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TITLE 3—THE PRESIDENT

PROCLAMATION 2866

UNITED NATIONS HUMAN RIGHTS DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS under the Charter of the United Nations member governments have pledged themselves to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and

WHEREAS on December 10, 1948, the General Assembly of the United Nations approved the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations; and

WHEREAS the Declaration enumerates civil, political, economic, social, and cultural rights and calls upon every individual and every organ of society to "strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance"; and

WHEREAS the attainment of basic rights for men and women everywhere is essential to the peace we are seeking:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate December 10, 1949, and December 10 of each succeeding year as United Nations Human Rights Day; and I invite the people of the United States to observe such day in appropriate manner.

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

DONE at the City of Washington this sixth day of December in the year of our Lord nineteen hundred and [SEAL] forty-nine, and of the Independence of the United States of America the one hundred and seventy-fourth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 49-9931; Filed, Dec. 8, 1949; 2:32 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES STANDARDS FOR WINTER PEARS

By virtue of the authority vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Winter Pears which have been in effect since July 8, 1940. These standards are currently in effect pursuant to the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., 1st Sess., approved June 29, 1949).

§ 51.332 *Standards for Winter Pears*—(a) *General.* (1) These standards apply to varieties such as Anjou, Bosc, Winter Nelis, Comice and other similar varieties.

(2) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(3) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(4) When the pears are in bulk, percentages shall be calculated on the basis of weight.

(5) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(6) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(7) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the re-

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EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE—Con.

quirements shall be allowed in any one package.

(b) *Grades*—(1) *U. S. Extra No. 1.* U. S. Extra No. 1 shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, clean, well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, hard end, drought spot, and free from injury caused by russeting, limbrubs, hail, scars, cork spot, sunburn, sprayburn, stings or other insect injury, or mechanical or other means, except that they shall be free from damage caused by bruises, broken skins, or disease. (See Tolerances and Condition after Storage or Transit.)

(2) *U. S. No. 1.* U. S. No. 1 shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, bruises broken skins, russeting, limbrubs, hail, scars, cork spot, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See Tolerances and Condition after Storage or Transit.)

(3) *U. S. No. 2.* U. S. No. 2 shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, or broken skins. The pears shall also be free from serious damage caused by bruises, russeting, limbrubs, hail, scars, cork spot, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See Tolerances and Condition after Storage or Transit.)

(4) *U. S. Combination.* A Combination of U. S. No. 1 and U. S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U. S. No. 1. (See Tolerances and Condition after Storage or Transit.)

(c) *Unclassified.* "Unclassified" shall consist of pears which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Definitions.* (1) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(2) Before a mature pear becomes overripe it will show varying degrees of firmness depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the stage of the ripening process. A description of the ground color should also be given.

(i) The following terms should be used for describing the ground color: "Green," "Light Green," "Yellowish Green," and "Yellow."

(ii) The following terms should be used for describing the firmness of pears:

(*a*) "Hard" means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure. Such pears are in suitable condition for long storage period for the variety.

(*b*) "Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure. The ripening process in firm pears is further advanced than in hard pears and they cannot be held in storage as long. Winter varieties at the firm stage may be held longer than the early varieties.

(*c*) "Firm Ripe" means that the flesh of the pear yields readily to moderate pressure. Such a pear is approaching the stage at which it is in prime eating condition but may be held for a brief period although winter varieties can be held longer than the early varieties.

(*d*) "Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

(3) "Overripe" means dead ripe, very mealy or soft, past commercial utility.

(4) "Carefully handpicked" means that the pears do not show evidence of rough handling or of having been on the ground.

(5) "Clean" means free from excessive dirt, dust, spray residue or other foreign material.

(6) "Well formed" means having the shape characteristic of the variety. Slight irregularities of shape from type which do not appreciably detract from the general appearance of the fruit shall be considered well formed.

(7) "Black end" is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity.

(8) "Injury" means any blemish or defect that more than slightly affects the appearance, or edible or shipping quality. The following shall be considered as injury:

(i) Russeting which exceeds the following shall be considered as injury:

(*a*) On all varieties may excessively rough russeting (russeting which shows "frogging" or slight cracking).

(*b*) On Comice, and on Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds ½ inch in diameter.

(*c*) On Anjou and other smooth-skinned varieties, smooth solid russeting when the aggregate area exceeds ½ inch in diameter and smooth netlike russeting when the aggregate area exceeds 15 percent of the surface, and on Comice, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, except that, in addition, on these and similar varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end net visible for more than ½ inch along the contour of the pear, when it is placed calyx and down on a flat surface.

(*d*) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury when the aggregate area exceeds ½ inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc, Clairgeau, Easter Beurre, Kieffer, P. Barry, Pound, Seckel, Sheldon, Winter Nelis, and other similar varieties.

(ii) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(*a*) Limbrubs which are cracked, softened, more than very slightly depressed, not light in color, or exceeding an aggregate area of ¾ inch in diameter.

(*b*) Hail marks or other similar depressions or scars which are not very shallow or superficial, or which affect an aggregate area of more than ¼ inch in diameter.

(*c*) Cork spot, when a pear shows depressions or other external evidence of the disease.

(*d*) Sunburn or sprayburn if the normal color of the fruit has been materially changed, or if the skin is blistered or cracked, or the flesh softened or discolored.

(*e*) More than two healed slight stings or depressions, or any stings which

materially affect the general appearance of the fruit.

(f) Blister mite or canker worm injury which is not very shallow and superficial or where the injury affects an aggregate area of more than ¼ inch.

(9) "Fairly well formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit. Winter Nelis pears with characteristic slight sutures or with slight flattening on one side and/or other slight irregularities which do not materially detract from the general appearance of the pear shall be considered fairly well formed.

(10) "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality.

(i) Hard end, if the pear shows an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(ii) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage.

(iii) Any pear with one skin break larger than 3/16 inch in diameter or depth, or with more than one skin break ⅛ inch or larger in diameter or depth, shall be considered damaged, and scored against the grade tolerance.

(a) Small inconspicuous skin breaks, less than ⅛ inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from ⅛ inch to 3/16 inch inclusive, in diameter or depth.

(iv) Russeting which exceeds the following shall be considered as damage:

(a) On all varieties excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds ½ inch in diameter.

(b) On Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds ¾ inch in diameter.

(c) On Anjou, smooth solid or smooth netlike russeting when the aggregate exceeds one-third of the surface, and on other smooth-skinned varieties, 15 percent of the surface, except that, in addition, on Anjou and other smooth-skinned varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx and not visible for more than ½ inch along the contour of the pear, when it is placed calyx end down on a flat surface.

(d) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds ¾ inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc, Clairgeau, Comice, Easter Beurre, Kieffer, P. Barry, Pound, Seckel, Sheldon, Winter Nelis, and other similar varieties.

(v) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Any limbrubs which are cracked, softened, or more than slightly depressed.

(b) Black discoloration caused by limbrubs which exceeds an aggregate area of ⅜ inch in diameter.

(c) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of ½ inch in diameter.

(d) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of ¾ inch in diameter.

(e) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.

(f) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than ⅜ inch in diameter.

(g) Cork spot, when more than one in number visible externally, or when the visible external injury affects an area of more than ⅜ inch in diameter.

(h) Drought spot when more than one in number or when the external injury exceeds an aggregate area of ⅜ inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.

(i) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(j) Insects: (1) More than two healed codling moth stings, or any insect sting which is over 3/32 of an inch in diameter, or other insect stings affecting the appearance to an equal extent.

(2) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than ⅜ inch in diameter.

(k) Disease: (1) Scab spots which are black and which cover an aggregate area of more than ⅛ inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.

(2) Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than ⅜ inch in diameter.

(11) "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected.

(12) "Serious damage" means any injury or defect which seriously affects the appearance, or edible or shipping quality.

(i) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

(a) On all varieties, excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds ¾ inch in diameter.

(b) On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface.

(c) On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds two-thirds of the surface, except that, in addition, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than ½ inch along the contour of the pear, when it is placed calyx end down on a flat surface.

(ii) Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(a) Limbrubs which are more than slightly cracked, or excessively rough limbrubs or dark brown or black discoloration caused by limbrubs which exceeds an aggregate area of ¾ inch in diameter.

(b) Other limbrubs which affect an aggregate area of more than one-tenth of the surface.

(c) Hail marks or other similar depressions or scars which affect an aggregate area of more than ¾ inch in diameter, or which materially deform or disfigure the fruit.

(d) Cork spot, when more than two in number visible externally, or when the visible external injury affects an aggregate area of more than ½ inch in diameter.

(e) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than ¾ inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.

(f) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(g) Insects: (1) Worm holes. More than three healed codling moth stings, of which not more than two may be over 3/32 inch in diameter, or other insect stings affecting the appearance to an equal extent.

(2) Blister mite or canker worm injury which affects an aggregate area of more than ¾ inch in diameter or which materially deforms or disfigures the fruit.

(h) Disease: (1) Scab spots which are black, and which cover an aggregate area of more than ¼ inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.

(2) Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark heavily concentrated spots which affect an area of more than ¾ of an inch in diameter.

(e) *Tolerances.* (1) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any container may be below the requirements of grade:

Provided, That not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(2) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U. S. No. 1 pears required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided*, That the entire lot averages within the percentage specified.

(f) *Condition after storage or transit.* Decay, scald or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not the grade.

(g) *Standard pack*—(1) *Sizing.* (i) The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(ii) When the numerical count is marked on western standard or special pear boxes the pears shall not vary more than $\frac{3}{8}$ inch in their transverse diameter for counts 120 or less; $\frac{1}{4}$ inch for counts 135 to 180 inclusive; and $\frac{3}{16}$ inch for counts 193 or more.

(iii) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than $\frac{1}{4}$ inch for counts 90 or less, and $\frac{3}{16}$ inch for counts 100 or more.

(iv) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than $\frac{3}{8}$ inch for counts 50 or less; $\frac{1}{4}$ inch for counts 55 to 60 inclusive; and $\frac{3}{16}$ inch for counts 65 or more.

(v) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as $2\frac{1}{2}$ inches minimum, $2\frac{1}{4}$ inches minimum, or $2\frac{5}{8}$ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as $2\frac{1}{4}$ to $2\frac{3}{4}$ inches, $2\frac{1}{2}$ to $2\frac{3}{4}$ inches, as such marking is especially desirable for pears marketed in the export trade.

