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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

SEQUENCE OF SELECTION, ACTIONS, AND APPEALS

1. Effective upon publication in the FEDERAL REGISTER, § 20.8 is amended to read as follows:

§ 20.8 *Sequence of selection* — (a) *Actions.* Within each competitive level action must be taken to eliminate all employees in lower subgroups before a higher subgroup is reached, and within each subgroup of retention groups A and B action must be taken concerning all employees with a lower number of retention credits before an employee with a higher number of retention credits is reached, except as provided in paragraph (c) of this section.

(b) *Breaking ties.* Whenever two or more employees are tied as to total retention credits in retention group A or B the tie shall be broken first by considering half years of service in excess of total full years for which retention credits were granted. If a tie still exists it shall be broken by administrative decision, which may take into account such factors as official conduct, efficiency, number of dependents, length of service, or fitness for the job.

(c) *Exceptions.* An exception to the regular order of selection may be made only when the employee to be retained is engaged on necessary duties which cannot be taken over, without undue interruption to the activity, by any employee with higher standing on the retention register who is reached for action. In all such cases, each employee affected adversely by the exception must be notified of the reasons, and of his right to appeal to the Civil Service Commission for a review of such reasons.

2. Effective upon publication in the FEDERAL REGISTER, § 20.9 is amended to read as follows:

§ 20.9 *Actions*—(a) *In general.* Employees who cannot be retained in their positions because of a reduction in force shall be reassigned to continuing positions, furloughed or separated. Furloughs shall not extend beyond the term of appointment and shall in no case exceed one year from the date of notice.

(b) *Reassignments to continuing positions in local commuting area.* Reassignment is required in lieu of separation or furlough, within the local commuting area, without interruption to pay status whenever possible, to an available position for which the employee is fully qualified, unless a reasonable offer of ressignment is refused. No displacement will be required to permit the reassignment of an employee unless such employee is fully qualified to perform the duties of the position in question. Subject to these conditions, reassignment is required in each of the following cases:

(1) Any employee in subgroup A–1 Plus, to a continuing position of like seniority, status and pay. (Sec. 8, 54 Stat. 890; sec. 9, 62 Stat. 614; 50 U. S. C. App. 308, 459)

(2) Any employee in any subgroup in Group A, with competitive status in a position in the competitive service, if there is a position in the competitive service held by an employee in a lower subgroup.

(3) Any employee in subgroup A–1 or A–2, with competitive status in a position in the competitive service, who had previously been promoted, if there is a competitive service position the same as the position from which he had been promoted within the same competitive area (installation in the field service) held by an employee in the same subgroup with fewer retention credits.

(4) Any employee in subgroup B–1, in a position in the competitive service, if there is a competitive service position held by an employee in a lower subgroup.

(c) *Reassignment to continuing positions in other commuting areas.* Where a reassignment cannot be made within the local commuting area, a reassignment in another commuting area acceptable to the employee is required, within sixty days after termination of pay status whenever possible, to an available position for which the employee is fully qualified, unless a reasonable offer of reassignment is refused. Subject to these conditions, reassignment is required in each of the following cases:

(1) Any employee in subgroup A–1 Plus, to a continuing position of like seniority, status and pay. (Sec. 8, 54 Stat. 890; sec. 9, 62 Stat. 614; 50 U. S. C. App. 308, 459)

(Continued on next page)

CONTENTS

	Page
Agriculture Department	
See also Commodity Credit Corporation.	
Notices:	
County committees, appointment, and designation of chairmen	5766
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Bender, Hans	5775
Kosak, Franz Alexander	5776
Minderlein, Babette	5775
Moritz, W. A., S. en C	5776
Nagar, Louise	5776
Stiller, Minna Elise, et al	5775
Wasserstrom, Kathe	5776
Army Department	
Rules and regulations:	
Military reservations; use of real estate	5762
Civil Service Commission	
Rules and regulations:	
Reductions in force, retention preference; sequence of selection, actions, and appeals	5753
Commodity Credit Corporation	
Rules and regulations:	
Peanuts; loans and prices, 1949	5760
Producer loans	5755
Purchase program	5758
Sheller loans	5757
Defense Department	
See Army Department.	
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Afro-American Broadcasting System, Inc	5768
Bessemer Broadcasting Co	5768
Coston-Tompkins Broadcasting Co	5769
Eastland County Broadcasting Co	5770
Lake Huron Broadcasting Co. (WKNX) and Booth Radio Stations, Inc	5770
Lawrence Broadcasting Co	5769
Lubbock County Broadcasting Co. and Plains Radio Broadcasting Co. (KFYO)	5767
Morales, Felix H., and John F. Cooke	5768
Pasadena Presbyterian Church (KPPC) and Pomona Broadcasters	5763

FEDERAL REGISTER

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CONTENTS—Continued

Federal Communications Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Quinones, Jose Ramon, and WPTF Radio Co 5769
Radio Reading 5771
Radio St. Clair, Inc 5768
San Antonio Television Co 5771
Sims, Bartley T., and Mendocino Broadcasting Co 5769
Southern California Broadcasting Co. (KWKW) et al 5766
Sun Valley Broadcasting Co., Inc. (KTYL) (2 documents) 5770
Sunshine Television Corp. (WSEE) 5771
Tampa Broadcasting Co. (WALT) 5770

CONTENTS—Continued

Federal Communications Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
United Farmers' Telephone & Telegraph Co. and Interstate Telegraph Co 5771
Watertown Radio, Inc., and Rock River Valley Broadcasting Co 5768
WOAX, Inc. (WTNJ) and Morrisville Broadcasting Co. (WBUD) 5769
Proposed rule making:
Television broadcast service:
Procedure for cross-examination 5766
Testimony at hearing 5765

Federal Power Commission
Notices:
Florida Power Corp.; hearing 5772

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments in certain States 5760

Immigration and Naturalization Service
Notices:
Organization change of Central Office; Assistant Commissioner, Research, Education and Information Division 5774

Internal Revenue Bureau
Proposed rule making:
Distilled spirits, warehousing; simplification and standardization of warehouse records 5763
Rules and regulations:
Distilled spirits, production; withdrawal of samples for laboratory analysis 5761

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Securities and Exchange Commission
Notices:
Hearings, etc.:
Arkansas Power & Light Co 5774
Columbia Highlands Co 5772
Standard Gas and Electric Co 5773
Utah Power & Light Co 5672
West Penn Electric Co 5773

Treasury Department
See Internal Revenue Bureau.

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.

Title 5 Page
Chapter I:
Part 20 5753

Title 6
Chapter IV:
Part 646 (4 documents) 5755, 5757, 5758, 5760

CODIFICATION GUIDE—Con.

Title 24 Page
Chapter VIII:
Part 825 5760

Title 26
Chapter I:
Part 183 5761
Part 185 (proposed) 5763

Title 32
Chapter V:
Part 552 5762

Title 47
Chapter I:
Part 3 (proposed) (2 documents) 5765, 5766

(2) Any employee in subgroup A–1 or A–2, with competitive status in a position in the competitive service, who has at least five years of creditable service, if there is a position in the competitive service held by an employee in a lower group.

(d) *Reasonable offer of reassignment.* An offer of reassignment must be to a specific position which is expected to continue at least three months. Any offer of reassignment is reasonable if accepted by the employee as reasonable with knowledge of the facts. An offer of reassignment which is not acceptable to the employee will not be considered as reasonable if it requires a change in local commuting area when a reassignment under the foregoing provisions could be made within the local commuting area, or if it involves a reduction in rank or compensation when a reassignment under the foregoing provisions could be made without reduction in rank or compensation.

3. Effective upon publication in the FEDERAL REGISTER, § 20.13 is amended to read as follows:

§ 20.13 *Appeals.* (a) Any employee notified of proposed action by reduction in force who believes that the regulations in this part have not been correctly applied may appeal to the appropriate office of the Civil Service Commission, stating reasons for believing the proposed action to be improper, within ten days from the date he received notice of the proposed action, or within ten days after a decision by the agency on his answer to any notice giving him an opportunity to answer.

(b) The Commission will not consider the correctness of an efficiency rating as a basis for appeal under the regulations in this part unless the appellant is a permanent or war service indefinite preference eligible, the rating appealed is less than "Good," there is no efficiency rating board of review established under section 9 of the Classification Act of 1923, as amended, to which he can appeal, and diligent use has been made of administrative appeals procedures or justification is given for failure to use such procedures. Consideration of such appeals shall be limited to ascertaining whether the efficiency rating should be "less than 'Good' " or " 'Good' or better." (Sec. 505,

47 Stat. 416; sec. 14, 58 Stat. 390; 5 U. S. C. 669, 863)

(c) Commission determinations of qualifications for specific positions, in the consideration of appeals under regulations in this part, shall be on the basis of all available facts concerning such qualifications.

(Secs. 11 and 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

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

[F. R. Doc. 49-7582; Filed, Sept. 20, 1949; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Peanut Bulletin 1]

PART 646—PEANUTS

SUBPART—1949 PRODUCER LOANS

This bulletin states the requirements with respect to producer loans under the 1949 Crop Peanut Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). Loans will be available to producers in accordance with this bulletin on eligible peanuts produced in 1949. The program will be carried out by PMA under the general supervision and direction of the Manager, CCC.

Sec.

646.101 Administration.
646.102 Availability of loans.
646.103 Approved lending agencies.
646.104 Eligible producer and eligible peanuts.
646.105 Approved storage.
646.106 Approved forms.
646.107 Loan rates.
646.108 Determination of grade and quantity.
646.109 Liens.
646.110 Service fees.
646.111 Set-offs.
646.112 Interest rate.
646.113 Transfer of producer's equity.
646.114 Insurance.
646.115 Loss or damage to the peanuts.
646.116 Personal liability.
646.117 Maturity and satisfaction.
646.118 Removal and release of the peanuts under loan.
646.119 Purchase of notes.
646.120 PMA Commodity Offices.

AUTHORITY: §§ 646.101 to 646.120 issued under sec. 4 (d), Pub. Law 806, 80th Cong.: interpret or apply sec. 5 (a), Pub. Law 806, 80th Cong., sec. 1 (a), Pub. Law 897, 80th Cong.

§ 646.101 *Administration.* In the field, the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA commodity offices. Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the eligibility of the producer; the eligibility, quantity and grade of the peanuts; the amount of the loan; and the value of the peanuts delivered under a loan. All loan documents will be completed and approved by the county committee which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to execute on behalf of the committee any forms and documents in connection with this program.

§ 646.102 *Availability of loans*—(a) *Area.* Loans shall be available on eligible peanuts as of August 1, 1949, in approved farm storage in all areas.

(b) *Time.* Loans shall be available from August 1, 1949, through January 31, 1950. Notes and chattel mortgages must be signed by the producer and delivered to the county committee on or before January 31, 1950.

(c) *Source.* Loans will be made available through the offices of county committees. Disbursements on loans will be made to producers by State PMA offices by means of sight drafts drawn on CCC, or by approved lending agencies under agreement with CCC. Disbursements on loans will be made not later than February 15, 1950, except where specifically approved by the Director, Fats and Oils Branch, in each instance.

§ 646.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a lending agency agreement (Form PMA-97 or other form prescribed by CCC), or loan servicing agreement.

§ 646.104 *Eligible producer and eligible peanuts*—(a) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who, as landowner, landlord, tenant, or sharecropper is entitled to share in the peanuts produced in 1949 on a farm on which there is no excess acreage.

The term "excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment, but there will be no excess acreage if the farm peanut acreage is 1.0 acres or less.

The term "farm peanut acreage" means the acreage on the farm planted to peanuts in 1949, as determined by the county committee, less any such acreage with respect to which it is established by the farm operator or otherwise, to the satisfaction of the county committee, that the entire production therefrom has not and cannot be picked or threshed either before or after marketing from the farm.

The execution of form Peanut 116, "Agreement by Operator of Overplanted Farm" as provided in § 646.143 of 1949 CCC Peanut Bulletin 3, does not make any producer on the farm eligible for a loan under this bulletin.

(b) *Eligible peanuts.* Eligible peanuts shall be peanuts which meet the following requirements.

(1) The peanuts must be of the 1949 crop and must be produced by an eligible producer.

(2) The beneficial interest in the peanuts must be in the person tendering the peanuts for a loan, and must have always been in him or must have been in him and a former producer whom he succeeded before the peanuts were harvested.

(3) The peanuts must be merchantable farmers stock peanuts, containing less than 5 percent damaged kernels. The term "merchantable farmers stock peanuts" means peanuts in the shell which contain not in excess of 9½ percent moisture in the Southeastern and Southwestern areas and not in excess of 10½ percent moisture in the Virginia-Carolina area, which have been produced in the continental United States, and which have not been cleaned, shelled, crushed or otherwise changed from their natural state after picking or threshing.

§ 646.105 *Approved storage.* Approved farm storage consists of structures located either on or off the farm (provided no warehouse receipts are outstanding) which, as determined by the County Committee, are of such construction as will afford safe storage of the peanuts. The structure must be substantial, dry and well-ventilated. A producer who places farm storage peanuts under loan is obligated to maintain the farm storage structure in good repair and to keep the peanuts in good condition.

§ 646.106 *Approved forms.* The approved forms consist of the Producer's Note on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, which, together with the provisions of this bulletin and any supplements or amendments thereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

§ 646.107 *Loan rates.* The basic rate of the loan on eligible peanuts is 10.53 cents per pound, which is 90% of parity as of August 1, 1949. Specific loan rates, based on type, grade, quality, and moisture content, are shown in Supplement 1 to this bulletin. No premium will be allowed for extra large kernels in Virginia type peanuts.

§ 646.108 *Determination of grade and quantity*—(a) *Determination of grade.* The grade will be determined by a Federal or Federal-State inspector on the basis of a sample taken by the county committee. Factors considered in determining the grade of peanuts are percentage of sound mature kernel content, moisture content, the percentage of damage, and the foreign material content.

(b) *Determination of quantity.* The quantity shall be the net weight (gross weight less foreign material) of peanuts at the time they are placed under the loan. If the peanuts are stored in bags the County Committee will weigh a sufficient number of bags to determine the gross weight of peanuts to be placed under the loan. The gross weight of peanuts in bulk storage will be determined

on the basis of the number of cubic feet in the storage structure occupied by the peanuts multiplied by the weight listed below for the type of peanuts in storage:

Variety:	Weight 1 cu. ft.
Spanish	20 lbs.
Runner	19 lbs.
Virginia	18 lbs.

§ 646.109 *Liens.* The peanuts must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the peanuts, proper waivers must be obtained.

§ 646.110 *Service fees.* The producer shall pay a service fee of $3.00 or 30 cents a ton, or fraction thereof, whichever is greater, and an inspection fee of 50 cents per ton. The producer shall pay the $3.00 minimum service fee prior to inspection of the storage structure. The balance of the service fee, if any, shall be collected from the proceeds of the loan. The inspection fee of 50 cents per ton shall be collected by the County Committee for the account of the Federal-State Inspection Service by deduction from the proceeds of the loan. No refund of service or inspection fees will be made.

§ 646.111 *Set-offs.* If the producer is indebted to CCC on any accrued obligation or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders.

If the producer is indebted to any other agency of the U. S., and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above.

Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

§ 646.112 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 646.113 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the peanuts under the loan or his remaining interest may be restricted by CCC.

§ 646.114 *Insurance.* CCC will not require the producer to insure the peanuts placed under the loan; however, if the producer does insure such peanuts, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the peanuts involved in the loss.

§ 646.115 *Loss or damage to the peanuts.* The producer is responsible for any loss in grade and for any loss in weight in excess of 1% of the delivered gross weight; except that uninsured physical loss or damage occurring without fault, negligence or conversion on the part of the producer or any other person having control of a storage structure not located on the farm, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC: *Provided,* The producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 646.116 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the peanuts by him shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 646.117 *Maturity and satisfaction.* Loans mature on demand but not later than June 1, 1950. The producer is required to pay off his loan on or before maturity, or to deliver the mortgaged peanuts in accordance with instructions of the county committee. If the producer refuses to deliver the mortgaged peanuts in accordance with instructions of the county committee, he will be responsible for the cost of delivering the peanuts. When the peanuts are delivered, the producer is required to deliver all the peanuts stored in the structure with the mortgaged peanuts; and in determining the settlement value of the peanuts, credit will be given for the total quantity delivered. The settlement value shall be computed at the applicable rate specified in Supplement 1 to this bulletin, based on the type, grade, quality, and moisture content of the peanuts delivered. The quantity on which the settlement value will be determined shall be the net weight (gross weight less foreign material) of the peanuts delivered plus an allowance of 1% of the delivered gross weight.

If the settlement value of the peanuts delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the State PMA Office.

If the settlement value of the peanuts delivered is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, and may be set off against any payment which would otherwise be made to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC, or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee.

§ 646.118 *Removal and release of the peanuts under the loan*—(a) *Removal of the peanuts under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the peanuts and sell them either by separate contract or after pooling them with other lots of peanuts similarly held.

