendations has not yet been made by the Secretary. Therefore, recommendations regarding those provisions in this report are confined to their renumbering as a part of § 904.8, and to the incidental substitution of references necessary to coordinate them with the amendments recommended herein.)

(c) *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(1) Such of these computations as do not disclose information confidential pursuant to the act;

(2) The zone blended prices per hundredweight resulting from adjustments of the basic blended price by the differentials pursuant to § 904.9 (e); and

(3) The names of the pool handlers, designating those whose milk is not included in the computations.

§ 904.9 *Payments for milk*—(a) *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by subparagraph (1) of paragraph (b) of this section.

(b) *Final payments.* On or before the 25th day after the end of each month, each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.8 (a), as follows:

(a) To each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in paragraphs (d) and (e) of this section, for the quantity of milk delivered by such producer; and

(2) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments required to be made pursuant to subparagraph (1) of this paragraph are less than or exceed the value of milk as required to be computed for such handler pursuant to § 904.8 (a), as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

(c) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to subparagraph (2) of paragraph (b) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of a less amount than is required by this section, the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

(d) *Butterfat differential.* Each pool handler shall, in making the payments to each producer for milk received from him, add for each one-tenth of one percent of average butterfat content above 3.7 percent or deduct for each one-tenth of one percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10: *Provided,* That if no such cream price is reported, multiply the average price reported for such period by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the Chicago market by 1.4, subtract 1.5 cents, and divide the result by 10.

(e) *Location differentials.* The payments to be made to producers by handlers pursuant to subparagraph (1) of paragraph (b) of this section shall be subject to the differentials set forth in Column B of the table in § 904.7 (c), and to further differentials as follows:

(1) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to § 904.7 (a) and (c) which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(2) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to § 904.7 (a) and (c) which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(f) *Other differentials.* In making the payments to producers set forth in subparagraph (1) of paragraph (b) of this section, pool handlers may make such deductions as follows:

(1) With respect to milk delivered by producers to a city plant which is located outside the marketing area and more than 14 miles from the State House in Boston, 10 cents per hundredweight;

(2) With respect to milk delivered by producers to a country plant, at which plant the average daily receipts of milk from producers are: (i) Less than 17,000 but greater than 8,500 pounds, 4 cents per hundredweight, and (ii) 8,500 pounds or less, 8 cents per hundredweight.

(g) *Payments on outside milk.* (1) Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity to producers, through the market administrator, at the difference between the price pursuant to § 904.7 (a) and the price pursuant to § 904.7 (b) effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(2) Within 23 days after the end of each month, each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment to producers, through the market administrator, on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.7 (a) and the price pursuant to § 904.7 (b) effective for the location or freight mileage zone of the handler's plant.

(h) *Adjustment of overdue accounts.* Any balance due pursuant to this section, for any month since August 1, 1937, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of one percent, effective the 11th day of such month.

(i) *Statements to producers.* In making the payments to producers prescribed by subparagraph (1) of paragraph (b) of this section, each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month, and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (b), (d), and (e) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under paragraph (f) of this section and § 904.10 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 904.10 *Payments to cooperative associations.* The report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, dated February 14, 1947, with respect to Order No. 4, contained recommendations for amendment of the provisions of § 904.11 of the order, as amended. A decision on these recom-

mendations has not yet been made by the Secretary. Therefore, recommendations regarding that section in this report are confined to its renumbering as § 904.10, and to the incidental substitution of references and terms necessary to coordinate it with the amendments recommended herein.

§ 904.11 *Payments of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order. The payment shall be at the rate of 2.5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts of milk from producers and receipts of outside milk during the month.

§ 904.12 *Effective time, suspension, or termination*—(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 pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall:

(i) Continue in such capacity until removed by the Secretary,

(ii) From time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and

(iii) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

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

Filed at Washington, D. C., this 21st day of May 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-4860; Filed, May 23, 1947; 8:52 a. m.]

[7 CFR, Part 944]

HANDLING OF MILK IN QUAD CITIES MARKETING AREA

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

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supp., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), 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 marketing agreement and to a proposed amendment to the order, as amended, regulating the handling of milk in the Quad Cities marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and the proposed amendment to the order, as amended, were formulated was conducted at Rock Island, Illinois, on February 27, 1947, after the issuance of notice on February 19, 1947 (12 F. R. 1246).

The only issue discussed at the hearing involved the sales of Class I and Class II milk in the marketing area by persons who are handlers under other milk marketing orders issued pursuant to the act.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing it is hereby found and concluded that:

(1) Class I milk and Class II milk are being sold in the marketing area by a person who is a handler under another Federal milk marketing order issued pursuant to the act. This person is able to purchase such milk at minimum prices under the other Federal order of from 20 cents to 40 cents per hundredweight (approximately ½ cent to 1 cent per quart) less than the minimum prices fixed by the Quad Cities order. Thus the handler subject to the other Federal order is able to market milk in the marketing area at a competitive advantage over handler subject to the Quad Cities marketing order, and this situation constitutes a serious threat to the orderly marketing of milk in the Quad Cities marketing area.

(2) In order to place all handlers who market milk in the marketing area on a more equitable competitive basis with respect to the cost of milk, the Quad Cities order, as amended, should be further amended to provide that the order shall not apply to any handler who, as determined by the Secretary, disposes of the greater portion of his milk as Class I and Class II milk in another marketing area regulated by another Federal milk marketing order, except to the extent that: (a) Such handler shall file, with the market administrator for the Quad Cities area, such reports with respect to his total receipts and utilization of milk as the market administrator may require, and allow verification of those reports; and (b) if the price which such handler is required to pay under the other Federal order for milk which would be classified as Class I or Class II milk under the Quad Cities order is less than the price of such milk under the Quad Cities order, such handler shall pay into the producer settlement fund under the Quad Cities order (with respect to all milk disposed of by him as Class I or Class II milk in the Quad Cities market) an amount equal to the difference.

Rulings on requested findings and conclusions. No requested findings or conclusions have been submitted.

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

Amend § 944.6 by adding at the end thereof the following:

(e) *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 and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the pro-

visions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, 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 in accordance with the provisions of § 944.5 (e);

(2) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I or Class II milk under this order is less than the price provided pursuant to §§ 944.4 (a) (1) and (2) and 944.4 (c), such handler shall pay to the market administrator for deposit into the producer settlement fund (with respect to all milk disposed of as Class I milk or Class II milk within this marketing area) an amount equal to the difference between the value of such milk as computed pursuant to §§ 944.4 (a) (1) and (2) and 944.4 (c), and its value as determined pursuant to the other order to which he is subject.

This recommended decision filed at Washington, D. C., this 21st day of May, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-4858; Filed, May 23, 1947; 8:52 a. m.]

[7 CFR, Part 970]

HANDLING OF MILK IN CLINTON, IOWA, MARKETING AREA

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

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), 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 marketing agreement and to a proposed amendment to the order, as amended, regulating the handling of milk in the Clinton, Iowa, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and the proposed amendment to the order, as amended, were formulated was conducted at Clinton, Iowa, on February 28, 1947, after the issuance of notice on February 19, 1947 (12 F. R. 1247).

The issues developed at the hearing involved:

(1) The status of handlers who sell milk in Clinton as well as in other marketing areas regulated by Federal milk orders; and

(2) The level of the Class I price.

Findings and conclusions. (1) Handlers, who the Secretary determines have their principal business in another area regulated by another order issued pursuant to the act, should be exempt from most of the provisions of the Clinton, Iowa, order. Such a handler, however, should be required to make reports to the market administrator, and in the event the prices fixed in the Clinton order are higher than those fixed in the other order to which he is subject, he should be required to pay into the producer-settlement fund, an amount equal to the difference in value, as computed under the two orders, of the milk disposed of as Class I milk within the Clinton, Iowa, marketing area. It appears that it would be unreasonable and impractical to pool the milk of a handler under two orders simultaneously. However, if a handler were permitted to purchase milk at a lower price than other handlers by virtue of having his prices fixed by another order he would enjoy a competitive advantage over other handlers in the market. Therefore, he should be required to pay any difference into the producer-settlement fund in order to equalize the buying price of all handlers. Where such a handler is required under the terms of the other order to pay prices equal to or higher than those fixed in the Clinton order, no competitive advantage accrues to him and no payment shall be required.

(2) The price of Class I milk should be increased 20 cents per hundredweight. It appears on the record that producers are entitled to some increase in price but there appears to be no basis for an increase of the amount requested. The City of Clinton recently adopted a new public health ordinance regulating the production and sale of milk in the city. While there seems to be very little difference in the terms of the existing ordinance as compared to that previously in effect, all of the evidence indicates that there is a wide difference in the degree of enforcement. That production costs have increased is evident from the fact that the number of producers has declined from 198 in February 1946 to 146 in January 1947. It was in February 1946 that the new ordinance with its strict enforcement became effective. Most of these producers either had their permits revoked by the health department or withdrew voluntarily because they were unwilling or felt unable to produce milk in accordance with the new requirements.

It appears from the record that producers have been required to make capital expenditures of approximately $400.00 per farm on the average. It appears that an increase of 5 cents per hundredweight would be ample to cover depreciation and interest on this investment. In addition to this capital expenditure producers will incur continuing costs for electricity, supplies and increased labor which were not required previously. Based on the record it appears that an additional 10 cents per hundredweight would cover these costs. In arriving at this figure we have disregarded many of the items mentioned by producers such as disinfectants, cleansers, paint, etc. These are costs which are a part of dairying under any conditions and it is very doubtful that expenditures on these items will be increased materially as a result of the enforcement of the ordinance. Since approximately 75 percent of the milk produced for the Clinton market is disposed of as Class I milk, an increase of 20 cents per hundredweight in the Class I price would return to producers an average of 15 cents per hundredweight on their entire production. Thus it appears that the proposed increase would be ample to compensate producers for the costs incurred by them as a result of the strict enforcement of the local health regulations.

With respect to the proposal that the price for Class I milk sold in other markets regulated by other marketing orders, be either the Clinton price or the price prevailing in the market where sold, whichever is higher, we feel that the record is inadequate and fails to justify such an amendment.

Rulings upon proposed findings or conclusions. Proposed findings and conclusions were submitted by the Clinton Cooperative Milk Producers Association, Inc., Elmwood Dairy Farms, and Golden-Mello Dairies. None of these contained any specific proposals with respect to the status of handlers who dispose of milk in the Clinton marketing area as well as in other marketing areas subject to Federal regulation.

The Clinton Cooperative Milk Producers Association, Inc., urged that the Secretary find that the Class I price be increased 50 cents per hundredweight as they had proposed at the hearing. It is their contention that this increase is justified on the record. However, our analysis of the record as set forth above indicates that an increase of 20 cents per hundredweight in the Class I price would be ample to compensate producers for their increased costs.

Elmwood Dairy Farms recommended that no increase in price be granted, largely on the grounds that the new ordinance is virtually identical with the old, and that many of the costs advanced by producers for disinfectants, scouring powders and the like are costs which they have always had and cannot be attributed to the new ordinance.

Granting that there is little difference between the two ordinances as written the record indicates that there is a considerable degree of difference in the extent of enforcement. In the record Mr. Chester Ryder, proprietor of the Elmwood Dairy Farms, testified that the two ordinances were very closely related "with the exception that one was enforced and the other wasn't." The strict enforcement of the new ordinance has resulted in increased costs to producers.

With respect to the point that many of the costs cited by producers are not new expenses resulting from the ordinance, it has been pointed out above that such costs were disregarded in arriving at the amount of increase which should be granted to producers.

Golden-Mello Dairies proposed that an increase of 20 cents be granted on milk disposed of as fluid milk but that no increase be granted on milk disposed of in other uses. Their contention is that such an increase would amply compensate producers for their added costs.

While it is probable that the proposal suggested by Golden-Mello Dairies would return to producers almost the same increase as has been recommended above, it is impossible to fix definitely what the increase would amount to since the record fails to disclose what percentage of Class I milk is disposed of as fluid milk and what percentage is disposed of as cream and milk drinks. The record also fails to show any basis for dividing the present Class I products into other categories. When the original order was issued all products which were required to meet the same health standards were placed in Class I and all other products which were not required to be made from inspected milk were placed in Class II or Class III. The record indicates that the health regulations are unchanged in this respect, and it contains no evidence in support of a change in classification.

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

1. Amend § 970.4 (a) (1) by deleting therefrom the words, "50 cents," and substituting therefor the words, "70 cents."

2. Amend § 970.6 by adding at the end thereof the following:

(f) *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 and Class II milk in another marketing area regulated by another milk marketing 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 and utilization of milk, 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 in accordance with the provisions of § 970.5 (e).

(2) If the price which such handler is required to pay for Class I milk under the other Federal order to which he is subject is less than the price provided pursuant to § 970.4 (a) (1), such handler shall pay to the market administrator for deposit into the producer settlement fund (with respect to all milk disposed of by such handler as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to § 970.4 (a) (1) and its value as determined pursuant to the other order to which he is subject.

This recommended decision filed at Washington, D. C., this 21st day of May 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-4859; Filed, May 23, 1947; 8:52 a. m.]

[7 CFR, Part 974]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

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

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, (7 CFR Supp., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), 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 marketing agreement and to a proposed amendment to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, 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 recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and the proposed amendment to the order, as amended, were formulated, was held at Columbus, Ohio, on March 10–14, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on February 27, 1947 (12 F. R. 1400).

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

(1) The clarification of the definition of a "fluid milk plant" by the inclusion in the order of a definition covering a "route."

(2) Introduction of a "producer-handler" definition with three conforming changes in the order.

(3) The inclusion of a definition of a "market pool handler" together with conforming changes including a provision for payment to producers by handlers other than market pool handlers on an individual-handler pool basis.

(4) Reports by the market administrator to the cooperative association covering the utilization of producer milk by each handler.

(5) A change in the classification of milk used to produce cottage cheese from Class II milk to Class III milk.

(6) A change in the classification of inventory from Class I milk to Class IV milk.

(7) Revision of the shrinkage provision to permit a cumulative basis for determining shrinkage classification in Class IV milk and a change in the method of allowing shrinkage on milk diverted to the plant of a handler.

(8) The substitution of sworn statements for audits to verify the utilization of milk or cream transferred by handlers to nonhandlers.

(9) Revision of the provisions covering the allocation of milk.

(10) Revision in the method of determining basic price formulas.

(11) A change in the level and seasonal pattern of class prices and in the emergency price provisions.

(12) The determination and announcement of the uniform price to producers on a 3.5 percent butterfat basis replacing the present 4 percent basis.

(13) Replacement of the current market-wide pool by an individual-handler pool.

(14) The inclusion in the order of conversion factors covering certain dairy products.

(15) The elimination of payments into the pool by handlers on receipts from producer-handlers.

(16) Revision of the section providing for administrative assessments.

(17) Revision of the section providing for marketing services.

Findings and conclusions. (1) The term "route" should be defined and the term "fluid milk plant" should be revised in conformance with the new language added by the definition of "route."

There has arisen a question concerning the status as a fluid milk plant, of any plant located outside the marketing area from which Class I milk may be disposed of directly to a state or municipal institution located in the marketing area. The recommended revision will clarify the meaning of "wholesale or retail routes" now contained in the definition of "fluid milk plant" and eliminate any such question.

(2) The inclusion in the order of a definition of "producer-handler" is not necessary at this time.

The inclusion of such a definition would not change the meaning of the the present order, but merely shorten the language in several provisions. It is concluded that this revision should be deferred until such time as the entire order is rewritten. The three other proposals providing for conforming changes with respect to the producer-handler definition should likewise be deferred until such time as an appropriate definition is included in the order.

(3) A definition of a "market pool handler" should not be included in the order.

This definition was intended to distinguish between handlers who sold 25 percent or more of the receipts of their milk from producers and other handlers as Class I milk during the delivery period. Producers furnishing milk to handlers in the former group would receive a uniform price for their milk on the basis of the combined utilization of milk by all handlers in such group while producers supplying the latter handlers would receive a price on the basis of the individual handler's utilization of milk.

There are no handlers marketing less than 25 percent of their producer receipts as Class I milk at the present time. Hence, there is no handler to whom the proposal would apply. There is no substantial evidence to support the percentage proposed or any other specific percentage. A similar proposal was considered at the promulgation hearing, but was not adopted and no evidence was presented to show changed conditions in this respect. For the foregoing reasons, it is concluded also that the four other conforming proposals relative to the proposed pooling arrangements should not be adopted.

(4) The proposal by the Central Ohio Cooperative Milk Producers Association, Inc. that the market administrator should furnish to each cooperative association a monthly report with respect to each handler of "the percent of utilization in each class of milk of producers as qualified in accordance with § 974.9 (b)" should not be adopted at this time.

The health requirements applicable to milk for Class II and Class III uses are the same as those for Class I uses. The recommended price levels for the several classes take this fact into account. There was no evidence to indicate that producer milk is being used in Class III in excessive quantities during the periods when such milk might be used in Class I. In view of this, it does not appear that the adoption of the proposal at this time is necessary to effectuate the market-wide pool provisions of the order or to establish producer prices at the proper level. Likewise the same conclusion and supporting findings are applicable to the alternative proposals offered in this connection.

(5) The proposal with respect to classifying skim milk and butterfat used in cottage cheese as Class III milk rather than as Class II milk should not be adopted.

Cottage cheese is a year-round product which must be made from fresh, inspected milk and cream. There is no evidence to indicate that cottage cheese is utilized merely as an outlet for the "seasonal surplus" milk of the Columbus market, although during the past year larger quantities of cottage cheese were made in May and June than in October and November. The classification of this product in a lower-priced class would tend to encourage the use of milk in cottage cheese when milk is needed for use in the higher-priced classes.

(6) A proposal to classify inventory variation in Class IV milk rather than in Class I milk should not be adopted. The bulk of inventory variation is in the form of whole milk. Its ultimate use has not been determined at the time handlers are required to make reports to the market administrator. Most of inventory variation is ultimately used in and classified as Class I milk. There is no difference in final cost to handlers or in returns to producers resulting from either method of classification.

The reasons given for proposing this change in inventory classification were that the present method results in distorted statistics for the market. The evidence failed to show, however, that the suggested change would lessen this distortion even if inventory were classified in Class IV milk.

(7) (a) The proposal for the accounting for shrinkage in Class IV milk on a cumulative basis from January 1 of each year through the current delivery period should not be adopted.

The proposal has the effect of changing the definition of "delivery period" with respect to the classifying of shrinkage. The great bulk of milk must be utilized within the month during which it is received. The competitive position of handlers relative to milk supplies varies widely from month to month and seasonally. In view of these variations it would appear that the greatest equity would result from the computation of handlers' costs on as current a basis as is practical. The accounting for shrinkage on a cumulative basis would be administratively burdensome because audits would not be closed until the end of the calendar year. Producers recommend that shrinkage classified in Class IV milk should be limited to 1 percent on butterfat and 2 percent on skim milk. The present 2½ percent allowance is reasonable and equitable. In view of these facts there appears to be no substantial reason for changing the present shrinkage allowance at this time.

(b) The shrinkage allowance on milk diverted by a handler to the plant of another handler should be allowed to the latter handler. This would permit the second handler the shrinkage allowance on all milk for which he is the first receiver. This change in shrinkage accounting will not change substantially the total shrinkage of handlers or returns to producers and will provide greater convenience to handlers in settling for interhandler transfers.

(8) The substitution of "sworn statements" for "audits" in the provision covering the transfer of milk and cream by handlers to nonhandlers should not be adopted.

There was no evidence that nonhandlers had refused to buy milk from handlers because of the auditing requirements. Moreover, the evidence indicated that the only practical method of verifying the claimed utilization of milk by a nonhandler is by audit of such nonhandler's accounts.

(9) (a) The proposal to allocate other source milk to Class I milk during the periods when producers fail to deliver milk in an amount equal to 115 percent of the Handlers Class I milk sales should not be adopted.

There is no substantial evidence to support the percentage proposed or any other specific percentage. A portion of "other source milk" received does not meet the health requirements applicable to milk for Class I uses. The only "other source milk" which can be used as Class I milk is controlled by one handler. Under these conditions any preference to other source milk eligible for Class I use would tend to give an undue advantage to the handler controlling it. Other source milk which does not meet the health requirements applicable to milk for Class I uses should not be given preferential treatment over producer milk.