(vi) "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

(2) *Packing.* (i) Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(ii) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(iii) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped, each pear shall be fairly well enclosed by its individual wrapper.

(iv) Pears packed in round stave bushel baskets, tubs, or in barrels shall be ring faced.

(h) *Tolerances for standard pack.* (1) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any container may not meet the size requirements: *Provided*, That when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(2) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may not meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box.

(Pub. Law 712, 80th Cong.)

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

[SEAL] EARL R. GLOVER,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-9916; Filed, Dec. 9, 1949; 8:59 a. m.]

6403

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

[Orange Reg. 304, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 966.450 (Orange Regulation 304, 14 F. R. 7267) are hereby amended to read as follows:

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: 1350 carloads;

(*b*) Prorate District No. 2: 62 carloads;

(*c*) Prorate District No. 3: 100 carloads.

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

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

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-9977; Filed, Dec. 9, 1949; 11:23 a. m.]

6404

[Orange Reg. 305]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.451 *Orange Regulation 305*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR, Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on December 8, 1949:

such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

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

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

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

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

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: 600 carloads;

(*b*) Prorate District No. 2: 25 carloads;

(*c*) Prorate District No. 3: 100 carloads.

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

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

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

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

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

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

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.4475
A. F. G. Porterville	1.7928
Ivanhoe Coop. Association	.6399
Dodemyer & Son, W. Todd	.5632
Earlibest Orange Association	1.5441
Elderwood Citrus Association	1.1541
Exeter Citrus Association	2.9409
Exeter Orange Growers Association	1.6488
Exeter Orchards Association	1.1893
Hillside Packing Association	1.3471
Ivanhoe Mutual Orange Association	.8895
Klink Citrus Association	5.1491
Lemon Cove Association	1.8491
Lindsay Citrus Growers Association	2.3086
Lindsay Cooperative Citrus Association	1.1774
Lindsay Fruit Association	2.1016
Lindsay Orange Growers Association	.9000
Naranjo Packing House Co	.7895
Orange Cove Citrus Association	3.8175
Orange Cove Orange Growers Association	2.1178
Orange Packing Co	1.5270
Orosi Foothill Citrus Association	1.8601
Paloma Citrus Fruit Association	.9406
Rocky Hill Citrus Association	.5956
Sanger Citrus Association	3.2557
Sequoia Citrus Association	.7849
Stark Packing Corp	1.7143
Visalia Citrus Association	1.5543
Waddell & Sons	2.0441
Butte County Citrus Association, Inc	1.0007
Mills Orchards Co., James	.9716
Orland Orange Growers Association, Inc	.5135
Andrews Bros. of California	.3138
Baird-Neece Corp	1.5077
Beattie Association, D. A	.7443
Grand View Heights Citrus Association	2.3847
Magnolia Citrus Association	2.1085
Porterville Citrus Association., The	1.4433
Richgrove Jasmine Citrus Association	1.5575
Sandilands Fruit Co	1.0238
Strathmore Cooperative Association	1.2535
Strathmore District Orange Association	1.6322
Strathmore Fruit Growers Association	1.0999
Strathmore Packing House Co	1.6684
Sunflower Packing Association	2.0482
Sunland Packing House Co	2.6628
Terra Bella Citrus Association	1.6210
Tule River Citrus Association	1.2912
Kroells Packing Co	1.3596
Lindsay Mutual Groves	1.6373
Martin Ranch	1.3191
Webb Packing Co., Inc	.5014
Woodlake Packing House	2.7290
Anderson Packing Co	.8154
Arnst, John J	.0353
Associated Growers Coop	.5334
Baker Bros	.1018
Barnes, Gerald E	.0221
Batkins Jr., Fred A	.0411
Calif. Citrus Groves, Inc., Ltd	2.7542
Chess Co., Meyer W	.0664
Crane, Gus	.0000
Currier, Walter	.0034
Darby, Fred J	.0275
Dubendorf, John	.1366
Edison Groves Co	.5949
Field, W. D	.0088
Furr, N. C	.2408
Ghianda Ranch	.0173
Harding & Leggett	1.3736
Kim, Chas	.0408
Lo Bue Bros	1.1104
Maas, W. A	.0187
Marks, W. & M	.5006
Moore Packing Co., Myron	.0668
Randolph Marketing Co., Inc	2.1314
Reimers, Don H	0.3013
Rooke Packing Co., B. G	2.2402
Sechrist, Calvin C	.0099
Shong, Samuel C	.0409
Simmons, A. E	.0044
Swenson, L. W	.0496
Toy, Chin	.1082
Woodlake Heights Pkg. Corp	.6734
Zaninovich Bros., Inc	.8934

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.5621
A. F. G. Corona	.0882
A. F. G. Fullerton	.0276
A. F. G. Orange	.0338
A. F. G. Riverside	.7421
A. F. G. Santa Paula	.0439
Hazeltine Packing Co	.1371
Placentia Pioneer Valencia Growers Association	.0699
Signal Fruit Association	1.0121
Azusa Citrus Association	1.1223
Damerel-Allison Co	.9615
Glendora Mutual Orange Association	.4771
Puente Mutual Citrus Association	.0544
Valencia Heights Orchards Association	.2040
Covina Citrus Association	1.3042
Covina Orange Growers Association	.5375
Glendora Citrus Association	.9006
Glendora Heights Orange & Lemon Growers Association	.0825
Gold Buckle Association	3.5602
La Verne Orange Association	4.9383
Anaheim Citrus Fruit Association	.0595
Anaheim Valencia Orange Association	.0158
Eadington Fruit Co., Inc	.4748
Fullerton Mutual Orange Association	.2217
La Habra Citrus Association	.0974
Orange County Valencia Association	.0138
Orangethorpe Citrus Association	.0199
Placentia Cooperative Orange Association	.0206
Yorba Linda Citrus Association, The	.0114
Escondido Orange Association	.4476
Alta Loma Heights Citrus Association	.3241
Citrus Fruit Growers	1.0869
Etiwanda Citrus Fruit Association	.2014
Mountain View Fruit Association	.1191
Old Baldy Citrus Association	.3770
Rialto Heights Orange Growers	.5115
Upland Citrus Association	2.3622
Upland Heights Orange Association	1.1803
Consolidated Orange Growers	.0249
Frances Citrus Association	.0033
Garden Grove Citrus Association	.0309
Goldenwest Citrus Association, The	.0976
Olive Heights Citrus Association	.0427
Santa Ana-Tustin Mutual Citrus Association	.0130
Santiago Orange Growers Association	.1295
Tustin Hills Citrus Association	.0213
Villa Park Orchards Association, The	.0235
Bradford Bro., Inc	.2308
Placentia Mutual Orange Association	.1872
Placentia Orange Growers Association	.1245
Yorba Orange Growers Association	.0387
Call Ranch	.4656
Corona Citrus Association	.8694
Jameson Co	.3033

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Orange Heights Orange Association	1.5982
Crafton Orange Growers Association	1.6054
East Highlands Citrus Association	.4524
Fontana Citrus Association	.5252
Redlands Heights Groves	.8679
Redlands Orangedale Association	1.1359
Break & Son, Allen	.2496
Bryn Mawr Fruit Growers Association	1.0753
Mission Citrus Association	.9603
Redlands Cooperative Fruit Association	1.8023
Redlands Orange Growers Association	1.1435
Redlands Select Groves	.4559
Rialto Citrus Association	.5688
Rialto Orange Co	.3886
Southern Citrus Association	1.0686
United Citrus Growers	.6561
Zilen Citrus Co	.6875
Arlington Heights Citrus Co	.9991
Brown Estate, L. V. W	1.7988
Gavilan Citrus Association	1.6845
Highgrove Fruit Association	.7832
Krinard Packing Co	1.9140
McDermont Fruit Co	1.8324
Monte Vista Citrus Association	1.4597
National Orange Co	.9769
Riverside Heights Orange Growers Association	1.2413
Sierra Vista Packing Association	.9226
Victoria Avenue Citrus Association	2.8777
Claremont Citrus Association	.9677
College Heights Orange & Lemon Association	1.7950
Indian Hill Citrus Association	1.1247
Walnut Fruit Growers Association	.4693
West Ontario Citrus Association	1.3324
El Cajon Valley Citrus Association	.2350
Escondido Cooperative Citrus Association	.0750
San Dimas Orange Growers Association	1.1179
Ball & Tweedy Association	.1180
Canoga Citrus Association	.0784
Covina Valley Orange Co	.1691
North Whittier Heights Citrus Association	.1452
San Fernando Fruit Growers Association	.4038
San Fernando Heights Orange Association	.2298
Sierra Madre-Lamanda Citrus Association	.2693
Camarillo Citrus Association	.0090
Fillmore Citrus Association	.9940
Ojai Orange Association	.8304
Piru Citrus Association	.7949
Rancho Sespe	.0017
Santa Paula Orange Association	.1255
Tapo Citrus Association	.0078
Ventura County Citrus Association	.0246
East Whittier Citrus Association	.0084
Whittier Citrus Association	.0808
Whittier Select Citrus Association	.0290
Anaheim Cooperative Orange Association	.0394
Bryn Mawr Mutual Orange Association	.5162
Chula Vista Mutual Lemon Association	.0938
Euclid Avenue Orange Association	2.8557
Foothill Citrus Union, Inc	.1532
Fullerton Cooperative Orange Association	.0109
Garden Grove Orange Cooperative, Inc	.0377
Golden Orange Groves, Inc	.3373
Highland Mutual Groves, Inc	.8610
Index Mutual Association	.0041
La Verne Cooperative Citrus Association	3.3564

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Mentone Heights Association	0.6156
Orange Cooperative Citrus Association	.0304
Redlands Foothill Groves	2.7608
Redlands Mutual Orange Association	1.1209
Whittier Mutual Orange & Lemon Association	.0206
Babijuice Corp. of California	.2715
Borden Fruit Co	.0316
Cherokee Citrus Co., Inc	1.2585
Chess Co., Meyer W	.3424
Dunning Ranch	.1400
Evans Bros. Packing Co	1.3799
Gold Banner Association	2.1798
Granada Packing House Co	2.6168
Hill, Fred A. Packing House	.6714
Orange Belt Fruit Distributors	1.9617
Paramount Citrus Association	.0863
Placentia Orchard Co	.0623
Riverside Citrus Association	.3300
Snyder & Sons Co., W. A	.5194
Stephens, T. F	.1176
Wall, E. T. Growers-Shippers	1.8370
Western Fruit Growers, Inc	3.7008

Prorate District No. 3

Total	100.0000
Allen & Allen Citrus Packing Co	2.1597
Consolidated Citrus Growers	14.4685
McKellips Citrus Co., Inc	7.0032
Phoenix Citrus Packing Co	3.0475
Arizona Citrus Growers	15.5288
Chandler Heights Citrus Growers	1.8538
Desert Citrus Growers Co	5.9813
Mesa Citrus Growers	13.3145
Tal-Wi-Wi Ranches	.6831
Tempe Citrus Co	3.1661
Yuma Mesa Fruit Growers Association	.1475
Leppla-Henry Produce Co	11.3590
Maricopa Citrus Co	2.8245
Pioneer Fruit Co	6.7311
Champion, L. M	.4809
Clark & Sons, J. H	.9768
Commercial Citrus Packing Co	8.2766
Dhuyvetter Bros	.4143
Ishikawa, Paul	.1556
Macchiaroli Fruit Co., James	.1529
Mattingly Fruit Co	1.4100
Orange Belt Fruit Distributors	.0963
Potato House, The	2.0620
Valley Citrus Packing Co	2.7060

[F. R. Doc. 49-9978; Filed, Dec. 9, 1949; 11:22 a. m.]