If the peanuts are pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any over-plus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled peanuts as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers and not unduly impair the market for the current crop of peanuts, even though part or all of the pooled peanuts are disposed of at prices less than the current domestic price of such peanuts. Any sum due the producer as a result of the sale of the peanuts or of insurance proceeds thereon, or any ratable share resulting from the liquidation of the pool, shall be payable only to the producer, without a right of assignment by him.

(b) *Release of the peanuts under loan.* A producer may at any time obtain release of peanuts remaining under loan by paying to the holder of the note, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of the loan, the county committee should be requested to release the mortgage by filing an instrument of release or by executing a marginal release on the county records. Partial release of the peanuts prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the peanuts to be released.

§ 646.119 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe, covering all payments received on producer's notes held by them, and are required to remit to CCC an amount equal to 1½ percent per annum of the amount of the principal collected from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the PMA Commodity Office serving the area.

§ 646.120 *PMA Commodity Offices.* The PMA Commodity Offices and the peanut growing area served by each are shown below:

Addresses and Areas

Atlanta 3, Ga., 449 West Peachtree Street NE.: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Postal Building, 802 Delaware Avenue: Missouri.

San Francisco 3, Calif., 50 Van Ness Avenue: Arizona, California.

Issued this 15th day of September 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-7618; Filed, Sept. 20, 1949; 8:55 a. m.]

[1949 C. C. C. Peanut Bulletin 2]

PART 646—PEANUTS

SUBPART—1949 SHELLER LOANS

This bulletin states the requirements with respect to sheller loan operations under the 1949 Crop Peanut Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). Loans will be made available to shellers in accordance with this bulletin.

Sec.
646.121 Administration.
646.122 Availability.
646.123 Eligible sheller.
646.124 Eligible peanuts.
646.125 Approved storage.
646.126 Loan rates.
646.127 Approved forms.
646.128 Determination of grade.
646.129 Lending agency records.
646.130 Lending agency reports.
646.131 Assignment of indebtedness to commodity.
646.132 Payment of interest.
646.133 Release of peanuts.

AUTHORITY: §§ 646.121 to 646.133 issued under sec. 4 (d), Pub. Law 806, 80th Cong.; interpret or apply sec. 5 (a), Pub. Law 806, 80th Cong., sec. 1 (a), Pub. Law 897, 80th Cong.;

§ 646.121 *Administration.* (a) The program will be carried out by the appropriate branches and commodity offices of PMA, under the general direction and supervision of the Manager, CCC.

(b) In the field the program will be carried out through:

(1) Lending agencies who have executed lending agency agreements with CCC on 1949 CCC Peanut Form 717. These agreements will provide that the lending agencies will retain one-half of the interest collected and remit the balance to CCC, unless the loan indebtedness is assigned to CCC, in which case the full amount of the interest collected for the period following the assignment will be remitted to CCC. Lending agencies will be paid a fee, as specified in the lending agency agreement, for services performed as agent of CCC in connection with the assigned loan indebtedness. Shellers desiring to obtain loans may request their customary banks to enter into such lending agency agreements.

(2) The following are the PMA Commodity Offices through which direct loans may be obtained and through which lending agencies will execute 1949 CCC Peanut Form 717. Copies of the forms referred to in this bulletin may be obtained from these offices:

Areas and Offices

(i) For the Virginia-Carolina area consisting of the States of Virginia, North Carolina, Tennessee, Missouri, Kentucky, and that part of South Carolina north and east of the Santee, Congaree and Broad Rivers, and (ii) For the Southeastern Area consisting of the States of Georgia, Alabama, Mississippi, Florida, and that part of South Carolina south and west of the Santee, Congaree, and Broad Rivers, and that part of Louisiana east of the Mississippi River: PMA Commodity Office, U. S. Department of Agriculture, 449 West Peachtree Street NE.: Atlanta 3, Ga.

(iii) For the Southwestern Area consisting of the States of Texas, Oklahoma, Arkansas, New Mexico, Arizona, California, and that part of Louisiana west of the Mississippi River: PMA Commodity Office, U. S. Dept. of Agriculture, 1114 Commerce Street, Dallas 2, Tex.

§ 646.122 *Availability.* Loans will be available from August 1, 1949, through June 15, 1950, to eligible shellers on eligible peanuts stored in approved warehouses. The maturity date shall be August 31, 1950, unless extended by CCC, but notes shall be payable earlier upon demand.

§ 646.123 *Eligible sheller.* An eligible sheller shall be any person engaged in shelling peanuts who has entered into a 1949 Sheller Contract, CCC Peanut Form 701. The applicable PMA Commodity Office will advise lending agencies as to the eligibility of shellers.

§ 646.124 *Eligible peanuts.* Eligible peanuts shall be peanuts which meet all the following requirements:

(a) Such peanuts must be of the 1949 crop, must have been produced by an eligible producer, as defined in § 646.143 of 1949 CCC Peanut Bulletin 3, and when marketed by the producer, must have been properly identified in accordance with the Marketing Quota Regulations for the 1949 Crop of Peanuts on a valid memorandum of sale from a within quota marketing card, Form Peanut 109, issued and in effect for the farm on which the peanuts were produced.

(b) Such peanuts must be free and clear of all liens and encumbrances including landlord's liens, or if liens and encumbrances exist on the peanuts, proper waivers must be obtained.

(c) Such peanuts must have been purchased by the sheller from a person who was the owner of the peanuts and who had a legal right to sell such peanuts at the time of the sale.

(d) At the time of purchase by the sheller the beneficial interest in the peanuts must have been in the person from whom the peanuts were purchased and, in the case of peanuts purchased from a producer, must always have been in him or in him and a former producer whom he succeeded before the peanuts were harvested.

(e) Such peanuts must be merchantable farmers stock peanuts; i. e., peanuts in the shell containing not in excess of 9½% moisture in the Southeast and Southwest Areas and not in excess of 10½% moisture in the Virginia-Carolina Area, which have been produced in the continental United States and which have not been cleaned, shelled, crushed or otherwise changed from their natural state after picking and threshing.

(f) Such peanuts must be stored in approved warehouses and must be represented by negotiable warehouse receipts.

(g) Such peanuts must be stored separately by type.

(h) Such peanuts must have been purchased from producers not more than 30 days prior to the date on which the sheller files his application for advance, CCC Peanut Form 717C, with respect thereto.

§ 646.125 *Approved storage.* Warehouses must be approved in writing by CCC. Warehousemen, except warehousemen licensed under the U. S. Warehouse Act, will be required to submit copies of their warehouse receipts, a properly certified current financial statement, a copy of the bond under which the warehouse is operating, and such other information as CCC may request. Warehousemen desiring approval should communicate with the Fats and Oils Branch, PMA, Washington 25, D. C.

§ 646.126 *Loan rates.* Loan rates shall be $10.00 per ton less than the prices for designated types and grades as shown in Supplement 1 to this Bulletin.

§ 646.127 *Approved forms.* (a) Loans shall be evidenced by promissory notes, payable to CCC or the lending agency, executed by the sheller on CCC Peanut Form 717B, Sheller Note.

(b) In addition to the notes, the following documents will be required:

(1) Application for Advance, CCC Peanut Form 717C, in which the sheller certifies that the peanuts on which he is requesting a loan were purchased at not less than full support prices and that such peanuts meet the eligibility requirements in § 646.124.

(2) Warehouse receipts approved by CCC both as to warehouse arrangement and as to form of receipt.

(3) Inspection certificates issued by a Federal or Federal-State inspector.

(4) Insurance policies or other satisfactory proof that the peanuts securing the loan have been insured on behalf of CCC for not less than the loan value plus $10.00 per ton against risk of loss or damage by fire, lightning, windstorm, tornado, and other risks normally insured against by the sheller. Premiums on such insurance must be paid by the sheller and the policies kept in force to the extent of the required insurance on peanuts at any time under loan.

§ 646.128 *Determination of grade.* The grade (i. e., percentage of sound mature kernal content, including whole loose shelled kernels, the percentage of damage and moisture, the foreign material content, and in the case of Virginia-type peanuts, the Extra Large Virginia shelled content) of each lot of farmers stock peanuts to be pledged as security for a loan hereunder shall upon

the delivery of such peanuts to the approved warehouse, be determined by a Federal or Federal-State inspector in accordance with such instructions as may be prescribed by CCC.

§ 646.129 *Lending agency records.* The lending agency shall maintain accurate records of all loan transactions for each individual borrower.

§ 646.130 *Lending agency reports.* Not later than the third day of each month, the lending agency shall transmit to CCC (at the applicable PMA Commodity Office named in § 646.121) the following items for the preceding month (or notice that no transactions were made, if such is the case):

(a) Report of Peanut Loan Held by lending agency, 1949 CCC Peanut Form 717A, for each borrower showing, by dates, the charges in the loan account for loans made and the quantity of peanuts pledged as collateral, credits to loan principal for repayments or for assignments to CCC and the related quantities of peanuts, and the balance of the loan held by the lending agency and quantity of collateral as at the beginning of the period and on the date of each loan transaction.

(1) A copy of each Application for Advance, CCC Peanut Form 717C, under which loans were made during the month.

(2) Remittance payable to the order of CCC for one-half of the interest collected on the loan held by the lending agency during the month.

(b) Report of Peanut Loan held by CCC, 1949 CCC Peanut Form 717D, for each borrower showing, by dates, the charges to the loan account for loans assigned to CCC and the related collateral, credits for repayments of loan principal and the quantities of peanuts released and the balance of the loan held for CCC and quantity of collateral as at the beginning of the month and on the date of each loan transaction.

(1) Remittance payable to the order of CCC for full amount of interest collected on the loan held for CCC during the month.

§ 646.131 *Assignment of indebtedness to CCC.* Lending agencies may assign the loan indebtedness to CCC in whole or in part, but not less than the amount representing the sheller loan value applicable to a single warehouse receipt. Such assignments must be made on the assignment form prescribed by CCC for use in connection with the lending agency agreement. Payments for the principal amount of the loan indebtedness assigned to CCC will be made by drafts drawn on CCC through a designated Federal Reserve Bank or branch bank. Drafts shall be supported by the signed original of the assignment(s). The original loan and collateral documents relating to the loan indebtedness assigned to CCC shall be retained by the lending agency in trust for CCC.

§ 646.132 *Payment of interest.* Interest at the rate of 3 percent per annum is payable monthly by the sheller to the lending agency or other holder of the note. The sheller shall remit monthly to the PMA Commodity Office the amount due as interest on loans made by CCC direct, identifying the amount applicable to each loan advance and the date and amounts on which the interest computations were made.

§ 646.133 *Release of peanuts.* The sheller may obtain the release of the warehouse receipts representing the peanuts pledged as security for the loan by paying the principal amount loaned on such peanuts plus the balance of the accrued and unpaid interest thereon. Redemption of the peanuts represented by one or more of the several warehouse receipts covered by a note or application for advance will be permitted. In making repayments of loans made by CCC direct, the amount due, available at par in the city in which the PMA Commodity Office is located, must be forwarded to that Office with information identifying the collateral being redeemed.

Issued and effective this 15th day of September 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-7621; Filed, Sept. 20, 1949; 8:55 a. m.]

[1949 C. C. C. Peanut Bulletin 3]

PART 646—PEANUTS

SUBPART—1949 PEANUT PURCHASE PROGRAM

This bulletin states the terms and conditions with respect to purchase operations under the 1949 Crop Peanut Price Support Program formulated by the Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). Purchases will be made from producers and shellers in accordance with this bulletin.

Sec.
646.141 Administration.
646.142 Availability.
646.143 Eligible producer.
646.144 Eligible peanuts.
646.145 Purchases from producers.
646.146 Purchases from shellers.
646.147 Purchase of excess peanuts.
646.148 Determination of grade.
646.149 Determination of quantity.
646.150 Settlement.
646.151 Support price.
646.152 Set-offs.

AUTHORITY: §§ 646.141 to 646.152 issued under sec. 4 (d), Pub. Law 806, 80th Cong.; interpret or apply sec. 5 (a), Pub. Law 806, 80th Cong., sec. 1 (a), Pub. Law 897, 80th Cong.

§ 646.141 *Administration.* The program will be administered by the appropriate branches and commodity offices of PMA, under the general direction and supervision of the Manager, CCC. In the field the program will be carried out through peanut cooperative associations (hereinafter referred to as Designated Agencies) operating under the CCC Designated Agency Contract, through local warehousemen (hereinafter referred to as Receiving Agencies) who enter into Receiving Agency Contracts with Designated Agencies, and through county Agricultural Conservation Committees (hereinafter referred to as County Committee). The Designated Agencies for the respective areas are as follows:

(a) For the Virginia-Carolina area: Growers Peanut Cooperative, Franklin, Va.

(b) For the Southeastern area: GFA Peanut Association, Camilla, Ga.

(c) For the Southwestern area: Southwestern Peanut Growers Association, Gorman, Tex.

§ 646.142 *Availability*—(a) *Area.* The program will cover the areas in which peanuts are produced in the United States, described as follows:

(1) The Virginia-Carolina area consisting of the States of Virginia, North Carolina, Tennessee, Missouri, Kentucky, and that part of South Carolina north and east of the Santee, Congaree, and Broad Rivers.

(2) The Southeastern area consisting of the States of Georgia, Alabama, Mississippi, Florida, that part of South Carolina south and west of the Santee, Congaree, and Broad Rivers, and that part of Louisiana east of the Mississippi River.

(3) The Southwestern area consisting of the States of Texas, Oklahoma, Arkansas, New Mexico, Arizona, California, and that part of Louisiana west of the Mississippi River.

(b) *Time.* Purchases of eligible farmers stock peanuts from eligible producers will be made from August 1, 1949, through June 15, 1950. Purchases of eligible farmers stock peanuts from shellers operating under the 1949 Peanut Sheller Contract will be made from December 1, 1949, through April 30, 1950. Purchases of No. 2 quality shelled peanuts (and other kernels contained therein) produced from eligible farmers stock peanuts will be made from such shellers from August 1, 1949, and may be terminated after August 1, 1950, upon 30-day written notice from CCC in accordance with the 1949 Peanut Sheller Contract.

§ 646.143 *Eligible producer.* (a) An eligible producer (i. e., a cooperator) shall be any individual, partnership, association, corporation, or other legal entity who, as landowner, landlord, tenant, or sharecropper is entitled to share in the peanuts produced in 1949:

(1) On a farm on which there is no excess acreage of peanuts in 1949, or

(2) On a farm for which the farm operator and the county committee (acting on behalf of CCC and the Secretary of Agriculture) execute Form Peanut 116, Agreement by Operator of Overplanted Farm. By executing such agreement, the farm operator agrees that there is and will be no excess acreage of peanuts on the farm and, upon breach of such undertaking, agrees to pay liquidated damages to CCC, in addition to any marketing penalties determined to be due the Secretary of Agriculture, in accordance with the terms of such agreement. Copies of Form Peanut 116 may be ob-

tained from the County Committee. The County Committee may decline to execute Form Peanut 116 in any case where it finds reasonable grounds to believe that such agreement will be used as a device to evade the requirements of this program or the collection of marketing penalty.

(b) (1) The term "excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment, but there will be no excess acreage if the farm peanut acreage is 1.0 acres or less.

(2) The term "farm peanut acreage" means the acreage on the farm planted to peanuts in 1949, as determined by the county committee, less any such acreage with respect to which it is established by the farm operator or otherwise, to the satisfaction of the county committee, that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm.

§ 646.144 *Eligible peanuts.* Eligible peanuts shall be peanuts which meet all the following requirements:

(a) Such peanuts must be of the 1949 crop, must be produced by an eligible producer, and must be properly identified in accordance with the Marketing Quota Regulations for the 1949 Crop of peanuts on valid memorandum of sale from a within quota marketing card, Form Peanut 109, issued and in effect for the farm on which the peanuts were produced.

(b) Such peanuts must be free and clear of all liens and encumbrances including landlord's liens, or if liens and encumbrances exist on the peanuts, proper waivers must be obtained.

(c) Such peanuts must be offered for sale by a person who is the owner of the peanuts and who has a legal right to sell such peanuts.

(d) The beneficial interest in the peanuts must be in the person offering the peanuts for sale, and, in the case of peanuts offered by a producer, must always have been in him or in him and a former producer whom he succeeded before the peanuts were harvested.

(e) In the case of purchases by CCC from producers, such peanuts must be merchantable farmers stock peanuts. In the case of purchases by CCC from shellers such peanuts must be either merchantable farmers stock peanuts or merchantable No. 2 shelled peanuts (and other kernels contained therein) which were produced from farmers stock peanuts meeting all eligibility requirements, other than maximum moisture content specified in this section. The term "merchantable" as applied either to farmers stock peanuts or to shelled peanuts, means peanuts containing not in excess of 9½% percent moisture in the Southeast and Southwest areas and not in excess of 10½ percent moisture in the Virginia-Carolina area. The term "farmers stock peanuts" means peanuts in the shell which have been produced in the continental United States and which have not been cleaned, shelled, crushed, or otherwise changed from their natural state after picking and threshing. Eligible farmers stock peanuts when purchased by shellers, or by other persons who sell to shellers, under the 1949 peanut sheller contract, may contain moisture in excess of the percentage specified in this paragraph for purchases by CCC.