The purpose of the proposal was to encourage producers to supply a quantity of milk sufficient to meet the Class I needs of the market at all times. The Columbus market is available to all dairy farmers who can meet the health requirements and is not limited to the producers now supplying the market. The total milk supply is dependent upon the supply responses of all producers now qualified under prevailing health requirements or who may become so qualified. The proper pricing of milk should do more to bring forth an adequate supply of milk by stimulating an increase in the production of present producers and by providing an incentive for new producers to come on to the market than would the proposals here considered. The seasonal pattern of prices recommended herein should encourage the needed production of milk not only for Class I use but also for all uses requiring qualified milk at all seasons of the year.

(b) The sequence in the allocation provision should not be changed. The current method of allocation is necessary for the proper protection of the classification of producer milk. A change in the sequence would be inconsistent with the classification of producer milk in the higher priced classes. The evidence does not warrant the adoption of the proposed change.

(10) (a) The method of determining the basic formula price for milk should not be changed.

The Columbus basic formula price is based upon the price paid by 18 midwestern condenseries or on a butterfat-nonfat dry milk solids formula price, whichever is the higher. The present basic formula price has reflected very closely the prevailing price for manufacturing milk in the vicinity of the Columbus market. Competitive manufacturing outlets for milk in the Columbus milkshed include condenseries, and butter and powder plants some of which also produce certain specialty milk products. There is little or no direct competition by cheese factories for milk produced in this area. In view of these facts the higher of the condensery pay price or the price resulting from the butter and nonfat dry milk solids formula is currently more representative of competitive manufacturing prices than any combination of formula prices as proposed for the determination of the basic formula price. Moreover, the evidence indicates that Columbus prices must be placed in better alignment with prices in other regulated markets in Ohio in order that Columbus handlers may compete for supplies of milk on an equitable competitive basis. At the present time the class prices in these competitive Federal order markets are based on a for-

mula similar to that contained in the present Columbus order.

(b) The make allowance on butter in the basic formula price should be increased from 3 cents to 3.5 cents per pound, but the present 4 cent make allowance on nonfat dry milk solids should not be changed.

The record indicates the cost of making butter to be slightly above 3 cents per pound and the cost of making nonfat dry milk solids to be approximately 4 cents per pound. The make allowance on butter and nonfat dry milk solids of 3.5 cents and 4 cents per pound, respectively, is therefore reasonable. Except with respect to the make allowance for butter there should be no change in substance of the butter and nonfat dry milk solids formula. However, the language in the current order describing this formula may be simplified and clarified. Since it is recommended that the pricing provisions of the order be revised in the manner hereinafter set forth, it is concluded that, as a part of such revision, the butter-nonfat dry milk solids formula should be rewritten for brevity and to identify more clearly the price quotations for butter and dry milk solids used therein. The latter revision will not change the quotations used or the method of computation.

(c) The respective basic formula prices for skim milk and butterfat should be expressed as direct ratios to the basic formula price per hundredweight of milk.

In the present order the value of butterfat in each class is equivalent to 70 percent of the respective per hundredweight class price of milk (expressed in terms of milk containing 3.5 percent butterfat) and the value of skim milk is the residual amount or 30 percent of such price. Therefore, the per hundredweight price of skim milk in each class is equal to .311 times the respective per hundredweight class price and the per hundredweight price of butterfat is equal to 20 times the per hundredweight class price. The proposed price plan adopts this relationship of skim milk and butterfat prices in the basic formula price. Thus, the basic formula price per hundredweight of skim milk is expressed as .311 times the basic formula price of milk and the basic formula price per hundredweight of butterfat is expressed as 20 times the basic formula price of milk.

To these basic values should be added the appropriate differentials to obtain the class prices which we have found necessary to effectuate the declared policy of the act.[1]

(11) (a) The "bracket" system of establishing Class I, Class II, and Class III prices should be eliminated.

The milk shed for the Columbus marketing area overlaps the milk sheds of other Ohio marketing areas operating under orders issued pursuant to the act and of other alternative outlets for market milk. Price changes resulting from the bracket system have disturbed the balance between the Columbus market price and the prices of such alternative outlets.

[1] See findings and conclusions in paragraph (11).

Moreover, the bracket system has promoted uncertainty with respect to class prices when the basic formula price has fluctuated at a level near the outer limits of a particular bracket.

(b) Class prices for skim milk and butterfat should be established by stated differentials over the basic price for skim milk and butterfat at levels which will result in increased uniform prices to producers.

Practically all costs incurred by producers in the production and marketing of milk, such as feeds, supplies, equipment, and hauling, have increased during the past year and particularly during February and March of this year.

The Columbus market has been short of producer milk in nearly every month of the past year. Substantial quantities of other source milk have been received as supplementary supplies.

Other fluid milk markets and alternative outlets for milk, such as, the Cleveland market, the Dayton-Springfield market, Nestles Milk Products, Inc., and the M & R Dietetics Laboratories, Inc., are in competition with the Columbus market for much of the supply of producer milk. The prices paid farmers for all milk at these outlets ranged from 12 cents to 80 cents per hundredweight over the Columbus order minimum uniform price during the period October, 1946, through February, 1947. Also, at times handlers have paid higher prices for inspected "other source" milk than the minimum uniform price for producer milk.

Columbus handlers paid premiums over the minimum prices to protect supplies during the short production season of 1946.

Economic conditions and business activity in the Columbus market indicates continued strong demand for milk and milk products in the Columbus market. Consumption of fluid milk in the Columbus marketing area during February, 1947, was 3.93 percent higher than during February, 1946.

It is concluded that an increase in the price level to producers of approximately 35 cents per hundredweight for milk of 3.5 percent butterfat content is necessary to insure a sufficient supply of pure and wholesome milk in the Columbus market and will be in the public interest.

The Class I, Class II, and Class III price differentials over the basic formula price on a 3.5 percent butterfat content milk basis should be as follows:

	August through March	April through July
Class I milk	$1.00	$0.75
Class II milk	.75	.50
Class III milk	.60	.35

These proposed class differentials will result in a yearly average increase of approximately 36 cents per hundredweight in each of such classes. The price of Class IV milk should be changed only to provide that butterfat used in the manufacture of butter should be given a make allowance of $4.20 per hundredweight of butterfat so used in conformity with our finding for a 3½ cent per pound make allowance for butterfat in the basic formula. It is estimated that the net result of these price revisions will be an average yearly increase in the price to producers of approximately 35 cents per hundredweight.

The conversion of the class differentials stated above to a skim milk and butterfat price basis (in the same manner as these prices are determined from the basic formula price of milk) results in the following differentials for skim milk and butterfat in Class I milk, Class II milk, and Class III milk:

	Skim milk		Butterfat	
	August through March	April through July	August through March	April through July
Class I milk	$0.311	$0.233	$20.00	$15.00
Class II milk	.233	.156	15.00	10.00
Class III milk	.187	.109	12.00	7.00

(c) The Class I, Class II, and Class III price differentials should be higher during the short production season than during the flush production season.

The four months of relatively high production are April through July. The spread between the high and low production periods in the Columbus market has increased in recent years. There is an extreme shortage of milk in the fall and winter months. The producers association and the handlers have advised producers of the need and benefits of more even production. Other competing markets, such as Cleveland, provide for seasonal pricing of milk. This places the Columbus market in an unfavorable competitive position particularly during the fall and winter months. Handlers of the Columbus market paid premiums during the fall of 1946 to protect their supply. The class differentials should provide higher prices during the short production season than during the flush season to encourage greater production during the fall and winter season.

There usually is a seasonal variation in the basic price and a relatively smaller percentage of milk used in the lower-priced classes during the short season as compared to the flush season. The total effect of all of these factors should result in a seasonal swing in uniform prices received by producers of approximately 75 cents per hundredweight between the highest and the lowest production months. This will be a strong incentive to producers to even out production.

Handlers proposed an even-production incentive plan through a "take-out and pay-back" system of establishing uniform prices on a seasonal basis (sometimes known as "Louisville plan"). Producers objected strenously to this plan. The successful operation of such a plan necessitates wide-spread producer approval and cooperation. For this reason this plan is not recommended for the Columbus market. Many of the objectives of the plan outlined by handlers should be accomplished by the establishment of class prices on a seasonal basis.

(d) The emergency price provision, § 974.5 (g) (2), should be revised to cover Class III milk.

This section provides for the suspension of Class I and Class II milk prices by the Secretary under certain conditions. Under the present wording it would be possible for the Class III milk price to exceed the Class I or Class II price. Such a result would be inconsistent with the classified pricing plan of the order.

The Class IV price should not be included in the emergency price provision. The Class IV price is based upon open market prices of products not requiring inspected milk. No useful purpose could be served by including the Class IV price under this provision.

No change should be made in § 974.5 (g) (1), the general emergency price provision. This provision has not created any problem in the Columbus market.

(12) Uniform prices for milk to producers should be announced on the basis of 3.5 percent butterfat content rather than on a 4 percent basis as in the current order.

This change will not affect the handlers' cost of milk. Because of this the butterfat test upon which the producers' price is announced becomes a matter primarily of concern to the producer. The evidence indicates that producers would prefer to receive payment based on an announced price reflecting a lower butterfat content. Producers' satisfaction with the method of announcing the basis of their payments for milk tends to produce more orderly marketing conditions and should be adopted, particularly when the change in such method of payment does not change in any way the handlers' cost for milk. Morever, producer prices are announced on the proposed basis in most other Ohio markets as well as many other markets throughout the country. Statistical comparisons of producer prices on the Columbus market and other markets would be facilitated if prices were announced on a 3.5 percent basis.

(13) A proposal under which payments to producers would be computed on the basis of an individual-handler pool should not be adopted.

Under the current market-wide pool all producers receive a uniform price computed on the basis of the combined classification of milk received by all handlers. An individual-handler pool would establish as many different prices as there are handlers. It was indicated this would tend to breed dissatisfaction among Columbus producers. The facilities for handling "surplus" milk are limited to a few plants. Evidence in the hearing record failed to establish any new facts which would change the original conclusions providing for a "market-wide pool" when the original order was promulgated.

(14) A new provision requiring, in connection with the computation of product weights, the use of the "standard of weights" of the Bureau of Dairy Industry, United States Department of Agriculture, should not be included.

The Bureau of Dairy Industry, United States Department of Agriculture, has not issued any official standards of weights for dairy products. The problems indicated in connection with the ascertaining of proper weights by the market administrator are not peculiar to the Columbus market. Weight factors are necessary in the computation of class volumes of milk under any classified price plan. The provisions of several orders under point administration with Columbus are very similar, and appropriate weight factors may better result from rule-making procedure by the market administrator. This will permit a more flexible arrangement for the employment of weight factors to be used under similar order provisions.

(15) The requirement that payments be made into the pool on milk transferred from a producer-handler to a handler should be eliminated.

Producer-handlers transfer an insignificant amount of milk to regular handlers. Most transfers are in the flush season and such milk is used in the lower-priced uses. The milk of producer-handlers is eliminated from the pool in a manner similar to other source milk—in series from the lowest-priced uses. This treatment of producer-handler milk protects adequately the proper classification of producer milk.

(16) The section providing for an assessment covering administrative expense should be revised to provide for (i) changes in the administrative assessment rate below the maximum fixed in such section to be determined by the Secretary rather than by the market administrator (subject to review by the Secretary), and (ii) elimination of the announcement by the market administrator on or before the 10th day after the end of the delivery period of the applicable rate of assessment for the delivery period.

Procedure for making changes in such rates will be less complicated if such rate-making is made a direct function of the Secretary rather than a review function. Since the rate will remain unchanged for each delivery period until altered by a published rule, it will be unnecessary to require monthly public announcements by the market administrator. This revision will simplify the establishment of appropriate rates of assessment any time that the assessment rate must be changed.

(17) The section providing for marketing service deductions should be revised to (i) authorize the Secretary to fix the assessment rate below the maximum prescribed in such section and (ii) eliminate the application of the marketing service deductions to milk of a handler's own production.

The fixing of the rate of marketing service deductions by the Secretary (who must now review the rate established by the market administrator) will simplify the procedure for establishing such rates of assessment below the maximum prescribed in the order.

Marketing service payments are designed primarily to cover the cost of verifying the weights and tests of producer milk. Producers who are not members of a cooperative association usually are not in a position to govern the disposition of milk and it is not practicable for them to verify the weights and tests of deliveries of their own milk. In the case of milk of a handler's own production such service is not necessary as a protection since the handler has full control of the handling of such milk from the farm to its disposition from his plant.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Central of Ohio Cooperative Milk Producers, Inc., and all handlers subject to Order No. 74. The briefs contain statements of fact, conclusions, and arguments with respect to nearly all of the proposals discussed at the hearing. 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. Although the briefs do not contain specific requests to make the proposed findings and conclusions stated therein, it is assumed that they were submitted with that intention and are treated accordingly. Some of the proposed findings of fact are immaterial to the issues presented or are outweighed by other facts found herein, and some of the proposed conclusions do not logically follow from the proposed findings of fact. To the extent that the proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied because of the reasons stated in connection with the conclusions in this recommended decision.

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

1. Delete § 974.1 (e) and substitute therefor the following:

(e) "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the delivery period on a route(s), wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

2. Add at the end of § 974.1 the following paragraph:

(l) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than to a fluid milk plant(s) or plant(s) manufacturing milk products.

3. At the end of § 974.4 (b) (4) change the period (.) to a colon (:) and add thereafter the following: "*Provided*, That producer milk transferred by a handler

to any plant of another handler without first having been received for purposes of weighing and testing in the transferring handler's fluid plant, shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the fluid milk plant of the transferring handler in computing his plant shrinkage."

4. Delete § 974.5 and substitute therefor the following:

§ 974.5 *Minimum prices*—(a) *Basic formula prices for skim milk and butterfat.* The basic formula prices of skim milk and butterfat respectively shall be computed by the market administrator for each delivery period in the following manner:

(1) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Locations
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) Compute the price per hundredweight by adding together the amounts resulting under subdivisions (i) and (ii) of this subparagraph:

(i) From the arithmetical 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 in which such milk was received, subtract 3.5 cents, add 20 percent, and then multiply the resulting amount by 3.5, and

(ii) From the arithmetical average of the carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), roller and spray process, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and multiply by 0.965.

(3) Multiply the higher of the prices resulting from subparagraphs (1) and (2) of this paragraph by 0.311 (which amount shall be known as the basic formula price per hundredweight of skim milk); and

(4) Multiply the higher of the prices resulting from subparagraphs (1) and (2) of this paragraph by 20 (which amount shall be known as the basic formula price per hundredweight of butterfat).

(b) *Class I milk, Class II milk, and Class III milk prices.* Subject to the provisions of paragraphs (d) and (e) of this section, the minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class I milk, Class II milk, and Class III milk, respectively, shall be determined by adding the appropriate amounts set forth in the following schedule to the basic formula prices per hundredweight of skim milk and butterfat, respectively, for the delivery period:

	Skim milk		Butterfat	
	August through March	April through July	August through March	April through July
Class I milk	$0.311	$0.233	$20.00	$15.00
Class II milk	.233	.156	15.00	10.00
Class III milk	.187	.109	12.00	7.00

Provided, That in no event shall the price of skim milk or butterfat in any such class be lower, respectively, than the skim milk and the higher butterfat prices, in Class IV milk.

(c) *Class IV milk prices.* Subject to the provisions of paragraph (e) of this section the minimum prices to be paid by each handler for that portion of skim milk or butterfat in producer milk received at his fluid milk plant and classified as Class IV milk shall be determined as follows:

(1) The price per hundredweight of such skim milk shall be the prices determined pursuant to paragraph (a) (2) (ii) of this section, divided by 0.965; and

(2) The price per hundredweight of such butterfat shall be the arithmetical 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, multiplied by 120: *Provided,* That the price per hundredweight of butterfat made in butter shall be such price per hundredweight less $4.20.

(d) *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided,* That Class I milk or Class II milk disposed of in another marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

(e) *Emergency price provisions.* (1) 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 minimum 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 such 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.

(2) Whenever the Secretary finds and announces that the price of Class I milk, Class II milk, or Class III milk computed for any delivery period pursuant to paragraph (b) of this section is above a level which is in the public interest, the price of Class I milk, Class II milk, or Class III milk for such delivery period shall be the same as the corresponding price for Class I milk, Class II milk, or Class III milk for the delivery period immediately preceding.

5. Delete from § 974.6 (a) the following proviso: *"Provided,* That if such handler received milk, skim milk, or cream from a handler who received no producer milk other than that of his own production and disposed of the skim milk or butterfat contained therein as other than in the lowest-priced use of the receiving handler, there shall be added an amount equal to the difference between (1) the value of such skim milk or butterfat at the price of such lowest-priced use and (2) the value computed in accordance with its class use."

6. Delete from § 974.6 (c) (3) the term "4 percent" wherever it appears and substitute therefor the term "3.5 percent."

7. Delete from § 974.6 (c) (5) the term "4.0 percent" and substitute the term "3.5 percent."

8. Delete from § 974.7 (f) the section reference "§ 974.5 (e) (2)" and substitute therefor the section reference "§ 974.5 (c) (2)."

9. Delete § 974.8 and substitute therefor the following:

§ 974.8 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 974.2 (c) (3) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat (except receipts from other handlers) in (a) producer milk and (b) other source milk at a fluid milk plant.

10. Delete § 974.9 (a) and substitute therefor the following:

§ 974.9 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section each handler shall deduct from his payments, pursuant to § 974.7 (a), 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may

prescribe, with respect to all producer milk (except such handler's own production) received during each delivery period, and shall pay such deduction 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 such producer milk and to provide producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

Filed at Washington, D. C., this 21st day of May 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-4876; Filed, May 23, 1947; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

INTERIM POLICY GOVERNING FREQUENCY ASSIGNMENTS IN 30-40 MC BAND

STATIONS IN EMERGENCY, UTILITY, GEOPHYSICAL, SPECIAL PRESS AND INTERMITTENT RADIO SERVICES

MAY 8, 1947.

On February 3, 1947 the Commission heard oral argument on its proposed frequency service allocations to the non-government services in the 30-40 Mc band as proposed in Public Notice No. 99168 (October 21, 1946), and later revised in Public Notice No. 2201 (January 7, 1947). Having considered the testimony presented, the Commission issued its final report of frequency service allocations in this band on March 21, 1947 (Public Notice No. 3529). This report, which became effective on April 1, 1947, specifies the particular channels available for use by various radio services and classes of radio stations which will operate between 30 and 40 Mc. The report also states that:

> * * * all services for which channels have been provided in this band will be required to shift no later than July 1, 1950 to frequencies which are in accord with this plan * * *. A committee is to be set up by Panel 13, Radio Technical Planning Board, to study the problems of conversion from the present interspersed service-allocation plan to * * * (the new) plan, and advise the Commission of its findings on or before August 1, 1947.

In accordance with the above, it is necessary to bring all present assignments in the 30-40 Mc band into agreement with the allocations report not later than July 1, 1950. Shifts from the 30-40 Mc band to frequencies above 70 Mc will be required only as provided in item 2 (a) below.

The varying economic and operational factors involved make it necessary to distinguish three general situations in applying the allocations report to particular cases. The policies which govern in these situations are as follows:

1. *Changeover of existing equipment.* (a) It is expected that certain frequency shifts for the services and licensees affected will begin after receipt and study by the Commission of the report of the special committee of Panel 13, Radio Technical Planning Board, which is due August 1, 1947.

(b) All individuals and organizations interested in furthering the objectives of the changeover program for the 30-40 Mc band may submit their written comments and recommendations to the Commission, or they may arrange to participate in the work of the special committee of Panel 13, Radio Technical Planning Board, by communicating with:

Daniel E. Noble
Chairman, Panel 13
Radio Technical Planning Board
4545 Augusta Boulevard
Chicago, Illinois

(c) To allow time for regional and area groups to formulate local allocation plans and changeover schedules, and submit their recommendations, routine requests to change frequency should not be submitted prior to October 1, 1947. However, in cases of severe interference arising from new frequency assignments made in accordance with the allocations report, any licensee who desires to change to a frequency in agreement with the allocations report may file appropriate applications at any time.

(d) To direct the attention of all licensees to the continuing nature of the frequency assignment problem, station authorizations will include, for the present, a statement that the frequency assignment is of a temporary nature and subject to change.