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PART 974—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

ORDER, AS AMENDED REGULATING HANDLING

Sec.

AUTHORITY: §§ 974.1 to 974.14 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

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

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

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

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

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

(b) *Additional findings.* It is necessary to make effective promptly the present order, as amended, to reflect current marketing conditions, and to insure the production of an adequate future supply of milk. The changes effected by this order amending the order, as amended, do not require substantial or extensive preparation by persons affected prior to the effective date. The time intervening between the date of issuance of this order and its effective date affords persons affected a reasonable time to prepare for its effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publica-

tion (sec. 4 (c), Administrative Procedure Act, 60 Stat. 237; 5 U. S. C. 1001 et seq.).

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

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

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

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

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

§ 974.1 *Definitions.* The following terms shall have the following meanings:

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

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

(c) "Columbus, Ohio, marketing area," hereinafter called the "marketing area," means the city of Columbus; the city of Bexley; and all territory, including but not being limited to all municipal corporations, within the townships of Blendon, Clinton, Franklin, Marion, Mifflin, Perry, Sharon, and Truro; all in Franklin County, Ohio.

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

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

(f) "Handler" means (1) any person who receives producer milk at a fluid milk plant and (2) any association of producers with respect to any producer milk constituting a part of the producer milk supply of a fluid milk plant which such association diverts on its account to a plant other than a fluid milk plant. Producer milk so diverted shall be deemed to have been received by such association.

(g) "Producer" means any person, including one who may also be a handler, who produces (1) under a dairy farm permit issued by the appropriate health authorities in the marketing area, milk which is received at a fluid milk plant or by an association of producers in its capacity as a handler, or (2) milk which is received as a part of the dairy farm supply of a fluid milk plant not required by the appropriate health authorities in the marketing area to obtain its dairy farm supply from milk produced under dairy farm permits.

(h) "Producer milk" means any milk produced by one or more producers under the conditions set forth in paragraph (g) of this section.

(i) "Other source milk" means (1) milk, (2) skim milk, (3) cream, or (4) any milk product received at a fluid milk plant from sources other than producers or other handlers. "Other source milk" shall include, but shall not be limited to, milk, skim milk, cream, or any milk product received at such fluid milk plant under an emergency permit in writing issued by the appropriate health authorities in the marketing area.

(j) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 974.5.

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

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

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

(1) Administer all of the terms and provisions hereof;

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

(3) Receive, investigate, and report to the Secretary complaints of violations hereof.

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

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

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

(3) Pay, out of the funds provided by § 974.8, (i) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses, except those incurred under § 974.9, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(5) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 974.3 or (ii) payments pursuant to §§ 974.7, 974.8, or 974.9 (a);

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

(7) On or before the 10th day after the end of each month, supply each cooperative association as described in § 974.9 (b) upon request with a record of the amount and average butterfat test of milk received during such month and the amount of any advance payments made and of any deductions or charges from payments for such milk authorized with respect to each producer determined by the market administrator to be a member of such association or to have given written authorization to such association to receive such information.

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

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

(i) On or before the 6th day after the end of each month, the minimum class prices for skim milk and butterfat computed pursuant to § 974.5; and

(ii) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 974.6 (d) and

the butterfat differential computed pursuant to § 974.7 (g).

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

§ 974.3 *Reports, records, and facilities*—(a) *Reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler, except as otherwise provided in paragraph (b) (1) of this section, shall report to the market administrator for such month with respect to all producer milk and other source milk received during the month, in the detail and on forms prescribed by the market administrator; (1) the quantities of butterfat and the quantities of skim milk contained therein (except that the quantities of the products should be substituted for the quantities of butterfat and skim milk in the case of products disposed of in the form in which received from other handlers or other sources), (2) the utilization thereof, and (3) such other information with respect to such receipts and utilization as the market administrator may request: *Provided,* That any person operating more than one fluid milk plant shall make one report covering all such operations for the purposes of subparagraphs (1), (2), and (3) of this paragraph.

(b) *Other reports.* (1) Each handler who receives at his fluid milk plant no producer milk other than that from his own farm or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) On or before the 5th day after the end of each month, each handler shall submit to the market administrator a report which shall show for the month (i) the total pounds of milk received from each producer and association of producers and the average butterfat test thereof, (ii) the amount and date of any advance payments to each producer and association of producers, and (iii) the nature and amount of each deduction or charge authorized from payments for such milk.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator, or to his representative, during the usual hours of business, such accounts and records of any of his operations, including those of plants other than fluid milk plants, in which any producer milk is received, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to (1) the utilization, in whatever form, of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; (2) the weights, samples, and tests for butterfat and other contents of all milk and milk products previously received or utilized or currently being received or utilized; and (3) payments to producers or to associations of producers.

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

§ 974.4 *Classification*—(a) *Skim Milk and butterfat to be classified.* Skim milk and butterfat contained in (1) all milk, skim milk, cream, and milk products (except in the case of milk products disposed of in the form in which received) received during the month by a handler at a fluid milk plant, and (2) all producer milk received during the month in the manner described in § 974.1 (f) (2), shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

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

(1) Class I milk shall be all skim milk and butterfat (i) disposed of (except that which has been dumped or disposed of for livestock feeding) as milk, skim milk, buttermilk, or flavored milk or flavored milk drinks; and (ii) not specifically accounted for under subdivision (i) of this subparagraph or as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat (i) disposed of in fluid form for consumption as sweet or sour cream, frozen cream, or any mixture of cream or milk (or skim milk), including eggnog, containing more than 6 percent of butterfat; (ii) used to produce aerated products containing milk, cream, or any combination thereof (such as "Reddi-Wip," "Instant Whip," etc.), condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans) ice cream, ice cream mix, ice cream novelties, ice sherbets, or imitation ice cream; and (iii) used to produce cottage cheese.

(3) Class III milk shall be all skim milk and butterfat specifically accounted for as (i) having been used to produce any milk product other than as specified in subparagraphs (1) (i) and (2) of this paragraph; (ii) having been dumped or disposed of for livestock feeding; (iii) actual plant shrinkage of skim milk and butterfat in producer milk received but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively; and (iv) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided,* That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each source to their total: *And provided also,* That producer milk transferred by a handler to any plant of another handler without first having been received for purposes of weighing and testing in the transferring handler's fluid milk plant shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the fluid milk plant of the transferring handler in computing his plant shrinkage.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraphs (b) and (d) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if found by the market administrator to have been used or disposed of (whether in original or other form) by such handler or by any other person in another class in accordance with such use or disposition.

(d) *Transfers.* (1) Subject to the conditions set forth in paragraph (c) of this section and subparagraphs (3) and (4) of this paragraph, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of milk, skim milk, flavored milk, flavored milk drinks, or buttermilk, shall be classified as follows:

(i) According to the utilization as mutually indicated in writing by both handlers if transferred to another fluid milk plant, except one as referred to in subdivision (ii) of this subparagraph;

(ii) As Class I milk if transferred to the fluid milk plant of a handler who receives no milk from producers or associations of producers other than such handler's own farm production; or

(iii) As Class I milk if transferred to any such plant not a fluid milk plant: *Provided,* That if the transferring handler on or before the 5th day after the end of the month during which such transfer is made furnishes to the market administrator a statement signed also by the receiver that such skim milk and butterfat was used as Class II milk or Class III milk, and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(2) Subject to the conditions set forth in paragraph (c) of this section and in subparagraphs (3) and (4) of this paragraph, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of cream shall be classified as follows:

(i) According to the utilization as mutually indicated by both handlers if transferred to another fluid milk plant, except one as referred to in subdivision (ii) of this subparagraph;

(ii) As Class II milk if transferred to the fluid milk plant of a handler who receives no milk from producers or from

an association of producers other than such handler's own farm production; or

(iii) As Class II milk if transferred to any such plant not a fluid milk plant: *Provided,* That if the transferring handler on or before the 5th day after the end of the delivery period during which such transfer is made furnishes to the market administrator a statement signed also by the receiver that such skim milk and butterfat was used as Class I milk or Class III milk, and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(3) The utilization of all transfers made pursuant to subparagraphs (1) (i), (1) (iii), (2) (i), and (2) (iii) of this paragraph shall be subject to verification by the market administrator.

(4) No statement made relative to transfers as provided for in this paragraph shall operate to deter the prior subtraction of other source milk pursuant to paragraph (f) (2) of this section or the prior subtraction of skim milk or butterfat pursuant to paragraph (f) (3) of this section, or the pro rata subtraction of skim milk or butterfat pursuant to paragraph (f) (5) of this section. Any quantity reported for allocation to a particular class but not eligible therefor because of paragraph (f) (2), (f) (3), or (f) (5) of this section shall be classified by the market administrator as Class I milk, pending his verification.