§ 646.145 *Purchases from producers.* Eligible farmers stock peanuts offered by eligible producers will be purchased by CCC through Receiving Agencies.

§ 646.146 *Purchases from shellers.* CCC will purchase from shellers operating under the 1949 Peanut Sheller Contract eligible farmers stock peanuts, and No. 2 shelled peanuts (and other kernels contained therein) produced from eligible farmers stock peanuts, which are offered to CCC in accordance with the provisions of such contract. This contract requires the sheller to pay not less than the applicable support prices for all eligible farmers stock peanuts purchased from eligible producers. Copies of the contract may be obtained from the Fats and Oils Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C., or from the Designated Agencies shown in § 646.141.

§ 646.147 *Purchase of excess peanuts.* (a) CCC, through Receiving Agencies, will purchase from producers on farms on which there is an excess acreage in 1949 (i. e., noncooperators) a quantity of 1949 crop merchantable farmers stock peanuts produced on such farms which is not in excess of the quantity of peanuts produced on the excess acreage, as determined by the County Committee. The price paid for such peanuts will be 60 percent of the applicable support price for eligible peanuts of the same type and grade, less the penalty determined to be due on the marketing of such peanuts in accordance with the Marketing Quota Regulations for the 1949 crop of peanuts.

(b) All peanuts offered for purchase under this section must be identified by the excess marketing card, Form Peanut 110, issued to the operator of the farm on which such peanuts were produced and by a certificate issued by the County Committee showing the maximum quantity of peanuts produced on such farm which may be purchased at the price support rate for excess peanuts.

Such peanuts also must meet the requirements of paragraphs (b), (c), (d), and (e), of § 646.144.

§ 646.148 *Determination of grade.* (a) The grade (i. e., percentage of sound mature kernel content, including whole loose shelled kernels, the percentage of damage, percentage of moisture, the foreign material content, and in the case of Virginia-type peanuts, the Extra Large Virginia shelled content) of each lot of farmers stock peanuts delivered to a Receiving Agency for purchase by CCC shall be determined by a Federal or Federal-State inspector, in accordance with instructions issued by CCC.

(b) The grade of each lot of farmers stock peanuts and of No. 2 shelled peanuts (and other kernels contained therein) purchased by CCC from shellers shall be determined by a Federal or Federal-State inspector in accordance with the provisions of the 1949 Sheller Contract.

§ 646.149 *Determination of quantity.* The quantity of peanuts to be purchased shall be the gross weight at time of delivery of the farmers stock peanuts or the No. 2 shelled peanuts (and other kernels contained therein) less foreign material content.

§ 646.150 *Settlement.* The producer will be paid for peanuts delivered to a Receiving Agency by a draft drawn on CCC. Shellers will submit claim for payment to and be paid through the office of the Designated Agency serving the area in which the sheller is located.

§ 646.151 *Support price.* (a) Eligible farmers stock peanuts will be purchased by CCC at prices which reflect 90 percent of parity as of August 1, 1949. The specific purchase prices are shown in Supplement 1 to this Bulletin.

(b) No. 2 shelled peanuts will be purchased by CCC under the sheller contract at the price CCC is required to pay for a like quantity of sound mature kernels in eligible farmers stock peanuts. Such price is specified in Supplement 1 to this bulletin.

(c) The price of other kernels contained in a lot of No. 2 shelled peanuts will be determined by CCC on the basis of market value.

§ 646.152 *Set-offs.* (a) If a producer or sheller selling peanuts to CCC under this program is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC to the producer on farm storage facilities, whether held by CCC or a lending agency he must designate CCC or such lending agency as the payee of the proceeds of the sale to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of amounts due prior lienholder. If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

(b) Shellers and Receiving Agencies purchasing peanuts from producers pursuant to the 1949 Peanut Sheller and Receiving Agency Contracts shall collect and remit any indebtedness of such producers to any agency of the United States, as shown on the marketing card on which such peanuts are marketed, in accordance with the Sheller and Receiving Agency Contracts and instructions on such marketing card.

Issued this 15th day of September 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

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[1949 C. C. C. Peanut Bulletins 1, 2, 3, Supp. 1 (CCC Peanut Form 706, 1949 Crop)]

PART 646—PEANUTS

SUBPARTS—1949 PRODUCER LOANS, 1949 SHELLER LOANS, AND 1949 PEANUT PURCHASE PROGRAM

This supplement contains the rates at which CCC will make loans to producers, as provided in § 646.107 of 1949 C. C. C. Peanut Bulletin 1; the prices to be used in determining the rates of loans to shellers, as provided in § 646.126 of 1949 C. C. C. Peanut Bulletin 2; and the support prices at which CCC will purchase eligible farmers stock peanuts and No. 2 shelled peanuts (and other kernels contained therein) as provided in § 646.151 of 1949 C. C. C. Peanut Bulletin 3.

[Producer loan values and support prices for merchantable farmers stock peanuts at established receiving points and prices for No. 2 shelled peanuts purchased from approved shellers]

Sound mature kernels [1]	Spanish and Valencia east of Mississippi River	Spanish and Valencia west of Mississippi River	Runner [2]	Virginia type	
Percent	*Dollars per ton*	*Dollars per ton*	*Dollars per ton*	*Dollars per ton*	
Above 70	[3] 209.00	[4] 204.00	[5] 201.50	[6] 214.50	
Above 70					
Above 69	206.00	201.10	198.60	211.40	
Above 68	203.00	198.20	195.70	208.30	
Above 67	200.00	195.30	192.80	205.20	
Above 66	197.00	192.40	189.90	202.10	
Above 65	194.00	189.50	187.00	199.00	Base grade price
Below 65	[7]	[8]	[9]	[10]	

[Prices for No. 2 shelled peanuts and other kernels]

Type	Spanish and Valencia	Runner	Virginia	Other kernels
Price per lb	15¾ cents	15½ cents	16¼ cents	Market value.

[1] Includes whole loose kernels. The term "sound mature kernels" shall mean kernels which are free from damage as defined in the U. S. Standards for farmers stock (i) White Spanish peanuts in the case of Spanish and Valencia peanuts and (ii) Runner and Virginia peanuts, respectively, in the case of Runner and Virginia peanuts; and which will not pass through a screen having (i) 19/64 x ¾ inch perforations in the case of Spanish peanuts and (ii) 15/64 x 1 inch perforations in the case of Virginia peanuts, (iii) 15/64 x ¾ inch perforations in the case of Runner and Valencia peanuts.

[2] For the purpose of this program includes all peanuts excluding Valencia, which except for type, meet the "U. S. Standards for Farmers Stock Runner Peanuts (1931)" but do not meet the U. S. Standards for Farmers Stock Spanish or Farmers Stock Virginia type peanuts.

[3] $209.00 plus $3.00 per ton for each 1% above 70% sound mature kernels.

[4] $204.00 plus $2.90 per ton for each 1% above 70% sound mature kernels.

[5] $201.50 plus $2.90 per ton for each 1% above 70% sound mature kernels.

[6] $214.50 plus $3.10 per ton for each 1% above 70% sound mature kernels.

[7] $194.00 less $3.00 per ton for each 1% or fractional part thereof below 65% sound mature kernels.

[8] $189.50 less $2.90 per ton for each 1% or fractional part thereof below 65% sound mature kernels.

[9] $187.00 less $2.90 per ton or each 1% or fractional part thereof below 65% sound mature kernels.

[10] $199.00 less $3.10 per ton for each 1% or fractional part thereof below 65% sound matire kernels.

NOTE 1: In the southeastern and southwestern areas add to the above prices ½ of 1% for each full ½ of 1% moisture below 7% and deduct ½ of 1% for each full ½ of 1% of moisture above 7%. In the Virginia-Carolina area add to the above prices ½ of 1% for each full ½ of 1% moisture below 8% and deduct ½ of 1% for each full ½ of 1% moisture above 8%. No peanuts containing more than 9½% moisture (10½% moisture in the Virginia-Carolina Area) will be purchased by or for the account of CCC, nor will sheller or producer loans be made on peanuts containing moisture in excess of such percentages.

NOTE 2: Add to the above prices for Virginia type peanuts 50¢ per ton as a premium for each full 1% of Extra Large kernels in excess of 15%. Such premium will not be allowed on loans made to producers under 1949 CCC Peanut Bulletin 1. Extra large kernels shall mean any shelled Virginia peanuts which are whole and which are free from noticeably discolored or damaged peanuts as defined in the U. S. Standards for Shelled Virginia peanuts (Effective November 1, 1939) and which will not pass through a screen having 21½/64 x 1 inch perforations.

NOTE 3: Deduct from the above prices $3.00 per ton for each full 1% damage in excess of 1%.

NOTE 4: No producer loans will be made on peanuts containing 5% or more damage.

NOTE 5: Deduct from the above prices 50¢ per ton for each full 1% foreign material in excess of 3% but not in excess of 15%. For each full 1% of foreign material in excess of 15% deduct $1.00.

NOTE 6: Above prices are for peanuts delivered in bulk in the Southeastern peanut area. In other areas peanuts must be delivered in sacks as is the usual custom.

NOTE 7: Above prices are for eligible farmers stock peanuts produced by cooperating producers. Prices for excess farmers stock peanuts produced by noncooperating producers, which are purchased for account of CCC by receiving agencies, will be computed at the rate of 60% of above prices. Marketing penalties will be deducted from the purchase prices for excess peanuts.

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

Issued this 15th day of September 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-7619; Filed, Sept. 20, 1949; 8:56 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 165]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 163]

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

CERTAIN STATES

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

1. Schedule A, Item 20a, is amended to read as follows:

(20a) [Revoked and decontrolled.]

This decontrols the entire Fayetteville, Arkansas, Defense-Rental Area.

2. Schedule A, Item 82c, is amended to read as follows:

(82c) [Revoked and decontrolled.]

This decontrols the entire Centralia, Illinois, Defense-Rental Area.

3. Schedule A, Item 97b, is amended to read as follows:

(97b) [Revoked and decontrolled.]

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

4. Schedule A, Item 116a, is amended to describe the counties in the Defense-Rental Area as follows:

In Ellis County, the City of Hays.
In Pawnee County, the City of Larned.

This decontrols Ellis County, Kansas, except the City of Hays, a portion of the Great Bend, Kansas, Defense-Rental Area.

5. Schedule A, Item 130b, is amended to read as follows:

(130b) [Revoked and decontrolled.]

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

6. Schedule A, Item 136, is amended to read as follows:

(136) [Revoked and decontrolled.]

This decontrols the entire Bath, Maine, Defense-Rental Area.

7. Schedule A, Item 134c, is amended to read as follows:

(134c) [Revoked and decontrolled.]

This decontrols the entire Augusta, Maine, Defense-Rental Area.

8. Schedule A, Item 135, is amended to read as follows:

(135) [Revoked and decontrolled.]

This decontrols the entire Bangor, Maine, Defense-Rental Area.

9. Schedule A, Item 170b, is amended to read as follows:

(170b) [Revoked and decontrolled.]

This decontrols the entire Monette-Aurora, Missouri, Defense-Rental Area.

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

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

This amendment shall become effective September 16, 1949.

Issued this 16th day of September 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-7573; Filed, Sept. 20, 1949; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5747]

PART 183—PRODUCTION OF DISTILLED SPIRITS

WITHDRAWAL OF SAMPLES FOR LABORATORY ANALYSIS

1. On June 22, 1949, notice of proposed rule-making regarding the withdrawal of samples of distilled spirits by registered distillers was published in the FEDERAL REGISTER. (14 F. R. 3379)

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, §§ 183.3 (a), 183.264, 183.265, 183.266, 183.267, 183.269, 183.270, 183.271, 183.275, 183.277 and 183.293 of Regulations 4 (26 CFR, Part 183), approved February 28, 1940, relating to the production of distilled spirits, are amended, and §§ 183.3 (n-1) and 183.270a are added to such regulations as follows:

§ 183.3 *Definitions.* * * *

(a) "Approved containers" shall mean casks, barrels, or similar wooden packages, or drums, or similar metal packages, having a capacity of not less than 10 wine gallons each, or railroad tank cars: *Provided,* That, for the withdrawal of samples for laboratory analysis, "approved containers" shall mean any container of less than 10 wine gallons capacity.

* * * * *

(n-1) "Laboratory analysis" shall mean the determination of the composition of distilled spirits by chemical, physical, or organoleptic examination.

* * * * *

§ 183.264 *Unfinished spirits.* Upon approval by the storekeeper-gauger in charge at the distillery of an application submitted in accordance with the provisions of § 183.266, the distiller may remove for laboratory analysis samples of distilled spirits in the course of distillation and prior to their deposit in the cistern room, as follows:

(a) Samples, not exceeding three pints in the aggregate, of the product of each still in a distilling unit in each 24-hour period;

(b) Where a discontinuous or batch still, such as a gin still, is operated, samples, not exceeding three pints in the aggregate, of the product of each batch distilled;

(c) Where the distiller desires to obtain spot-samples from various plates of a still in the course of distilling a day's production, samples, not exceeding one quart in the aggregate, from each of the various plates;

(d) Where special conditions prevail, such as the necessity for determining the efficiency of a new still, or for other valid reasons, which require additional samples of unfinished spirits for analytical purposes during specified periods, the application required by § 183.266 shall be submitted by the storekeeper-gauger to the district supervisor for his approval prior to the withdrawal of the additional samples. The size of such samples shall not exceed one quart, and the number of samples must be restricted to the minimum necessary for analytical purposes;

(e) Where the distiller desires samples in excess of those provided for in paragraphs (a), (b), (c), and (d) of this section, he may remove such samples: *Provided,* That, if in containers of less than one proof gallon, such removal shall be subject to payment of tax in accordance with the provisions of § 183.270a (b), and, if in containers of one proof gallon or more, such removal shall be made pursuant to tax payment in accordance with the provisions of §§ 183.293 to 183.296. The size and number of samples taken must be restricted to the minimum necessary for the purposes for which intended. In authorizing the taking of samples, the storekeeper-gauger will exercise discretion with the view of allowing sufficient samples to enable the distiller to determine the quality of the product. (Sec. 3176, I. R. C.)

§ 183.265 *Finished spirits.* The distiller may take from the cistern room of the distillery samples of distilled spirits for laboratory analysis. Such samples shall not exceed one quart, in the aggregate, in each 24-hour period from any tank in the cistern room: *Provided,* That, when a tank is filled and emptied and filled again in the same 24-hour period, samples, not to exceed one quart in the aggregate, may be taken from each filling of the tank. Such samples may be withdrawn upon approval by the storekeeper-gauger in charge at the distillery of an application filed in accordance with the provisions of § 183.266. The taking of samples from the cistern room at more frequent intervals or in greater quantities shall not be authorized: *Provided,* That, where the distiller desires samples in number or quantities in excess of these limitations, he may remove samples in containers of less than one proof gallon subject to payment of tax in accordance with the provisions of § 183.270a (b), and in containers of one proof gallon or more upon tax payment in accordance with the provisions of §§ 183.293 to 183.296. (Sec. 3176, I. R. C.)

§ 183.266 *Application.* When the distiller desires to remove samples of unfinished spirits or finished spirits for laboratory analysis under the provisions of §§ 183.264 and 183.265, respectively, he shall make application, in triplicate, to the storekeeper-gauger in charge at the distillery. The application shall be given a serial number beginning with "1" for the first application and running consecutively thereafter. The application should specify the reasons why the samples are desired, the number and size of the samples to be taken, and the place or places of removal. Where it is desired to remove samples regularly for the purpose specified, except samples subject to tax payment, the application may be made for that purpose. Where samples subject to tax payment are desired, application shall be submitted each day such samples are to be procured. No sample may be taken until the application is approved. (Sec. 3176, I. R. C.)

§ 183.267 *Approval of application.* The storekeeper-gauger must satisfy himself as to the need for the number of samples desired and the legitimacy of the purpose for which they are to be used before approving the application. The storekeeper-gauger, upon approval or disapproval of the application, shall return one copy to the warehouseman, forward one copy to the district supervisor, and retain the original copy in his office. (Sec. 3176, I. R. C.)

§ 183.269 *Label.* At the time of the withdrawal of a sample, the proprietor shall prepare a label and a copy thereof. The label and copy shall be prepared on paper having approximate dimensions of 3" x 5". The proprietor shall show on the label and on the copy, in the order listed and upon separate lines, the following information:

(a) The word "Sample";

(b) The serial number of the approved application covering the withdrawal of the sample;

(c) The kind of spirits;

(d) The place from which the sample was removed;

(e) The name of the distiller followed by the registered number of the distillery and the name of the State in which located;

(f) The size of the samples and, in regard to samples in containers of less than one proof gallon taken subject to payment of tax, the quantity in proof gallons extended to the fourth decimal place (the proof gallon content of other samples need not be shown on the label);

(g) If the sample is to be analyzed at other than the immediate or contiguous premises of the proprietor, the name and address of the laboratory or purchaser to which the sample is to be sent.