2. *Replacement or addition of equipment for an existing radiocommunication system.* (a) Each licensee (states and territories excepted), presently licensed to operate in the 30-40 Mc band, who requests authority to make additions or replacements which together aggregate 50% or more of the total number of transmitter units authorized on April 1, 1947, must furnish a satisfactory factual showing that a frequency above 70 Mc will not provide adequate radiocommunication.

(b) Subject to the requirement of paragraph 2 (a) above, and prior to July 1, 1950, authority to make transmitter replacements, add transmitter units to an existing system, or add new stations to an existing radiocommunication system will be granted on frequencies previously assigned. However, before requesting such authority, each licensee should first determine whether or not his station (or system) operates on frequencies now allocated to the class of station involved. If any operating frequency is at variance with the allocation report, the licensee is then urged to consider the feasibility of changing to a proper frequency earlier than July 1, 1950, in order to avoid the expense of changing the operating frequency of the new equipment at a later date.

3. *New radiocommunication systems.* Any applicant (states and territories excepted) who seeks to establish a new radiocommunication system to operate in the 30-40 Mc band must furnish a satisfactory factual showing that a frequency above 70 Mc will not provide adequate radiocommunication. If such showing is satisfactorily made, a frequency will be assigned in accordance with the 30-40 Mc allocations report: *Provided, however,* That new applicants who propose a cooperative or coordinated service arrangement with an existing system may be authorized to operate on the frequencies of that system, upon demonstrating the need for such an assignment.

Each applicant for authority to construct, install or operate new, additional or replacement stations, or transmitter units thereof, on a frequency not in accord with the 30-40 Mc allocations report of March 21, 1947, shall submit with the application the following signed statement:

> The undersigned hereby affirms his understanding that all frequency assignments in conflict with the 30-40 Mc frequency allocation report dated March 21, 1947 (Public Notice No. 3529) will be terminated no later than July 1, 1950, and that the application accompanying this statement is in conflict with said allocations report. Further, in the event the application is granted, the undersigned will discontinue operation on the conflicting frequency or frequencies not later than July 1, 1950.

Adopted: May 8, 1947.

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

[F. R. Doc. 47-4879; Filed, May 23, 1947; 8:54 a. m.]

[Docket No. 6651]

ALLOCATION OF FREQUENCIES TO VARIOUS CLASSES OF NON-GOVERNMENTAL SERVICES

ORDER FOR FURTHER HEARING IN RESPECT TO GENERAL MOBILE SERVICE

In the matter of allocation of frequencies to the various classes of non-governmental services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 8th day of May 1947;

Whereas, the Commission issued its report of allocations from 25,000 kilocycles to 30,000,000 kilocycles herein on May 25, 1945; and

Whereas, section 17, Part II, of said report provided for the tentative establishment of the General Mobile Service, subject to later consideration on the basis of operational data to be obtained from experimentation in this service; and

It appearing, that the development of service in this field has progressed to the extent that experimental operational data is now available, or will be available at the time stated below for the hearing herein, sufficient to serve as a basis for the determination of the issues relating to the establishment, on a regular basis, of the proposed types of service falling within the general mobile classification;

It is ordered, That a further hearing be held before the Commission, or such members thereof as it may designate, at

the offices of the Commission at Washington, D. C. at 10 a. m. on the 8th day of September 1947, on the following issues:

1. To review the types or classes of General Mobile Service which are being developed on an experimental basis and determine the elements of public interest, convenience and necessity bearing upon the question of recognition of each of such services on a regular or permanent basis.

2. To determine the quality of communications and the efficiency with which radio operations are conducted in the various types of General Mobile Experimental Service.

3. To ascertain whether other General Mobile Services are in prospect of development, although not as yet in operation on an experimental basis.

4. To determine if there is any necessity for establishing specialized categories of service within the general mobile classification and allocating exclusive frequencies to such services.

5. To determine whether, with respect to each type of service, the public interest, convenience and necessity would be best served by permitting uncoordinated private operation, or by requiring service without discrimination to all eligible persons through the medium of nonprofit cooperative organizations, specialized communication common carriers or general communication common carriers.

6. To determine the necessity of providing a general service for miscellaneous users for whom a specialized service has not been provided, and whether such service should be on a common carrier basis.

7. To determine the necessity and propriety of permitting, or requiring, the interconnection of land line facilities of general communication common carriers with the radio facilities of other common carriers competing in the same area in the General Mobile Service.

8. To establish the normal and reliable service range of general mobile operation in the bands 30–40 Mc and 152–162 Mc, and the best method of frequency assignment to avoid mutual interference or interference with other services.

9. To determine whether the General Mobile Service should be confined to land vehicles or should be available, also, to watercraft and aircraft under certain conditions.

10. To determine whether General Mobile Service for the handling of public correspondence of persons on board ships, trains and aircraft should be required to be handled wholly, or in part, on the frequencies allocated to the Maritime Mobile, Railroad Radio and Aeronautical Services, respectively.

11. Whether, and the extent to which, General Mobile Radiocommunication Service is to be authorized in cases where wire or other means of communication may be available.

12. To establish the facts and information necessary to enable the Commission to allocate frequencies and to draft proposed rules and regulations to govern the establishment of, and the operating practices and procedures for, each type of General Mobile Service, on a regular basis.

It is further ordered, That all interested persons may appear and participate fully in such hearing provided, however, that each such person shall file with the Commission, on or before August 15, 1947, a written notice of appearance together with fifteen copies of a statement setting forth the names of the witnesses he intends to call at the hearing and a summary of the testimony and exhibits each witness will offer.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–4944; Filed, May 23, 1947; 9:09 a. m.]

[Docket No. 6651]

ALLOCATION OF FREQUENCIES TO VARIOUS CLASSES OF NON-GOVERNMENTAL SERVICES

NOTICE OF FURTHER PROCEEDINGS

MAY 8, 1947.

In the matter of allocation of frequencies to the various classes of non-governmental services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles.

1. Notice is hereby given of further proceedings in the above-entitled matter involving changes in existing frequency service-allocations.

2. The proposed changes are designed to revise the existing frequency service-allocations to make available the entire band 960–1600 Mc for the aeronautical navigational service. The proposed changes are set forth below.

3. This proposal, if adopted, and after consultation with the Interdepartment Radio Advisory Committee, will modify the Commission's table of frequency service-allocations of February 18, 1947 (#4803), and the Commission's proposal of October 22, 1946 (#99615).

4. These proposed changes are issued under the authority of sections 303 (c) and 303 (r) of the Communications Act of 1934, as amended.

5. A hearing and oral argument on the above matter will be held before the Commission en banc, or such members as may be present, beginning at 10:00 a. m., May 26, 1947. Persons desiring to appear at the hearing and oral argument should file a notice of appearance in duplicate with the Commission on or before May 21, 1947.

Frequency allocations to the Aeronautical Navigational Service. The Commission has studied a comprehensive report of the Radio Technical Commission for Aeronautics (Paper 55–47/DO–3, April 25, 1947), paragraphs 1 through 8 of which are especially relevant to this notice and are quoted herein. The Commission considers it unfortunate that the question raised by the RTCA has not been presented at any of the previous oral arguments in Docket 6651, the last of which was February 4, 1947, but nevertheless believes that, if the attainment of the objective of civil aviation to develop a system of all-weather flying depends, even in part, upon the permanent availability of the entire spectrum 960–1600 Mc for the aeronautical navigational service, there is ample justification in proposing the modification to the table of frequency allocations shown herein.

To determine the extent to which aviation interests, including those manufacturers developing electronic systems of air navigation, support this proposal and to determine the relative needs of the amateur, fixed and mobile services for spectrum space between 1215 and 2100 Mc, the Commission will hold a hearing and oral argument as announced above.

The United States Delegation to the forthcoming Radio Administrative Conference of the International Telecommunications Union has asked the Commission for advice in this matter, and it is urged, therefore, that all interested persons be prepared at the hearing and oral argument to state their views on this proposal in appropriate detail.

Study of aeronautical frequency allocations above 400 Mc. 1. The U. S. proposal to the I. T. U. Conference for frequency service-allocations has been examined in the light of the latest aeronautical telecommunication developments to determine the adequacy and probable utilization of the navigational frequency bands above 400 Mc. It is concluded that the total spectrum space proposed for aeronautical services is adequate, but some rearrangement is desirable to obtain the maximum benefits for aviation. The probable utilization of navigational spectrum space is a matter which this study has indicated should be brought immediately to the attention of the U. S. delegation to I. T. U. in order that the present U. S. position may be reviewed with regard for the aviation requirements described herein.

2. An objective of aviation in the United States is to provide safe and efficient air travel under all conditions of weather. To meet this objective, there is a requirement for a standard integrated system of electronic aids to air navigation and traffic control. Continued study of the objective, both internationally and domestically, has culminated in a setting down, in item 2 (a), the functional requirements for a unified system to facilitate the continuous, safe, and efficient movement of air traffic. The results of several studies which led up to these functional requirements are given in Items 2 (b) and 2 (c). A further study which has detailed certain of the requirements is listed under 2 (d).

(a) "Final Report—First Session, Special Radio Technical Division", Doc. 2553, COT/26, Provisional International Civil Aviation Organization, Montreal, Canada, January, 1947.

(b) "Report of Electronic Subdivision Advisory Group on Air Navigation", Air Matériel Command, Wright Field, Dayton, Ohio, June 1946, including "Third Commonwealth Empire Conference on Radio for Civil Aviation", Summer, 1945.

(c) "Recommended United States Policy, Air Navigation-Communication-Traffic Control", Radio Technical Commission for Aeronautics, Washington, D. C., August 28, 1946.

(d) "Recommendations for Safe Control of Expanding Air Traffic", Air Transport Association of America, Washington, D. C., February, 1947 (Part I).

3. At the present time, no single integrated system, either proposed or in development, is capable of fulfilling all of the functional

requirements set forth. In Civil Aviation, because of the extensive operational, technical, and economic aspects of the complete problem, the over-all system must be obtained through an evolutionary plan. As each aid in the evolutionary plan is adopted, it must be integrated with previously adopted aids; and it must provide a period for obsolescence of older standard aids which will be no longer required from an operational standpoint.

4. The functional requirements for air navigation and traffic control are such that the spectrum allocations therefor should be based upon (a) freedom from severe deteriorating effects of atmospheric and precipitation static and attenuation or "black-outs" or other effects caused by weather (clouds, rain, and snow) or ionospheric behavior; (b) the absence of abnormally long propagation paths which would cause intermittent or sporadic interference in locations which are normally interference-free; (c) the need for multi-channel interference-free transmission and reception in the air and on the ground and rapid "push-button" type change of frequency for airborne transmitters and receivers (the functional requirements primarily call for multi-channel airborne transmission and reception in all directions); and (d) a need for integrated airborne elements which provide the minimum in deterioration of aircraft performance through aerodynamic drag, weight, size, power consumption, etc.

5. In establishing an over-all system, the necessity for continuous and reliable performance under all atmospheric and operational conditions is paramount. This requirement is particularly applicable to the safety of aircraft operations conducted under unfavorable weather conditions when aircraft are wholly dependent on radio aids, or are off their established route, or are required to communicate over maximum operational distances. Conditions dictating the choice of frequency spectrum for the elements of such a system are:

(a) Propagation considerations: Atmospheric and precipitation static are materially reduced above approximately 30 Mc., with the intensity decreasing with increase in frequency. Reflections from concentrations of atmospheric moisture, such as clouds, rain, snow, and fog, constitute a serious deteriorating effect, especially to surveillance radar; this effect increases with increasing frequency and precludes reliable surveillance operations above approximately 2000 Mc. Absorption of radio energy likewise increases with increasing frequency. Furthermore, in order to realize the greatest reliability with the least amount of radio interference, frequencies must be kept low enough to minimize the effects of anomalous propagation.

(b) Equipment considerations: The existing status of electronic equipment development makes multi-channel operation possible, using conventional vacuum tube techniques, up to approximately 2000 Mc.; above this, multi-channel operation meeting system requirements is not attainable in the foreseeable future. Airborne transmission and reception in all directions has increasing limitations with increase in frequency because of the greater shadow effect of the aircraft. Due to the reduced size of the antenna elements with increase in frequency, omni-directional transmission and reception of radio energy are less efficient. Integration of airborne equipment becomes feasible when the various functional requirements are performed in a continuous frequency band. The use of a common antenna, transmission cable, transmitter, receiver, power supply, etc., for performing several functions will make implementation of the over-all system practicable for smaller aircraft and more economical for larger aircraft. Such consolidation of equipment is not practicable when the frequency band is divided for the various functions.

Aviation development agencies have determined the spectrum around 1000 Mc. to be the optimum for meeting the functional requirements. This had not been generally recognized by aviation services until very recently and hence the request for this spectrum space was not transmitted to the appropriate agencies previously.

6. The above considerations indicate requirements for frequencies in the 400–2000 Mc. portion of the spectrum as follows:

Function	Transmission path	Space (mc)	Order of frequency (mc)
A. Distance measuring	Air-ground	255	960–1215
B. Surveillance radar (ground)		65	1215–2000
C. Position, altitude, identity reporting	Air-ground 255 mc [1]	320	1215–2000
D. Air traffic control other than A–C above			
(1) Responder beacon	Air-ground, 20 mc		
(2) Flow control	Ground to air, 150 mc		
(3) Occupancy	Air-ground, 150 mc		
(4) Traffic data relay	Ground to air, 150 mc [2]		
Total		640	

[1] Can be multiplexed in 255 mc with Function A.
[2] Can be multiplexed in 150 mc with Function D (2).

7. The order of importance in providing bands of frequencies for these functions in the spectrum 960–2000 Mc. is the same as the order of listing in paragraph 6. It is considered, for reasons cited above and in order to establish an all-weather system, to be of paramount importance to aviation to provide the 640 Mc. stipulated in paragraph 6. It is also highly important that as much as possible of the 640 Mc. be continuous upward from 960 Mc., and in any event, below 2000 Mc. RTCA recommends against any change in the location of the DME band 960–1215 MC.

8. The requirement for the utilization of the 640 Mc. stipulated in paragraph 6 is based on the following considerations:

(a) The DME band (960–1215 Mc.) will contain 101 frequency channels, corresponding to the ultimate total of localizer and omni-range channels.

(b) The DME band (960–1215 Mc.) will be channeled for high stability equipment, with assignable frequencies separated by 2.5 Mc. or less, and pulse multiplexing will be used to convey the following information:

(1) Distance—referred to omni-range and localizer facilities.

(2) Distance reporting—referred to omni-range and localizer locations.

(3) Bearing (azimuth) reporting—referred to omni-range and localizer locations.

(4) Altitude reporting, and

(5) Identity reporting.

(c) The number of frequency channels for each of the functions 6D (2), 6D (3), and 6D (4) should correspond to the required number of omni-range channels, i. e., 60.

PROPOSED TABLE OF FREQUENCY SERVICE-ALLOCATIONS, 960–2100 Mc

Band, Mc	*U. S. Service-Allocation*
960–1215 (1)	Aeronautical navigational.[1]
1215–1600 (2)	Aeronautical navigational.[1]
1600–1700 (3)	(a) Aeronautical navigational.[1] (b) Amateur.
1700–1750	Meteorological aid (radio sonde).
1750–1880	Nongovernment mobile. 1750–1880 mc. Television pick-up.
1880–2100	Nongovernment fixed. 1880–2100 mc. Fixed circuits except common carrier.

[1] Pulsed navigational aids permitted.

(1) This band is for all the following functions and no other: Distance Measuring (101 channels) multiplexed with Position, Altitude, Identity Reporting.

(2) This band is for the following functions and no other:

	Mc
(a) Surveillance radar (ground)	65
(b) Responder beacon	20
(c) Flow control (60 channels) multiplexed with traffic data relay	150
(d) Occupancy (60 channels)	150

(3) This band is to be used temporarily for Aeronautical Navigational Altimeters and is to be exclusively Amateur when no longer required for Altimeters.

Adopted: May 8, 1947.

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

[F. R. Doc. 47-4882; Filed, May 23, 1947; 8:55 a. m.]

[47 CFR, Part 3]

[Docket No. 8333]

DAYTIME SKYWAVE TRANSMISSIONS OF STANDARD BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

MAY 9, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Under the Commission's rules and regulations and Standards of Good Engineering Practice, standard broadcast stations are not protected against daytime skywave transmissions nor is there any method prescribed for determining the existence or extent of such transmissions.

3. Affidavits have been filed with the Commission alleging that serious interference is resulting to the daytime service area of stations operating on clear channels as a result of skywave transmissions from Class II stations operating daytime on such frequencies which the Commission has authorized.

4. There are many applications still pending which request authority to operate daytime on clear channels. Appeals have been taken to the United States Court of Appeals for the District of Columbia from some orders of the Commission granting such applications. In one such case an order has been issued by that Court staying the effectiveness of a construction permit issued by the Commission.

5. In view of the foregoing, a hearing in the above-entitled matter will be held before the Commission en banc, or such members as may be present, beginning at 10:00 a. m., June 2, 1947, to receive evidence concerning the existence and extent of daytime skywave transmis-

sions of Standard Broadcast Stations and to promulgate whatever rules and regulations may be necessary.

6. The Clear Channel Broadcasting Service, which filed a petition on February 27, 1947, with respect to the subject matter of this proceeding, is hereby made a party to the proceeding. Any other interested person may appear and participate in the hearing by filing a written appearance in duplicate on or before May 26, 1947.

7. Until the hearing is concluded and a decision is announced, the Commission will defer action on all pending applications which seek daytime or limited time operation on United States I–A or I–B frequencies. The Commission will announce its decision as soon as possible after the proceeding is closed so that the processing of such applications may be resumed at the earliest possible date.

8. Authority to promulgate rules and regulations with respect to the subject matter of this proceeding is contained in sections 303 (c), 303 (f), 303 (h) and 303 (r) of the Communications Act of 1934.

Adopted: May 8, 1947.

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

[F. R. Doc. 47–4881; Filed, May 23, 1947; 8:55 a. m.]

[47 CFR, Part 43]

[Docket No. 8184]

CHANGES IN DEPRECIATION RATES OF COMMUNICATION COMMON CARRIERS

NOTICE OF PROPOSED RULE MAKING

MAY 9, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. A new section (§ 43.43) is proposed to be added to Part 43 (Reports) of the Commission's rules and regulations, as follows:

§ 43.43 *Reports of changes in depreciation rates.* (a) Each communication common carrier subject to the Communications Act of 1934, as amended, having annual operating revenues in excess of $250,000 shall, with respect to any proposed change in its depreciation rates, and at least sixty (60) days prior to the last day of the month in the accounts for which the effect of such change is first recorded, file with the Commission, in triplicate, the following information with respect to each depreciation rate proposed to be changed on or after the effective date of this rule:

(1) A statement showing the class or subclass of plant to which applicable, the effective date of the proposed change, the rate in effect immediately before and after such change, and the corresponding service-life and net-salvage estimates;

(2) A general statement describing the method or methods employed in the development of the service-life and the net-salvage estimates, and the reasons for the proposed change in the rate.

(b) When the proposed change in rate applicable to any class or subclass of plant (1) amounts to twenty percent (20%) or more of the rate currently applied thereto, or (2) would have changed by one percent (1%) or more the aggregate annual depreciation charges for all depreciable plant if the new rate applicable to such class or subclass had been in effect during the preceding calendar year, the statements required in foregoing paragraph (a) of this section shall be supplemented by copies of supporting data, calculations, and charts underlying the service-life and net-salvage estimates. (If compliance with this requirement involves submittal of a large volume of data of a repetitive nature, an illustrative portion may be filed.)

(c) The foregoing statements shall be accompanied by a statement, likewise in triplicate, showing the expected net change in the annual depreciation charges resulting from the revised depreciation rates and indicating the basis of determining the expected net change.

3. Excepting the data required with respect to estimates of service lives and net salvage, the foregoing requirements have been in effect since the issuance of Commission Order No. 100, on June 2, 1942. The responses to that order have indicated the need for additional information of the nature specified in the foregoing proposed rule. Such information has been furnished upon request through correspondence with the carriers. It is believed, therefore, that the proposed rule will not impose any unreasonable burden upon the carriers.

4. The proposed rule will be made applicable only to those carriers having annual operating revenues exceeding $250,000, and will thus eliminate from the filing requirements imposed under Commission Order No. 100 and § 1.551 of the Commission's rules and regulations a number of carriers that have annual operating revenues of less than $250,000. Order No. 100 and § 1.551 are proposed to be rescinded upon the adoption by the Commission of proposed § 43.43.