(e) *Computation of the classification of all skim milk and butterfat for each handler.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute separately the respective amounts of skim milk and butterfat in Class I milk, Class II milk and Class III milk, as follows:

(1) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of skim milk and butterfat used to produce all other milk products received (except milk products disposed of in the form in which received without further processing in his fluid milk plant) regardless of source;

(2) Determine the total pounds of butterfat contained in the total receipts computed pursuant to subparagraph (1) of this paragraph;

(3) Determine the total pounds of skim milk contained in the total receipts computed pursuant to subparagraph (1) of this paragraph by subtracting therefrom the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph;

(4) Determine the total pounds of butterfat in Class I milk by: (i) Computing the aggregate amount of butterfat included in each of the several items of Class I milk; and (ii) adding all other butterfat not specifically accounted for under subdivision (i) of this subparagraph or in Class II milk or Class III milk;

(5) Determine the total pounds of skim milk in Class I milk by: (i) Computing the aggregate amount of skim milk and butterfat included in each of the several items of Class I milk; (ii) subtracting the result obtained in subparagraph (4) (i) of this paragraph; and (iii) adding all other skim milk not specifically accounted for under subdivision (i) of this subparagraph or in Class II milk or Class III milk;

(6) Determine the total pounds of butterfat in Class II milk by computing the aggregate amount of butterfat included in each of the several items of Class II milk;

(7) Determine the total pounds of skim milk in Class II milk by: (i) Computing the aggregate amount of skim milk and butterfat included in (or, in the case of products other than cream or eggnog, used to produce) each of the several items of Class II milk; and (ii) subtracting the result obtained in subparagraph (6) of this paragraph;

(8) Determine the total pounds of butterfat in Class III milk by: (i) Computing the aggregate amount of butterfat used to produce each of the several items of Class III milk; and (ii) adding actual plant shrinkage of butterfat referred to in paragraph (b) (3) (iii) and (iv) of this section; and

(9) Determine the total pounds of skim milk in Class III milk by: (i) Computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class III milk; (ii) subtracting the result obtained in subparagraph (8) (i) of this paragraph; and (iii) adding the actual plant shrinkage of skim milk referred to in paragraph (b) (3) (iii) and (iv) of this section.

(f) *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each month the market administrator shall compute separately the respective amounts of skim milk and butterfat of producer milk in Class I milk, Class II milk and Class III milk for each handler by making the following computations in the order specified:

(1) Subtracting from Class III milk (other than butterfat used in butter making) the actual plant shrinkage of skim milk and butterfat, respectively, allowed pursuant to paragraph (b) (3) (iii) and (iv) of this section;

(2) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received as other source milk, except that received under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(3) Subtracting from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced uses, the skim milk and butterfat, respectively, received from any other handler who received no milk from producers or from an association of producers other than such handler's own farm production;

(4) Adding to the remaining Class III milk the amount subtracted pursuant to subparagraph (1) of this paragraph;

(5) Subtracting pro rata from the remaining pounds of skim milk and butterfat in such class, the skim milk and butterfat, respectively, received as other source milk under an emergency permit in writing issued by the appropriate health authorities in the marketing area;

(6) Subtracting from the remaining pounds of skim milk and butterfat in each class (not including plant shrinkage on producer milk in Class III milk), the total pounds of skim milk and butterfat, respectively, received from other handlers (except those referred to in subparagraph (3) of this paragraph) and stated by the transferring handler and receiver to have been used in such class, to the extent of the amounts of skim milk and butterfat remaining in such class after making the computation pursuant to subparagraph (5) of this paragraph: *Provided,* That skim milk or butterfat allocated by such statements to Class II milk or Class III milk, in excess of amounts subtracted above pursuant to this subparagraph shall be subtracted from Class I milk; and

(7) If the total amount of skim milk or butterfat in all classes, after the computation made above pursuant to this paragraph, is greater than the skim milk or butterfat in producer milk, decrease the lowest-priced available class, or classes, by such excess.

§ 974.5 *Minimum prices*—(a) *Basic formula prices for skim milk and butterfat.* The basic formula price per hundredweight of milk for the month shall be the higher of the prices as computed by the market administrator for such month pursuant to subparagraphs (1) and (2) of this paragraph.

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

Companies and Location

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

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

(i) From the arithmetical average of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month, as reported by the Department of Agriculture for the Chicago market, subtract 3.5 cents, add 20 percent, and then multiply the resulting amount by 3.5, and

(ii) From the arithmetical average of the weighted averages of the carlot

prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. Chicago area manufacturing plants, as published for the month by the Department of Agriculture, deduct 4 cents, multiply by 8.2.

(b) *Class I milk prices.* Subject to the provisions of paragraph (e) of this section, the respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class I milk shall be as follows, as computed by the market administrator:

(1) Add to the basic formula price the following amount for the month indicated: April, May, June and July, $0.75; and all others $1.00: *Provided,* That the price of Class I milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this subparagraph (prior to this proviso) for the two months immediately preceding; and the price of Class I milk for any of the months of April through June, inclusive, shall not be higher than the arithmetical average of the prices computed for such class pursuant to this subparagraph (prior to this proviso) for the two months immediately preceding.

(2) Add together the amounts determined in paragraph (a) (2) (i) and (ii) of this section and divide the sum into the amount determined in subdivision (i) of such subparagraph.

(3) Multiply the price determined in subparagraph (1) of this paragraph by the percentage determined in subparagraph (2) of this paragraph and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(4) From the price determined in subparagraph (1) of this paragraph subtract the amount determined in subparagraph (3) of this paragraph times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight; *Provided,* That in no event shall the price of skim milk or butterfat in Class I milk be lower, respectively than the skim milk and butterfat price in Class II milk.

(c) *Class II milk prices.* Subject to the provisions of paragraph (e) of this section, the respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class II milk shall be as follows, as computed by the market administrator:

(1) Add to the basic formula price the following amount for the month indicated: April, May, June and July, $0.35; and all others, $0.60.

(2) Multiply the price computed in subparagraph (1) of this paragraph by the percentage computed in paragraph (b) (2) of this section and then divide by 0.035. The resulting amount shall be the Class II butterfat price per hundredweight: *Provided,* That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to paragraph (d) (2) of this section prior to the proviso therein.

(3) Subtract from the price computed in subparagraph (1) of this paragraph the amount computed in subparagraph (2) of this paragraph times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

(d) *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class III milk shall be as follows, as computed by the market administrator:

(1) The price per hundredweight of such skim milk shall be computed as follows: From the arithmetical average of the weighted average of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the month by the Department of Agriculture subtract 5.5 cents, and multiply the result by 8.5.

(2) The price per hundredweight of butterfat shall be computed as follows: multiply the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month by 120: *Provided,* That the price per hundredweight of butterfat made into butter shall be such price per hundredweight less $5.00.

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

§ 974.6 *Determination of uniform price to producers*—(a) *Computation of total value of producer milk for each handler.* Subject to the location adjustment provided in paragraph (b) of this section, the value of producer milk received by each handler during each month shall be a sum of money computed by the market administrator by multiplying by the respective class prices for skim milk and butterfat, the skim milk and butterfat according to classification pursuant to § 974.4 (f), and adding together the resulting amounts: *Provided,* That if such handler, after subtracting all receipts other than producer milk has disposed of skim milk or butterfat in excess of the skim milk or butterfat received in producer milk, there shall be added a further amount equal to the value of such skim milk or butterfat in the class from which subtracted pursuant to § 974.4 (f) (7): *Provided further,* That if in the verification of the reports or payments of such handler for any previous month, the market administrator discovers errors which result in payments due the producer-settlement fund or the handler, there shall be added, or subtracted, as the case may be, the amount necessary to correct such errors: *Provided further,* That such handler shall be credited at the difference between the applicable class prices for skim milk and butterfat and the Class II prices for skim milk and butterfat, respectively, with respect to milk or skim milk disposed of in bulk fluid form during April, May, June, or July, to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations: *And provided also,* That such handler shall be credited with the average difference for the months of April, May, and June between the Class II and Class III prices (Class III and Class IV prices in 1949) for skim milk, with respect to excess skim milk derived from producer milk received by him during any delivery period after March 31, 1949, which is disposed of by such handler during the following January, February, or March in the form of sweetened condensed skim milk to a person whose supply of milk is not produced under permits as specified in § 974.1 (g) (for the purpose of this proviso excess skim milk shall be determined by computing for each month any plus balance resulting from the subtraction, for such month, of (1) skim milk in other source milk allocated to Class II milk (Class III milk prior to the effective date of this amended order) pursuant to § 974.4 (f), (2) the skim milk equivalent of sweetened condensed skim milk utilized in ice cream and ice cream mix, and (3) the skim milk equivalent of sweetened condensed skim milk disposed of to other handlers and to persons who are not handlers, from the sum of the skim milk equivalent of gross utilization in sweetened condensed skim milk, and such balance, if any, for the preceding month).

(b) *Location adjustment to handlers.* With respect to the actual weight of whole milk which is moved directly to the marketing area from a fluid milk plant located more than 40 miles from the Ohio State Capitol, Columbus, by shortest highway distance as determined by the market administrator, there shall be deducted 17 cents per hundredweight in the computation of the value of producer milk received by the handler operating such plant.

(c) *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall notify each handler of (1) the amount and value of his milk in each class as computed pursuant to § 974.4 (f) and paragraph (a) of this section, respectively, and the totals of such amounts and values, including any adjustments thereto; (2) the uniform price computed pursuant to paragraph (d) of this section; (3) the amount due each handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and (4) the total amounts to be paid by such handler pursuant to §§ 974.7, 974.8, and 974.9.

(d) *Computation of uniform price.* For each month, the market adminis-

trator shall compute a uniform price per hundredweight for producer milk by:

(1) Combining into one total the values computed pursuant to paragraph (a) of this section for all handlers except those who did not make the payments required pursuant to § 974.7 (c) for the previous delivery period;

(2) Adding an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(3) Adding the aggregate of the values of all allowable location adjustments computed pursuant to § 974.7 (b);

(4) Subtracting, if the weighted average butterfat test of all pooled milk is greater than 3.5 percent, or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 974.7 (g) times 10.

(5) Dividing by the hundredweight of producer milk pooled; and

(6) Subtracting not less than 4 cents nor more than 5 cents. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

§ 974.7 *Payment for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk received during the month at not less than the uniform price per hundredweight, subject to the location adjustment pursuant to paragraph (b) of this section and the butterfat differential computed pursuant to paragraph (g) of this section: *Provided,* That payment may be made to a cooperative association qualified under § 974.9 (b) with respect to milk received from any producer who has given such association authorization by contract or other written instrument to collect the proceeds from the sale of his milk and any payment made pursuant to this proviso shall be made on or before the 10th day after the end of each month: *And provided further,* That if by such date such handler has not received full payment for such month pursuant to paragraph (c) of this section, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) *Location adjustment to producers.* In making payments pursuant to paragraph (a) of this section a handler may deduct, with respect to producer milk received at a fluid milk plant located more than 40 miles from the Ohio State Capitol, Columbus, by shortest highway distance as determined by the market administrator, not more than 17 cents per hundredweight.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler.