Upon completion, the label and the copy shall be presented to the storekeeper-gauger, who shall verify the accuracy of the data thereon, date and sign both copies, and supervise the affixing of the label to the sample container. Where the label is to be placed upon a container of a sample taken subject to payment of tax pursuant to the provisions of § 183.270a (b) the storekeeper-gauger shall write upon the label and the copy the words "subject to taxpayment." The copy of the label shall be filed by the storekeeper-gauger in accordance with the provisions of § 183.270. The distiller shall not be required to affix red strip stamps to containers of taxable samples of spirits. Containers of samples of spirits in quantities of one proof gallon or more taken subject to payment of tax,

shall be marked, branded, and stamped, in accordance with the provisions of §§ 183.285 to 183.296: *Provided*, That where it is impracticable to so mark and brand a sample container, the mandatory marks and brands may be shown on an additional label affixed to the container. (Sec. 3176, I. R. C.)

§ 183.270 *Office record.* The proprietor shall furnish sufficient file cases for the filing and retention of sample records. The copies of labels shall be kept by the storekeeper-gauger as a record of samples removed and shall be filed numerically by application number and chronologically by date. If the distiller operates an internal revenue bonded warehouse on or contiguous to the distillery premises, the record of samples removed from the distillery shall be maintained separately from the record of samples removed from the warehouse. (Sec. 3176, I. R. C.)

§ 183.270a *Report of taxable samples*—(a) *General.* Taxable samples shall be reported by the distiller on Form 1598 in accordance with the instructions on the form.

(b) *Containers of less than one gallon.* Each day that samples in containers of less than one proof gallon are withdrawn subject to payment of tax the storekeeper-gauger shall enter on Form 1615, "Taxable Samples of Distilled Spirits," in quadruplicate, a record of the taxable samples removed. All the information called for by the form shall be furnished. At the end of each month the storekeeper-gauger shall complete the report, retain one copy of the form and deliver the remaining three copies to the distiller, who shall forward the three copies to the collector with remittance for the tax due. The collector shall execute his certificate of taxpayment on each copy of the form, retain one copy, and return the remaining two copies to the distiller, who shall retain one copy and deliver the other copy to the storekeeper-gauger. The storekeeper-gauger shall note the taxpayment on his retained copy and forward the other copy to the district supervisor. (Sec. 3176, I. R. C.)

§ 183.271 *Disposition of samples.* The samples must be used solely for laboratory analysis. They may not be furnished to salesmen and dealers for advertising or soliciting purposes. Where spirits are sold subject to approval as to quality, a sample taken pursuant to the provisions of §§ 183.265, 183.266 and 183.267 may be furnished the purchaser. Remnants or residues of samples taken from the distillery or cistern room not subject to taxpayment remaining after analysis or examination and which are not desired to be retained as laboratory specimens or for further analysis or examination should be returned to vessels in the distilling system, unless the condition of the remnants or residues is such as to render them unsuitable for such disposition. If such remnants or residues of samples are unsuitable for return to the distilling system, they should be destroyed. (Sec. 3176, I. R. C.)

§ 183.275 *For spirits under section 2883, I. R. C.* Distilled spirits produced at a proof in excess of 159 degrees and reduced in the receiving cisterns to not more than 159 and not less than 100 degrees of proof may be drawn from such cisterns into casks, barrels, or similar wooden packages, or into drums, or similar metal packages, having a capacity of not less than 10 wine gallons each, or into railroad tank cars, and taxpaid or transferred to any internal revenue bonded warehouse for storage therein: *Provided*, That spirits of any proof to be removed for laboratory analysis may be drawn into containers or packages having a capacity of less than 10 wine gallons each. The spirits may be drawn into railroad tank cars only in case the premises of the distiller and the consignee are equipped with suitable railroad siding facilities. Such railroad siding facilities must, in the case of transfers in bond, extend into the receiving warehouse. (Secs. 2883, 3176, I. R. C.)

§ 183.277 *For spirits under section 2878, I. R. C.* Except as otherwise provided herein, distilled spirits which before reduction in the receiving cisterns are of a composite proof of not more than 159 degrees shall be drawn into casks, barrels, or similar wooden packages, or into drums, or similar metal packages, having a capacity of not less than ten wine gallons each. Such distilled spirits, for the purpose of exportation only, may be drawn into wooden packages, each containing two or more metallic cans having a capacity of not less than five wine gallons each. The construction of such wooden packages for exportation, and the filling, marking, and branding thereof, must conform to the specifications set forth in the regulations governing the warehousing of distilled spirits (26 CFR, Part 183). Such distilled spirits, either before or after reduction, for the purpose of laboratory analysis, may be drawn into containers or packages having a capacity of less than ten wine gallons each. (Secs. 2878, 3176, I. R. C.)

§ 183.293 *Application, Form 179.* Whenever the distiller desires to tax-pay and remove in packages direct from the cistern room distilled spirits produced at a proof in excess of 159 degrees and reduced to not more than 159 and not less than 100 degrees of proof or when, pursuant to approved application, he desires to tax-pay and remove samples of spirits for laboratory analysis in containers of one proof gallon or more, he shall execute application therefor on Form 179, in quadruplicate, and deliver all copies to the storekeeper-gauger. (Secs. 2883, 3176, I. R. C.)

3. These amendments are designed to establish appropriate limitations and requirements for the withdrawal by registered distillers of samples of distilled spirits for laboratory analysis, including organoleptic examination.

4. This Treasury decision shall be effective on the 31st day following the date of its publication in the FEDERAL REGISTER.

(Secs. 2878, 2883 and 3176, I. R. C.; 26 U. S. C., secs. 2878, 2883 and 3176)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: September 14, 1949.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49-7572; Filed, Sept. 20, 1949; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

USE OF DEPARTMENT OF THE ARMY REAL ESTATE

Sections 552.5, 552.11, 552.15e, and 552.15f are revised, a new paragraph (e) is added to § 552.7, and the opening portion of § 552.18 is changed, as follows:

§ 552.5 *Purpose and scope.* The purpose of these regulations is to set forth the authorities, policies, basic procedures, and responsibilities for the granting of use of real estate under the control of the Department of the Army within the continental United States, its Territories and possessions, and elsewhere except within occupation zones.

§ 552.7 *Policy.* * * *

(e) *Public safety.* The Department of the Army will not authorize the use of lands or buildings and improvements which are contaminated with explosive or toxic materials, or other innately or potentially harmful elements, for nonmilitary purposes when such action will endanger the lives of individuals or the public.

§ 552.11 *Leases.* (a) The Secretary of the Army is authorized, whenever he shall deem it to be advantageous to the Government, to lease such real or personal property under his control as is not for the time required for public use, to such lessee or lessees and upon such terms and conditions as in his judgment will promote the national defense or will be in the public interest. Each such lease will be for a period not exceeding 5 years, unless the Secretary of the Army shall determine that a longer period will promote the national defense or will be in the public interest. Each such lease will contain a provision permitting the Secretary of the Army to revoke the lease at any time, unless the Secretary of the Army shall determine that the omission of such provision from the lease will promote the national defense or will be in the public interest. In any event, each such lease will be revocable by the Secretary of the Army during a national emergency declared by the President. Notwithstanding section 321, act of June 30, 1932 (47 Stat. 412; 40 U. S. C. 303b), or any other provision of law, any such lease may provide for the maintenance, protection, repair, or restoration by the lessee, of the property leased or of the entire unit or installation where a sub-

stantial part thereof is leased, as a part or all of the consideration for the lease of such property. In the event utilities or services are furnished by the Department of the Army to the lessee in connection with any lease, payments for utilities or services so furnished may be covered into the Treasury to the credit of the appropriation or appropriations from which the cost of furnishing any such utilities or services to the lessee were paid. Except as otherwise hereinabove provided any money rentals received by the Government directly under any such lease will be deposited and covered into the Treasury as miscellaneous receipts. The authority granted does not apply to oil, mineral, or phosphate lands. The act of July 28, 1892, as amended (27 Stat. 321; 45 Stat. 988; 40 U. S. C. 303), is repealed. The lessee's interest will be made subject to State or local taxation. Any such lease of property will contain a provision that if and to the extent that such property is made taxable by State and local government by act of Congress, in such event the terms of such lease will be renegotiated. (See act August 5, 1947 (61 Stat. 774).)

(b) The Secretary of the Army is authorized, when he deems it necessary in the interest of national defense, under terms and conditions deemed advisable, to lease real property acquired, or utilized, for the development, manufacture, maintenance, and storage of military equipment, munitions and supplies, and for shelter, which was paid for out of monies appropriated for the Army for national defense purposes between June 13, 1940, and 6 months after termination of the war, or such earlier date as may be fixed by proclamation by the President or concurrent resolution of Congress. (See act of July 2, 1940 (54 Stat. 712; 50 U. S. C. App. 1171).) In addition to the time limitation provided in this legislation, the authorization is limited to real property acquired or utilzed for depots or for industrial installations.

§ 552.15e *Administration of use grants*—(a) *Payments.* Payments made by grantees for the use of real estate under lease, license, etc., will be collected by the Chief of Engineers or his representative and disposed of in accordance with applicable procedures.

(b) *Inspections.* At least once each year, the Chief of Engineers or his representatives will inspect real estate under the control of the Department of the Army under lease, license, easement, or permit to determine whether grantees or occupants are complying with the terms of the instruments authorizing use and occupancy. In addition, installation commanders or other authorized representatives of the using service will make such interim inspections as in the determination of the Chief of the using service are necessary for timely observation of the extent of compliance with the provisions of leases, licenses, etc., designed to protect and preserve the real estate for concurrent or residual military requirements and will furnish the appropriate division or district engineer, Corps of Engineers, with a copy of a written report of inspection reflecting findings and recommendations. The Chief of Engineers or his representatives will take such corrective action as may be necessary for the enforcement of the terms of the instruments.

§ 552.15f *Report of leases granted under authority of the act of August 5, 1947.* The Chief of Engineers will prepare and transmit to the Army Comptroller for submission to the Congress, the first day of January and the first day of July of each year, a report of all leases entered into in accordance with the authority set forth in § 552.11 (a).

§ 552.16 *Grants requiring enabling legislation.* Except as otherwise indicated in these regulations, enactment of enabling legislation is required to authorize the Secretary of the Army to grant an interest in real estate under his control for the following purposes:

* * * * *

[C1, AR 100–62, Sept. 6, 1949] (R. S. 161; 5 U. S. C. 22)

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

[F. R. Doc. 49–7583; Filed, Sept. 20, 1949; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 185]

WAREHOUSING OF DISTILLED SPIRITS

SIMPLIFICATION AND STANDARDIZATION OF RECORDS

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2801 (e) (5), 2882, 2883, 2885, 2886, 2891, 2903, 2904, 2910, 2915, 3031 (a), 3033, 3037, 3070, 3170, 3171 and 3176, Internal Revenue Code (26 U. S. C. 2801 (e) (5), 2882, 2883, 2885, 2886, 2891, 2903, 2904, 2910, 2915, 3031 (a), 3033, 3037, 3070, 3170, 3171, and 3176).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Sections 185.157, 185.423, 185.425, 185.426, 185.427, 185.428, 185.429, 185.430, 185.466, 185.467, 185.468, 185.470 and 185.471 of Regulations 10 (26 CFR, Part 185), relating to the warehousing of distilled spirits, are amended; § 185.465 of such regulations is revoked; and § 185.157a is added to such regulations.

§ 185.157 *Forms 1513 and 1621.* The storekeeper-gauger in charge of an internal revenue bonded warehouse shall enter all spirits deposited in the warehouse, including blended brandies returned from the brandy-blending department, on his monthly bonded warehouse return, Form 1513, and shall make appropriate entries in his summary of deposits and withdrawals, Form 1621, as provided in §§ 185.466 to 185.473. (Secs. 2801 (e) (5), 2915, 3176, I. R. C.)

§ 185.157a *Date of receipt in warehouse to be shown on withdrawal applications for permits.* At the time of submitting to the storekeeper-gauger an application prepared pursuant to the provisions of §§ 185.240, 185.274, 185.278, 185.289, 185.292, 185.294, 185.295, 185.317, 185.338, 185.351, 185.359, 185.367, 185.378, 185.413, 185.435, 185.443, 185.448, 185.454, 185.500, 185.509, and 185.516 for the gauge, regauge, or withdrawal of distilled spirits, the proprietor of the internal revenue bonded warehouse shall show on the form, in addition to the other information required by the form or by regulations, the date the spirits were received in the warehouse. When the warehouseman desires to make shipment of distilled spirits in bond and furnishes the storekeeper-gauger a copy of the Form 236 covering such transfer he shall furnish in writing to the storekeeper-gauger information showing the number of packages or cases, the serial numbers of the containers, the date of original entry for deposit and the date the distilled spirits were received in the warehouse. When the warehouseman submits permit on Form 1508, covering the withdrawal of distilled spirits for the use of the United States, he shall show on the form the date the spirits were received in the warehouse. (Secs. 2801 (e) (5), 2882, 2883, 2885, 2886, 2891, 2903, 2904, 2910, 2915, 3031 (a), 3033, 3037, 3070, 3171, and 3176, I. R. C., and section 309 (a) of the Tariff Act of 1930, as amended)

§ 185.423 *Permit, Form 1508.* Upon receipt of the application, permit on Form 1508, in quintuplicate, will be issued by the Commissioner and the original and three copies will be forwarded to the Government official by whom the application was signed, who in turn shall detach a copy and forward the original and the two remaining copies to the contractor or warehouseman to whom the spirits are to be delivered for shipment to the designated Government official. Upon approval of the bond, Form 544, pursuant to the provisions of § 185.424, the warehouseman shall furnish the original and

the two copies of the Form 1508 to the storekeeper-gauger at the warehouse. (Sec. 3176, 3331, I. R. C.)

§ 185.425 *Form 1520.* If the spirits to be withdrawn are in packages, the warehouseman shall present the original and the two copies of the permit, Form 1508, to the storekeeper-gauger, who shall regauge the spirits and prepare report thereof on Form 1520, in quadruplicate, except that an extra copy will be prepared if the regauge discloses excess loss from any package. (Secs. 3176, 3331, I. R. C.)

§ 185.426 *Form 1519.* If the spirits to be withdrawn were previously bottled in bond, the warehouseman shall present the original and the two copies of the permit, Form 1508, to the storekeeper-gauger, together with an application on Form 1519, in quintuplicate, modified to indicate the type of withdrawal, executed by the principal on the bond given on Form 544, for withdrawal of the spirits. The storekeeper-gauger shall inspect the cases and, if any appears to have sustained a loss, the contents shall be examined and the quantity ascertained to have been lost from each case shall be noted on each copy of Form 1519. (Secs. 3176, 3331, I. R. C.)

§ 185.427 *Taxable Loss.* Where the regauge of packages discloses an excess or taxable loss or the examination of cases discloses any taxable loss therefrom, the storekeeper-gauger shall return all copies of the Form 1508, accompanied by four copies of Form 1520 or Form 1519, to the warehouseman, who shall forward the Forms 1508 and Forms 1520 or Forms 1519 to the collector with remittance of the tax due on the excess loss from packages or the entire taxable loss from cases. The collector shall execute his certificate of payment of tax on the deficiency on all copies of the Form 1508, note such payment on each copy of Form 1520 or Form 1519, retain one copy of Form 1520 or Form 1519 and forward all copies of the Form 1508 and three copies of Form 1520 or Form 1519 to the district supervisor. (Secs. 2901 (a), 3176, 3331, I. R. C.)

§ 185.428 *Non-taxable loss.* Where the regauge of packages or the examination of cases discloses no loss subject to tax the storekeeper-gauger shall forward the original and two copies of the permit, Form 1508, and one copy of Form 1520, or Form 1519, as the case may be, direct to the district supervisor. (Secs. 2901 (a), 3176, 3331, I. R. C.)

§ 185.429 *Supervisors order to deliver spirits.* If the bond has been approved the district supervisor, upon receipt of the original and two copies of the permit, Form 1508, and the copy of Form 1520 or Form 1519 from the storekeeper-gauger or the original and two copies of the permit, Form 1508, and the copies of Form 1520 or Form 1519 from the collector, as the case may be, shall execute his order on each copy of the Form 1508 directing the storekeeper-gauger to deliver the spirits to the person named in the order and forward all copies of the Form 1508 and Form 1520, or Form 1519, as the case may be, to the storekeeper-gauger. (Secs. 3176, 3331, I. R. C.)