5. This proposed rule is issued under authority of sections 4 (i), 219 (b), and 220 (b) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed rule should not be adopted, or should not be adopted in the form set forth hereinbefore, may file with the Commission on or before June 15, 1947, a written statement or brief setting forth his comments. The Commission will consider these written comments before adopting the proposed rule and if comments are submitted which appear to warrant the Commission in holding an oral argument, notice of the time and place of such oral argument will be given.

Adopted: May 8, 1947.

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

[F. R. Doc. 47–4878; Filed, May 23, 1947; 8:54 a. m.]

FEDERAL HOME LOAN BANK ADMINISTRATION

[24 CFR, Part 4]

[Bulletin 87]

OPERATION OF BANKS

PROPOSED AMENDMENT RELATING TO DEPOSITS FROM MEMBERS

MAY 21, 1947.

Pursuant to 24 CFR 8.3 (c), notice is hereby given of the proposed amendment of 24 CFR 4.1 (f) to provide as follows:

§ 4.1 *General powers.* * * *

(f) *Deposits from members.* (1) Banks may accept demand deposits from members, but no interest shall be paid thereon. At least 25% of such funds on deposit shall be reserved in the form of cash and/or U. S. Treasury Bills. The remaining 75% of such funds on deposit shall be invested within the provisions of section 11 (g) of the act. The Governor may, in his discretion, upon the application of a Bank, waive all or a part of these reserve requirements, subject to the provisions of the Federal Home Loan Bank Act, as now or hereafter amended. Immediate withdrawal may be permitted in the form of the check of the Bank or as otherwise authorized from time to time by order of the Federal Home Loan Bank Administration.

(2) Banks may accept time deposits from members but shall reserve the right to require, in writing, thirty days' notice of intention to withdraw such deposits or any part thereof. At least 25% of such funds on deposit shall be reserved in the form of cash and/or U. S. Treasury Bills. The remaining 75% of such funds on deposit shall be invested within the provisions of section 11 (g) of the act. The Governor may, in his discretion, upon the application of a Bank, waive all or a part of these reserve requirements, subject to the provisions of the Federal Home Loan Bank Act, as now or hereafter amended. The rates of interest to be paid on such deposits as remain unwithdrawn for periods of thirty days or more may be established by the board of directors of each Bank, within the ranges established by the Federal Home Loan Bank Administration. Withdrawals of such deposits shall be in the form of the check of the Bank, or in such other manner as may from time to time be authorized by order of the Federal Home Loan Bank Administration.

(3) As used in subparagraphs (1) and (2) of this paragraph, the word "cash" shall not include deposits in any other Bank.

The foregoing amendment is proposed to be adopted under the provisions of sections 11 (e), 11 (g), 12 and 16 of the Federal Home Loan Bank Act, as amended (47 Stat. 733, 735, 736; 48 Stat. 1261; 12 U. S. C. 1431 (e) (g), 1432 and

1436) and the Administrative Procedure Act, 60 Stat. 237.

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 47-4843; Filed, May 23, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 210]

FORM AND CONTENT OF FINANCIAL STATEMENTS

NOTICE OF PROPOSAL TO ISSUE RELEASE IN ACCOUNTING SERIES REGARDING USE OF PUBLIC ACCOUNTANTS' NAMES IN CONNECTION WITH SUMMARY EARNINGS TABLES INCLUDED IN REGISTRATION STATEMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to issue a release, pursuant to the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a), in its Accounting Series indicating the circumstances under which independent accountants may properly express an opinion, and the form of such opinion, with respect to summary earnings tables to be included in registration statements filed under the Securities Act of 1933.

As its name implies, a summary earnings table is a highly condensed form of profit and loss statement designed to apprise the investor, in a convenient fashion, of the financial results of the operation of the business for a reasonable number of years. Such a summary is not required by the Commission's rules to be certified by independent public or independent certified public accountants but it is, nevertheless, common practice for the registrant to include a summary in the registration statement with the explanation that it has been "reviewed" by independent accountants. This use of accountants' names is designed and tends to give added authority to the material presented. It is important, therefore, to consider the extent of the examination to be made by the accountants in such cases and the extent of the responsibility which they as experts can properly assume.

Persons desiring to comment on the proposed release may obtain copies from the principal office of the Commission at the address indicated below.

All interested persons may submit data, views and comments in writing to Earle C. King, Chief Accountant, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before June 10, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 13, 1947.

[F. R. Doc. 47-4856; Filed, May 23, 1947; 8:51 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of The Public Debt

[1947 Department Circ. 807]

⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES E-1948

OFFERING OF CERTIFICATES

MAY 21, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated ⅞ percent Treasury Certificates of Indebtedness of Series E-1948, in exchange for Treasury Certificates of Indebtedness of Series E-1947, maturing June 1, 1947. Approximately $1,000,000,000 of the maturing certificates will be retired on cash redemption.

II. *Description of certificates.* 1. The certificates will be dated June 1, 1947, and will bear interest from that date at the rate of ⅞ percent per annum, payable with the principal at maturity on June 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including $25,000 will be allotted in full, and subscriptions for amounts over $25,000 will be allotted to all holders on an equal percentage basis, but not less than $25,000 on any one subscription. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before June 2, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series E-1947, maturing June 1, 1947, which will be acceptable at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-4857; Filed, May 23, 1947; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

CLASSIFICATION ORDER

MAY 12, 1947.

1. Pursuant to the authority delegated to me by the Secretary of the Interior (43 CFR 4.275 (a) (39) (iii), Order 2238, August 16, 1946, 11 F. R. 9080), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 54 U. S. C. sec. 682a), for leasing, as hereinafter indicated, the following described public lands in the Phoenix, Arizona, land district, embracing 320 acres:

SMALL TRACT CLASSIFICATION NO. 119

ARIZONA NO. 11

For all of the purposes mentioned in the act except convalescent, business, and combination home and business site purposes.

GILA AND SALT RIVER MERIDIAN

T. 13 S., R. 5 W.,
Sec. 25, N½NW¼, SW¼NW¼, N½SE¼ NW¼, W½NW¼SW¼, S½SW¼ (subject to rights-of-way for State Highway No. 86 and Organ Cactus Pipe National Monument Highway, as to the tracts invaded thereby).

For business and for combination home and business purposes.

Sec. 25, S½SE¼NW¼, NE¼SW¼, E½NW¼ SW¼ (subject to rights-of-way for State Highway No. 86 and Organ Cactus Pipe National Monument Highway, as to the tracts invaded thereby).

2. These lands are located in Pima County, Arizona, about 11 miles south of Ajo, less than a mile from the Papago Indian Reservation, and approximately 5 miles from the Organ Pipe Cactus National Monument. They are accessible over both State Highway No. 86 and the Organ Pipe Cactus National Monument Highway. The towns of Ajo and Rowood offer varied facilities, including a school system. It appears that both electricity and telephone service can be made readily accessible to the lands.

3. The lands are about 1,200 to 1,300 feet above sea level and comprise a rolling to level plain with some rises and sand dunes. The climate of this region is hot and dry with long summers and short mild winters.

4. The water supply for this subdivision must be developed from underground sources. Although there appear to be no wells on the lands at present, their development would seem to be entirely feasible, especially if undertaken as a group project.

5. Pursuant to § 257.8 of the Code of Federal Regulations (43 CFR, Part 257, Cum. Supp., as amended by Circ. 1613, February 27, 1946), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 8:30 a. m. on March 20, 1946, and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

6. As to the land not covered by the applications referred to in paragraph 5, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on July 14, 1947. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on July 14, 1947, to close of business on October 11, 1947, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at or after 8:30 a. m. on March 20, 1946, together with those presented at 10:00 a. m. on June 24, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on October 13, 1947, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous nonpreference-right filings.* Applications under the small tract act by the general public filed at or after 8:30 a. m. on March 20, 1946, together with those presented at 10:00 a. m. on September 23, 1947, shall be treated as simultaneously filed.

7. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

8. All applications for the lands referred to in paragraphs 5 and 6, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

9. Lessees under the small tract act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Bureau of Land Management officer signing the lease, improvements which under the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of 5 years at an annual rental of $5 for home, cabin, camp, health and recreational sites, payable yearly in advance. The rental for business and for combination home and business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20, payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease.

10. All of the lands classified for all of the purposes in the act except convalescent, business and for combination home and business sites, will be leased in tracts of approximately 5 acres, or aliquot parts thereof, each being approximately 330 by 660 feet, or aliquot dimensions thereof, the longest dimension extending east and west. The lands classified for business and for combination home and business site purposes will be leased in tracts of approximately 2½ acres, or aliquot parts thereof, each being approximately 330 by 330 feet, or aliquot dimensions thereof. The tracts should conform in description with the rectangular system of surveys as one compact unit.

11. Preference right leases referred to in paragraph 5 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract is made to conform to the areas and dimensions specified above.

12. Where only one 5-acre tract in a 10-acre subdivision or one 2½ acre tract in a 5-acre subdivision is embraced in a preference right application, however, the Acting Manager is authorized to accept applications for the remaining 5-acre, 2½ acre tract or aliquot parts thereof extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified above.

13. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Phoenix, Arizona.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-4834; Filed, May 23, 1947; 8:46 a. m.]

Office of the Secretary

COLORADO

NOTICE FOR FILING OBJECTIONS TO ORDER OF MAY 16, 1947, WITHDRAWING PUBLIC LANDS FOR GERRARD RESERVOIR SITE, SAN LUIS RECLAMATION PROJECT, COLORADO

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of said order of January 30, 1947, withdrawing the NE¼NW¼, Sec. 25, SE¼NE¼, W½W½, NE¼SE¼, Sec. 26, NE¼, E½NW¼, NE¼SW¼, SE¼, Sec. 27, T. 40 N., R. 3 E., N. M. P. M., Colorado, for the construction of the proposed Gerrard Reservoir of the San Luis Valley Reclamation Project, Colorado, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of

the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 16, 1947.

[F. R. Doc. 47-4835; Filed, May 23, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-143]

ACCIDENT AT CAPE MAY, N. J.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry No. 86508 which occurred at Cape May, New Jersey, on May 11, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday and Wednesday, May 27 and 28, 1947, at 9:30 a. m. (local time) in Public Building, City Hall, City Council Chamber, Room 373, Wilmington, Delaware.

Dated at Washington, D. C., May 21, 1947.

[SEAL] R. W. CHRISP,
Presiding Officer.

[F. R. Doc. 47-4861; Filed, May 23, 1947; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

SOUTHWEST BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on April 28, 1947 there was filed with it an application (BAL-601) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WPUV, Pulaski, Virginia, from Howard R. Imboden, trading as Southwest Broadcasting Company to Southwest Broadcasting Corporation, 225 North Washington Avenue, Pulaski, Virginia.

The proposal to assign the license arises out of a contract of February 15, 1947 pursuant to which a 50% stock interest in and to the station, its properties and equipment would be acquired by W. F. White and Allan S. Aden for a consideration of $25,000 in cash. The station, its properties and license would be transferred to Southwestern Broadcasting Corporation, from which would be exempted, however, all cash on hand at the time of transfer and accounts receivable for services to said time. Assignor would assume all liabilities. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application the Commission was advised by applicants on April 28, 1947 that starting on May 5, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Pulaski, Virginia, in accordance with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from May 5, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

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

[F. R. Doc. 47-4880; Filed, May 23, 1947; 8:55 a. m.]

[Docket Nos. 7125, 7601]

J. E. RODMAN (KFRE) AND TULARE-KINGS COUNTIES RADIO ASSOCIATES (KTKC)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of J. E. Rodman (KFRE), Fresno, California, Docket No. 7125, File No. BP-3757; J. E. Richmond, Percy M. Whiteside, Homer W. Wood, Charles A. Whitmore and Morley M. Maddox, d/b as Tulare-Kings Counties Radio Associates (KTKC), Visalia, California, Docket No. 7601, File No. BP-3909; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled applications of J. E. Rodman, requesting a construction permit to change the facilities of Station KFRE, Fresno, California, from 1340 kc, 250 w power, unlimited time, to 970 kc, 1 kw power, unlimited time, employing a directional antenna, and J. E. Richmond, Percy M. Whiteside, Homer W. Wood, Charles A. Whitmore and Morley M. Maddox, d/b as Tulare-Kings Counties Radio Associates, requesting a construction permit to change the facilities of Station KTKC, Visalia, California from 940 kc, 5 kw power, unlimited time, employing a directional antenna to 940 kc, 50 kw power, unlimited time, employing a directional antenna and to change transmitter location, install a new transmitter and directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, 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 technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate Stations KFRE and KTKC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of Stations KFRE and KTKC as proposed and the character of other broadcast service available to those areas and populations.

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

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

6. To determine whether the installations and operations of Stations KFRE and KTKC 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.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4929; Filed, May 23, 1947; 9:06 a. m.]

[Docket No. 7484]

EUGENE BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Eugene Broadcasters, Inc., Eugene, Oregon, Docket No. 7484, File No. BP-4259; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1280

[1] Section 1.321, Part I, Rules of Practice and Procedure.

kc, 1 kw, using a directional antenna, unlimited time, at Eugene, Oregon, together with a petition of Carl E. Haymond, licensee of station KIT, Yakima, Washington, requesting that the above application be designated for hearing and that he be made a party to such hearing on the ground that a grant of the above application would cause objectionable interference to the area now served by station KIT;

Now, therefore, *It is ordered*, That the petition of Carl E. Haymond, be, and it is hereby, granted;

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Eugene Broadcasters, Inc., be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. 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 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 station would involve objectionable interference with station KIT, Yakima, Washington or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any 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 station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the extent of Station KIT's present interference free service areas, the nature and extent of the primary interference free service that it renders beyond its normally protected contours, the character of its program service to those areas, the populations involved and the character of other broadcast service available thereto and whether, and to what extent, such service should receive protection.

It is further ordered, That Carl E. Hammond, licensee of Station KIT, Yakima, Washington be, and he is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4912; Filed, May 23, 1947; 9:08 a. m.]

[Docket No. 7559]

AMARILLO BROADCASTING CORP. (KFDA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Amarillo Broadcasting Corporation (KFDA), Amarillo, Texas, Docket No. 7559, File No. BP-4353; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the frequency of station KFDA, Amarillo, Texas, to 1440 kc, increase power to 1 kw nighttime and 5 kw daytime, change transmitter site, install a new transmitter, and erect a new directional antenna for nighttime use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KFDA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KFDA 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 KFDA as proposed would involve objectionable interference with station KILO, Grand Forks, North Dakota, or with any other existing or authorized 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 KFDA as proposed would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Mexican station XEFI, Chihuahua, Chihuahua, or any other existing foreign broadcast station, and the nature and extent of such interference.

6. To determine whether the operation of station KFDA as proposed would involve objectionable interference with the services proposed in the pending application for change in facilities of KEYS, Corpus Christi, Texas (File No. BP-3999: Docket No. 7561), or 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.

7. To determine whether the installation and operation of station KFDA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, especially with section 4 of the Standards.

It is further ordered, That Dalton Le Masurier, licensee of station KILO, Grand Forks, North Dakota, be, and he is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4921; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 7810]

MIAMI BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Miami Broadcasting Company, Miami, Oklahoma, Docket No. 7810, File No. BP-4987; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 910 kc, with 1 kw power, unlimited time, employing a directional antenna for use day and night, at Miami, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station 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 station would involve objectionable interference with station WCOC, Meridian, Miss. or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and

populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any 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 station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Mississippi Broadcasting Company, Inc., licensee of Station WCOC, Meridian, Mississippi, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4909; Filed, May 23, 1947; 9:03 a. m.]

[Docket Nos. 7830, 8389]

FRANK M. HELM AND ALBERT ALVIN ALMADA

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Frank M. Helm, Modesto, California, Docket No. 7830, File No. BP-5184; Albert Alvin Almada, Sacramento, California, Docket No. 8389, File No. BP-5494; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of Frank M. Helm, requesting a construction permit for a new standard broadcast station to operate on 1390 kc, with 1 kw power and nighttime directional antenna at Modesto, California, and that of Albert Alvin Almada requesting a construction permit for a new standard broadcast station to operate on 1390 kc, with 1 kw power, unlimited time, using directional antenna night and day at Sacramento, California;

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

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

2. 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 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 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.

5. To determine whether the operation of the proposed station would involve objectionable interference with Station XEM, Chihuahua, Mexico or any other existing foreign broadcast station as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference, if any.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or 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.

7. 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.

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

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4932; Filed, May 23, 1947; 9:07 a. m.]

[Docket No. 7895]

HOLLAND BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Holland Broadcasting Company, Holland, Michigan, Docket No. 7895, File No. BP-5379; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1450 kc, with 250 w power, unlimited time, at Holland, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. 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 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 station would involve objectionable interference with Stations WKLA, Ludington, Michigan, WIBM, Jackson, Michigan, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any 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 station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Karl L. Ashbacker and Grant F. Ashbacker, d/b as Ludington Broadcasting Company, licensee of Station WKLA, Ludington, Michigan, and WIBM, Inc., licensee of Station WIBM, Jackson, Michigan, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4922; Filed, May 23, 1947; 9:05 a. m.]

[Docket Nos. 7937, 8185, 8186]

E. F. PEFFER (KGDM) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. F. Peffer (KGDM), Stockton, California, Docket No. 8185, File No. BP-5554; Contra Costa Broadcasting Company, Richmond, California, Docket No. 7937, File No. BP-5106; Sacramento Broadcasters, Inc., Chico, California, Docket No. 8186; File No. BP-5745; for construction permits.

At a session of the Federal Communications Commission, held at its offices

in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled applications of E. F. Peffer (KGDM), presently operating on 1140 kc, 5 kw, unlimited time, using a directional antenna at night, for a construction permit to increase power to 10 kw, make changes in the directional antenna, and install a new transmitter; Contra Costa Broadcasting Company, for a construction permit for a new standard broadcast station to operate on 1150 kc, with 250 w power, daytime only, at Richmond, California, and Sacramento Broadcasters, Inc., for a construction permit for a new standard broadcast station to operate on 1150 kc, with 1 kw power daytime only, at Chico, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, 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 corporations, their officers, directors and stockholder to construct and operate their proposed stations and the technical, financial and other qualifications of the individual applicant to construct and operate Station KGDM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from proposed operations 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 proposed operations or any one of them 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 proposed operations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations proposed by the applicants 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 any, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4936; Filed, May 23, 1947; 9:07 a. m.]

[Docket Nos. 7952, 8370]

KANSAS BROADCASTING, INC., AND LINCOLN BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Kansas Broadcasting, Inc (KANS), Wichita, Kansas, Docket No. 7952, File No. BP-5159; Lincoln Broadcasting Corp., Lincoln, Nebraska, Docket No. 8370, File No. BP-4985; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of Kansas Broadcasting, Inc. (KANS), for a construction permit to change frequency to 1480 kc, using 1 kw power, 5 kw-LS, unlimited time, using a directional antenna at night at Wichita, Kansas; a petition of Kansas Broadcasting, Inc., (KANS) to waive a hearing of said application; and the above-entitled application of Lincoln Broadcasting Corp. for a construction permit for a new standard broadcast station to operate on the frequency 1480 kc, with 1 kw power, unlimited time, using directional antenna arrays day and night, at Lincoln, Nebraska;

It appearing that the above-entitled applications involve objectionable daytime interference; and

It further appearing that the above-entitled application of Lincoln Broadcasting Corp. will involve objectionable daytime interference to and from Station KBON, Omaha, Nebraska, operating on 1490 kc, with 250 w power, unlimited time; and

It further appearing that the Commission on November 7, 1946, designated for hearing the above-entitled application of Kansas Broadcasting, Inc., (KANS);

It is ordered, That the aforesaid petition of Kansas Broadcasting, Inc., (KANS) be, and it is hereby, denied; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of Lincoln Broadcasting Corp. be, and it is hereby, designated for hearing in a consolidated proceeding with the said application of Kansas Broadcasting, Inc., (KANS) at a time and place to be designated by subsequent order of the Commission, the said applications to be heard upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of Lincoln Broadcasting Corp., its officers, directors and stockholders and the technical, financial and other qualifications of Kansas Broadcasting, Inc., its officers, directors and stockholders to construct and operate the proposed Lincoln station and Station KANS as proposed respectively.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed Lincoln station and Station KANS as proposed respectively 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 Lincoln station would involve objectionable interference with Station KBON, Omaha, Nebraska, and whether the operation of the proposed Lincoln station and Station KANS as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

6. To determine whether the installation and operation of the proposed Lincoln station and Station KANS 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 November 7, 1946, designating the above-entitled application of Kansas Broadcasting, Inc. (KANS) for hearing be, and it is hereby amended, to delete the issues therein specified.