(d) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the total value computed for him pursuant to § 974.6 (a) for such month is greater than the sum required to be paid by such handler pursuant to paragraph (a) of this section.

(e) *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to paragraph (a) of this section is greater than the total value computed for him pursuant to § 974.6 (a) for such month: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(f) *Adjustment of errors.* Whenever audit by the market administrator of the payment required to be made by a handler to a producer pursuant to paragraph (a) of this section discloses payment of less than is required, the handler shall make up such payment not later than the time for making payments pursuant to paragraph (a) of this section next following such disclosure.

(g) *Butterfat differential.* For each month the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by subtracting from the weighted average price per hundredweight of all butterfat from producer milk in Class II milk and Class III milk the weighted average price per hundredweight of all skim milk from producer milk in Class II milk and Class III milk and dividing the remainder by 1,000.

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

§ 974.9 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler for each delivery period shall deduct 5 cents per hundredweight, or such amount not to exceed 5 cents as the Secretary may from time to time prescribe, from the payments made to each producer pursuant to § 974.7 (a), and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 12th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

§ 974.10 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

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

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

(a) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all

funds or property on hand, together with the books and records of the market administrator, or such person to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

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

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

§ 974.13 *Applicability and separability of provisions*—(a) *Producer-handlers.* Sections 974.5, 974.6, 974.7, 974.8, and 974.9 shall not apply to a handler who handles only milk from his own farm production or received from other handlers.

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

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

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

(1) The amount of the obligation;

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

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

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

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

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

Issued at Washington, D. C., this 7th day of December 1949, to be effective on the 1st day of January 1950.

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

[F. R. Doc. 49-9914; Filed, Dec. 9, 1949; 8:59 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 8]

PART 60—AIR TRAFFIC RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

Correction

In Federal Register Document 49-9259, appearing at page 6875 of the issue for Wednesday, November 16, 1949, the following correction is made in the table under § 60.46-4: The entries in the second column opposite "Rochester, Minn." should read:

N—2,400' (SE crs Minneapolis)
E—2,600' (NW crs LaCrosse)
S—2,500' (SW crs LaCrosse)
S—1,900' (Stewartsville FM) (Final)
W—Min, en route alt.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5520]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALLIED RADIO CORP.

Subpart—*Advertising falsely or misleadingly:* § 3.130 *Manufacture or preparation:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale and distribution of respondent's radio receiving sets in commerce, representing, directly or by implication, that any radio receiving set contains a designated number of tubes or is of a designated tube capacity, when one or more of the tubes referred to are tubes or other devices which do not perform the recognized and customary functions of radio receiving set tubes in the detection, amplification and reception of radio signals; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order Allied Radio Corporation, Docket 5520, November 15, 1949]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner and exceptions thereto, briefs in support of and in opposition to the complaint, and oral argument, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, Allied Radio Corporation, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's radio receiving sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication, that any radio receiving set contains a designated number of tubes or is of a designated tube capacity, when one or more of the tubes referred to are tubes or other devices which do not perform the recognized and customary functions of radio receiving set tubes in the detection, amplification and reception of radio signals.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth

in detail the manner and form in which it has complied with this order.

Issued: November 15, 1949.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49-9902; Filed, Dec. 9, 1949; 8:52 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-112; Order 151]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

FORM AND FILING OF ANNUAL REPORTS FOR NATURAL GAS COMPANIES (CLASSES A AND B)

DECEMBER 6, 1949.

The Commission, under date of September 7, 1949, gave notice of its intention to amend § 260.1 entitled "Form No. 2, Annual Report for natural gas companies (Classes A and B)." of Part 260—Statements and Reports (Schedules) Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations, to prescribe the accompanying revised schedules[1] for inclusion in the Annual Report Form for Natural-gas Companies (Classes A and B) to be prepared and filed annually with the Commission.

General public notice of the proposed rule making in the above-entitled matter was given by publication of notice in the FEDERAL REGISTER on September 13, 1949 (14 F. R. 5609), and by mailing 220 notices to interested persons, including natural gas companies in the Classifications affected, and to State and Federal regulatory agencies.

The proposed amendments to the aforesaid Form are designed primarily to simplify and clarify schedules previously prescribed and to establish uniformity, as to balance sheet, income and related schedules, in report forms for use by Classes A and B electric utilities and licensees and Classes A and B natural-gas companies.

The proposed revisions to the aforesaid Form and its schedules were developed in cooperation with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners which recommended a coordinated form of report for use interchangeably by electric, gas, and water utilities. The Commission, by Order No. 142 of October 6, 1948, in Docket No. R-109, adopted and prescribed for Classes A and B electric utilities and licensees, the coordinated form of report with revisions necessary and appropriate for the purposes of administration of the Federal Power Act. The accompanying proposed revisions to the report form for Classes A and B natural-gas companies will conform as to balance sheet, income and related schedules to the form of report adopted by the Commission's Order No. 142 of October 6, 1948.

[1] Filed as part of the original document.

The Commission finds:

(1) The proposed amendments represent matters of practice and procedure which do not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendments are necessary and appropriate for the purposes of administration of the Natural Gas Act.

(3) Good cause exists that these amendments should become effective January 1, 1950.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4 (c), 8 (a), 10 (a), and 16 thereof (52 Stat. 822, 825, 826, 830; 15 U. S. C. 717c (c), 717g (a), 717i (a), 717o), orders:

(A) Section 260.1 entitled "Form No. 2, Annual Report for natural gas companies (Classes A and B)" of Part 260—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations, be and the same is hereby amended to prescribe the accompanying revised balance sheet and other general schedules for inclusion in the Annual Report Form for Natural-Gas Companies (Classes A and B), to be prepared and filed annually with the Commission. The revised schedules here adopted will supersede the identity, balance sheet, and income sections of the present Annual Report Form FPC No. 2, which appear on pages 1 to 43, inclusive, and the same are hereby deleted.

(B) The following schedules in the present Annual Report FPC Form No. 2 which are duplicated by the coordinated general schedules herein adopted are hereby deleted:

Page 54:
- Schedule 420A, Common Utility Plant.
- Schedule 420B, Reserve for Depreciation of Common Utility Plant.
- Schedule 420C, Common Utility Plant Expenses.

Page 76:
- Schedule 466, Regulatory Commission Expenses.
- Schedule 467, Officers' Salaries.

Page 78:
- Schedule 470, Taxes Charged During the Year.

Page 84:
- Schedule 476, Service Contract Charges by Associated Companies.
- Schedule 477, Management and Engineering Contracts with Non-associated Companies.

Page 103:
- Schedule 499, Distribution of Salaries and Wages for the Year.

(C) The following operating and statistical schedules which have been suspended annually for several years, and which are not duplicated by the coordinated general schedules herein adopted, are hereby suspended for 1949:

Page 75:
- Schedule 463, Administrative and General Expenses Transferred—Credit.
- Schedule 464, Rents Charged to Gas Operating Expenses.

Page 77:
- Schedule 468, Joint Expenses—Debit and Credit.

Page 98:
- Schedule 493, City Gate and Main Line Industrial Measuring and Regulating Station Plant and Expenses.

Page 102:
- Schedule 498, Number of Employees and Their Compensation.

(D) This order, and the amendments to the Annual Report Form FPC No. 2 herein prescribed, shall become effective January 1, 1950, and shall as of that date supersede the Sections of the Annual Report Form FPC No. 2 referred to in paragraph (A) hereof.

(E) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Date of issuance: December 9, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-9903; Filed, Dec. 9, 1949; 8:59 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 197]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 195]

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

CALIFORNIA, NEW JERSEY AND WASHINGTON

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

In San Diego County, the portion lying west of San Bernardino Meridian, except the City of Coronado.

This decontrols the City of Coronado in San Diego County, California, a portion of the San Diego, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. In Schedule A, all of Item 190 which relates to Sussex County, New Jersey, is deleted.

This decontrols Sussex County, a portion of the Northeastern New Jersey Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. In Schedule A, all of Item 188a, which relates to Cumberland and Salem Counties, New Jersey, is deleted.

This decontrols Cumberland and Salem Counties, New Jersey, portions of the Southern New Jersey Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

4. Schedule A, Item 347b, is amended to read as follows:

(347b) [Revoked and decontrolled.]

This decontrols the entire Ellensburg, Washington, Defense-Rental Area, 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 December 8, 1949.

Issued this 7th day of December 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-9904; Filed, Dec. 9, 1949; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter D—Employment Taxes

[T. D. 5760]

PART 405—COLLECTION OF INCOME TAX AT SOURCE ON OR AFTER JANUARY 1, 1945

USE OF FEDERAL RESERVE BANKS AND AUTHORIZED COMMERCIAL BANKS IN CONNECTION WITH PAYMENT OF TAXES

Correction

In Federal Register Document 49-9266, appearing at page 7006 of the issue for Saturday, November 19, 1949, § 405.606 (a) is corrected by changing the second line of the first column on page 7007 to read: "$100 in the case of an employer, it will".

[T. D. 5759]

PART 405—COLLECTION OF INCOME TAX AT SOURCE ON OR AFTER JANUARY 1, 1945

TAX-RETURN PERIODS COMMENCING AFTER DECEMBER 31, 1939, PRESCRIBING A COMBINED RETURN FOR REPORTING OF TAXES

Correction

In Federal Register Document 49-9265, appearing at page 7007 of the issue for Saturday, November 19, 1949, the paragraph added at the end of § 405.602 by amendatory paragraph 13 (C) is corrected as follows: The seventh line should read: "of the Internal Revenue Code."

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

PART 805—SAFEGUARDING MILITARY INFORMATION

Correction

The cross reference under this part appearing in the issue for Wednesday, December 7, 1949, on page 7315 was printed erroneously.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 65—HOMESTEADS

EDITORIAL NOTE: Section 65.7 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 69—MINERAL LANDS; GENERAL MINING REGULATIONS

EDITORIAL NOTE: Section 69.17a has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 71—MINERAL LANDS; OIL AND GAS, POTASH, AND SODIUM PERMITS AND LEASES, AND PHOSPHATE AND OIL SHALE LEASES

EDITORIAL NOTE: Section 71.4 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 79—TIMBER

EDITORIAL NOTE: Sections 79.10 and 79.28 have been excluded from the Code of Federal Regulations, 1949 Edition.