§ 185.430 *Delivery of spirits.* Upon receipt of the original and two copies of the Form 1508 and the copy or copies of Form 1520 or Form 1519 by the storekeeper-gauger, the spirits shall be delivered as provided in the order of the district supervisor, after the containers have been properly marked. Each package shall be marked in accordance with the provisions of the Gauging Manual (26 CFR, Part 186), and each case shall have stenciled thereon the words "Use of U. S.," followed by the date of withdrawal. There shall also be plainly marked on each package or case, by means of a stencil or securely affixed label, the name, title, and address of the Government official to whom the spirits are to be consigned. When delivery of the spirits has been made, the storekeeper-gauger shall note over his signature on each copy of the Form 1508, in the space provided therefor, the name of the person to whom the spirits were delivered, and the date of delivery, and will retain one copy of the Form 1508 together with one copy of Form 1520, or Form 1519, deliver one copy of each to the warehouseman, forward one copy of the Form 1520 or Form 1519 to the Government official to whom the spirits are to be delivered at destination, and forward the original of the permit, Form 1508, with Form 1520 or 1519 attached, to the district supervisor. Where the regauge of packages or the examination of cases disclosed taxable loss the storekeeper-gauger shall note on the extra copy of Form 1520 or Form 1519 the payment of tax on such loss, as shown by the collector's certificate on Form 1508. Where the examination of cases disclosed no loss of spirits, the storekeeper-gauger shall destroy the extra copy of Form 1519. If the bond was given by a person other than the warehouseman a copy of Form 1520 or Form 1519 may be prepared and furnished to such persons. (Secs. 3176, 3331, I. R. C.)

§ 185.466 *Summary of deposits and withdrawals, Form 1621.* The storekeeper-gauger in charge of each internal revenue bonded warehouse shall keep a summary on Form 1621 of the spirits entered into, withdrawn from and remaining in warehouse. Entries shall be made as indicated by the headings of the columns and lines on the form and in accordance with instructions issued by the Commissioner. Daily entries need not be made in the column "Balance in Warehouse," but the account shall be balanced and posted monthly, or at the end of each page if transactions are sufficiently numerous to fill more than one page per month. In the case of packages of blended brandies, the registry number of the warehouse where such packages were filled shall be substituted for the registry number of the distillery. The records shall be arranged alphabetically by States (a) numerically by distilleries according to registry number within each State and (b) in case of blended brandies, numerically by internal revenue bonded warehouses according to registry number within each State. Separate sheets shall be used for each kind of spirits (including blended brandies) and for each season's production, and for packages, cases, storage tanks, and packages of blended brandies. A summary account for each producer's goods shall not be maintained. Warehouse summary accounts showing for packages, cases, and storage tanks the total deposits and withdrawals by kind and the total deposits and withdrawals of all kinds of spirits should be maintained. This record shall also be used by storekeeper-gaugers in connection with the preparation of the statement on Form 1513 of spirits remaining in warehouse. (Secs. 2801 (e) (5), 3176, I. R. C.)

§ 185.467 *Files and records covering deposits.* The storekeeper-gauger's copy of all Forms 1520, covering the deposit in warehouse of spirits received from distilleries; Forms 1619 and 1620, covering spirits received from other warehouses; Forms 1520, covering packages filled from storage tanks and retained in the warehouse; Forms 1520, covering packages filled from brandy-blending tanks; and Forms 1620, covering cases of bottled-in-bond spirits returned to the storage portion of the warehouse, shall be filed as permanent records, in bound form, in the office of the storekeeper-gauger. The storekeeper-gauger shall enter the date of deposit of the spirits in the warehouse at the bottom of each form. Before filing such forms the storekeeper-gauger shall make appropriate entries covering the receipt of the spirits in his summary of deposits and withdrawals, Form 1621. The Forms 1520, 1619, and 1620 shall be filed separately by form number, the forms in each file being grouped under the name of the producing distiller (or warehouseman in the case of blended brandies) and arranged in chronological order according to date of deposit, and in sequence by serial numbers of the packages or cases where possible. Separate files shall be maintained for storage tanks and for packages filled from storage tanks and retained in the warehouse and for packages filled from brandy-blending tanks. Where two or more lots of spirits are deposited in the same storage tank the Forms 1520 covering such deposits shall be kept together and identifying notations shall be made on each form showing that they collectively represent the spirits deposited in the tank. When the last deposit is made in a tank, a recapitulation of the deposits will be made on the Form 1520 covering the last deposit, and withdrawals will be noted on such form. The date of deposit of the spirits shall be entered at the bottom of each Form 236, covering spirits received in bond from other premises, at the bottom of each Form 1518 covering spirits bottled in bond and returned to the warehouse, and at the bottom of each Form 1685 covering brandy blended in brandy-blending tanks and returned to the warehouse and such forms shall be filed separately by form number in chronological order. (Secs. 2801 (e) (5), 3176, I. R. C.)

§ 185.468 *Files and records covering withdrawals.* When spirits are to be withdrawn, the storekeeper-gauger shall secure from his files the Forms 1520, 1619, or 1620 covering the deposit of the spirits, including blended brandy re-

turned to the storage portion of the warehouse from the brandy-blending department, and shall transcribe the necessary details therefrom to the appropriate withdrawal forms. Upon withdrawal of spirits, the storekeeper-gauger shall indicate by proper red line blocking on the entry Forms 1520, 1619, or 1620, the packages or cases withdrawn, and the number of packages, the total original tax gallons, and the date and purpose of withdrawal. He shall also make the necessary entries covering the withdrawal on Form 1621, and shall enter the date of withdrawal at the bottom of the retained copies of the withdrawal forms and applications. When, at the time of making the red line blocking on the entry Forms 1520, 1619, or 1620, examination of the form discloses that all the packages or cases in the given lot covered by the form have been removed, the storekeeper-gauger shall compare the totals of the spirits entered for deposit with the totals of the spirits withdrawn for the purpose of determining the existence of any errors in transactions involving items covered by the particular form. (Secs. 2801 (e) (5), 3176, I. R. C.)

§ 185.470 *Withdrawals from storage tanks.* When spirits warehoused in storage tanks are withdrawn therefrom, either for immediate withdrawal from warehouse or for storage in packages in the warehouse, the storekeeper-gauger will secure from his files the Form 1520, covering the deposit of the spirits, and will note in red on such form the date and purpose of the withdrawal, the quantity withdrawn, and the serial numbers and kind of containers filled. The storekeeper-gauger will also make appropriate entries in the summary of deposits and withdrawals, Form 1621, showing the withdrawal of the spirits from the storage tanks. Where the spirits are drawn into packages for storage in the warehouse, the storekeeper-gauger will note such fact on Form 1621, enter the deposit of the packages in Form 1621, and note the date of deposit at the bottom of Form 1520, covering the gauge of the packages. Where the spirits are drawn into packages or tank cars for withdrawal from warehouse, the storekeeper-gauger will note the date of withdrawal at the bottom of the retained copies of the withdrawal forms and applications. When all spirits covered by more than one Form 1520 have been withdrawn from a storage tank, the storekeeper-gauger will file the Forms 1520 representing the individual deposits together in an inactive file under the date of the last deposit in the tank. (Sec. 3176, I. R. C.)

§ 185.471 *Filing of withdrawal forms and applications.* The copies of the reports of the withdrawal gauge, Form 1520, the reports of removal for transfer in bond, Form 1619 or 1620 or the application for taxpayment and withdrawal of bottled-in-bond spirits, Form 1519, as the case may be, retained by the storekeeper-gauger, shall be filed separately in chronological order, according to the date of withdrawal noted on the bottom of the forms. The storekeeper-gauger's copies of withdrawal applications, Forms 179, 206, 236, 257, 573, 655, 1518, and 1685, and of permit, Form 1508, will be filed separately by form number, in chronological order, in the same manner as the withdrawal forms. The withdrawal reports and applications for each month shall be separated in the file by proper markers and each file shall be appropriately marked to show the kind of forms contained therein and the period covered thereby. (Secs. 2801 (e) (5), 3176, I. R. C.)

2. These changes are designed to simplify and standardize the keeping of warehouse records by storekeeper-gaugers. It is provided that the date of deposit of spirits in the warehouse will be shown on withdrawal applications, thus eliminating a cumbersome files index.

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 49-7571; Filed, Sept. 20, 1949; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

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

TELEVISION BROADCAST SERVICE

ORDER OF TESTIMONY AT HEARING COMMENCING SEPTEMBER 26, 1949

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

1. The hearing in the above-entitled proceeding will commence on September 26, 1949, at 10:00 a. m. in the U. S. Department of Commerce Auditorium, Fourteenth Street between E Street and Constitution Avenue NW., Washington, D. C. In general, the hearing will continue on succeeding weekdays at 10:00 a. m. There will be no session on October 3, 1949.

2. Commencing the week of September 26, 1949, testimony and exhibits will be received from those who have filed timely appearances and comments relating to systems of color television. The order of appearances on these parties during the first week will be as follows:

Joint Technical Advisory Committee (JTAC).
Radio Manufacturers Association (RMA).
Radio Corporation of America.
Columbia Broadcasting System, Inc.
Color Television, Inc.
Dr. Charles Willard Geer.
Dr. Leon Rubenstein.
Philco Corporation.
Allen B. DuMont Laboratories, Inc.

Cross-examination by the parties will be deferred until after all parties have presented their direct case, including demonstrations. It is estimated that the direct case of the above parties will take all of the first week and part of the second week. It is expected that cross-examination will begin in the week of October 10, 1949.

3. Public demonstrations of color television on the record will be held as follows:

(a) October 7—Columbia Broadcasting System, Inc., system will be demonstrated at a location to be announced hereafter.

(b) October 10—Radio Corporation of America system will be demonstrated in the Ball Room of the Washington Hotel, Pennsylvania Avenue and Fifteenth Street NW., Washington, D. C., and at the studios of WNBW, Wardman Park Hotel, Washington, D. C.

Such other demonstrations of color television systems will be held as the Commission may find to be appropriate. It is expected that a comparative demonstration will be scheduled hereafter for the purpose of permitting showings at the same time and place of the Columbia Broadcasting System, Inc., color television system, the Radio Corporation of America color television system, and any other color systems that are demonstrated, as well as the conventional black and white system.

4. Admission to all demonstrations of color television will be by ticket only, which must be obtained from the Commission. Requests for tickets should be made in advance to the Commission Counsel. In view of limited seating capacity, tickets will be limited in number and will be made available only to interested parties in the proceeding, and to other persons who demonstrate a direct interest in the subject matter. It will not be possible to provide tickets for the general public.

5. Following the hearings mentioned above, the Commission will receive testimony and exhibits from other persons who have filed timely appearances and comments relating to other general subjects pertinent to the hearing, such as revisions of the rules and standards governing black and white television, propagation and interference factors, equipment availability and other problems, "Polycasting", "Stratovision", non-commercial educational television, general problems of allocation, and the request of Bell Telephone Laboratories, Inc. for the allocation of the 470 to 500 Mc. band to multi-channel broadband telephone communications. The Commission will announce hereafter the date and order in which these and similar subjects will be heard, as well as the order of appearances under each subject. The final part of the hearing will relate to comments concerning the allocation of specific channels to specific communities and will be preceded by a similar announcement.

Adopted: September 16, 1949.

Released: September 16, 1949.

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

[F. R. Doc. 49-7608; Filed, Sept. 20, 1949; 8:52 a. m.]

[47 CFR, Part 3]

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

TELEVISION BROADCAST SERVICE

NOTICE OF PROCEDURE FOR CROSS EXAMINATION

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

The Commission has received inquiries concerning the procedure to be followed at the hearing in the above-entitled matters scheduled to commence on September 26, 1949, in connection with cross examination of witnesses. The Commission is desirous of being as liberal as possible in permitting cross examination of witnesses by interested parties. However, it must be realized that because of the large number of persons participating in the hearing it will be impossible to permit unrestricted cross examination if the hearings are to proceed expeditiously. The following system has therefore been devised with respect to cross examination.

Forms are being prepared which will be available in the hearing room. A copy of this form is attached to this notice. One side of the form may be used by those persons who desire to ask only one or a few questions of a particular witness. In such a case the person should fill out the form giving the name of the witness and the question or questions he desires Commission Counsel to put to the witness. If the question is appropriate and the subject matter has not or will not be covered by other cross examination, Commission Counsel will ask the question.

Persons who desire more extensive cross examination should fill out the reverse side of the attached form stating the name of the witness they desire to cross examine, the subject matter the cross examination will cover, and the name of the person who will do the cross examining and the name of the organization he represents. This form should be handed to the Commission Counsel who will pass it on to the Commission which will decide on the basis of each case whether or not to permit cross examination.

All persons are urged to keep their requests for cross examination down to a minimum in order that the hearing can be handled expeditiously.

Adopted: September 16, 1949.

Released: September 16, 1949.

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

REQUEST TO COMMISSION COUNSEL TO SUBMIT A QUESTION FOR CROSS EXAMINATION

You are requested to submit to the witness named below the question or questions listed below:

Name of witness _____
Question _____
_____
_____
_____
_____
_____
Signed _____
Name of organization you represent _____
_____
☐ Permission granted.
☐ Permission denied.

TO CROSS EXAMINE WITNESS

Permission is hereby requested to cross examine the witness whose name appears below:

Name of witness _____
Subject matter concerning which cross examination is desired: _____
_____
_____
_____
_____
_____
Length of time of cross examination _____
Name of person who desires to cross examine and name of organization he represents:
Name of person _____
Name of organization _____
☐ Permission granted.
☐ Permission denied.

[F. R. Doc. 49-7609; Filed, Sept. 20, 1949; 8:53 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

APPOINTMENT OF COUNTY COMMITTEES AND DESIGNATION OF CHAIRMAN

Pursuant to the authority contained in Title V of the Housing Act of 1949 (Public Law 171, 81st Congress), *It is hereby ordered*, That:

1. The Administrator of the Farmers Home Administration is authorized to appoint a committee pursuant to section 508 (a) of the Housing Act of 1949 in any county or parish in which activities are carried on under Title V of that act and in which no existing satisfactory committee is available. Such committees shall be appointed in accordance with the procedure for appointment of committees pursuant to the Bankhead-Jones Farm Tenant Act, as amended.

2. Each county committee appointed by the Administrator pursuant to paragraph numbered 1 hereof, is hereby authorized to elect one member to serve as chairman. All members so elected as chairmen and all members elected as chairmen of the county committees appointed under the Bankhead-Jones Farm Tenant Act, as amended, are hereby designated as chairmen of their respective committees pursuant to section 508 (a) of the Housing Act of 1949.

3. In his discretion, the Administrator may redelegate, upon such terms and conditions as he may prescribe, the powers and authorities conferred upon him by paragraph numbered 1 hereof, and in his absence or in the event of his disability, such powers and authorities may be exercised by the acting Administrator.

(Pub. Law 171, 81st Cong.; R. S. 161, 5 U. S. C. 22)

Done at Washington, D. C., this 16th day of September 1949.