It is further ordered, That Inland Broadcasting Company, licensee of Station KBON, Omaha, Nebraska, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4931; Filed, May 23, 1947; 9:06 a. m.]

[Docket No. 7974]

RADIOTELEGRAPH SERVICE BETWEEN UNITED STATES AND FOREIGN AND OVERSEAS POINTS AND ASSIGNMENT OF FREQUENCIES FOR SUCH SERVICE

ORDER SETTING HEARING DATE

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 8th day of May 1947;

The Commission, having under consideration its order of November 27, 1946 herein;

It is ordered, That the proceedings herein are assigned for hearing beginning at 10:00 a. m. on the 6th day of October 1947, at the offices of the Federal Communications Commission in Washington, D. C.;

It is further ordered, That the Commission's Telegraph Committee, is authorized to preside at the hearings, and otherwise to conduct the proceedings herein;

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4888; Filed, May 23, 1947; 8:56 a. m.]

[Docket No. 8005]

KJAN BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KJAN Broadcasting Company, Inc., Opelousas, Louisiana, Docket No. 8005, File No. BP-5143; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 910 kc, with 1 kw power, unlimited time, at Opelousas, Louisiana, employing a directional antenna for night use.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station 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 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.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any 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 station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4910; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 8008]

EUGENE BROADCAST STATION (KORE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Violet G. Hill Motter and Violet G. Hill Motter, Administratrix of the Estate of Frank L. Hill, deceased, d/b as Eugene Broadcast Station (KORE), Eugene, Oregon, Docket No. 8008, File No. BP-5470; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change frequency from 1450 kc to 1460 kc, to increase power from 250 w to 1 kw, to install new transmitter and directional antenna for day and night use and to change transmitter location;

It is ordered, That, pursuant to Section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station KORE as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KORE 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 the station 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 the station as proposed would involve objectionable interference with the services proposed in the pending application of KSAN, in San Francisco, California, (BP-3913) and an application for Santa Cruz, California (BP-4150) or either of them, or 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 KORE as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4897; Filed, May 23, 1947; 9:01 a. m.]

[Docket Nos. 8011, 8012, 8162, 8338, 8339]

AMERICAN BROADCASTING CO., INC. (KGO) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED MEETING ON STATED ISSUES

In the matter of applications of American Broadcasting Company, Inc. (KGO), San Francisco, California, docket No. 8011, file No. BMP-2157; for modification of construction permit; Denver Broadcasting Company, Denver, Colorado, Docket No. 8012, file No. BP-5141; for construction permit; modification of broadcast license of General Electric Company (WGY), Schenectady, New York, Docket No. 8162, file No. BS-264; KCMO Broadcasting Company (KCMO), Kansas City, Missouri, Docket No. 8338, file No. BMP-2556; for modification of construction permit; A. Frank Katzentine (WKAT), Miami Beach, Florida, Docket No. 8339, file No. BP-5973.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled applications of KCMO Broadcasting Company requesting a modification of construction permit to authorize a change in the facilities of Station KCMO, Kansas City, Missouri, from 810 kc, 10 kw, 50 kw local sunset power, unlimited time, employing a directional antenna at night to 810 kc, 50 kw power, unlimited time, and changes in the directional antenna, and A. Frank Katzentine requesting a construction permit to change the facilities of Station WKAT, Miami Beach, Florida from 1360 kc, 1kw, 5kw local sunset power, unlimited time to 810 kc, 50 kw power, unlimited time, employing a directional antenna at night;

It appearing, that the Commission on December 17, 1946, designated for hear-

ing in a consolidated proceeding the applications of American Broadcasting Company, Inc. (KGO) (File No. BMP-2157; Docket No. 8011), requesting a modification of construction permit to authorize changes in the directional antenna of Station KGO, San Francisco, California and Denver Broadcasting Company (File No. BP-5141; Docket No. 8012), requesting a construction permit for a new standard broadcast station to operate on 810 kc, 25 kw, 50 kw local sunset power, unlimited time, employing a directional antenna day and night, at Denver, Colorado and the request of American Broadcasting Company, Inc. (KGO) that Station WGY, Schenectady, New York, be required to install a directional antenna which would afford nighttime protection to Station KGO operating as proposed and General Electric Company, licensee of Station WGY was, in such order and as a part of said proceeding, afforded the opportunity to show cause why its license should not be so modified;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of KCMO Broadcasting Company and A. Frank Katzentine be, and they are hereby, designated for hearing in the above 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 individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate Stations KCMO and WKAT as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of Stations KCMO and WKAT as proposed and the character of other broadcast service available to those areas and populations.

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

4. To determine whether the operations of Stations KCMO and WKAT as proposed would involve objectionable interference with Station WGY, Schenectady, New York, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of Stations KCMO and WKAT as proposed would involve objectionable interference, each with the other, or with the services proposed in the other pending applications in this proceeding, or 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 installations and operations of Stations KCMO and WKAT 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 any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order, dated December 17, 1946, designating the aforementioned applications of American Broadcasting Company, Inc. (KGO) and Denver Broadcasting Company and the show cause order of General Electric Company (WGY) for modification of license, be, and it is hereby, amended to include the aforementioned applications of KCMO Broadcasting Company (KCMO) and A. Frank Katzentine (WKAT), and to include among the issues for hearing, Issue No. 7, stated above.

It is further ordered, That General Electric Company, licensee of Station WGY, Schenectady, New York, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4943; Filed, May 23, 1947; 9:09 a. m.]

[Docket Nos. 8025, 8257, 8258, 8369]

SEMINOLE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louis F. Leurig and F. F. McNaughton, d/b as Seminole Broadcasting Company, Wewoka, Oklahoma, Docket No. 8025, File No. BP-5270; Ellis County Broadcasting Company, Waxahachie, Texas, Docket No. 8257, File No. BP-5339; Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; West Central Broadcasting Company, Tulsa, Oklahoma, Docket No. 8369, File No. BP-4797; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of April 1947;

The Commission having under consideration the above entitled applications of Louis F. Leurig and F. F. McNaughton, d/b as Seminole Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 720 kc, 250 w power, daytime only, at Wewoka, Oklahoma and West Central Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 740 kc, 25 kw, 50 kw local sunset power, unlimited time, employing a directional antenna, at Tulsa, Oklahoma;

It appearing that the Commission on March 20, 1947, designated for hearing in a consolidated proceeding the application of Ellis County Broadcasting Company (File No. BP-5339; Docket No. 8257) requesting a construction permit for a new standard broadcast station to operate on 730 kc, 250 w power, daytime only, at Waxahachie, Texas, and Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company (File No. BP-5820; Docket No. 8258) requesting a construction permit for a new standard broadcast station to operate on 740 kc, with 5 kw, 10 kw local sunset power, unlimited time, employing a directional antenna, at Dallas, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Louis F. Leurig and F. F. McNaughton, d/b as Seminole Broadcasting Company and West Central Broadcasting Company be, and they are hereby, designated for hearing in the above 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 partnership and the partners, and of the applicant corporation, its officers, directors and stockholders 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 operations 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 services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations 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 operations of the proposed stations would involve objectionable interference, each with the other, with the services proposed in the other pending applications in this proceeding or 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 operations 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 the overlap, if any, that will exist between the service areas of the proposed station of West Central Broadcasting Company and of station WKY at Oklahoma City, Oklahoma, the nature and extent thereof and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

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

It is further ordered, That, the Commission's order, dated March 20, 1947, designating the above entitled applica-

tions of Ellis County Broadcasting Company and Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, for hearing in a consolidated proceeding be, and it is hereby, amended to include the above entitled applications of Louis F. Leurig and F. F. McNaughton, d/b as Seminole Broadcasting Company and West Central Broadcasting Company and to include among the issues for hearing, Issue No. 8, stated above.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4928; Filed, May 23, 1947; 9:06 a. m.]

[Docket Nos. 8170, 8171, 8348]

WESTERN PENNSYLVANIA BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Western Pennsylvania Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 8170, File No. BP-5344; East Liverpool Broadcasting Company, East Liverpool, Ohio, Docket No. 8171, File No. BP-5799; United Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 8348, File No. BP-5863; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application of United Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1470 kc, with 5 kw power, unlimited time, using a directional antenna, at Pittsburgh, Pennsylvania, and also having under consideration a petition filed March 17, 1947 by Lehigh Valley Broadcasting Company, licensee of station WSAN, Allentown, Pennsylvania, requesting that said application be designated for hearing, and a similar petition filed April 25, 1947 by Calcasieu Broadcasting Company, licensee of station KPLC, Lake Charles, Louisiana;

It appearing that the Commission on March 6, 1947, designated for hearing in a consolidated proceeding the applications of Western Pennsylvania Broadcasting Corporation (File No. BP-5344; Docket No. 8170) requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, in Pittsburgh, Pennsylvania, and East Liverpool Broadcasting Company (File No. BP-5799; Docket No. 8171) requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Liverpool, Ohio;

It is ordered, That the said petitions of Lehigh Valley Broadcasting Company and Calcasieu Broadcasting Company be, and they are hereby, granted, and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of United Broadcasting Corporation be, and it is hereby, designated for hearing in the above 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 corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station 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 station would involve objectionable interference with station WSAN, Allentown, Pennsylvania, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any of the other applications in the consolidated proceeding, in the pending applications of Calcasieu Broadcasting Company (KPLC) (File No. BP-3623; Docket No. 6664), KRIC, Inc. (KRIC) (File No. BP-4410; Docket No. 7321), or 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 operation of the proposed station would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Canadian station CFOS, Owen Sound, Ontario, or any other existing foreign broadcast station, and the nature and extent of such interference.

7. 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.

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

It is further ordered, That the order of the Commission dated March 6, 1947, designating for hearing the applications of Western Pennsylvania Broadcasting Corporation and East Liverpool Broadcasting Company, be, and it is hereby, amended to include said application of United Broadcasting Corporation and to change issue No. 7 of said order to read as issue No. 8 above stated.

It is further ordered, That Lehigh Valley Broadcasting Company, licensee of station WSAN, Allentown, Pennsylvania, Calcasieu Broadcasting Company, licensee of station KPLC, Lake Charles, Louisiana, and KRIC, Inc., licensee of station KRIC, Beaumont, Texas, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4930; Filed, May 23, 1947; 9:06 a. m.]

[Docket No. 8313]

LOUIS WASMER (KGA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Louis Wasmer (KGA), Spokane, Washington, Docket No. 8313, File No. BP-4647; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit to increase power of Station KGA, Spokane, Washington, currently operating on 1510 kc, 10 kw, DA-N, unlimited time, to 50 kw, using a directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant to construct and operate Station KGA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KGA 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 KGA as proposed would involve objectionable interference with Station WLAC, Nashville, Tennessee, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KGA as proposed would involve objectionable interference with the services proposed in any 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 KGA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That J. T. Ward, trading as WLAC Broadcasting Service, be, and he is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4920; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 8315]

ROCKFORD BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Rockford Broadcasters, Inc. (WROK), Rockford, Illinois, Docket No. 8315, File No. BP-5555; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change transmitter site, increase height of vertical antenna and use new radiator as a support for an FM antenna, for Station WROK, Rockford, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 Station WROK as proposed and the character of other broadcast service available to those areas and populations.

2. 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.

3. To determine whether the operation of Station WROK as proposed would involve objectionable interference with Station WBCM, Bay City, Michigan, or with any other existing or authorized 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.

4. To determine whether the operation of Station WROK as proposed would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Canadian station CHNO, Sudbury, Ontario, or any other existing foreign broadcast station, and the nature and extent of such interference.

5. To determine whether the operation of Station WROK as proposed would involve objectionable interference with the services proposed in any 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 WROK as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Bay Broadcasting Company, Inc., licensee of Station WBCM, Bay City, Michigan, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4926; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 8316]

WMPS INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WMPS, Inc., Memphis, Tennessee, Docket No. 8316, File No. BMP-2388; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of April 1947;

The Commission having under consideration: (1) The above-entitled application (File No. BMP-2388) for modification of construction permit. File No. BP-4310 as modified (which authorized this applicant to change the operating frequency of WMPS, Memphis, Tennessee, from 1460 kc to 680 kc to increase power from 500 w night and 1 kw day to 5 kw night and 10 kw day, to install a new transmitter and directional antenna for night use, and to change transmitter location), so as to increase nighttime operating power from 5 kw to 10 kw using a directional antenna at night; (2) a petition and a corrected petition of KFEQ, Inc., licensee of Station KFEQ (680 kc, 5 kw, U, DA-2), St. Joseph, Missouri, alleging that a grant of the above application would cause objectionable interference within the protected service area of Station KFEQ, and requesting that said application be designated for hearing and that KFEQ, Inc., be made a party to such proceedings; (3) the above applicant's opposition to the KFEQ, Inc., petition and corrected petition; (4) petitioner's reply to applicant's opposition to petition; and (5) applicant's answer to the reply to the opposition to the petition to designate; and

It appearing, that from an examination of the above application and the respective pleadings, together with the exhibits filed in support thereof, the Commission is unable to determine the objectionable interference, if any, that would occur within the KFEQ service area by the operation of WMPS as proposed;

Now, therefore, it is ordered, That the petition of WFEQ, Inc., be, and it is hereby, granted: and

It is further ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application of WMPS, Inc., be, and it is hereby, 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 Station WMPS as proposed and the character of other broadcast services available to those areas and populations.

2. To determine whether the operation of Station WMPS as proposed would involve objectionable interference with Station KFEQ, St. Joseph, Missouri, or with Station WPTF, Raleigh, North Carolina, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WMPS as proposed would involve objectionable interference with the services proposed in any 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 Station WMPS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That KFEQ, Inc., licensee of Station KFEQ, St. Joseph, Missouri, and WPTF Radio Company, licensee of Station WPTF, Raleigh, North Carolina, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4923; Filed, May 23, 1947; 9:05 a. m.]

[Docket Nos. 8318-8332]

SAN PEDRO PRINTING AND PUBLISHING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARINGS ON STATED ISSUES

In re applications of San Pedro Printing and Publishing Company, San Pedro, California, File No. BPH-488, Docket No. 8318; Southern California Associated Newspapers, Glendale, Califor-

nia, File No. BPH–490, Docket No. 8319; Walter Muller and Frank Muller d/b as Muller Brothers, Hollywood, California, File No. BPH–1092, Docket No. 8320; Don C. Martin tr/as School of Radio Arts, Beverly Hills, California; File No. BPH–1105, Docket No. 8321; Robert Burdette, San Fernando, California, File No. BPH–1124, Docket No. 8322; William R. Haupt, Inglewood, California, File No. BPH–1162, Docket No. 8323; Airtone Company, Long Beach, California, File No. BPH–1166, Docket No. 8324; Edward J. Murset et al. d/b as California Broadcasting Company, Santa Monica, California, File No. BPH–1170, Docket No. 8325; Arthur H. Croghan, Santa Monica, California, File No. BPH–1175, Docket No. 8326; Rodgers and McDonald Newspapers, Inglewood, California, File No. BPH–1182, Docket No. 8327; Nichols and Warinner, Incorporated, Long Beach, California, File No. BPH–1196, Docket No. 8328; San Fernando Valley Broadcasting Company, San Fernando, California, File No. BPH–1212, Docket No. 8329; Centinela Valley Broadcasting Company, Inglewood, California, File No. BPH–1214, Docket No. 8330; Alhambra Broadcasters, Inc., Alhambra, California, File No. BPH–1227, Docket No. 8331; Angelus Broadcasting Company, a copartnership composed of Gomer Cool, A. L. Nunamaker and Blaine O. Bender, Temple City, California, File No. BPH–1237, Docket No. 8332.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of April 1947;

The Commission having under consideration the above-entitled applications requesting construction permits for new Class A FM stations in the vicinity of Los Angeles;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by a subsequent order of the Commission each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, its officers, directors and stockholders or partners to construct and operate the proposed station.

2. To obtain full information with respect to the character of the proposed program service.

3. To determine the areas and population which may be expected to receive service from the proposed station.

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

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

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

It is further ordered, That, the applications of Southern California Associated Newspapers, Glendale, California (BPH–490) and San Pedro Printing and Publishing Company, San Pedro, California (BPH–488), be heard upon the following additional issue.

7. To determine what overlap of service areas, if any, exists between the proposed station and any other existing or proposed stations owned, operated or controlled by the same interests as the proposed station, and whether such overlap, if any, is in contravention of § 3.240 of the Commission's rules and regulations.

It is further ordered, That, the applications of Walter Muller and Frank Muller, d/b as Muller Brothers, Hollywood, California (BPH–1092) and San Pedro Printing and Publishing Company, San Pedro, California (BPH–488) be heard upon the following additional issue:

8. To determine whether a grant of the application would be in contravention of § 3.203 (b) of the Commission's rules and regulations and if so, whether the public interest, convenience and necessity would be served by a waiver of § 3.203 (b).

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

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

[F. R. Doc. 47–4927; Filed, May 23, 1947; 9:06 a. m.]

[Docket No. 8335]

UNIVERSITY OF FLORIDA (WRUF)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of University of Florida (WRUF), Gainesville, Florida, Docket No. 8335, File No. BP–4682; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for an increase in nighttime operating power of standard broadcast station WRUF at Gainesville, Florida, from 100 watts to 5 kw using a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 station WRUF as proposed and the character of other broadcast service available to those areas and populations.

2. 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.

3. To determine whether the operation of station WRUF as proposed would involve objectionable interference with stations WHDH, Boston, Massachusetts, or with WNAO, Raleigh, North Carolina (construction permit) or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of station WRUF as proposed 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.

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

6. To determine whether the operation of Station WRUF as proposed would involve objectionable interference with the operation of a proposed Class II Cuban station, to operate at Santiago, Oriente, on the frequency 850 kc, with 2 kw power, or with any other proposed or existing foreign broadcast station, under the provisions of the North American Regional Broadcasting Agreement, and, if so, the nature and extent thereof.

It is further ordered, That Matheson Radio Company, Inc., licensee of Station WHDH, Boston, Massachusetts, and The News and Observer Publishing Company, permittee of station WNAO, Raleigh, North Carolina, be, and they are hereby made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–4924; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 8336]

BREMER BROADCASTING CORP. (WAAT)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Bremer Broadcasting Corporation (WAAT), Newark, New Jersey, Docket No. 8336, File No. BP–4691; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to in-

crease the power of station WAAT, Newark, New Jersey, from 1 kw to 5 kw, to make changes in directional antenna, and to install a new transmitter;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WAAT as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WAAT 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 WAAT as proposed would involve objectionable interference with stations WEBR, Buffalo, New York, as authorized to operate on 970 kc under construction permit, WELI, New Haven, Connecticut, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WAAT as proposed would involve objectionable interference with Canadian station CKCH, Hull, Quebec, Cuban station CMKU, Santiago de Cuba, or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference.

6. To determine whether the operation of station WAAT as proposed would involve objectionable interference with the services proposed in the pending application of Viking Broadcasting Company, Newport, Rhode Island (File No. BP-5953; Docket No. 8284), or 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.

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

It is further ordered, That WEBR, Inc., licensee of station WEBR, Buffalo, New York, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4925; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 8341]

RADIO BROADCASTERS, INC. (KRKD)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Broadcasters, Incorporated, Los Angeles, California (KRKD), Docket No. 8341, File No. BML-1242; for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application requesting authorization to increase nighttime power to 2.5 kw;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, 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 KRKD as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KRKD 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 KRKD as proposed would involve objectionable interference with station KRSC, Seattle, Washington, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KRKD as proposed would involve objectionable interference with the services proposed in the pending applications of KSAL, Inc., licensee of KSAL, Salina, Kansas (File No. BP-4364, Docket No. 7490); KFJI Broadcasters, licensee of KFJI, Klamath Falls, Oregon (File No. BP-4573); and Gila Broadcasting Company, Coolidge, Arizona (File No. BP-4677) or 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 KRKD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

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

[F. R. Doc. 47-4913; Filed, May 23, 1947; 9:04 a. m.]