PART 104—AMENDMENTS

EDITORIAL NOTE: Section 104.7 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 107—CONFIRMATIONS

EDITORIAL NOTE: Section 107.4 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

EDITORIAL NOTE: Sections 115.18, 115.19 and 115.85 have been excluded from the Code of Federal Regulations, 1949 Edition.

PART 141—COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

EDITORIAL NOTE: Sections 141.27 to 141.40 have been excluded from the Code of Federal Regulations, 1949 Edition.

PART 149—EXCHANGES FOR THE CONSOLIDATION OR EXTENSIONS OF INDIAN RESERVATIONS OR INDIAN HOLDINGS

EDITORIAL NOTE: Sections 149.44 to 149.61 have been excluded from the Code of Federal Regulations, 1949 Edition.

PART 161—THE FEDERAL RANGE CODE

EDITORIAL NOTE: Section 161.18 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS OR AFFECTING PUBLIC LANDS IN SUCH DISTRICTS

EDITORIAL NOTE: Part 162 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 165—LEASING OF STATE, COUNTY, OR PRIVATELY OWNED LANDS IN GRAZING DISTRICTS

EDITORIAL NOTE: Section 165.11 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 181—PUBLIC LAND RIGHTS OF SOLDIERS AND SAILORS

EDITORIAL NOTE: Sections 181.16, 181.17 and 181.77 have been excluded from the Code of Federal Regulations, 1949 Edition.

PART 182—SOLDIERS AND SAILORS PREFERENCE RIGHTS

EDITORIAL NOTE: Part 182 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 185—GENERAL MINING REGULATIONS

EDITORIAL NOTE: Section 185.77 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 193—COAL PERMITS, LEASES, AND LICENSES

EDITORIAL NOTE: Section 193.26a has been redesignated § 193.26.

PART 216—PAYMENTS

EDITORIAL NOTE: Sections 216.13 and 216.25 have been excluded from the Code of Federal Regulations, 1949 Edition.

PART 217—REPAYMENTS

EDITORIAL NOTE: Sections 217.3 and 217.4 have been excluded from the Code or Federal Regulations, 1949 Edition.

PART 220—GENERAL REGULATIONS RELATING TO PRACTICE

EDITORIAL NOTE: Section 220.7 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 221—RULES OF PRACTICE

EDITORIAL NOTE: Sections 221.35 and 221.65 have been excluded from the Code of Federal Regulations, 1949 Edition.

PART 224—FIELD INVESTIGATIONS AND REPORTS

EDITORIAL NOTE: Part 224 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

EDITORIAL NOTE: Sections 230.26, 230.91 and 230.92 have been excluded from the Code of Federal Regulations, 1949 Edition.

PART 240—PUBLIC LAND RECORDS

EDITORIAL NOTE: Sections 240.4, 240.8 and 240.10 have been excluded from the Code of Federal Regulations, 1949 Edition.

PART 243—RIGHTS OF WAY FOR RAILROADS AND STATION GROUNDS

EDITORIAL NOTE: Section 243.21 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 244—RIGHTS-OF-WAY FOR CANALS, DITCHES, RESERVOIRS, WATER PIPE LINES, TELEPHONE AND TELEGRAPH LINES, TRAMROADS, ROADS AND HIGHWAYS, OIL AND GAS PIPE LINES, ETC.

EDITORIAL NOTE: Section 244.30 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 245—RIGHTS-OF-WAY OVER AND UPON PUBLIC LANDS AND RESERVATIONS OF THE UNITED STATES FOR ELECTRICAL PLANTS AND TRANSMISSION LINES

EDITORIAL NOTE: Section 245.28 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 273—RAILROAD GRANTS, ETC.

EDITORIAL NOTE: Sections 273.1 to 273.3, 273.6 to 273.30, 273.32 to 273.35, 273.41, 273.43, 273.44, 273.47 to 273.49 and 273.54 to 273.67 have been excluded from the Code of Federal Regulations, 1949 Edition.

PART 284—TIMBER CUTTING, SALE OR USE

EDITORIAL NOTE: Section 284.40 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 297—EXECUTIVE ORDERS AND RELATED PUBLIC LAND ORDERS

EDITORIAL NOTE: Sections 297.1 and 297.2 have been excluded from the Code of Federal Regulations, 1949 Edition.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

RUSHVILLE SALES CO. AND SIOUX COUNTY LIVE STOCK AUCTION

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the stockyards listed below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act:

Rushville Sales Company, Rushville, Nebraska.

Sioux County Live Stock Auction, Harrison, Nebraska.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within 15 days of the publication of this notice any data, views or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

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

[SEAL] M. J. COOK,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 49-9900; Filed, Dec. 9, 1949; 8:51 a. m.]

RINGLING AUCTION SALE

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the Ringling Auction Sale, Ringling, Oklahoma, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within 15 days of the publication of this notice any data, views or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

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

[SEAL] M. J. COOK,
Acting Director, Livestock Branch Production and Marketing Administration.

[F. R. Doc. 49-9901; Filed, Dec. 9, 1949; 8:51 a. m.]

[7 CFR, Ch. IX]

[Docket No. AO-211]

HANDLING OF MILK IN WASHINGTON, D. C., MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Notice is hereby given that the hearing on a proposed marketing agreement and order regulating the handling of milk in the Washington, D. C., marketing area, originally scheduled to begin at 10 a. m., e. s. t., at the Freer Art Gallery, 12th and Independence Avenue SW., Washington, D. C., on November 28, 1949 (14 F. R. 6810), and thereafter postponed until December 12, 1949 (14 F. R. 7164), at the request of the Maryland and Virginia Milk Producers Association, Inc., is hereby indefinitely postponed.

Interested parties will be given notice of the time and place of such hearing at least fifteen days prior to the date set.

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

[SEAL] EARL R. GLOVER,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-9915; Filed, Dec. 9, 1949; 8:57 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6252]

INTERSTATE LIGHT AND POWER CO. (WISCONSIN)

ORDER TO SHOW CAUSE AND SETTING HEARING

Interstate Light and Power Company (Wisconsin) (hereinafter "Power Company"), organized and existing under the laws of the State of Wisconsin, is a wholly-owned subsidiary of Northern States Power Company (Minnesota) (hereinafter "Northern States").

Power Company owns and operates three electric operating divisions in Wisconsin, one of which is known as the Platteville Division and is operated as part of Northern States' Galena-Platteville-Elizabeth System.

Power Company's Annual Report for the year 1948 (FPC Form No. 1) and Northern States' Power System Statement for its Galena-Platteville-Elizabeth System for the same year (FPC Form No. 12) show that Power Company purchases all of its Platteville Division's requirements, having purchased a net amount of 18,395,558 kilowatt-hours of firm electric energy at the Illinois-Wisconsin State line from an affiliate, Interstate Light and Power Company (Illinois), and 1,479,540 kilowatt-hours

from Wisconsin Power & Light Company in 1948. The Power System Statement also discloses that the electric energy purchased from the affiliate, constituting 92.5% of the Platteville Division requirements, was generated in the Galena, Illinois, steam-electric generating station of the affiliate and was transmitted over two 34.5 kv. circuits from Galena to Power Company's Hazel Green, Wisconsin, substation, the ownership of the 34.5 kv. circuits changing at the Illinois-Wisconsin State line.

Power Company resells electric energy at wholesale for resale from its Platteville Division to the Village of Benton, City of Cuba City, Village of Hazel Green, and City of Shullsburg at 4.0 kv. and to Wisconsin Power & Light Company at two locations at 34.5 kv. The Annual Report, referred to above, shows that in 1948 such sales totalled 4,658,152 kilowatt-hours. Thus, these sales of electric energy may be sales at wholesale in interstate commerce subject to the requirements of section 205 of the Federal Power Act and Part 35 of the general rules and regulations which require each public utility to file with this Commission full and complete rate schedules for any transmission or sale at wholesale for resale of electric energy in interstate commerce.

By letters dated March 11 and June 8, 1949, Northern States was advised that Power Company's rate schedules for the wholesale sales of electric energy in its Platteville Division might be subject to these requirements. Northern States replied by letter dated June 23, 1949, that the contracts have not been filed on advice of counsel that such contracts do not appear to be subject to the jurisdiction of the Commission under the Federal Power Act.

The Commission orders:

(A) A public hearing be held, commencing January 16, 1950, at 10 a. m., e. s. t., in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C., at which hearing Power Company shall show cause why the Commission should not:

(1) Find and determine that Power Company is a "public utility" within the meaning of that term as used in the Federal Power Act, by reason of its ownership and operation of facilities for transmission, and for sale at wholesale, of electric energy in interstate commerce;

(2) Find and determine that Power Company's sales of electric energy to the Village of Benton, the City of Cuba City, the Village of Hazel Green, the City of Shullsburg and to Wisconsin Power & Light Company at Darlington and Platteville, is each a sale at wholesale in interstate commerce, subject to the provisions of sections 205 and 206 of the Federal Power Act and Part 35 of the Commission's rules;

(3) Find and determine that at least since January, 1948, Power Company has been violating and threatens to continue violating the provisions of section 205 (c) of the act and § 35.3 of the Commission's general rules and regulations pertaining thereto;

(4) Order Power Company to file rate schedules for service to the Village of Benton, the City of Cuba City, the Village of Hazel Green, the City of Shullsburg and Wisconsin Power & Light Company in accordance with the provisions and requirements of section 205 (c) of the act and § 35.3 of the Commission's general rules and regulations;

(5) Issue such other orders as may be necessary or appropriate to carry out the provisions of the act, initiate or request the initiation of proceedings to bring about compliance with the act and the rules and regulations issued thereunder, and take such other steps as may be appropriate under the act.

(B) Interested State Commissions may participate in the hearing ordered in paragraph (A), as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure, dated January 1, 1948.

Date of issuance: December 6, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-9886; Filed, Dec. 9, 1949; 8:48 a. m.]

[Docket No. G-1233]

EASTERN NATURAL GAS CORP.

NOTICE OF APPLICATION

DECEMBER 6, 1949.

Take notice that Eastern Natural Gas Corporation (Applicant), a Delaware corporation having its principal place of business in Washington, D. C., filed on June 30, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipe line facilities hereinafter described.