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

[F. R. Doc. 49-7617; Filed, Sept. 20, 1949; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6737, 8454, 8850, 8851, 9110, 9309-9311, 9396-9401, 9447]

SOUTHERN CALIFORNIA BROADCASTING CO. (KWKW) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Marshall S. Neal, Paul Buhlig, E. T. Foley and Edwin Earl, d/b as Southern California Broadcasting Company (KWKW), Pasadena, California, Docket No. 6737, File No. BP-3710; George W. Berger, George A. Raymer, Fred Forgy, and John W. Swallow, d/b as Orange County Broadcasting Company, Santa Ana, California, Docket No. 8454, File No. BP-5936; William Odessky and Lee A. Odessky, d/b as William and Lee A. Odessky, Los Angeles, California, Docket No. 8850, File No. BP-6023; Leland Holzer, Long Beach, California, Docket No. 8851, File No. BP-6372; Leon E. Sidebottom, Don J. Jackson, Walter S. Murra, Paul E. Kain, Glenn E. Jackson and Karl Jackson, d/b as Airtone Company, Santa Ana, California, Docket No. 9110, File No. BP-6021; H. M. McCollum, tr/as South Bay Broadcasting Company, Hermosa Beach, California, Docket No. 9309, File No. BP-6305; Vernon D. Smith, tr/as Public Service Broadcasters, Riverside, California, Docket No. 9310, File No. BP-7046; William O. Egerer and Peter C. Verdell, d/b as South Bay Broadcasters, Hermosa Beach, California, Docket No. 9311, File No. BP-7133; Beverly Hills Broadcasting Corporation, Beverly Hills, California, Docket No. 9396, File No. BP-5499; James J. Krouser and Lloyd F. Kreamer, d/b as Krouser and Kreamer, Oxnard, California, Docket No. 9397, File No. BP-5765; Isador Gralla and Jay Gralla, d/b as Gralla and Gralla, Tujunga, California, Docket No. 9398, File No. BP-6763; John R. Martin and D. V. O'Brien, d/b as Beverly Hills Broadcasters, Beverly Hills, California, Docket No. 9399, File No. BP-7047; J. Bruce Taylor, Sr., tr/as Long Beach Broadcasters, Long Beach, California, Docket No. 9400, File

No. BP–7048; Cannon System, Ltd. (KIEV), Glendale, California, Docket No. 9401, File No. BP–7260; Walter Muller and Frank Muller, d/b as Muller Brothers, Inglewood, California, Docket No. 9447, File No. BP–7325; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of September 1949;

The Commission having under consideration the above-entitled application of Walter Muller and Frank Muller d/b as Muller Brothers for a permit to construct a new standard broadcast station to operate on frequency 830 kilocycles, with 10 kilowatts power, daytime only in Inglewood, California:

It appearing, that, the above-entitled application of William and Lee A. Odessky, was designated for hearing March 18, 1948, in a consolidated proceeding with the application of Leland Holzer and other applications which were subsequently dismissed and that Thomas S. Lee Enterprises, Inc., d/b as Don Lee Broadcasting System, licensee of Station KHJ and Cannon Systems Ltd., licensee of Station KIEV were made parties to the proceeding;

It further appearing, that, by Commission orders of May 5, 1949 and July 20, 1949, the other above-entitled applications except that of Walter Muller and Frank Muller d/b as Muller Brothers were joined to the proceeding and that the hearing on the said applications is scheduled to commence September 19, 1949, in Washington, D. C.; and

It further appearing, that, the above-entitled application of Walter Muller and Frank Muller d/b as Muller Brothers may involve objectionable interference with the above-entitled applications of Long Beach Broadcasters, Beverly Hills Broadcasting Corporation, Krouser and Kreamer, Southern California Broadcasting Company, Gralla and Gralla, Beverly Hills Broadcasters, Airtone Company, and Orange County Broadcasting Company;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Walter Muller and Frank Muller d/b as Muller Brothers is designated for hearing in the above-consolidated proceeding at the time and place aforesaid 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 the other 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 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 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 orders of March 18, 1948, May 5, 1949, June 30, 1949, and July 20, 1949, designating the above-entitled applications, except that of Walter Muller and Frank Muller d/b as Muller Brothers, for hearing in a consolidated proceeding are amended to include the said application of Walter Muller and Frank Muller d/b as Muller Brothers; and

It is further ordered, That, if, as a result of the consolidated proceeding, it appears that, were it not for the issues pending in the hearing regarding clear channels (Docket No. 6741) and in the hearing regarding daytime skywave transmissions (Docket No. 8333) and the Commission's policy pertaining thereto as announced in the Public Notices of August 9, 1946, and May 8, 1947, the public interest would be best served by a grant of one or more of the above entitled applications other than that of William and Lee A. Odessky, then such application or applications shall be returned to the pending file until after conclusion of the said hearings regarding clear channels and daytime skywave transmissions.

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

[F. R. Doc. 49–7606; Filed, Sept. 20, 1949; 8:52 a. m.]

[Docket Nos. 7334, 7335, 9448]

LUBBOCK COUNTY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR FURTHER HEARING

In re applications of Lubbock County Broadcasting Co., Lubbock, Texas, Docket No. 7334, File No. BP–4062; Plains Radio Broadcasting Co. (KFYO), Lubbock, Texas, Docket No. 7335, File No. BP–4391; for construction permits. Lubbock County Broadcasting Co., (KVLU), Lubbock, Texas, Docket No. 9448, File No. BMP–3124; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of September 1949;

It appearing, that in its decision adopted June 12, 1947, in Docket Nos. 7216, 7333, 7334, 7335, and 7336 the Commission had before it, among other matters, two mutually exclusive applications for the use of the frequency 790 kc. at Lubbock, Texas, that of Lubbock County Broadcasting Company specifying a power of 1 kw. day and 1 kw. night directionalized at night, and that of Plains Radio Broadcasting Company specifying a power of 5 kw. day and 5 kw. night directionalized at night; and

It further appearing, that in its decision on the above-entitled applications the Commission found that the optimum utilization of the regional channel 790 kc. at Lubbock, Texas, which would afford adequate protection to existing and proposed services outside of Lubbock, would be a grant of a license to operate a station with 5 kw. power day and 1 kw. night; and

It further appearing, that, upon consideration of the respective qualifications of the two applicants for a station in Lubbock, the Commission concluded that Lubbock County Broadcasting Company was to be preferred for the reasons set forth in the decision, and that the Commission accordingly granted the application of Lubbock County Broadcasting Company, subject to the condition that applicant would within 60 days file an application for modification of permit specifying daytime power of 5 kw. in lieu of 1 kw., and denied the mutually exclusive application of Plains Radio Broadcasting Company; and that the Lubbock County Broadcasting Company thereafter filed the contemplated application for modification of construction permit, File No. BMP–3124, which was granted by the commission on November 6, 1947; and

It further appearing, that the Commission on July 12, 1948 denied an application for rehearing filed by Plains Radio Broadcasting Company, and that the applicant thereafter appealed from the Commission's decision to the United States Court of Appeals for the District of Columbia Circuit; and

It further appearing, that the United States Court of Appeals for the District of Columbia Circuit on May 4, 1949, in its decision in the case of Plains Radio Broadcasting Company v. Federal Communications Commission, No. 9973, reversed and remanded the case for further proceedings before this Commission in accordance with the opinion of the Court; and

It further appearing, that the Court of Appeals has held in the above decision that the Commission's grant to Lubbock County Broadcasting Company should be set aside because there was insufficient evidence in the record and findings in the decision both with respect to Lubbock County's qualifications to construct and operate a station with 5 kw. power during the day and with respect to Lubbock County's proposed program service;

It is ordered, That the construction permit and modification thereof hitherto granted to Lubbock County Broadcasting Company are vacated and set aside, and the above applications are returned to the hearing docket for further hearing at a time and place to be designated by

subsequent order of the Commission upon the issues hitherto specified in the Commission's Notices of Hearing dated March 1, 1946, in Dockets No. 7334 and 7335 designating those applications for hearing, and particularly upon the question of which of the above applicants is, on a comparative basis, better qualified to operate at Lubbock, Texas, on 790 kc. with the power of 5 kw. and 1 kw. night, which the Commission has previously found would best utilize this channel in the public interest at Lubbock, Texas.

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

[F. R. Doc. 49-7604; Filed, Sept. 20, 1949; 8:52 a. m.]

[Docket Nos. 8187, 9291]

FELIX H. MORALES AND JOHN F. COOKE

ORDER CONTINUING HEARING

In re applications of Felix H. Morales, Houston, Texas, Docket No. 8187, File No. BP-5397; John F. Cooke, Houston, Texas, Docket No. 9291, File No. BP-7158; for construction permits.

The Commission having under consideration a petition filed August 12, 1949, by John F. Cooke, Houston, Texas, requesting a 30-day continuance of the hearing presently scheduled for September 7, 1949, at Washington, D. C., in the proceeding upon the above-entitled applications for construction permits; an opposiiton thereto filed by Felix H. Morales, Houston, Texas, on August 16, 1949, and a reply to the said opposition filed on August 26, 1949, by John F. Cooke; and

It appearing, that the other applicant in this proceeding, Felix H. Morales, was on July 29, 1949, granted leave to file a major amendment to his above-entitled application; and that, therefore, in the ends of justice, the instant petitioner should have additional time to study that amended application to adequately prepare its case for hearing;

It is ordered, This 26th day of August 1949, that the petition is granted; and that the hearing upon the above-entitled applications is continued to 10:00 a. m., Thursday, September 22, 1949, at Washington, D. C.

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

[F. R. Doc. 49-7590; Filed, Sept. 20, 1949; 8:50 a. m.]

[Docket No. 8526]

BESSEMER BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Jesse E. Lanier, Jack Warden, Crawford J. Bass and Walter G. Petty, Jr., d/b as Bessemer Broadcasting Company, Bessemer, Alabama, Docket No. 8526, File No. BP-6202; for construction permit.

The Commission having under consideration a motion filed by the applicant August 4, 1949, requesting a waiver of § 1.745 of the Commission's rules and a continuance of sixty days of the hearing in the above-entitled matter presently scheduled to be heard August 15, 1949; and

It appearing, that there is no opposition to the motion;

It is ordered, This 12th day of August 1949, that the motion be and it is hereby granted, that § 1.745 of the Commission's rules with respect to the time for filing motions is waived, and the hearing is continued from August 15, 1949 to Friday, October 14, 1949 at the office of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] J. FRED JOHNSON, Jr.,
Hearing Examiner.

[F. R. Doc. 49-7598; Filed, Sept. 20, 1949; 9:00 a. m.]

[Docket Nos. 8887, 9156]

WATERTOWN RADIO, INC., AND ROCK RIVER VALLEY BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Watertown Radio, Inc., Watertown, Wisconsin, Docket No. 9156, File No. BP-6426; Rock River Valley Broadcasting Co., Watertown, Wisconsin, Docket No. 8887, File No. BP-6538; for construction permits.

The Commission having under consideration a joint petition by Watertown Radio, Inc., and Rock River Valley Broadcasting Co., requesting a sixty-day continuance of the hearing now scheduled for August 29, 1949, at Washington, D. C.; and

It appearing that Watertown Radio, Inc., and Rock River Valley Broadcasting Co. are the only parties in this proceeding and no objection to the petition has been made by or on behalf of Commission Counsel or the Commission's General Counsel;

It is ordered, This 12th day of August 1949 that the hearing be and it is hereby continued to October 27, 1949, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] LEO RESNICK,
Hearing Examiner.

[F. R. Doc. 49-7600; Filed, Sept. 20, 1949; 8:51 a. m.]

[Docket Nos. 9135, 9395]

PASADENA PRESBYTERIAN CHURCH (KPPC) AND POMONA BROADCASTERS

ORDER CONTINUING HEARING

In re applications of Pasadena Presbyterian Church (KPPC), Pasadena, California, Docket No. 9135, File No. BP-6566; and LeRoy R. Haynes, tr/as Pomona Broadcasters, Pomona, California, Docket No. 9395, File No. BP-7236; for construction permits.

The Commission having before it an informal request of LeRoy R. Haynes, tr/as Pomona Broadcasters, that the further hearing in the above entitled proceedings now scheduled to be heard on August 22, 1949, at Washington, D. C., be continued, a motion by Commission Counsel in support of said informal request for continuance, and opposition to the granting of the requested continuance made by counsel for Pasadena Presbyterian Church, and

It appearing that the basis for the requested continuance is the fact that the consulting engineer for LeRoy R. Haynes is presently incapacitated as the result of an appendectomy, and is unable to appear at the hearing on August 22, 1949, and good cause has been shown for the requested continuance,

It is ordered, This the 19th day of August 1949, that the further hearing in the above-entitled proceedings now scheduled to be heard on August 22, 1949, be continued to September 22, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BASIL P. COOPER,
Hearing Examiner.

[F. R. Doc. 49-7594; Filed, Sept. 20, 1949; 8:50 a. m.]

[Docket No. 9145]

RADIO ST. CLAIR, INC.

ORDER CONTINUING HEARING

In re application of Radio St. Clair, Inc., Marine City, Michigan, Docket No. 9145, File No. BP-6489; for construction permit.

The Commission having under consideration a petition filed on August 26, 1949, by Radio St. Clair, Inc., Marine City, Michigan, requesting that the hearing in the above-entitled proceeding presently scheduled to be heard on September 7, 1949, at Washington, D. C., be continued to October 12, 1949, at Washington, D. C.; and

It appearing, that all the interested parties to the above-entitled proceeding have consented to a grant of the petition and to a waiver of the requirements of § 1.745 of the Commission's rules and regulations:

It is ordered, This 26th day of August 1949, that the petition is granted; and that the hearing upon the above-entitled application is continued to 10:00 a. m., Wednesday, October 12, 1949, at Washington, D. C.

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

[F. R. Doc. 49-7529; Filed, Sept. 20, 1949; 8:50 a. m.]

[Docket No. 9194]

AFRO-AMERICAN BROADCASTING SYSTEM, INC.

ORDER CONTINUING HEARING

In re application of Afro-American Broadcasting System, Incorporated, Hop-

kins Park, Illinois, Docket No. 9194, File No. BP-6673; for construction permit.

The Commission having under consideration a petition filed August 24, 1949, by Afro-American Broadcasting System, Inc., Hopkins Park, Illinois, requesting a continuance of the hearing presently scheduled for September 12, 1949, at Washington, D. C., in the proceeding upon the above-entitled application for construction permit; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 2d day of September 1949, that the petition is granted; and that the hearing upon the above-entitled application is continued to 10:00 a. m., Monday, January 9, 1950, at Washington, D. C.

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

[F. R. Doc. 49-7585; Filed, Sept. 20, 1949; 8:49 a. m.]

[Docket No. 9230]

COSTON-TOMPKINS BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of James Goodrich Coston and Julian Lanier Tompkins, tr/as Coston-Tompkins Broadcasting Company, Ironton, Ohio, Docket No. 9230, File No. BP-6902; for construction permit.

The Commission having under consideration a petition filed August 26, 1949, by Coston-Tompkins Broadcasting Company, Ironton, Ohio, requesting an indefinite continuance of the hearing presently scheduled for September 14, 1949, at Washington, D. C., in the proceeding upon the above-entitled application for construction permit; and

It appearing, that there is pending before the Commission a petition for reconsideration and grant filed on April 27, 1949;

It is ordered, This 2d day of September 1949, that the petition is granted; and that the hearing upon the above-entitled application is continued indefinitely.

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

[F. R. Doc. 49-7587; Filed, Sept. 20, 1949; 8:50 a. m.]

[Docket Nos. 9253, 9254]

WOAX, INC. (WTNJ) AND MORRISVILLE BROADCASTING CO. (WBUD)

ORDER CONTINUING HEARING

In re applications of WOAX, Inc. (WTNJ), Trenton, New Jersey, Docket No. 9253, File No. BP-6845; Morrisville Broadcasting Company (WBUD), Morrisville, Pennsylvania, Docket No. 9254, File No. BP-6967; for construction permits.

The Commission having under consideration the petition of Morrisville Broadcasting Company, Morrisville, Pennsylvania, filed August 11, 1949, which requests authority to amend its above-entitled application from 1260 kc., 5 kw., unlimited time, to 1260 kc., 1 kw., unlimited time, and to change the location of main studio from Morrisville, Pennsylvania, to Trenton, New Jersey; and

It appearing, that petitioner's application is now scheduled for hearing in consolidation with the application of Station WOAX, Trenton, New Jersey, and that the licensees of Stations WNAC and WFBM are parties respondent to the proceeding; and

It appearing further, that no opposition has been filed with reference to the aforementioned petition;

It is ordered, This 22d day of August 1949, that the petition of Morrisville Broadcasting Company be, and it is hereby granted; and

It is further ordered, On the Commission's own motion, that the hearing in this case, now scheduled to begin on August 30, 1949, be, and it is hereby, continued to September 14, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Hearing Examiner.

[F. R. Doc. 49-7593; Filed, Sept. 20, 1949; 8:50 a. m.]

[Docket No. 9257]

JOSE RAMON QUINONES AND WPTF RADIO CO. (WPTF)

ORDER CONTINUING HEARING

In re petition of Jose Ramon Quinones, San Juan, Puerto Rico, Docket No. 9257; for reconsideration of action granting a construction permit (File No. BP-6353) to WPTF Radio Company (WPTF), Raleigh, North Carolina.

The Commission having under consideration a joint petition of the parties in the above-entitled proceeding, Jose Ramon Quinones and WPTF Radio Company, filed with the Commission August 5, 1949, requesting a thirty (30) day continuance of the hearing scheduled to commence August 24, 1949; and

It appearing, that the purpose of the request for additional time is to enable WPTF Radio Company to obtain certain factual data which may obviate the necessity for a hearing; and

It appearing further, that there is no opposition to the requested continuance;

It is ordered, This 15th day of August 1949 that the motion be and it is hereby granted, and the hearing presently scheduled to begin August 24, 1949, is continued to Friday, September 23, 1949, at the offices of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] J. FRED JOHNSON, Jr.,
Hearing Examiner.

[F. R. Doc. 49-7597; Filed, Sept. 20, 1949; 9:00 a. m.]

[Docket Nos. 9279, 9280]

BARTLEY T. SIMS AND MENDOCINO BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Bartley T. Sims, Ukiah, California, Docket No. 9279, File No. BP-6911; Lloyd Bittenbender, F. Walter Sandelin, Edgar W. Dutton, Guido Bennassini and T. R. Amarante, a partnership, d/b as Mendocino Broadcasting Company, Ukiah, California, Docket No. 9280, File No. BP-7145; for construction permits.

The Commission having under consideration a petition filed August 29, 1949, by Bartley T. Sims, Ukiah, California, requesting a continuance of the hearing presently scheduled for September 19, 1949, at Washington, D. C., in the proceeding upon the above-entitled applications; an opposition thereto filed on August 30, 1949, by Mendocino Broadcasting Company, Ukiah, California; and a reply to said opposition filed on August 31, 1949, by Bartley T. Sims; and

It appearing, that the present state of the petitioner's health will not permit him to proceed to hearing on the date presently scheduled; and that, therefore, in the interest of justice, the petitioner is entitled to a reasonable continuance;

It is ordered, This 2d day of September 1949, that the petition is granted; and that the hearing upon the above-entitled applications is continued to 10:00 a. m., Monday, November 21, 1949, at Washington, D. C.