[Docket No. 8342]

PEKIN BROADCASTING CO., INC. (WSIV)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Pekin Broadcasting Co., Inc. (WSIV), Pekin, Illinois, Docket No. 8342, File No. BMP-2561; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application for modification of construction permit to change frequency to 1150 kc, with 500 watts power nighttime and 1 kw daytime, using a directional antenna day and night.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WSIV as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WSIV 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 the proposed station WSIV as proposed would involve objectionable interference with station WJBO, Baton Rouge, Louisiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the Canadian Station CKX, Brandon, Manitoba, under the provisions of the North American Regional Broadcasting Agreement, and the nature and extent thereof.

6. To determine whether the operation of station WSIV as proposed would involve objectionable interference with the services proposed in the pending application of Des Moines Broadcasting Corporation, Des Moines, Iowa (File No. BP-4940; Docket No. 7827), or 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.

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

It is further ordered, That, Baton Rouge Broadcasting Co., Inc., licensee of

Station WJBO, Baton Rouge, Louisiana be and it is hereby made a party to this proceeding. Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4914; Filed, May 23, 1947; 9:04 a. m.]

[Docket Nos. 8343, 8365, 8366]

COPPER BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Frank C. Carman, David G. Smith, Frank C. Carman, administrator of the estate of Jack L. Powers, and Grant R. Wrathall, d/b as Copper Broadcasting Company (KOPR), Butte, Montana, Docket No. 8365, File No. BMP-2567; for modification of construction permit; and Treasure State Broadcasting Company, Inc., Butte, Montana, Docket No. 8366, File No. BP-5943; for construction permit; and Eastern Idaho Broadcasting and Television Company (KIFI), Idaho Falls, Idaho, Docket No. 8343, File No. BP-5978; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above entitled applications of Copper Broadcasting Company (KOPR) for a modification of construction permit to authorize Station KOPR, Butte, Montana, to operate on the frequency 580 kc with 1 kw power, unlimited time, with directional antenna at night, instead of on the frequency 550 kc as presently authorized; of Treasure State Broadcasting Company, Inc., for a construction permit for a new standard broadcast station to operate on the frequency 610 kc with 1 kw power, unlimited time, with directional antenna at night, at Butte, Montana; and of Eastern Idaho Broadcasting and Television Company (KIFI) for a construction permit to authorize Station KIFI, Idaho Falls, to change frequency from 1400 kc to 550 kc, increase power to 1 kw, install new transmitter at a new location, and to use directional antenna at night; and also having under consideration a petition filed by Treasure State Broadcasting Company, Inc., requesting that its said application be conditionally granted, pursuant to § 1.385 (e) (2) of the Commission's rules and regulations; and

It appearing that the above-entitled application of Eastern Idaho Broadcasting and Television Company (KIFI) was, pursuant to section 309 (a) of the Communciations Act of 1934, as amended, designated for separate hearing on April 25, 1947, but that no order or issues relative to such hearing have been published; and

It further appearing that the proposed operation of Station KIFI at Idaho Falls, Idaho, would involve problems of objectionable interference with the proposed operation of Station KOPR as presently authorized on 550 kc at Butte, Montana, and that the public interest would be served by hearing the said application of Eastern Idaho Broadcasting and Television Company (KIFI) in a consolidated proceeding with the other above entitled applications; and

It further appearing that the city of Butte, Montana, presently receives local broadcast service from two standard broadcast stations and that the public interest does not require the prompt establishment of new or additional service to that city within the meaning of § 1.385 (e) (2) of the Commission's rules and regulations; but that, in view of the nature of the allegations contained in the said petition of Treasure State Broadcasting Company, Inc., and the fact that Copper Broadcasting Company, by its construction permit and its above-entitled application, is forestalling the utilization of a number of standard broadcast frequencies which would otherwise be available at Butte, an early hearing upon the merits of the aforesaid applications is warranted and would be in the public interest;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Copper Broadcasting Company (KOPR) (File No. BMP-2567) and Treasure State Broadcasting Company, Inc., (File No. BP-5943) be, and they are hereby, designated for hearing to be heard in a consolidated proceeding with the said application of Eastern Idaho Broadcasting and Television Company (KIFI) (File No. BP-5978), and that the three applications be heard upon the following issues:

1. To determine the legal qualifications of the applicant, Treasure State Broadcasting Company, Inc., its officers, directors and stockholders, and the technical, financial and other qualifications of all the applicants, including the individual partners of the applicant partnership and the officers, directors and stockholders of the several corporations, to construct and operate the stations as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations 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 proposed operations would involve objectionable interference with any existing or authorized 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 proposed operations would involve objectionable interference with the services proposed in any 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 proposed installations and operations 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 any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the said hearing upon the above entitled applications, for reasons aforesaid, be, and it is hereby, scheduled to commence at 10 a. m., June 2, 1947, at Washington, D. C.

It is further ordered, That, for the reasons aforesaid, the said petition of Treasure State Broadcasting Company, Inc., for conditional grant of its said application be, and it is hereby, denied.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4941; Filed, May 23, 1947; 9:09 a. m.]

[Docket No. 8345]

MONTANA NETWORK

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Montana Network, Billings, Montana, Docket No. 8345, File No. BP-5716; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1550 kc., 1 kilowatt, 5 kw-LS, unlimited time, at Billings, Montana;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station 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 station would involve objectionable interference with any ex-

isting 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 station would involve objectionable interference with the services proposed in any 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 station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of the proposed station would be in accordance with the terms of the North American Regional Broadcasting Agreement and particularly whether the proposed operation would cause objectionable interference to those stations in Canada and Mexico afforded priority on the 1550 kc channel, as defined in such Agreement.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4916; Filed, May 23, 1947; 9:04 a. m.]

[Docket No. 8346]

MATTA BROADCASTING CO. (WLOA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Matta Broadcasting Company (WLOA), Braddock, Pennsylvania, Docket No. 8346, File No. BMP-2478; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application for modification of construction permit to increase power and hours of operation of Station WLOA, Braddock, Pennsylvania, now operating on 1550 kc, 1 kw, daytime only, to 5 kw, using a directional antenna at night, unlimited time.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WLOA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WLOA 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 WLOA 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 WLOA as proposed would involve objectionable interference with the services proposed in any 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 WLOA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of the proposed station would be in accordance with the terms of the North American Regional Broadcasting Agreement and particularly whether the proposed operation would cause objectionable interference to those stations in Canada and Mexico afforded priority on the 1550 kc channel, as defined in such Agreement.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4917; Filed, May 23, 1947; 9:04 a. m.]

[Docket No. 8347]

DALRAD ASSOCIATES

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Baird Bishop and Ed Bishop, d/b as Dalrad Associates, Dalhart, Texas, Docket No. 8347, File No. BP-4919; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1410 kc, 250 w., power, unlimited time, at Dalhart, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. 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 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 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.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any 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 station would be incompliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of Class IV stations to regional channels.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4919; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 8349]

MCCLATCHY BROADCASTING CO. (KERN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of McClatchy Broadcasting Company (KERN), Bakersfield, California, Docket No. 8349, File No. BP-5974; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station KERN, Bakersfield, California, from 1410 kc., with 1 kw. power, unlimited time to 1410 kc., with 5 kw. power, unlimited time, employing a directional antenna and to install a new transmitter and directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station KERN as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KERN 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 KERN 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 KERN as proposed would involve objectionable interference with the services proposed in any 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 KERN as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the proposed transmitter site.

7. To determine the overlap, if any, that will exist between the service areas of Station KERN as proposed and of Station KMJ at Fresno, California, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4918; Filed, May 23, 1947; 9:04 a. m.]

[Docket Nos. 8350, 8351]

WOODWARD BROADCASTING CO. AND LINCOLN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wooward Broadcasting Company, Detroit, Michigan, Docket No. 8351, File No. BPH-1240; Ellis C. Thompson, Harold I. Tanner and John A. Ross d/b as Lincoln Broadcasting Company, Detroit, Michigan, Docket No. 8350, File No. BPH-1231; for FM construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled applications for construction permits for Class B FM broadcast stations in Detroit, Michigan; and

It appearing that a maximum of one Class B channel is available for immediate assignment in the vicinity of Detroit;

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

1. To determine the legal, technical and other qualifications of the applicant, its officers, directors and stockholders or partners to construct and operate the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

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

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable for this proceeding.

By the Commission.

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

[F. R. Doc. 47-4942; Filed, May 23, 1947; 9:09 a. m.]

[Docket Nos. 8353, 8354]

RADIO MODESTO, INC., AND MERCED BROADCASTING CO. (KYOS)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Modesto, Inc., Modesto, California, Docket No. 8353, File No. BP-5885; Merced Broadcasting Company (KYOS), Merced, California, Docket No. 8354, File No. BP-5886; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above entitled application of Radio Modesto, Inc., requesting a construction permit for new standard broadcast station to operate on 1360 kc, with 1 kw power, unlimited time, employing a directional antenna for day and night use; and the application of Merced Broadcasting Company (KYOS) for construction permit to change the operating assignment of station KYOS from 1490 kc, with 250 watts power, unlimited time to 1360 kc, with 1 kw power, unlimited time, to install new transmitter and directional antenna for nighttime use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, 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, Radio Modesto, Inc., its officers, directors and stockholders to construct and operate its proposed station, and the technical, financial, and other qualifications of the applicant, Merced Broadcasting Company, its officers, directors and stockholders, to construct and operate station KYOS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations 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 proposed operations, or either of them, 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 proposed operations, or either of them, would involve objectionable interference, each with the other, or with the services proposed in the pending application of Don Lee Broadcasting System (KGB), (File No. BP-4330; Docket No. 7497) or 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 installations and operations proposed by the applicants 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.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4938; Filed, May 23, 1947; 9:08 a. m.]

[Docket No. 8355]

LAKE COUNTY BROADCASTERS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of C. Harold Ferran, E. L. Ferran, Harvey K. Glass, R. J. Schneider and Frank W. Stebbins, d/b as Lake County Broadcasters, Eustis, Florida, Docket No. 8355, File No. BP-5193; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 790 kilocycles with 1 kilowatt power, unlimited time at Eustis, Florida, using a directional antenna (DA–1) day and night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. 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 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 station would involve objectionable interference with station WWPF, Palatka, Florida, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed 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.

6. 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.

7. To determine whether the operation of the proposed station would involve objectionable interference with Station CMCH, Havana, Cuba, or with any other foreign broadcast station, contrary to the provision of the North American Regional Broadcasting Agreement and, if so, the nature and extent thereof.

It is further ordered, That J. E. Massey and L. C. McCall d/b as Palatka Broadcasting Company, licensee of station WWPF be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4907; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 8357]

RAOUL A. CORTEZ (KCOR)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Raoul A. Cortez (KCOR), San Antonio, Texas, Docket No. 8357, File No. BP–5472; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application, requesting a construction permit to change the facilities of Station KCOR, San Antonio, Texas, from 1350 kc, 1 kw power, daytime only, to 1350 kc, 5 kw power, unlimited time, employing a directional antenna day and night, to install a new transmitter and change transmitter location;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant to construct and operate Station KCOR as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KCOR 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 KCOR as proposed would involve objectionable interference with Stations WSMB, New Orleans, Louisiana; KVIC, Victoria, Texas; KRIS, Corpus Christi, Texas; or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KCOR as proposed would involve objectionable interference with the services proposed in any 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 KCOR as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WSMB, Inc., licensee of Station WSMB, New Orleans, Louisiana; Radio Enterprises, Inc., licensee of Station KVIC, Victoria, Texas; and Gulf Coast Broadcasting Company, licensee of Station KRIS, Corpus Christi, Texas, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4891; Filed, May 23, 1947; 8:57 a. m.]

[Docket No. 8359]

KUOA, INC.

ORDER DESIGNATING APPLICATION FOR HEARING STATED ISSUES

In re application of KUOA, Inc. (KUOA), Siloam Springs, Arkansas, Docket No. 8359, File No. BP 5400; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station KUOA, Siloam Springs, Ark., from 1290 kc, 5 kw, daytime only to 500 w, 5 kw–LS, unlimited time, using a directional antenna at night and to install a new antenna system,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station KUOA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KUOA 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 KUOA as proposed would involve objectionable interference with stations KOIN, Omaha, Nebraska, or WIRL, Peoria, Illinois, or KRGV, Weslaco, Texas or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KUOA as proposed 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 station KUOA as proposed would be in compliance with

the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Central States Broadcasting Company, licensee of station KOIL, E. J. and J. H. Altorfer, and J. M. Camp, K. A. and T. W. Swain, Doing Business As Illinois Valley Broadcasting Company, licensee of station WIRL and KRGV, Inc., licensee of station KRGV, be, and they are hereby made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4890; Filed, May 23, 1947; 8:57 a. m.]

[Docket No. 8360]

KRGV, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KRGV, Inc. (KRGV), Weslaco, Texas, Docket No. 8360, File No. BP-5734; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit: to increase the power of station KRGV at Weslaco, Texas, from 1 kilowatt unlimited time, 1290 kc, to 5 kilowatts, unlimited time, 1290 kc; to install a directional antenna for day and night use (DA-1), and to make changes in transmitter and studio locations and equipment;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KRGV as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KRGV 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 population and areas proposed to be served.

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

5. To determine whether the operation of station KRGV as proposed 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 station KRGV as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of station KRGV as proposed would be in compliance with the terms and provisions of the North American Regional Broadcasting Agreement which require that the service areas of certain foreign stations, as therein defined, be protected from objectionable interference as also therein defined.

8. To determine the overlap, if any, that will exist between the service areas of station KRGV as proposed and of station KTSA at San Antonio, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4889; Filed, May 23, 1947; 8:57 a. m.]

[Docket Nos. 8361, 8362]

SILVER GATE BROADCASTING CO. (KYOR) AND LUTHER E. GIBSON (KHUB)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Albert E. Furlow, Frank G. Forward, Roy M. Ledford, Fred H. Rohr and Mary W. Hetzler, 4/b as Silver Gate Broadcasting Company (KYOR), San Diego, California, Docket No. 8361, File No. BP-5438; Luther E. Gibson (KHUB), Watsonville, California, Docket No. 8362, File No. BP-5586; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled applications of Silver Gate Broadcasting Company (File No. BP-5438) requesting a construction permit to increase power of station KYOR, operating on 1130 kc at San Diego, California, from 250 watts to 5 kw, extend operating time to unlimited and install directional antenna, and of Luther E. Gibson (File No. BP-5586) for construction permit to authorize station KHUB, Watsonville, California, to operate on 1130 kc with 5 kw power, unlimited time using a directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, 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 technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the stations as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the stations 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 the stations 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 the stations as proposed 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 proposed installations and operations 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.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4940; Filed, May 23, 1947; 9:08 a. m.]

[Docket Nos. 8363, 8364]

TWIN CITIES BROADCASTING CORP. (WDGY) AND PONTIAC BROADCASTING CO. (WCAR)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Twin Cities Broadcasting Corporation (WDGY), Minneapolis, Minnesota, Docket No. 8363, File No. BP-5429; Pontiac Broadcasting Company (WCAR), Detroit, Michigan, Docket No. 8364, File No. BP-5971; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1946;

The Commission having under consideration the above-entitled applications of Twin Cities Broadcasting Corporation for a construction permit to authorize station WDGY, Minneapolis, Minnesota, to operate on the frequency 1130 kc, with 50 kw power, unlimited time using a directional antenna and of Pontiac Broadcasting Company for a construction permit to authorize station WCAR to operate on the frequency 1130 kc with 50 kw power, unlimited time, using directional antenna at Detroit, Michigan.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, 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 technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the stations as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the stations 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 the stations as proposed would involve objectionable interference with Station WNEW, New York, N. Y., or any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the stations as proposed 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 proposed installations and operations 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 Greater New York Broadcasting Corporation, licensee of Station WNEW, New York, N. Y., be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4939; Filed, May 23, 1947; 9:08 a. m.]

[Docket No. 8368]

COURIER BROADCASTING SERVICE, INC. (WKAX)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Courier Broadcasting Service, Inc., (WKAX), Birmingham, Alabama, Docket No. 8368, File No. BP-5464; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of Courier Broadcasting Service, Inc. (WKAX), for a construction permit to change facilities from 900 kc, 1 kw, daytime only, at 1140 kc, 1 kw, unlimited time, using a directional antenna at night, at Birmingham, Alabama;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WKAX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WKAX 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 WKAX 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 WKAX as proposed would involve objectionable interference with the services proposed in any 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 WKAX as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4896; Filed, May 23, 1947; 9:01 a. m.]

[Docket No. 8371]

TRI-COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of H. Miller Ainsworth, A. G. Ainsworth, J. Edward Johnson, Ross Bohannon, a partnership, doing business as Tri-County Broadcasting Company, Luling, Texas, Docket No. 8371, file No. BP-5636; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1420 kc, 1 kw, employing a directional antenna at night, unlimited time, at Luling, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station 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 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.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any 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 station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations are not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4908; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 8372]

INTER-CITY ADVERTISING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Inter-City Advertising Company, Greensboro, North Carolina, Docket No. 8372, File No. BP-5915; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1320 kc, with 1 kw power, unlimited time, directional antenna day and night, at Greensboro, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. 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 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 station would involve objectionable interference with station WBTM, Danville, Virginia, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any 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 station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Piedmont Broadcasting Corporation, licensee of Station WBTM, Danville, Virginia, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4895; Filed, May 23, 1947; 9:01 a. m.]

[Docket No. 8373]

INTER-CITY ADVERTISING CO. (WKIX)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Inter-City Advertising Company (WKIX), Columbia, South Carolina, Docket No. 8373, File No. BP-5023; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change frequency from 1490 kc to 1320 kc, to increase power from 250 w to 500 w at night and 1 kw daytime, using a directional antenna day and night, and to install a new transmitter;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WKIX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WKIX as proposed and the character of other broadcast service available to these 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 station 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 the station as proposed would involve objectionable interference with the services proposed in any 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 WKIX as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the transmitter site and antenna system.

Notice is hereby given that § 1.857 of the Commission's rules and standards is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4894; Filed, May 23, 1947; 9:01 a. m.]

[Docket No. 8374]

KXRO, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KXRO, Incorporated (KXRO), Aberdeen, Washington, Docket No. 8374, File No. BP-5568; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1946;

The Commission having under consideration the above-entitled application requesting a construction permit to change frequency from 1340 kc to 1320 kc, to increase power from 250 w to 1 kw, using directional antenna day and night and to install a new transmitter at Station KXRO, Aberdeen, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KXRO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KXRO 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 the station 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 the station as proposed would involve objectionable interference with the services proposed in any 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 KXRO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concern-

ing Standard Broadcast Stations, with particular reference to the proposed transmitter site and antenna system.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4893; Filed, May 23, 1947; 9:01 a. m.]

[Docket No. 8375]

METROPOLITAN HOUSTON BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of E. H. Rowley, Glen H. McClain, L. M. Rice and James A. Clements, a partnership d/b as Metropolitan Houston Broadcasting Company, Houston, Texas, Docket No. 8375, File No. BP-5175; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station at Houston, Texas, to operate on 1060 kc, with 1 kw power, 5 kw-LS, unlimited time, during a directional antenna day and night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and, it is hereby, 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 legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. 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 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 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.

5. 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.

6. To determine whether the operation of the proposed station would involve objectionable interference with Station CFCW, Calgary, Alberta, Canada, Station CMCM, Havana, Cuba, Station CMJA, Camaguey, Cuba, or with any other foreign station, within the meaning of the North American Regional Broadcasting Agreement.

7. To determine whether the operation of the proposed station would protect the secondary service area of Station XEDP, Mexico, if that station were to increase its power so as to radiate 1000 mv/m toward Station KYW, Philadelphia, Pa.

8. 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.

9. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KIOX at Bay City, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4892; Filed, May 23, 1947; 9:01 a. m.]