Applicant proposes to transport and sell natural gas for resale to public utilities or municipalities operating distribution systems in certain communities in Connecticut, Rhode Island and Massachusetts, shown as proposed markets on Exhibit A to its application,[1] and for such purpose to construct and operate a 24-inch transmission pipe line, approximately 292 miles in length, extending from a point near Phoenixville, Pennsylvania, through the State of Pennsylvania, New Jersey, Connecticut, and Rhode Island, to its eastern terminus in the vicinity of Boston, Massachusetts, together with approximately 200 miles of sales lateral lines extending from the main transmission pipe line to the communities shown as proposed markets on Exhibit A, and other necessary appurtenances. Applicant states the initial capacity of the main transmission pipe line will be 200,000 Mcf per day, and so designed that the capacity can be increased to 275,000 Mcf per day by the addition of compressor horsepower. Applicant proposes to install initially 5,000 horsepower of compressor facilities.

The estimated cost of the proposed facilities is approximately $28,000,000, and Applicant proposes to finance such facilities by the issuance of bonds, preferred and common stock in approximately the following proportions: Bonds, 75%; preferred stock, 15%; common stock, 10%.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-9884; Filed, Dec. 9, 1949; 8:47 a. m.]

[1] Some of the communities shown on Exhibit A as proposed markets are Norwalk, Danbury, Bridgeport, Derby, Seymour, Naugatuck, Waterbury, New Haven, Wallingford, Meriden, Middletown, New Britain, Hartford, Manchester, and Putnam in Connecticut; Woonsocket and Providence in Rhode Island; and Springfield, Westfield, Webster, Worcester, Lowell, Lawrence, Haverhill, Attleboro, Fall River, New Bedford, and Boston in Massachusetts.

[Docket No. G-1297]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

On November 14, 1949, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, and for approval of abandonment and removal of certain facilities, subject to the jurisdiction of the Commission, as fully described in such application and supplement on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for noncontested proceedings, and this proceeding appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 1, 1949 (14 F. R. 7238).

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing will be held on December 20, 1949, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith

dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: December 6, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-9885; Filed, Dec. 9, 1949; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 28300]

CLASS RATE INVESTIGATION, 1939

NOTICE OF FURTHER INVESTIGATION

NOVEMBER 28, 1949.

Further investigation will be conducted by the Commission in the above-entitled proceeding.

Authority for and nature of investigation. The investigation will be governed by the pertinent provisions of the Administrative Procedure Act and the Interstate Commerce Act. The general procedures and special rules of practice provided herein will apply.

Scope and purpose of investigation. The scope and purpose of the investigation are:

1. To revise the basic scale of class rates set forth in Appendix 10 to the original report herein, 262 I. C. C. 447, in order that such scale may conform to the present and prospective requisites of a just, reasonable, and lawful basic scale of class rates to be applied in connection with a uniform freight classification now under preparation in Docket No. 28310; and

2. To determine what, if any, arbitraries should be added to the basic scale of class rates for the benefit of short-line and weak railroads, so-called.

Reasons for investigation. The Commission has been informed that the work of preparing a uniform freight classification by the railroads respondents in Docket No. 28310, a companion proceeding, is nearing completion, and it takes official notice of the fact that since the prescription of the basic class rate scale in its original decision in this proceeding general increases have been authorized, as briefly described in Appendix B, in the level of rates in the territory within which the original scale was intended to apply. Moreover, the question of arbitraries for short-line and weak railroads, so-called, was left undetermined in the original decision. These are the considerations leading to this further investigation.

Proposed basic scale of first class or class 100 rates. A scale of rates tentatively proposed as a substitute for the basic scale of first class, or class 100, rates included in the original report in this proceeding as Appendix 10 is contained in Appendix A, attached hereto. This proposed scale is subject to any change or changes that may be made therein as a result of this investigation. The scales subordinate to this basic first class, or class 100, scale are to be determined by use of the percentages set forth in the original report herein. It should be clearly understood that no party in interest in this proceeding is precluded from proposing and supporting another and different scale from that tentatively proposed herein.

Written evidence; special rules. Evidence shall be submitted in written form at the times and in the manner provided for in the attached Special Rules of Practice, marked Appendix C.

Notice to parties in interest. Notice to the general public will be given by depositing a copy of this notice in the office of the Secretary of the Commission, for public inspection, by filing a copy of the notice with the Director, Division of the Federal Register, and by serving copies on the parties of record in this proceeding.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX A

Original appendix 10 scale and proposed scale of first-class rates (class 100) for application in all territory covered by No. 28300

[Cents per hundredweight]

Miles	Original appendix 10 scale [1]	Proposed scale [2]
5	40	58
10	43	64
15	46	69
20	48	73
25	50	76
30	52	80
35	54	83
40	56	86
45	58	89
50	60	91
55	61	94
60	62	96
65	63	99
70	64	101
75	65	103
80	66	106
85	67	108
90	68	110
95	69	112
100	70	114
110	72	118
120	74	122
130	76	126
140	78	129
150	80	133
160	82	136
170	84	140
180	86	143
190	88	146
200	90	149
210	92	153
220	94	156
230	96	159
240	98	162
260	102	168
280	106	173
300	110	179
320	113	185
340	116	190
360	119	196
380	122	201
400	125	206
420	128	211
440	131	216
460	134	221
480	137	226
500	140	231
520	143	236
540	146	241
560	149	245
580	152	250
600	155	255
620	158	259
640	161	264
660	164	268

[1] 262 I. C. C. 447, at p. 766, extended from 2,500 to 4,000 miles.

[2] The original appendix 10 scale increased 60 percent and smoothed.

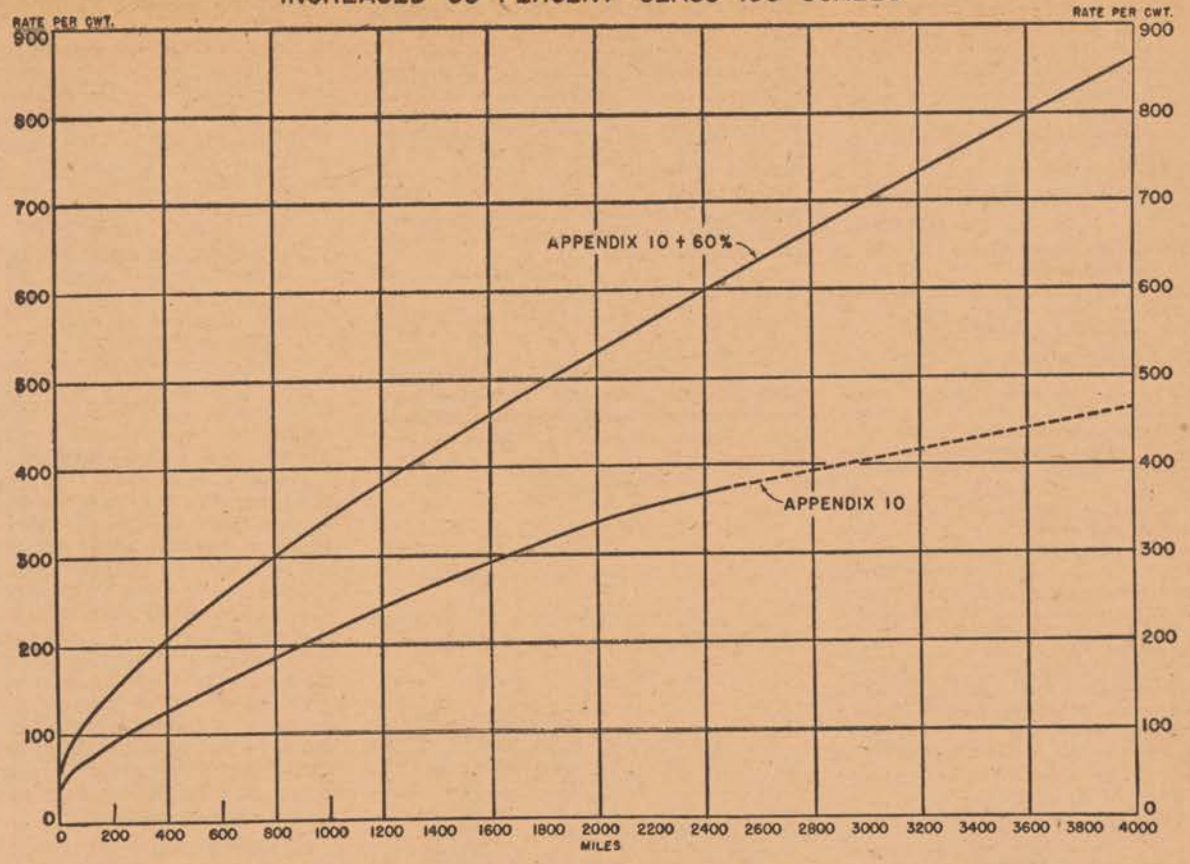
APPENDIX A—Continued

Original appendix 10 scale and proposed scale of first-class rates (class 100) for application in all territory covered by No. 28300

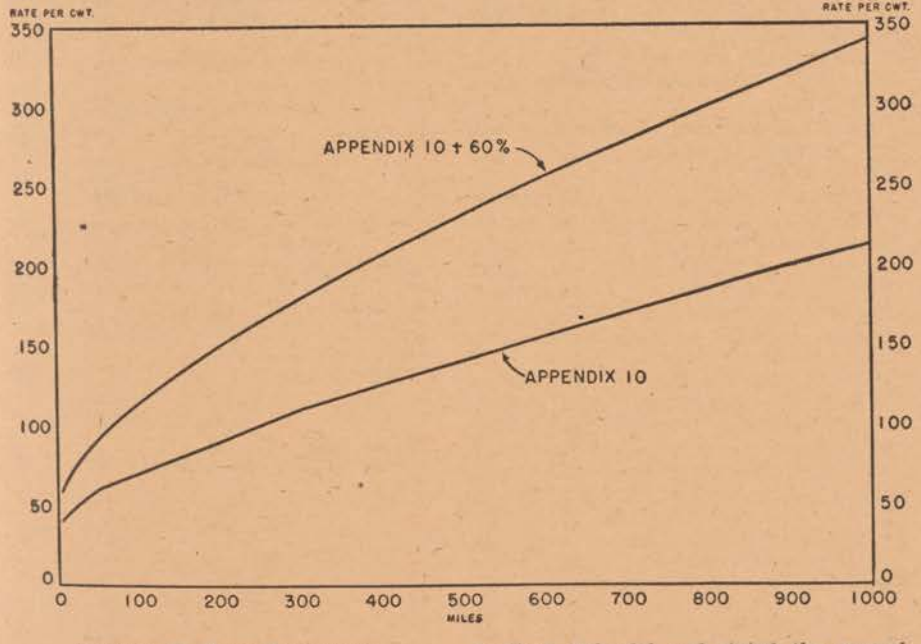
[Cents per hundredweight]