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

[F. R. Doc. 49-7584; Filed, Sept. 20, 1949; 8:49 a. m.]

[Docket No. 9283]

LAWRENCE BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Loula Mae Harrison, executrix of the estate of L. C. Harrison tr/as Lawrence Broadcasting Company, Lawrence, Kansas, Docket No. 9283, File No. BP-6827; for construction permit.

The Commission having under consideration a petition by Harry M. Plotkin, Acting General Counsel, filed August 17, 1949, requesting that the hearing herein be continued indefinitely pending action by the Commission upon the applicant's petition, filed July 25, 1949, for reconsideration and grant without hearing; and

It appearing that no opposition has been filed;

It is ordered, This 23d day of August 1949, that the petition for an indefinite continuance be and it is hereby granted and that the hearing be and it is hereby continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] LEO RESNICK,
Hearing Examiner.

[F. R. Doc. 49-7592; Filed, Sept. 20, 1949; 8:50 a. m.]

[Docket No. 9307]

SUN VALLEY BROADCASTING CO., INC. (KTYL)

ORDER CONTINUING HEARING

In re application of Sun Valley Broadcasting Company, Inc. (KTYL), Mesa, Arizona, Docket No. 9307, File No. BP-6418; for construction permit.

The Commission having under consideration a petition filed on August 5, 1949, by the Sun Valley Broadcasting Company, Mesa, Arizona, requesting that the hearing now scheduled for August 15, 1949, at Washington, D. C., on the above-entitled application for construction permit, be continued to September 14, 1949; and

It appearing, that on May 24, 1949, or subsequent to the designation of the above-entitled application for hearing, the petitioner herein filed a petition requesting, among other things, leave to amend its application, and removal of the same from the hearing docket; and

It further appearing, that on June 1, 1949, the Motions Commissioner granted the said petition in part but referred to the full Commission the request for a waiver of §§ 3.22 (c) (2) and 3.29 of the Commission's rules and the removal of the said application for the hearing docket; and

It further appearing, that no action has yet been taken by the Commission on the request for removal which, if granted, would obviate the necessity for a hearing on the above-entitled application; and

It further appearing, that no opposition has been filed to the petition under consideration;

It is ordered, This 12th day of August 1949, that the petition be, and it is hereby, granted in part; and that the said hearing on the above-entitled application be, and is hereby, continued until further notice.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HUGH B. HUTCHISON,
Hearing Examiner.

[F. R. Doc. 49-7599; Filed, Sept. 20, 1949; 8:51 a. m.]

[Docket No. 9307]

SUN VALLEY BROADCASTING CO., INC. (KTYL)

ORDER AMENDING AND ENLARGING ISSUES

In re application of Sun Valley Broadcasting Company, Inc. (KTYL), Mesa, Arizona, Docket No. 9307, File No. BP-6418; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of September 1949;

The Commission having under consideration a petition and supplemental petition filed by Sun Valley Broadcasting Company, Incorporated for leave to amend and for removal from the hearing docket and grant of its above-entitled application as amended and for waiver of § 3.22 (c) (2) and § 3.29 of the Commission's rules and regulations;

It appearing, that, the above-entitled application was designated for hearing May 5, 1949, and that June 3, 1949, that part of the said petitions which request leave to amend was granted and the amendment accepted; and

It further appearing, that, the said amendment removes the objectionable interference to Station KWBR, Oakland, California, but that objectionable interference in contravention of international agreements or the Commission's rules and standards may be involved with Foreign Broadcast Station XEC, Tijuana, Mexico, or other existing foreign broadcast stations; and

It further appearing, that, on the basis of information submitted in the instant petitions and in the above-entitled application Sun Valley Broadcasting Company, Incorporated, is legally, technically, financially and otherwise qualified to construct and operate Station KTYL as proposed, and that the type and character of program service proposed to be rendered would meet the requirements of the populations and areas proposed to be served, but that the Commission is unable to make a determination of the matters in issue as set out in the order of May 5, 1949, designating the above-entitled application for hearing and accordingly cannot determine whether a grant of the said application would be in the public interest;

It is ordered, That the aforesaid action of June 3, 1949, of the Motions Commissioner in granting the petitions insofar as they request leave to amend is affirmed and that the said petitions are denied in all other respects; and

It is further ordered, That, on the Commission's own motion the order of May 5, 1949, designating the above-entitled application for hearing is amended to remove Stafford W. Warner and Eugene N. Warner d/b as Warner Brothers as parties to the proceeding and is further amended to delete that part of issue 2 which refers specifically to Station KWBR, Oakland, California, and to include as issue 5. "To determine whether the operation of Station KTYL as proposed would involve objectionable interference with Station XEC, Tijuana, Mexico, or with any other existing foreign broadcast stations and, if so, whether such interference would be in contravention of any international agreement of the Commission's rules and Standards".

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

[F. R. Doc. 49-7607; Filed, Sept. 20, 1949; 8:52 a. m.]

[Docket No. 9317]

EASTLAND COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In the matter of Dan Childress, J. W. Courtney, Grady Pipkin, Donald C. Hill, Alton W. Stewart & Gordon Griffin, a Partnership d/b as Eastland County Broadcasting Company, Eastland, Texas, Docket No. 9317, File No. BP-5688; for construction permit.

The Commission having under consideration the petition of the applicant herein, filed August 25, 1949, which requests a continuance of the hearing upon its application, now scheduled for September 9, 1949, pending final action of the Commission upon the apparently conflicting application of Texas Star Broadcasting Company (Docket No. 8258), concerning which a proposed decision favorable to the applicant heretofore has been rendered and oral argument thereon has been requested by the parties to that proceeding; and,

It appearing, in view of the present status of the proceeding involving the application of Texas Star Broadcasting Company that there is no certainty as to the date on which final action thereon may be expected; and,

It appearing further, that there is no opposition to a grant of the continuance requested herein;

It is ordered, therefore, This 29th day of August 1949, that hearing upon the above entitled application be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Hearing Examiner.

[F. R. Doc. 49-7588; Filed, Sept. 20, 1949; 8:50 a. m.]

[Docket No. 9341]

TAMPA BROADCASTING CO. (WALT)

ORDER CONTINUING HEARING

In re application of: W. Walter Tison, tr/as Tampa Broadcasting Company (WALT), Tampa, Florida, Docket No. 9341, File No. BP-6537; for construction permit.

The Commission having under consideration a petition filed August 10, 1949, by the above W. Walter Tison requesting that the hearing in the above-entitled proceedings be continued, and;

It appearing that on July 12, 1949, W. Walter Tison, applicant herein, filed with the Commission a petition requesting that the Commission reconsider and grant without hearing the above-entitled application, that said petition for reconsideration and grant is now pending and it is not possible to predict when it will be acted upon by the Commission, and the General Counsel having consented to the requested continuance and to waive the requirements of § 1.745 of the Commission's rules and regulations;

It is ordered, This the 12th day of August 1949, that the hearings in the above-entitled proceedings now scheduled to begin August 17, 1949, at Washington, D. C., be continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BASIL P. COOPER,
Hearing Examiner.

[F. R. Doc. 49-7602; Filed, Sept. 20, 1949; 9:00 a. m.]

[Docket Nos. 9360, 9361]

LAKE HURON BROADCASTING CO. (WKNX) AND BOOTH RADIO STATIONS, INC.

ORDER CONTINUING HEARING

In the matter of Lake Huron Broadcasting Company (WKNX), Saginaw,

Michigan, Docket No. 9360, File No. BP-6447; Booth Radio Stations, Inc., Grand Rapids, Michigan, Docket No. 9361, File No. BP-7103; for construction permits.

The Commission having under consideration a petition filed on August 3, 1949, by Lake Huron Broadcasting Company (WKNX), requesting continuance of the hearing herein now scheduled August 31, 1949, and all parties to the proceeding having consented to a continuance of said hearing to November 1, 1949;

It is ordered, This 12th day of August 1949, that the petition of Lake Huron Broadcasting Company is hereby granted, and the hearing in the above-entitled proceeding is hereby continued to November 1, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JACK P. BLUME,
Hearing Examiner.

[F. R. Doc. 49-7601; Filed, Sept. 20, 1949; 8:51 a. m.]

[Docket No. 9384]

UNITED FARMERS' TELEPHONE AND TELEGRAPH CO. AND INTERSTATE TELEGRAPH CO.

ORDER CONTINUING HEARING

In re applications of United Farmers' Telephone & Telegraph Co., Gardnerville, Nevada, Docket No. 9384, File No. P-C-2212; and Interstate Telegraph Company, Riverside, California; for a certificate under section 221 (a) of the Communications Act of 1934, as amended to merge.

The Commission having under consideration a petition filed August 16, 1949, by the above applicants, requesting that the hearing in the above-entitled proceedings, now scheduled to begin on August 30, 1949, be continued; and,

It appearing that the above-entitled applicants are scheduled to appear before the Public Utilities Commission of California, on August 18, 1949, for the presentation of their application before that Commission, and that applicants request for continuance is for the purpose of preparing additional data to present to this Commission, and the General Counsel having consented to such continuance;

It is ordered, This the 19th day of August 1949, that the hearing in the above-entitled proceedings, now scheduled to begin on August 30, 1949, be continued to 10:00 a. m., September 28, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BASIL P. COOPER,
Hearing Examiner.

[F. R. Doc. 49-7595; Filed, Sept. 20, 1949; 8:50 a. m.]

[Docket No. 9389]

SUNSHINE TELEVISION CORP. (WSEE)

ORDER CONTINUING HEARING

In re application of Sunshine Television Corporation (WSEE), St. Petersburg, Florida, Docket No. 9389, File No. BMPCT-529; for extension of TV completion date.

The Commission having under consideration a petition filed August 26, 1949, by Sunshine Television Corporation, St. Petersburg, Florida, requesting a 30-day continuance of the hearing presently scheduled for September 8, 1949, at Washington, D. C., in the proceeding upon the above-entitled application for extension of TV completion date; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 2d day of September 1949, that the petition is granted; and that the hearing upon the above-entitled application is continued to 10:00 a. m., Wednesday, October 12, 1949, at Washington, D. C.

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

[F. R. Doc. 49-7586; Filed, Sept. 20, 1949; 8:50 a. m.]

[Docket No. 9409]

SAN ANTONIO TELEVISION CO.

ORDER CONTINUING HEARING

In re application of R. L. Wheelock, W. L. Pickens, and H. H. Coffield, a partnership d/b as San Antonio Television Company, San Antonio, Texas, Docket No. 9409, File No. BMPCT-543; for extension of time within which to construct an authorized television station.

The Commission having under consideration the petition of R. L. Wheelock, W. L. Pickens, and H. H. Coffield, a partnership, d/b as San Antonio Television Company, filed on August 18, 1949, to continue indefinitely the hearing in the above-entitled proceeding now scheduled to be held on September 1, 1949; and

It appearing, that on August 15, 1949, the petitioner filed a "Petition for Reconsideration and Grant" requesting the Commission to reconsider its action of June 26, 1949, which denied petitioner's request for an extension of time in which to construct its television station; and

It further appearing, that the petition for reconsideration has not been disposed of by Commission action; and

It further appearing, that no opposition to the petition for continuance has been filed;

Now therefore it is ordered, This 26th day of August 1949 that the petition for continuance be granted and the hearing upon this application is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] J. D. BOND,
Hearing Examiner.

[F. R. Doc. 49-7591; Filed, Sept. 20, 1949; 8:50 a. m.]

[Docket No. 9446]

RADIO READING

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of John J. Keel tr/as Radio Reading, Reading, Pennsylvania, Docket No. 9446, File No. BP-7014; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of September 1949;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station to operate on frequency 1400 kilocycles, with 250 watts power, unlimited time at Reading, Pennsylvania, and also having under consideration a petition filed January 14, 1949, by Associated Broadcasters, Inc., requesting that the said application be designated for hearing and that petitioner be made a party to the proceeding;

It appearing, that, the applicant is legally, technically, financially, and otherwise qualified to operate the proposed station and that the type and character of program service proposed to be rendered would meet the requirements of the populations and areas proposed to be served, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, the said petition is granted and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

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

2. To determine whether the operation of the proposed station would involve objectionable interference to Stations WEST, Easton, Pennsylvania; WDAS, Philadelphia, Pennsylvania; WHGB, Harrisburg, 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.

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

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the areas and population of the city of Reading, Pennsylvania, and the Metropolitan District to receive satisfactory service.

It is ordered, That, Associated Broadcasters, Inc., licensee of Station WEST, Easton, Pennsylvania; WDAS Broadcasting Station, Inc., licensee of Station WDAS, Philadelphia, Pennsylvania; and Harrisburg Broadcasting Company, li-

censee of Station WHGB, Harrisburg, Pennsylvania, are made parties to the proceeding.

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

[F. R. Doc. 49-7605; Filed, Sept. 20, 1949; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6152]

FLORIDA POWER CORP.

ORDER POSTPONING HEARING

SEPTEMBER 15, 1949.

Counsel for Florida Power Corporation having requested that the hearing in this matter, heretofore set for October 10, 1949, be postponed until after October 19, 1949;

The Commission orders:

The hearing in this matter now set to commence on October 10, 1949, be and the same is hereby postponed to commence at 10:00 a. m., e. s. t., on October 24, 1949, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: September 16, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7580; Filed, Sept. 20, 1949; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1881]

COLUMBIA HIGHLANDS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1949.

Notice is hereby given that Columbia Highlands Company ("Columbia"), a non-utility subsidiary of Washington Irrigation & Development Company ("Washington"), a non-utility subsidiary of American Power & Light Company, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) thereof and Rules U-42 and U-46 thereunder, with respect to the following transactions:

Columbia, prior to November 21, 1947, had outstanding $32,375 principal amount of 6% demand notes and 1,000 shares of $100 par value capital stock, including 450 shares partially paid. Washington held all of the 6% demand notes and 250 shares of the capital stock which were fully paid. On November 21, 1947, Columbia consummated the sale of all of its property consisting of uncultivated land, and paid its outstanding 6% notes at principal amount plus accrued interest. On May 20, 1948, Columbia's stockholders voted to dissolve the company and to distribute its remaining net assets, consisting of cash, to the holders of the capital stock in the proportions that the amounts paid in on their respective shares bore to the total amount of paid-in capital. Such distribution has not yet been made to Washington or to certain other stockholders whose certificates have not been presented for distribution.

The payment by Columbia of its demand notes held by Washington and the distribution of a portion of Columbia's remaining net assets to certain of its stockholders other than Washington were made without a request for authorization of this Commission for the stated reason that counsel for Columbia did not believe that the Public Utility Holding Company Act of 1935 and the rules thereunder were applicable to such transactions. Columbia now requests that these transactions and the distribution of its remaining cash be authorized by the Commission pursuant to sections 12 (c) and 12 (f) of said act and Rules U-42 and U-46 thereunder and that the Commission's order herein become effective upon the issuance thereof.

Notice is further given that any interested person may, not later than September 29, 1949, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. s. t., on September 29, 1949, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-7578; Filed, Sept. 20, 1949; 8:47 a. m.]

[File No. 70-2186]

UTAH POWER & LIGHT CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of September A. D. 1949.

Utah Power & Light Company ("Utah"), a registered holding company, having filed a declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-50 thereunder, regarding the issue and sale at competitive bidding of 148,155 additional shares of its common stock, subject to a rights offering to its present stockholders on the basis of one share of additional stock for each eight shares of common stock presently held, and $3,000,000 principal amount of its First Mortgage Bonds, --% Series due 1979; and

The Commission having by order dated September 1, 1949 permitted said declaration, as then amended, to become effective subject to the condition that the proposed issues and sales of securities not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed, and subject to a reservation of jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

Utah having filed a further amendment to its declaration setting forth that it had requested bids for the common stock only, bids for the bonds to be requested at a later date, and that in response to such invitations the following bids for the common stock were received:

Underwriter	Price to company (per share)[1]	Underwriter's compensation	Aggregate net proceeds
Union Securities Corp., and Smith, Barney & Co.	$23.50	$108,390.20	$3,373,252.30
Kidder, Peabody & Co. and Merril Lynch, Pierce Fenner & Beane	23.25	85,899.00	3,358,704.75
Lehman Bros.	23.125	124,302.05	3,301,782.325
Blyth & Co., Inc.	23.125	165,193.00	3,260,891.375
W. C. Langley & Co. and Glore, Forgan & Co.	23.00	162,898.00	3,244,667.00

[1] The price to the company indicates the subscription price to stockholders.