[Docket Nos. 8376, 8377]

POTTSVILLE BROADCASTING CO. (WPPA) AND COMMUNITY BROADCASTING SERVICE, INC. (WWBZ)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of A. V. Tidmore tr/as Pottsville Broadcasting Company (WPPA), Pottsville, Pa., Docket No. 8377, file No. BP-5596; Community Broadcasting Service, Inc. (WWBZ), Vineland, N. J., Docket No. 8376, File No. BP-5696; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of A. V. Tidmore tr/as Pottsville Broadcasting Company requesting a construction permit to change the operating assignment of Station WPPA, Pottsville, Pa. from 1360 kc, with 500 watts power, daytime only, to 1360 kc, with power of 1 kw daytime and 500 watts at night, unlimited time, to install a directional antenna for nighttime use and make changes in transmitter, and the application of Community Broadcasting Service, Inc., requesting a construction permit to change the operating assignment of Station WWBZ, Vineland, N. J. from 1360 kc, with 1 kw power, daytime only, to 1360 kc with 1 kw power, unlimited time and install a directional antenna for use at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, 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 technical, financial and other qualifications of the applicant A. V. Tidmore tr/as Pottsville Broadcasting Company (WPPA), and of the corporate applicant Community Broadcasting Service, Inc. (WWBZ) its officers, directors and stockholders to construct and operate their respective stations as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations 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 either of the proposed operations would involve objectionable interference with stations WDRC, Hartford, Connecticut and WMCK, McKeesport, Pa., or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

6. To determine whether the proposed installations and operations 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.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4937; Filed, May 23, 1947; 9:07 a. m.]

[Docket No. 8379]

TRIBUNE BUILDING CO. (KLX)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Tribune Building Company (KLX), Oakland, California, Docket No. 8379, File No. BP-5293; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to increase the power of Station KLX, Oakland, California, operating on 910 kc unlimited time, from 1 kw to 5 kw to change transmitter site and install new transmitter and directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station KLX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KLX 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 KLX as proposed would involve objectionable interference with Station KALL, Salt Lake City, Utah, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KLX as proposed would involve objectionable interference with the services proposed in any 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 KLX as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Salt Lake City Broadcasting Company, Inc., licensee of Station KALL, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that, § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4911; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 8380]

OZARKS BROADCASTING CO. (KWTO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Ozarks Broadcasting Company (KWTO), Springfield, Missouri, Docket No. 8380, File No. BP-5259; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application to increase the nighttime power of Station KWTO, Springfield, Missouri, presently operating on 560 kc, 1 kw, 5 kw-LS, to 5 kw and to make changes in directional antenna for night use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KWTO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KWTO 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 KWTO as proposed would involve objectionable interference with station WIND, Chicago, Illinois, KFDM, Beaumont, Texas and KLZ, Denver, Colorado, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KWTO as proposed would involve objectionable interference with the services proposed in the pending application of Harding College (WHBQ), Memphis, Tennessee (File No. BP-5405) or 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 KWTO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of station KWTO, as proposed, and of stations KCMO, Kansas City, Missouri and KOAM, Pittsburg, Kansas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That Johnson-Kennedy Radio Corporation, licensee of Station WIND, Chicago, Illinois, Beaumont Broadcasting Corp., licensee of Station KFDM, Beaumont, Texas and KLZ Broadcasting Co., licensee of Station KLZ, Denver, Colorado, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4899; Filed, May 23, 1947; 9:02 a. m.]

[Docket No. 8381]

GILA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Gila Broadcasting Co., Winslow, Arizona, Docket No. 8381, File No. BP-5406; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1580 kilocycles with 1 kilowatt power, unlimited time, using a directional antenna (DA-1) at Winslow, Arizona;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders to construct and operate the proposed station.

2. 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 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 station would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed 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.

6. 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, with particular reference to the interference limitation expected to be received to the proposed service from the operation of a proposed Station at Cuidad Obregon, Sonora, Mexico, using the frequency 1580 kc with power of 50 kw, unlimited time.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4915; Filed, May 23, 1947; 9:04 a. m.]

[Docket Nos. 8383, 8384, 8385]

ORVILLE W. LYERLA (WJPF) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Orville W. Lyerla (WJPF), Herrin, Illinois, Docket No. 8385, File No. BP-5162; Birney Imes, Jr. (WELO), Tupelo, Mississippi, Docket No. 8384, File No. BP-4719; Muscle Shoals Broadcasting Corp. (WLAY), Muscle Shoals, Alabama, Docket No. 8383, File No. BP-4684; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled applications of Orville W. Lyerla requesting a construction permit for a change of frequency from 1340 kc to 1460 kc, increase of power from 250 w to 1 kw, unlimited time, directional antenna at night, at Station WJPF, Herrin, Illinois, of Birney Imes, Jr., requesting a construction permit to change frequency from 1490 kc to 1460 kc, to increase power from 250 w to 500 w, 1 kw-LS, unlimited time, at Station WELO, Tupelo, Mississippi, and of Muscle Shoals Broadcasting Corporation requesting a construction permit to change frequency from 1450 kc to 1460 kc, to increase power from 250 w to 1 kw, unlimited time, directional antenna at night, at Station WLAY, Muscle Shoals, Alabama;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby 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 technical, financial, and other qualifications of the individual applicants and of the applicant corporation, its officers, directors and stockholders to construct and operate stations WJPF, WELO and WLAY as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the stations 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 the stations as proposed would involve objectionable interference with stations WMBR, Jacksonville, Florida, WSAC, Columbus, Georgia, KSO, Des Moines, Iowa, and WBNS, Columbus, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the stations as proposed would involve objectionable interference with the services proposed in any 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 stations 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 any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Murphy Broadcasting Company, licensee of Station KSO, Des Moines, Iowa, Florida Broadcasting Company, licensee of Station WMBR, Jacksonville, Florida, Chattahoochee Broadcasting Company, Inc., permittee of Station WSAC, Columbus, Georgia, and RadiOhio, Incorporated, licensee of Station WBNS, Columbus, Ohio, be and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4935; Filed, May 23, 1947; 9:07 a. m.]

[Docket No. 8386]

EASTERN OKLAHOMA BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Eastern Oklahoma Broadcasting Corporation, Muskogee, Oklahoma, Docket No. 8386, File No. BP-4996; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 990 kc, with 1 kw power, unlimited time, employing a directional antenna for night use, at Muskogee, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. 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 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 station would involve objectionable interference with the new station authorized to operate at Wichita Falls, Texas (construction permit, File No. BP-3981, Docket No. 7127) or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any 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 station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Darrold Alexander Cannan, tr/as Wichtex Broadcasting Company, permittee of the new station authorized to operate at Wichita Falls, Texas, be, and he is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4906; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 8387]

PEACH BOWL BROADCASTERS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Peach Bowl Broadcasters, a partnership composed of Beverly B. Ballard, Dewey Allread, Jr., Clyde L. Goodhight, Raymond F. Linn, and Chester V. Ullom, Yuba City, California, (KUBA), Docket No. 8387, File

No. BMP-2642; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting modification of construction permit to change type of transmitter, install a directional antenna for day and night use, and change transmitter and studio locations for newly authorized station KUBA, Yuba City, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 station KUBA as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of station KUBA 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.

3. To determine whether the operation of station KUBA as proposed would raise the existing RSS limitations of stations KPMO, Pomona, California, or KASH, Eugene, Oregon, and, if so, whether such increase or increases are in accord with the condition imposed upon the applicant in the grant of its application for construction permit.

4. To determine whether the operation of station KUBA as proposed would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Mexican station XEAB, Villa Acuna, Coahuila, or any other existing foreign broadcast station, and the nature and extent of such interference.

5. To determine whether the operation of station KUBA as proposed would involve objectionable interference with the services proposed in any 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 KUBA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4905; Filed, May 23, 1947; 9:02 a. m.]

[Docket No. [illegible]88]

MODEL CITY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Model City Broadcasting Co., Inc., Anniston, Alabama, Docket No. 8388, File No. BP-5250; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station operating on a frequency of 1390 kc, with 1 kw power, using a directional antenna night and day at Anniston, Alabama;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. 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 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 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.

5. To determine whether the operation of the proposed station would involve objectionable interference with Stations CMBQ and CMBX, Havana, Cuba and Stations XEKN, XEM, XERW, XETK and XETL, all of Mexico, or any other existing foreign broadcast station as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference, if any.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of the WFMJ Broadcasting Company (WFMJ), Youngstown, Ohio and James A. Noe (KNOE), Monroe, Louisiana, or 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.

7. 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.

Notice is hereby given that § 1.857 of the Comission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4904; Filed, May 23, 1947; 9:02 a. m.]

[Docket Nos. 8390, 8391]

PEOPLES BROADCASTING CO. (WLAN) AND ARLINGTON-FAIRFAX BROADCASTING CO., INC. (WEAM)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Peoples Broadcasing Company, Lancaster, Pennsylvania (WLAN), Docket No. 8390, File No. BP-5961; Arlington-Fairfax Broadcasting Company, Inc., Arlington, Virginia (WEAM), Docket No. 8391, File No. BP-5975; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of Peoples Broadcasting Company (WLAN) requesting a construction permit to change frequency to 1390 kc, change hours of operation to unlimited, operate with 1 kw power and install directional antenna for day and night use at Lancaster, Pennsylvania, and that of Arlington-Fairfax Broadcasting Company, Inc. (WEAM) requesting a construction permit to continue operating on 1390 kc, increase power to 5 kw, install directional antenna for day and night use and change hours of operation to unlimited at Arlington, Virginia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each 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 stations WLAN and WEAM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of stations WLAN and WEAM 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 stations WLAN and WEAM as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the avail-

ability of other broadcast service to such areas and populations.

5. To determine whether the operation of stations WLAN and WEAM as proposed would involve objectionable interference with the services proposed in the other pending application in this proceeding or 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 stations WLAN and WEAM 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.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4933; Filed, May 23, 1947; 9:07 a. m.]

[Docket No. 8392]

WFMJ BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The WFMJ Broadcasting Company, Youngstown, Ohio (WFMJ), Docket No. 8392, File No. BMP-2440; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting modification of construction permit for approval of directional antenna and change in type of transmitter;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WFMJ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WFMJ 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 WFMJ as proposed would involve objectionable interference with stations WWOD, Lynchburg, Virginia, WCSC, Charleston, South Carolina, WGES, Chicago, Illinois and KLPM, Minot, North Dakota, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WFMJ as proposed would involve objectionable interference with the services proposed in the pending application of Model City Broadcasting Company, Inc., Anniston, Alabama, or 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 WFMJ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Old Dominion Broadcasting Corporation, licensee of Station WWOD, Lynchburg, Virginia, John M. Rivers, licensee of Station WCSC, Charleston, South Carolina, John A. Dyer, et al., doing business as Radio Station WGES, licensee of Station WGES, Chicago, Illinois, and John B. Cooley, licensee of Station KLPM, Minot, North Dakota, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4903; Filed, May 23, 1947; 9:02 a. m.]

[Docket No. 8394]

HERMAN ANDERSON (KCOK)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Herman Anderson (KCOK), Tulare, California, Docket No. 8394, File No. BP-5050; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit to change frequency and power of Station KCOK, Tulare, California, presently operating on 1240 kc, 250 w, unlimited time, to 1270 kc, 1 kw, using a directional antenna at night, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant to construct and operate Station KCOK as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KCOK 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 KCOK 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 KCOK as proposed would involve objectionable interference with the services proposed in any 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 KCOK as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the proposed transmitter site.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4902; Filed, May 23, 1947; 9:02 a. m.]

[Docket No. 8396]

WDUK, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WDUK, Inc. (WDUK), Durham, North Carolina, Docket No. 8396, File No. BP-5652; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of WDUK, Inc., for a construction permit to change frequency and power of Station WDUK, Durham, North Carolina, from 1310 kc, 1 kw day, to 1270 kc, 500 watts, 1 kw-LS, unlimited time, together with petitions filed by Rock Island Broadcasting Company, licensee of Station WHBF, Rock Island, Illinois, and

King-Trendle Corporation, licensee of Station WXYZ, Detroit, Michigan, requesting that the above application be designated for hearing and that said petitioners be made parties to such proceeding, on the ground that a grant of such application would cause objectionable interference to the operation of Stations WHBF and WXYZ;

Now, therefore, it is ordered, That said petitions be, and they are hereby, granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WDUK as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WDUK 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 WDUK as proposed would involve objectionable interference with Station WHBF, Rock Island, Illinois, WXYZ, Detroit, Michigan, and WRAL, Raleigh, North Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WDUK as proposed 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 Station WDUK as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Rock Island Broadcasting Company, licensee of Station WHBF, Rock Island, Illinois, King-Trendle Corporation, licensee of Station WXYZ, Detroit, Michigan, and Capital Broadcasting Company, Inc., licensee of Station WRAL, Raleigh, North Carolina, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4901; Filed, May 23, 1947; 9:02 a. m.]

[Docket Nos. 8397, 8398]

KIDO, INC. AND EVERETT BROADCASTING CO., INC. (KRKO)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KIDO, Inc. (KIDO), Boise, Idaho, Docket No. 8397, File No. BP-5017; The Everett Broadcasting Company, Incorporated (KRKO) Everett, Washington, Docket No. 8398, File No. BP-5030; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of KIDO, Inc., for a construction permit to authorize Station KIDO at Boise, Idaho, to operate on the frequency 1380 kc with 5 kw power, using directional antenna unlimited time, and that of The Everett Broadcasting Company, Incorporated, for a construction permit to authorize Station KRKO at Everett, Washington, to operate on the same frequency with 1 kw power, unlimited time, using a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, 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 technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the stations as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the stations 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 the stations 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 the stations as proposed would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations 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.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4934; Filed, May 23, 1947; 9:07 a. m.]

[Docket No. 8399]

YUMA BROADCASTING CO. (KYUM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Yuma Broadcasting Company (KYUM), Yuma, Arizona, Docket No. 8399, File No. BP-5977; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit to change frequency and power of station KYUM, Yuma, Arizona, presently operating on 1240 kc, 250 w power, unlimited time, to 560 kc, 1 kw, employing a directional antenna at night, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KYUM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KYUM 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 KYUM 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 KYUM as proposed would involve objectionable interference with the services proposed in the pending application of Salt River Valley Broadcasting Company (KOY) Phoenix, Arizona (File No. BP-5733) or 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 KYUM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the proposed transmitter site.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4900; Filed, May 23, 1947; 9:02 a. m.]

[Docket No. 8400]

DROVERS JOURNAL PUBLISHING CO. (WAAF)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Drovers Journal Publishing Company (WAAF), Chicago, Illinois, Docket No. 8400, File No. BP-4796; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station WAAF, Chicago, Illinois from 950 kc, with 1 kw power, daytime only to 950 kc, with 1 kw, 5 kw local sunset power, unlimited time, employing a directional antenna, to install a new transmitter and directional antenna and change transmitter location and a petition by Eugene P. O'Fallon, Inc., licensee of Station KFEL, Denver, Colorado, filed April 11, 1947, requesting that the above entitled application be designated for hearing because of interference such proposal would cause to Station KFEL, and that petitioner be made a party to such proceeding;

It is ordered, That the petition of Eugene P. O'Fallon, Inc., be, and it is hereby, granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, 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 technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WAAF as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WAAF 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 WAAF as proposed would involve objectionable interference with Stations WWJ, Detroit, Michigan; WSPA, Spartanburg, South Carolina; WKNA, Charleston, West Virginia; KFEL, Denver, Colorado; and WSBT, South Bend, Indiana; or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WAAF as proposed would involve objectionable interference with the services proposed in any 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 WAAF as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That The Evening News Association, licensee of Station WWJ, Detroit, Michigan; Spartanburg Advertising Company, licensee of Station WSPA, Spartanburg, South Carolina; Joe L. Smith, Jr., licensee of Station WKNA, Charleston, West Virginia; Eugene P. O'Fallon, Inc., licensee of Station KFEL, Denver, Colorado; and The South Bend Tribune, licensee of Station WSBT, South Bend, Indiana, be, and they are hereby made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

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

[F. R. Doc. 47-4898; Filed, May 23, 1947; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-704]

TRANS-CONTINENTAL GAS PIPE LINE CO., INC.

ORDER FIXING DATE OF HEARING

Upon consideration of the first amended application filed in this matter on December 11, 1946, in lieu of the original application filed on March 1, 1946, by Trans-Continental Gas Pipe Line Company, Inc., (Applicant), a Texas corporation with its principal place of business at Longview, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate the following described natural-gas pipeline facilities (including all necessary meter stations and other appurtenant facilities) subject to the jurisdiction of the Commission:

1,380 miles of 26-inch natural-gas transmission pipeline beginning at Applicant's proposed #1 compressor station near Hemphill, Sabine County, Texas, and extending in a northeasterly direction to various points of delivery located in the States of Maryland, Delaware, Pennsylvania, New Jersey and New York.

200 miles of 26-inch transmission line from the Old Ocean gas field in Brazoria County, Texas, to the #1 compressor station at Hemphill, Texas.

65 miles of 20-inch transmission line from the Carthage gas field, Panola County, Texas, extending in a southeasterly direction to the #1 compressor station at Hemphill, Texas.

7 miles of 12-inch transmission line from the Pledger gas field and 24 miles of 16-inch transmission line from the Chocolate Bayou gas field, both in Brazoria County, Texas, extending in a southeasterly and northwesterly direction respectively to intersections with the 26-inch transmission line from the Old Ocean gas field to the #1 compressor station at Hemphill, Texas.

5 miles of 14-inch transmission line extending from Applicant's main transmission line to a point near the city limits of Baltimore, Maryland.

12 miles of 10-inch transmission line extending from Applicant's main transmission line to a point near the city limits of Wilmington, Delaware.

10 miles of 12-inch transmission line extending from Applicant's main transmission line to a point near the south city limits of Philadelphia, Pennsylvania.

10 miles of 12-inch transmission line extending from Applicant's main transmission line to a point near the north city limits of Philadelphia, Pennsylvania.

8 miles of 8-inch transmission line extending from Applicant's main transmission line to a point near the city limits of Trenton, New Jersey.

Compressor stations. One compressor station having eleven 1,000 H. P. units, to be located near Hemphill, Texas.

Thirteen compressor stations each having ten 1,000 H. P. units to be located in the vicinity of the following towns: Winfield, Tallulah, Louisiana; Canton, Macon, Mississippi; Bessemer, Edwardsville, Alabama; Buford, Georgia; Piedmont, South Carolina; Lincolnton, Reidsville, North Carolina; Buckingham, Manassas, Virginia; Dublin, Maryland.

Gas dehydration plants. Two gas dehydration plants in the Carthage gas field, and one each in the Old Ocean, Chocolate Bayou, and Pledger gas fields, all in Texas.

It appears to the Commission that:

(a) Due notice of the filing of the first amended application at Docket No. G-704 has been given, including publication thereof in the FEDERAL REGISTER on January 16, 1947 (12 F. R. 330, 331, 332).

(b) Among the issues presented by such application, and other pleadings filed in connection therewith, are the following:

(1) Whether the proposed facilities as designed and the proposed method of operation thereof are adequate to render the service proposed.

(2) Whether the construction and operation of the proposed facilities by the Applicant is economically feasible.

(3) Whether the construction and operation of the proposed facilities is in the public interest.

(4) Whether the estimated cost of constructing the proposed facilities is reasonable.

(5) Whether the Applicant has available sufficient financial resources to construct, operate and maintain the facilities proposed.

(6) Whether Applicant has a reasonably adequate natural gas reserve dedicated to assure a continuing natural gas supply for the proposed pipeline project.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 9th day of June, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the first amended application, and other pleadings herein.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 20, 1947.

By the Commission.

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

[F. R. Doc. 47-4836; Filed, May 23, 1947; 8:46 a. m.]

[Docket No. G-896]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MAY 19, 1947.

Notice is hereby given that on April 29, 1947, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, and authorized to do business in the States of Alabama, Louisiana, Mississippi and Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, approving the construction and authorizing the continued operation of certain facilities already installed and described as follows:

(a) A sales meter constructed at Station 3740+50 on Applicant's Latex-Port Neches Line serving the Village of Bronson, Sabine County, Texas.

(b) A sales meter on Temple Lumber Company's 2-inch gas line to measure gas delivered to the City of Pineland, Texas, at a point near Station 4112 +79 on Applicant's said Latex-Port Neches Line.

The application recites that on November 16, 1944, Applicant began selling natural gas to the City of Pineland (now Temple Lumber Company) at the point described above, for resale in the City of Pineland, which City in 1945 had a population of approximately 1,410. The application further recites that on September 15, 1945, Applicant also began selling natural gas to Hugh N. Wood at the point described above for resale in the Village of Bronson, which village in 1945 had a population of approximately 500.

Applicant states that the application is filed for the sole purpose of complying with the Commission's request and is filed without prejudice to the position heretofore taken by Applicant, i. e., that no certificate was necessary before installation of said facilities since these facilities were constructed on one of Applicant's "grandfather" lines, and without in any manner conceding that Applicant has in any way not complied with the Natural Gas Act and the rules and regulations of the Federal Power Commission thereunder.