The amendment further stating that Utah has accepted the bid of the underwriting group jointly headed by Union Securities Corporation and Smith, Barney & Co., as set forth above; and it appearing that the underwriting agreement provides that the said underwriters will purchase from the company at the subscription price indicated above such of the shares as are not purchased upon exercise of subscription warrants, and that if any such shares are sold by the underwriters after the expiration of the subscription period and prior to the expiration of 21 days after such expiration of the subscription period at a price in excess of the subscription price, the underwriters will pay to the company in addition to the subscription price one-half of such excess; and

The record not having been completed with respect to fees and expenses incurred in connection with the sale of said stock:

It is ordered, Subject to the terms and conditions prescribed in Rule U-24 that the said declaration, as amended, be and the same hereby is permitted to become effective forthwith subject to the following conditions:

(1) That jurisdiction heretofore reserved with respect to the sale of the bonds in that such sale shall not be consummated until a further amendment shall be filed setting forth the results of competitive bidding and a further order entered by the Commission in the light of the record so completed, be and the same hereby is continued; and

(2) That jurisdiction heretofore reserved with respect to the fees and expenses incurred or to be incurred in connection with the sale of bonds and common stock, be and the same hereby is continued.

By the Commission.

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

[F. R. Doc. 49-7574; Filed, Sept. 20, 1949; 8:46 a. m.]

[File No. 70-2189]

STANDARD GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of September 1949.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, having filed an application-declaration and amendments thereon pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding the sale, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, of either 250,000 shares of Common Stock, without par value, of its public utility subsidiary Louisville Gas and Electric Company ("Louisville") or 200,000 shares of Common Stock, par value $20 per share, of its public utility subsidiary Oklahoma Gas and Electric Company ("Oklahoma"); and

The Commission, by order dated September 1, 1949, having granted and permitted to become effective said application-declaration, as amended, subject, among other things, to the condition that the proposed sale shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order shall contain such further terms and conditions as may then be deemed appropriate; and

Standard, on September 12, 1949, having filed a further amendment to its amended application-declaration stating that it had, on September 7, 1949, advised all parties who had evinced an intention to submit a bid or bids for either of the aforementioned blocks of stock that it would receive bids for the 250,000 shares of Louisville Common Stock only; and

The aforesaid amendment further having set forth the action taken by Standard to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids for the said Louisville Common Stock the following bids were received:

Bidding group headed by—	*Price per share to Standard*
Lehman Bros. and Blyth & Co., Inc.	$29.765
Glore, Forgan & Co. and W. C. Langley & Co	29.431
Merrill Lynch, Pierce, Fenner & Beane, Union Securities Corp. and White Weld & Co	29.419
The First Boston Corp	29.4056

And Standard having stated that it has accepted the bid of Lehman Brothers and Blyth & Co., Inc., and that the purchasers propose to offer said shares to the public at $30.375 per share, resulting in an underwriters' spread of $0.61 per share; and

The Commission having examined the amendment herein filed on September 12, 1949 and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said Louisville Common Stock, the underwriters' spread or otherwise, and it appearing appropriate to the Commission that jurisdiction heretofore reserved to consider the results of the competitive bidding be released; and

It appearing to the Commission that the fees and expenses proposed to be paid by Standard in connection with the transactions to which these proceedings pertain, aggregating approximately $65,000 and including accounting fees and expenses of $9,000 to Haskins & Sells and $6,557.44 to Arthur Andersen & Co.; counsel fees of $2,500 to Middleton, Seelbach, Wolford, Willis & Cochran, $1,250 to Rainey, Flynn, Green & Anderson, and not in excess of $11,250 to Flynn, Clerkin & Hansen, plus out-of-pocket expenses in each case; and the counsel fees of Gardner, Carton & Douglas, independent counsel, amounting to not in excess of $5,500, of which $4,000 is to be paid by the successful bidder and not in excess of $1,500 is to be paid by Standard, are not unreasonable, with the exception that the record herein is not complete as to the aforesaid fee proposed to be paid Haskins & Sells:

It is ordered, That jurisdiction heretofore reserved to consider the results of the competitive bidding with respect to the sale of said stock be, and hereby is, released and that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

It is further ordered, That jurisdiction heretofore reserved with respect to all fees and expenses in connection with Standard's proposed transactions in these proceedings be, and hereby is, released, with the exception, however, that jurisdiction be, and hereby is, continued to be reserved to complete the record as to and to consider and determine the reasonableness of the fees and expenses paid or to be paid to Haskins & Sells.

It is further ordered and recited and the Commission finds, That the sale and transfer by Standard of 250,000 shares of Common Stock, without par value, of Louisville (represented by Certificate NO-25466) now held by Standard and the use of the net proceeds from said sale towards the retirement of its promissory notes due December 3, 1949, issued under a bank loan agreement dated November 26, 1948, are necessary or appropriate to the integration or simplification of the holding company system of which Standard is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

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

[F. R. Doc. 49-7576; Filed, Sept. 20, 1949; 8:47 a. m.]

[File No. 70-2196]

WEST PENN ELECTRIC CO.

ORDER GRANTING AND PERMITTING AMENDED APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of September A. D. 1949.

The West Penn Electric Company ("Electric"), a registered holding company, having filed with this Commission an application-declaration, pursuant to the Public Utility Holding Company Act of 1935, and certain rules and regulations promulgated thereunder, regarding the following transactions:

The issuance and sale by Electric, pursuant to the competitive bidding requirements of Rule U-50, of $31,000,000 principal amount of --% Sinking Fund Collateral Trust Bonds, due November 1, 1974; the issuance and sale of 856,895 shares of Common Stock, no par value, this stock to be offered in the amount of 468,621 shares on subscription rights, at the rate of one share for five shares now held, to present holders of Electric's Common Stock, and to be offered in the amount of 388,274 shares plus the balance, if any, of the shares not taken on subscription by the common stockholders, on exchange offers to the present holders of 7% Cumulative Preferred Stock, 6% Cumulative Preferred Stock, and Class A stock of Electric; the redemption of all of Electric's preferred and Class A stock not exchanged for new Common Stock; and the restatement of Electric's accounts to reflect its investments in its subsidiaries at their underlying book values;

A public hearing on this application-declaration, as amended, having been held, after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is hereby ordered, that the amended application-declaration be, and the same hereby is, granted and permitted effectiveness subject to the terms and condi-

tions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed issuance and sale of the $31,000,000 aggregate principal amount of --% Sinking Fund Collateral Trust Bonds, due November 1, 1974, by Electric shall not be consummated until the results of competitive bidding, held with respect thereto, have been made a matter of record in this proceeding and a further order has been issued by this Commission on the basis of the record so completed, jurisdiction being reserved at this time to permit the imposition of such terms and conditions as shall then appear appropriate;

(2) That, for the purposes of this case, the ten-day period for soliciting bids required by Rule U-50 be shortened to a period of not less than five days;

(3) That the issuance of the 856,895 shares of new Common Stock by Electric pursuant to the subscription offer and exchange offers shall not be undertaken until the precise terms with respect to these offers, together with a full statement regarding the negotiations leading to the selection of the underwriters for this issue of Common Stock, have been a matter of record in this proceeding and a further order has been issued by this Commission on the basis of the record so completed, jurisdiction being reserved at this time to permit the imposition of such terms and conditions as shall then appear appropriate;

(4) That jurisdiction be reserved with respect to the payment of any and all fees and expenses incurred, or to be incurred, in connection with the consummation of the proposed transactions;

It is further ordered and recited, That all acts required for the consummation of the several transactions set forth in the application-declaration, including all issues, sales, exchanges, deliveries, transfers, assignments, surrenders, retirements, cancellations, distributions, purchases, receipts and acquisitions be, and they hereby are, found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and necessary or appropriate to the simplification of the holding company system of which Electric is a member and in all respects fair and equitable to the persons affected thereby and said acts and transactions are, accordingly, approved and authorized to effect said provisions of section 11 (b) and said simplification and, without limiting the generality of the foregoing, the following acts and transactions are so approved and authorized:

(1) The delivery by Electric to Chemical Bank & Trust Company, as Trustee, of its Trust Indenture, to be dated September 1, 1949, the issue upon original issue thereunder of an aggregate of $31,000,000 principal amount of the Sinking Fund Collateral Trust Bonds, due November 1, 1974, of Electric, and the offer, sale and delivery of said bonds pursuant to the provisions of Rule U-50;

(2) The issue upon original issue by Electric and the pro rata distribution and delivery to holders of its Common Stock of Subscription Warrants for the purchase of an agregate of 458,621 additional shares of its Common Stock;

(3) The issue upon original issue by Electric of an aggregate of 856,895 additional shares of its Common Stock and (a) the sale and delivery thereof by Electric upon exercise of the Subscription Warrants or otherwise pursuant to the Subscription Offer described in the application-declaration or (b) the exchange and delivery thereof (together with cash in lieu of any fraction of a share) by Electric for shares of its outstanding 6% Cumulative Preferred Stock, 7% Cumulative Preferred Stock and Class A Stock pursuant to the Exchange Offer described in the application-declaration or (c) the sale and delivery thereof by Electric to underwriters;

(4) The surrender and delivery to Electric, in exchange for shares of its Common Stock, of shares of its 6% Cumulative Preferred Stock, 7% Cumulative Preferred Stock and Class A stock, the redemption by Electric of the outstanding shares of such stocks not so exchanged, and the cancellation and retirement by Electric of shares of such stocks so exchanged or redeemed;

(5) The redemption and retirement by Electric of the $5,000,000 principal amount of its Gold Debentures, 5% Series due 2030, presently outstanding;

(6) The purchase by Electric from West Penn Power Company pursuant to the order of this Commission, dated July 28, 1949 (File No. 54-175), of 583,999$^{23}/_{25}$ shares of common stock of Monongahela Power Company;

(7) The assignment, transfer and delivery by Electric to Chemical Bank & Trust Company, as Trustee, in pledge under the Trust Indenture, to be dated September 1, 1949, of 2,938,430 shares of common stock of West Penn Power Company (subject, in the case of 780,480 shares, to the prior pledge thereof to secure the First Mortgage 5% Gold Bonds of West Penn Traction Company), 1,067,000 shares of common stock of Monongahela Power Company and 450,000 shares of the common stock of The Potomac Edison Company.

It is further ordered, That the condition of our order of July 28, 1949, issued with respect to a section 11 (e) plan of Electric embraced in File No. 54-175, requiring that Electric upon consummation of that section 11 (e) plan should not, until further order of this Commission, include in its financial statements any dividends from West Penn Railways Company, a direct subsidiary of Electric, as income, be, and hereby is, terminated.

By the Commission.

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

[F. R. Doc. 49-7575; Filed, Sept. 20, 1949; 8:46 a. m.]

[File No. 70-2216]

ARKANSAS POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1949.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), a utility subsidiary of Middle South Utilities, Inc., a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 and has designated section 6 (b) thereof and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Arkansas proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50 $8,700,000 principal amount of its First Mortgage Bonds, --% Series, due 1979. Such Bonds will be issued under and secured by the Company's presently existing Mortgage and Deed of Trust dated as of October 1, 1944 as supplemented by the First, Second and Third Supplemental Indentures dated as of July 1, 1947, August 1, 1948 and October 1, 1949, respectively.

The application states that the proceeds will be used in connection with the company's construction program and for other corporate purposes. The company's construction program for the year 1949 is estimated to cost approximately $23,100,000 of which approximately $13,370,000 had been expended to July 31, 1949.

The application states that the issuance and sale of the proposed security is subject to the approval of the Arkansas Public Service Commission, the State Commission of the state in which Arkansas is organized and doing business.

Notice is further given that any interested person may, not later than September 29, 1949, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 29, 1949, at 5:30 p. m., e. s. t., said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

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

[F. R. Doc. 49-7577; Filed, Sept. 20, 1949; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

CENTRAL OFFICE: ASSISTANT COMMISSIONER, RESEARCH, EDUCATION AND INFORMATION DIVISION

NOTICE OF CHANGE IN ORGANIZATION

SEPTEMBER 14, 1949.

Effective September 1, 1949, the following amendment is made in those provisions which were formerly designated as

section 1.18 of Chapter I, Title 8 of the Code of Federal Regulations, but the codification of which has been discontinued:

Section 1.18 is amended to read as follows:

SEC. 1.18 *Central Office: The Assistant Commissioner, Research, Education and Information Division.* The Assistant Commissioner, Research, Education and Information Division, supervises and directs that part of the work of the Service concerning the citizenship education program provided by section 327 (c) of the Nationality Act of 1940 (54 Stat. 1151; 8 U. S. C. 727 (c)) as implemented by 8 CFR Part 356, and supervises and directs public relations with respect to Service activities, including the publication of informative releases relating to the work of the Service.

(Sec. 3 (a), 60 Stat. 237; 5 U. S. C. 1002)

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: September 14, 1949.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 49-7581; Filed, Sept. 20, 1949; 8:48 a. m.]

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 13796]

MINNA ELISE STILLER ET AL.

In re: Interest in real property, property insurance policies and claim owned by Minna Elise Stiller, also known as Minna Stiller, 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 Minna Elise Stiller, also known as Minna Stiller; Elizabeth Steiner, also known as Elisabeth Stiner, and as Elizabeth Fassion; and Augusta Klein, also known as Augusta Fassion, and as Augusta Fassian, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That the property described as follows:

a. An undivided two-thirds (⅔) interest in real property situated in La Grange, County of Cook, State of Illinois, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to the following insurance policies which insure the real property described in subparagraph 2-a hereof:

Fire and Extended Coverage Policy No. 92563-S issued by Illinois Mutual Fire Insurance Company, Belvidere, Illinois, in the amount of $4,250.00, expiring April 4, 1950.

Fire and Extended Coverage Policy No. 66373-S issued by Illinois Mutual Fire Insurance Company, Belvidere, Illinois, in the amount of $3,250.00, expiring November 8, 1951,

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by William H. Reich, 605 Lake Street, Maywood, Illinois, arising out of their share of the rents collected on the property described in subparagraph 2-a hereof, 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 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 in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

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

EXHIBIT A

All that certain property situated in the County of Cook, State of Illinois, described as follows:

Lot twenty-five (25) in Block Nine (9) in Cossitt's First Addition to LaGrange, being a Subdivision of that part of the North West Quarter (NW¼) of Section Four (4), Township Thirty-eight (38) North, Range Twelve (12), East of the Third Principal Meridian, lying North of the Chicago, Burlington and Quincy Railroad and South of the Naperville Road or Ogden Avenue.

[F. R. Doc. 49-7565; Filed, Sept. 19, 1949; 9:01 a. m.]

[Vesting Order 13809]

HANS BENDER

In re: Bank account owned by Hans Bender. F-28-27014-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 Hans Bender, whose last known address is Burganderstrasse 13, Freiburg, Breisgan, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hans Bender, by Chemical Bank & Trust Company, 165 Broadway, New York, New York, arising out of Miscellaneous Deposits Account, entitled Hans Bender, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7610; Filed, Sept. 20, 1949; 8:53 a. m.]

[Vesting Order 13816]

BABETTE MINDERLEIN

In re: Debt owing to Babette Minderlein. F-28-30435-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 Babette Minderlein, whose last known address is Munchen 5, Rumford Strasse 30/2, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Babette Minderlein, by John Graebener, 3283 Bruckner Boulevard, Bronx, New York, in the amount of $4,667.42, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (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 beeing deemed necessary in the national interest,

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

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

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7611; Filed, Sept. 20, 1949; 8:53 a. m.]

[Vesting Order 13817]

W. A. MORITZ S. EN C.

In re: Debt owing to W. A. Moritz S. en C. F-28-28992-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 Ella Jauch, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That W. A. Moritz S. en C. is a corporation, partnership, association or other business organization organized under the laws of Spain, whose principal place of business is located at Santa Isabel, Fernando Poo, Spanish West Africa, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Ella Jauch and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to W. A. Moritz S. en C. by General Motors Corporation, Foreign Distributors Division, 224 West 57th Street, New York 19, New York, in the amount of $8,901.71, as of April 15, 1948, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

4. That W. A. Moritz S. en C. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7612; Filed, Sept. 20, 1949; 8:53 a. m.]

[Return Order 422]

KATHE WASSERSTROM

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

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

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

Kathe Wasserstrom, nee Wolf, Colmarerstrasse 53, Basel, Switzerland; Claim No. 35244; August 4, 1949 (14 F. R. 4853); $14,436.13 in the Treasury of the United States. All right, title, interest and claim of Miriam Wolf, nee Heidelberger, a/k/a Marion Wolf, nee Heidelberg, in, to and against the Estate of Louis Strauss, Deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 15, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7614; Filed, Sept. 20, 1949; 8:53 a. m.]

[Return Order 425]

LOUISE NAGAR

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

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

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

Louise Nagar, Ostende, Belgium; Claim No. 11462; August 2, 1949 (14 F. R. 4814); $500.00 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 14, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7615; Filed, Sept. 20, 1949; 8:54 a. m.]

[Return Order 431]

FRANZ ALEXANDER KOSAK

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

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

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

Franz Alexander Kosak, Vienna, Austria; Claim No. 36156; August 9, 1949 (14 F. R. 4917); $2,000.00 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 15, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7616; Filed, Sept. 20, 1949; 8:54 a. m.]