The over-all capital cost of the facilities constructed was $1,232.91, all of which Applicant financed out of cash on hand.

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

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contention of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

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

[F. R. Doc. 47-4853; Filed, May 23, 1947; 8:51 a. m.]

[Project No. 1080]

HOOK-ASTON MILLING CO.

NOTICE OF APPLICATION FOR RENEWAL OF LICENSE

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that George H. Wilking, of Zanesville, Ohio, doing business as The Hook-Aston Milling Co., has made application for renewal of his annual license for Project No. 1080 on the Muskingum River near United States Dam No. 10, at Zanesville, Muskingum County, Ohio, consisting of an intake structure diverting water from pool above Dam No. 10, a short penstock, a two-turbine hydro-mechanical plant with installed capacity of 234 horsepower, and a covered tailrace discharging into the river below the dam.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before June 23, 1947, to the Federal Power Commission, at Washington, D. C.

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

[F. R. Doc. 47-4838; Filed, May 23, 1947; 8:46 a. m.]

[Project No. 1087]

RECHSTEINER MILLING CO.

NOTICE OF APPLICATION FOR RENEWAL OF LICENSE

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Rechsteiner Milling Company, of Lowell, Ohio, has made application for renewal of its annual license for Project No. 1087 on the Muskingum River near United States Dam No. 3, at Lowell, Washington County, Ohio, consisting of an intake structure located about 400 feet upstream from United States Lock No. 3, diverting water from navigation canal; a wooden flume; and a hydro-mechanical plant with an installed capacity of approximately 132 horsepower.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the or party parties so protesting or requesting, should be submitted before June 23, 1947, to the Federal Power Commission, at Washington, D. C.

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

[F. R. Doc. 47-4839; Filed, May 23, 1947; 8:46 a. m.]

[Project No. 1942]

PUBLIC UTILITY DISTRICT NO. 1 OF CLALLAM COUNTY, WASH.

ORDER FIXING HEARING

On October 15, 1945, Public Utility District No. 1 of Clallam County, Washington, filed an application for preliminary permit under the Federal Power Act for proposed Project No. 1942 to be located on the Hoh River in Jefferson County, Washington, affecting lands of the United States within Olympic National Forest.

Both Federal and State agencies have expressed an interest in or objections to the issuance of a permit for the proposed development.

The Commission finds that: The applicant and all other interested persons should be afforded an opportunity to present their views in connection with the development proposed in the aforementioned application.

The Commission orders that: A public hearing be held in Seattle, Washington,

at a place and time hereafter to be designated, concerning the above matters.

Date of issuance: May 21, 1947.

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

[F. R. Doc. 47-4837; Filed, May 23, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 9200]

RAILWAY MAIL PAY

ORDER REOPENING HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 5th day of May A. D. 1947.

Upon consideration of petition dated February 19, 1947, and of supplemental petition dated April 17, 1947, by railroad companies as listed in said petitions, requesting reopening of the above-entitled proceeding and an order fixing, as fair and reasonable for the transportation by petitioners of the United States mail and performance of the service connected therewith, from and after February 19, 1947, rates and compensation which shall be not less than 45 percent in excess of the present rates; and upon consideration of the provisions of U. S. Code, title 39, sections 542 to 554, inclusive (Railway Mail Service Pay):

It is ordered, That the above-entitled proceeding be, and it is hereby, reopened for hearing, at such times and places as the Commission may hereafter direct, upon the issues raised by the aforesaid petitions.

It is further ordered, That a copy of this order be served upon said petitioners and upon the Postmaster General of the United States, and that notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

By the Commission.

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

[F. R. Doc. 47-4844; Filed, May 23, 1947; 8:51 a. m.]

[S. O. 741]

UNLOADING OF STEEL AT JERSEY CITY, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of May A. D. 1947.

It appearing, that 2 cars containing steel bars and pipe at Jersey City, New Jersey, on the Baltimore and Ohio Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Steel at Jersey City, N. J., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately the following cars, now on hand at Jersey City Terminal, Jersey City, New Jersey:

Car Initial and No.	*Commodity and Consignee*
NH 58237	Pipe, Ore S. S. Co.
IC 96815	Steel bars, Globe Shipping Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

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

[F. R. Doc. 47-4845; Filed, May 23, 1947; 8:47 a. m.]

[S. O. 742]

UNLOADING OF IMPLEMENTS AT WEEHAWKEN, N. J., AND NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of May A. D. 1947.

It appearing that 3 cars containing agricultural implements, at Weehawken, New Jersey, and at New York, N. Y., on The New York Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Implements at Weehawken, N. J., and New York, N. Y., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately cars CN 141743 and CN 142076, containing agricultural implements, on hand at Weehawken, N. J., consigned to Baker, Irons and Dockstader, Inc., also cars CBQ 21006, containing agricultural implements, on hand at 60th Street, New York, N. Y., consigned to Baker, Irons and Dockstader, Inc.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

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

[F. R. Doc. 47-4846; Filed, May 23, 1947; 8:47 a. m.]

[S. O. 743]

UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of May A. D. 1947.

It appearing, that 3 cars, containing fertilizer, at Galveston, Texas, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission

an emergency exists requiring immediate action; it is ordered, that:

(a) *Fertilizer at Galveston, Tex., be unloaded.* The International - Great Northern Railroad Company, (Guy A. Thompson, Trustee), its agents or employees, shall unload immediately cars PRR 55855, PRR 573269 and NYC 181454, loaded with fertilizer, now on hand at Galveston, Texas, consigned J. D. Latta.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

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

[F. R. Doc. 47-4847; Filed, May 23, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-988]

LIGGETT & MYERS TOBACCO CO.

ORDER ADMITTING COMMON STOCK TO UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of May A. D. 1947.

The Baltimore Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the common stock, $25 par value, of Liggett & Myers Tobacco Company is substantially equivalent to the common stock B, $25 par value, of that company, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the common stock, $25 par value, of Liggett & Myers Tobacco Company is hereby determined to be substantially equivalent to the common stock B, $25 par value, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

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

[F. R. Doc. 47-4854; Filed, May 23, 1947; 8:51 a. m.]

[File No. 70-1492]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

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 Philadelphia, Pennsylvania, on the 19th day of May A. D. 1947.

Delaware Power & Light Company ("Delaware"), a registered holding company, and its subsidiary, Eastern Shore Public Service Company of Maryland ("Eastern Shore"), a public utility company, having filed a joint application-declaration, with amendments thereto, pursuant to sections 6 (b), 9 (a), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-44 promulgated thereunder with respect to the following transactions:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1948, up to $2,000,000 principal amount of its 3½% promissory notes due October 1, 1973 and 20,000 shares of its common stock of the par value of $100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The major portion of the proceeds from the sale of said notes and common stock, which will not exceed $4,000,000 is to be used to finance its construction program and the remaining portion will be used to reimburse Eastern Shore's treasury for money previously expended for such construction program. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943 in accordance with the provisions of the Indenture of Mortgage.

The proposed issue and sale of securities by Eastern Shore have been approved by the Public Service Commission of Maryland.

The application-declaration having been filed March 24, 1947 and amendments thereto subsequently having been filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective and deeming it appropriate to grant the request of declarants that the order become effective at the earliest date possible:

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

By the Commission.

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

[F. R. Doc. 47-4855; Filed, May 23, 1947; 8:51 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 4970, Amdt.]

HELEN POLKA

In re: Objects of art owned by Helen Polka.

Vesting Order 4970, dated May 26, 1945, is hereby amended as follows and not otherwise:

By deleting items 5 and 12 from Exhibit A which is attached thereto and made a part thereof and substituting therefor the following:

5. One oil painting, "Battle Scene" by Giacomo Cortesi Bourguignon (Duke of Tuscany Collection—1621–1676)

All other provisions of said Vesting Order 4970 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4869; Filed, May 23, 1947; 8:54 a. m.]

[Vesting Order 7752, Amdt.]

MUNENOBU UOMOTO

In re: Stock owned by and debt owing to Munenobu Uomoto, also known as Munemubo Uomoto.

Vesting Order 7752, dated September 25, 1946, is hereby amended as follows and not otherwise:

A. By deleting from Exhibit A, attached thereto and by reference made a part thereof, 6/12ths of a share of the common capital stock of the Public Service Corporation of New Jersey, 80 Park Place, Newark 1, New Jersey, evidenced by a certificate numbered 569085, and substituting therefor the following clause to subparagraph 2 of said vesting order:

c. One scrip certificate issued by The United Gas Improvement Company, bearing the number S69085, dated August 20, 1943, for 6/12ths of a share of common stock of the Public Service Corporation of New Jersey, and presently in the custody of Williams and Southgate, 14 Wall Street, New York 5, New York, together with any and all rights thereunder the thereto,

B. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the no par value set forth with respect to the common capital stock of the Mead Johnson & Company, Evansville, Indiana, and substituting therefor the par value of $1.00.

All other provisions of said Vesting Order 7752 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4870; Filed, May 23, 1947; 8:54 a. m.]

[Vesting Order 8930]

NANNY C. HAACKE

In re: Estate of Nanny C. Haacke, deceased. File No. D-28-11193; E. T. sec. 15574.

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 Clara Rengert and Clara Kluge, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by John H. Haacke, as executor, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4683; Filed, May 23, 1947; 8:53 a. m.]

[Vesting Order 8932]

BERTHA HOLZGREVE

In re: Estate of Bertha Holzgreve, deceased. File No. D-28-10772; E. T. sec. 15182.

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

2. That the sum of $393.98 was paid to the Attorney General of the United States by Arthur E. Anderson, Executor of the Estate of Bertha Holzgreve, deceased;

3. That the said sum of $393.98 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on April 10, 1947, pursuant to the Trading with the Enemy Act, as amended.

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 May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4864; Filed, May 23, 1947; 8:53 a. m.]

[Vesting Order 8933]

THERESA JOHNSON

In re: Estate of Theresa Johnson, deceased. File D-28-10193; E. T. sec. 14530.

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 Franz Rullick, Mrs. Anna Weber, Mrs. Anna Schernstein, Franz Schernstein and Franz Lobel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the brothers and sisters, names unknown, of Joseph Vogel, deceased, surviving children, names unknown, of Mrs. Anna Weber, surviving children, names unknown, of Mrs. Anna Schernstein, surviving wife, name unknown, and surviving children, names unknown, of Franz Schernstein, and surviving children, names unknown, and surviving brothers and sisters, names unknown, of Franz Lobel, 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 Theresa Johnson, 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 Bessie Foster, as Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the brothers and sisters, names unknown, of Joseph Vogel, deceased, surviving children, names unknown, of Mrs. Anna Weber, surviving children, names unknown, of Mrs. Anna Schernstein, sur-

viving wife, name unknown, and surviving children, names unknown, of Franz Schernstein, and surviving children, names unknown, and surviving brothers and sisters, names unknown, of Franz Lobel, 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 May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4865; Filed, May 23, 1947; 8:53 a. m.]

[Vesting Order 8935]

HERMANN KIRCHNER

In re: Estate of Hermann Kirchner, also known as Herman Kirchner, deceased. File D-28-10292; E. T. sec. 14668.

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 Heinrich Kirchner and Johanna Kirchner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the issue, names unknown, of Heinrich Kirchner, and the issue, names unknown, of Johanna Kirchner, 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 Hermann Kirchner, 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 John Becker and Emma Becker as co-executors, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Heinrich Kirchner, and the issue, names unknown, of Johanna Kirchner, 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 May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4866; Filed, May 23, 1947; 8:53 a. m.]

[Vesting Order 8947]

JO SUZUKI

In re: Estate of Jo Suzuki, deceased. File D-39-19041; E. T. sec. 15850.

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 Hisa Suzuki, Shigeko Suzuki Hayazuki, Yasuko, Suzuki Iasuko, Toshiko Suzuki Tanaka, Takao Suzuki Rinko Mathuhara, Sethuji Suzuki, Shozo Suzuki, Nao (or Tadashi) Suzuki, Kanji Suzuki and Yugo (or Imgo) Suzuki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

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

3. That such property is in the process of administration by Horace R. Dougherty, as Administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4867; Filed, May 23, 1947; 8:53 a. m.]

[Vesting Order 8956]

LUDWIG KRUMM A. G.

In re: Bank account owned by Ludwig Krumm A. G. F-28-26265-E-1.

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

1. That Ludwig Krumm A. G., the last known address of which is Offenbach, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ludwig Krumm A. G., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an unpresented draft account, entitled Ludwig Krumm A/G, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4828; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8957]

FERDINAND MANTAI AND HELEN MANTAI

In re: Claim owned by Ferdinand Mantai and Helen Mantai. F-28-28156-C-1.

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

1. That Ferdinand Mantai and Helen Mantai, whose last known address is Klosterstr. 7, Konigslutter am Elm, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: The claim of Ferdinand Mantai and Helen Mantai against the State of Wisconsin and the Treasurer of the State of Wisconsin, arising by reason of the collection or receipt by said Treasurer of the final dividend due on the claim of Ferdinand and Helen Mantai against the delinquent Peoples Savings Bank of Sheboygan, Wisconsin, and any and all rights to demand, enforce and collect said claim,

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:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (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 May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4829; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8960]

VALLIE T. OHL

In re: Bank account and stock owned by Vallie T. Ohl. F-28-442-E-1, F-28-442-A-1.

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

1. That Vallie T. Ohl, whose last known address is 2 Frau von Utastrasse, Kirchtrudering, bei Munchen, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Citizens Savings Bank of Baltimore City, Baltimore and Eutaw Streets, Baltimore 1, Maryland, arising out of a savings account, Account Number 73046, entitled Vallie T. Ohl in trust for herself and Miss Rosina Ohl, joint owners, subject to the order of either; balance at the death of either to belong to the survivor, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. Ten (10) shares of $100 par value 6% cumulative preferred capital stock of Eastman Kodak Company, 343 State Street, Rochester, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered R9093, R9103, R9332 and R9567, for 4, 3, 2 and 1 shares respectively, which certificates are presently in the custody of Citizens Savings Bank of Baltimore City, Baltimore and Eutaw Streets, Baltimore 1, Maryland, and registered in the name of Miss Vallie T. Ohl, together with all declared and unpaid dividends thereon,

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, Vallie T. Ohl, 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[1] at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4868; Filed, May 23, 1947; 8:53 a. m.]

[Return Order 15]

CLAIR L. FARRAND ET AL.

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

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

Claimant and claim number	Notice of intention to return published	Property
Clair L. Farrand, Scarsdale, N. Y.; Claim No. A-390.	12 F. R. 2096, Mar. 20, 1947.	Property described in Vesting Order No. 664 (8 F. R. 4989, Apr. 17, 1943), relating to U. S. Letters Patent No. 1,824,353, to the extent owned by claimant immediately prior to the vesting thereof.
Andrew A. Kramer, Kansas City, Mo.; Claim No. A-279.	12 F. R. 2098, Mar. 20, 1947.	Property described in Vesting Order No. 27 (7 F. R. 4629, June 23, 1942), relating to U. S. Letters Patent No 2,135,573, to the extent owned by claimant immediatel. prior to the vesting thereof.
Dr. Walter R. Hearst (formerly Dr. Walter Herz), San Francisco, Calif.; Claim No. A-297.	12 F. R. 2098, Mar. 29, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 2,225,831, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 21, 1947.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4873; Filed, May 23, 1947; 8:54 a. m.]

[Vesting Order CE 391]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Exec-

[1] Filed as part of the original document.

utive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Catherine Vassili	Albania	Estate of Mike Vasili, also called Mike Vassli, Mike Vasseli, M. Vassile, Mike Vassili, Mike Vassily, Mike Vaselli, and Mike Vessli, deceased. In the Superior Court of the State of California, in and for the City and County of San Francisco; No. 92598.	$29.00
		Item 2	
Fannie Pawla	Austria	Estate of Alois Pawla, deceased. In the Superior Court of the State of California, in and for the County of Santa Cruz; No. 8735.	111.00
		Item 3	
Children, names unknown, of Mary Pauza.	Lithuania	Estate of Lily Taylor Broniscoe, deceased. In the Superior Court of the State of California, in and for the City and County of San Francisco; No. 65971.	133.00
		Item 4	
Charles Keiser or his issue	France	Estate of William Keiser, also known as Wm. Keiser, deceased. In the Superior Court of the State of California, in and for the County of Santa Clara; No. 20682.	67.00
		Item 5	
Virginia C. Good or Marion V. Good.	France	Estate of Thomas P. Newton, deceased. In the Superior Court of the State of California in and for the County of Los Angeles; No. 59258, Dept. 24.	25.00

[F. R. Doc. 47-4871; Filed, May 23, 1947; 8:54 a. m.]

[Vesting Order 8966]

FRIEDRICH ARTHUR MARTIN STRIECKE ET AL.

In re: Bank accounts owned by Friedrich Arthur Martin Striecke, also known as Friederich Arthur Martin Striecke, and others.

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

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is set forth therein, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of the Savings Accounts numbered and entitled as set forth in Exhibit A, attached hereto and by reference made a part hereof, maintained at the branch office of the aforesaid bank located at Market and New Montgomery Office, San Francisco 20, California, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of national and last known address	Title of account	Account No.	OAP file No.
Friedrich Arthur Martin Striecke, also known as Friederich Arthur Martin Striecke, Germany.	I. F. or Tom F. Chapman, joint tenants as trustees for Friederich Arthur Martin Striecke.	5552	F-28-25882-C-1. F-28-25882-E-1.
Friedrich Walter August Striecke, Germany.	I. F. or Tom F. Chapman, joint tenants as trustees for Friedrich Walter August Striecke.	5554	F-28-25883-C-1. F-28-25883-E-1.
Friederich Wilhelm Gerhard Striecke, Germany.	I. F. or Tom F. Chapman, joint tenants as trustees for Friederich Wilhelm Gerhard Striecke.	5547	F-28-25884-C-1. F-28-25884-E-1.
Friedrich Henrich Gustav Schulze, Nesenitz No. 9, Germany.	I. F. or Tom F. Chapman, joint tenants as trustees for Friedrich Henrich Gustav Schulze.	5533	F-28-25945-C-1. F-28-25945-E-1.
Erna Klara Hildegard Schulz, Madgeburg, Germany.	I. F. or Tom F. Chapman, joint tenants as trustees for Erna Klara Hildegard Schulz.	5478	F-28-3855-C-1. F-28-3855-E-1.
Emma Wilhelmine Marie Jordan, Jubar, Altmark, Germany.	I. F. or Tom F. Chapman, joint tenants as trustees for Emma Wilhelmine Marie Jordan.	5538	F-28-11545-C-1. F-28-11545-E-1.
Friedrich Ernst Martin Schulze, Jeeben, Germany.	I. F. or Tom F. Chapman, joint tenants as trustees for Friedrich Ernst Martin Schulze.	5504	F-28-12188-C-1. F-28-12188-E-1.
Helene Amanda Ottilie Schwerin, Kerbau, Germany.	I. F. or Tom F. Chapman, joint tenants as trustees for Helene Amanda Ottilie Schwerin.	5535	F-28-12220-C-1. F-28-12220-E-1.
Elise Marie Emilie Lilge, Jubar, Altmark, Germany.	I. F. or Tom F. Chapman, joint tenants as trustees for Elise Marie Emilie Lilge.	5556	F-28-12983-C-1. F-28-12983-E-1.
Anna Pauline Clara Neuling, Beetzendorf, Germany.	I. F. or Tom F. Chapman, joint tenants as trustees for Anna Pauline Clara Neuling.	5496	F-28-13220-C-1. F-28-13220-E-1.

[F. R. Doc. 47-4830; Filed, May 22, 1947; 8:56 a. m.]

Filing of Claims in Respect of Certain Debtors

Extension of Time Fixed by Bar Order 1

In accordance with section 34 (b) of the Trading with the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order 9788, the time fixed by Bar Order No. 1 (12 F. R. 1448, March 1, 1947) for the filing of debt claims in respect of debtors, any of whose property was vested in or transferred to the Alien Property Custodian or the Attorney General between December 18, 1941 and December 31, 1946, inclusive, is hereby extended to September 2, 1947.

Executed at Washington, D. C., this 20th day of May 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4872; Filed, May 23, 1947; 8:54 a. m.]