Miles	Original appendix 10 scale [1]	Proposed scale [2]
680	167	273
700	170	277
720	173	282
740	176	286
760	179	291
780	182	295
800	185	299
825	189	305
850	193	310
875	196	315
900	199	320
925	203	326
950	207	331
975	210	336
1,000	213	341
1,025	217	346
1,050	221	351
1,075	224	356
1,100	227	361
1,125	231	366
1,150	234	371
1,175	237	376
1,200	240	381
1,225	244	386
1,250	247	391
1,275	250	396
1,300	253	401
1,325	257	405
1,350	260	410
1,375	263	415
1,400	266	420
1,425	269	424
1,450	272	429
1,475	275	434
1,500	278	439
1,525	281	443
1,550	284	448
1,575	287	453
1,600	290	457
1,625	293	462
1,650	296	466
1,675	299	471
1,700	302	476
1,725	305	480
1,750	308	485
1,775	311	489
1,800	313	494
1,825	316	498
1,850	319	503
1,875	322	507
1,900	324	512
1,925	327	516
1,950	330	521
1,975	332	525
2,000	334	529
2,025	337	534
2,050	340	538
2,075	342	543
2,100	344	547
2,125	347	552
2,150	349	556
2,175	351	560
2,200	353	565
2,250	357	573
2,300	361	582
2,350	365	591
2,400	368	599
2,450	372	608
2,500	375	616
2,550	379	625
2,600	382	633
2,650	386	642
2,700	389	650
2,750	393	658
2,800	396	667
2,850	400	675
2,900	403	683
2,950	407	692
3,000	410	700
3,050	414	708
3,100	417	717
3,150	421	725
3,200	424	733
3,250	428	741
3,300	431	749
3,350	435	757
3,400	438	765
3,450	442	774
3,500	445	782
3,550	449	790
3,600	452	798
3,650	456	806
3,700	459	814
3,750	463	822
3,800	466	830
3,850	470	838
3,900	473	846
3,950	477	853
4,000	480	861

ORIGINAL APPENDIX 10 AND SMOOTHED APPENDIX 10
INCREASED 60 PERCENT—CLASS 100 SCALES



ORIGINAL APPENDIX 10 AND SMOOTHED APPENDIX 10
INCREASED 60 PERCENT—CLASS 100 SCALES



APPENDIX B—PRIOR PROCEEDINGS

No. 28300 was instituted in 1939, and on May 15, 1945, the Commission issued its original report and interim order in this proceeding, 262 I. C. C. 447, and on October 30, 1945, issued its first supplemental report clarifying its findings and interim order, 264 I. C. C. 41.

The original report contained three parts: Part I found the existing freight classifications unlawful and stated the general principles under which a uniform freight classification for the entire country should be constructed. Part II, after finding the existing class rates unlawful, found reasonable for the future, in connection with the uniform freight classification, a uniform distance scale of class rates in the territory roughly east of the Rocky Mountains, hereinafter referred to as the Appendix 10 scale. The Commission further provided that the uniform classification and the Appendix 10 scale of class rates should be made applicable simultaneously. Part III found reasonable an interim adjustment as follows: The class rates within southern, southwestern, and western trunkline territories and interterritorially between those territories and also between those territories and official territory were ordered to be reduced 10 percent, subject to a minimum scale (which was the same as the Appendix 10 scale). The class rates within official territory, including Illinois territory, were ordered to be increased 10 percent.

The Commission's reports and order were temporarily enjoined by a three-judge district court for the northern district of New York, but on final hearing that court sustained the Commission's reports and order in their entirety. (65 Fed. Supp. 856) Upon appeal to the Supreme Court of the United States the decision of the lower court was affirmed. *New York* v. *United States*, 331 U. S. 284, decided May 12, 1947. In the meantime the Commission had authorized general increases in all freight rates, including class rates, in Ex Parte No. 162, which became effective January 1, 1947, which increases were referred to in the opinion of the Supreme Court, *supra*, pp. 349–350. Thereafter, the Commission on July 7, 1947, issued its Second Supplemental Report in No. 28300, 268 I. C. C. 577, which embraced also Ex Parte No. 162, so far as that proceeding related to increases in class rates within the territory involved in No. 28300. Respondent carriers were required to comply with the Commission's original [interim] order in No. 28300, without prejudice to the filing of new tariffs increasing class rates in the territory covered by No. 28300 by 22.5 percent in lieu of the general increases in class rates authorized in Ex Parte No. 162. The Commission's order in Ex Parte No. 162 was modified accordingly. Thereafter

the carriers complied with the order in No. 28300 and superimposed an increase of 22.5 percent on all the class rates covered by No. 28300, and these rates became effective August 22, 1947. Since that time the general increases in freight rates in Ex Parte Nos. 166 and 168 have been made effective.

APPENDIX C—SPECIAL RULES OF PRACTICE APPLICABLE IN DOCKET NO. 28300

In addition to the General Rules of Practice, the following special rules will govern the further proceedings heretofore outlined and described.

1. *Submission of evidence in written form with affidavit attached.* The Commission desires that all further evidence be submitted in written form with affidavits attached. Exhibits may be attached to the written statements, and such exhibits should conform to the General Rules of Practice, particularly to Rules 81 to 84, inclusive. All exhibits of a single witness should, so far as practicable, be incorporated in a single exhibit. * The written evidence in the form of affidavits, with or without exhibits attached, will be referred to as verified statements, and each verified statement will be assigned a serial number by the Commission.

2. *Evidence-in-chief on behalf of respondents.* Evidence-in-chief of respondents, or those parties in support of respondents, should be submitted in the form of verified statements as provided in paragraph 1. Such verified statements, with accompanying exhibit or exhibits, should be made available to the Commission by filing 25 copies thereof with the Secretary of the Commission on or before December 30, 1949. Copies of such verified statements of respondents should be made available to the parties by mailing a copy to any person who duly makes a request therefor to Robert D. Brooks, Assistant General Solicitor, New York Central System, 466 Lexington Avenue, New York, N. Y., chairman of respondents' committee of counsel, on or before December 20, 1949.

3. *Evidence-in-chief on behalf of other parties.* Parties other than respondents will be expected to furnish the Commission with twenty-five (25) copies, and to furnish the railroads respondents with twenty-five (25) copies of all verified statements, the Commission's copies to be sent to the Secretary and the railroads respondents' copies to be sent to Robert D. Brooks, at the address specified in the prior paragraph. Such parties will be expected further to furnish three hundred (300) copies of each verified statement for distribution to interested parties. Such general counsel as those representing the Secretary of Agriculture, the National Association of Railroad and Utilities Commissioners, the Southeastern Association of Railroad and Utilities Commissioners, the National Industrial Traffic League, the Southern Traffic League, the Southern Governors' Freight Rate Conference, the Southwestern Steering Committee, and the New England Governors, may make special requests for copies of all verified statements of parties other than respondents. Requests should be made to the Secretary of the Commission, and due notice will be given to the parties.

4. *Rebuttal evidence.* Evidence on rebuttal by any party must be designated as such, and filed with the Secretary of the Commission within 30 days from the filing of the original evidence with the Commission. Its presentation and distribution will be governed by the rules set forth in paragraphs 1, 2, and 3 hereof.

5. *Objections to evidence.* Notice of objections to receipt in evidence of any verified statement should be filed with the Secretary of the Commission within 25 days after its filing with the Commission. If the evidence is submitted on behalf of respondents, a copy of the notice should be immediately mailed to Robert D. Brooks; if the evidence is submitted on behalf of any other party, a copy of the notice should be immediately mailed to the witness or his attorney.

6. *Cross-examination of witnesses.* If cross-examination of a witness is desired by any party written request therefor must be given to the Secretary of the Commission and to the witness, or his authorized attorney, within 25 days after the filing of the witness' written statement. Such requests should indicate clearly and definitely the reasons therefor. If cross-examination is allowed and ordered, the Commission will fix the time and place therefor.

7. *Record.* The evidence presented and admitted pursuant to the provisions of paragraphs 1, 2, 3, and 4 of these special rules, shall be embraced in the entire record in these proceedings upon which decision will be made, subject to such cross-examination of any witness concerning any verified statements as may be requested by any interested party and ordered by the Commission.

[F. R. Doc. 49-9623; Filed, Dec. 9, 1949; 11:15 a. m.]

[4th Sec. Application 24705]

CLASS AND COMMODITY RATES FROM AND TO FLORIDA EAST COAST RAILWAY STATIONS

APPLICATION FOR RELIEF

DECEMBER 7, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent A. H. Greenly's tariff I. C. C. — OC No. 62.

Commodities involved: Class and commodity rates.

Between: Florida East Coast Railway stations and points in the United States and Canada.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-9893; Filed, Dec. 9, 1949; 8:49 a. m.]

[4th Sec. Application 24706]

SEWING MACHINE PARTS FROM SOUTH BEND, IND., TO ELIZABETHPORT, N. J.

APPLICATION FOR RELIEF

DECEMBER 7, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, pursuant to fourth-section order No. 9800.

Commodities involved: Sewing machine parts or accessories, carloads.

From: South Bend, Ind.

To: Elizabethport, N. J.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-9894; Filed, Dec. 9, 1949; 8:49 a. m.]

[4th Sec. Application 24707]

CHLORIDE OF AMMONIA FROM CENTRAL TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 7, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, pursuant to fourth-section order No. 9800.

Commodities involved: Chloride of ammonia, carloads.

From: Cleveland, Ohio and Wyandotte, Mich.

To: Points in the south.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Com-

mission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-9895; Filed, Dec. 9, 1949; 8:50 a. m.]

[4th Sec. Application 24708]

FRESH MEATS FROM EVANSVILLE, IND., TO NORTON, VA.

APPLICATION FOR RELIEF

DECEMBER 7, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, pursuant to fourth-section order No. 9800.

Commodities involved: Fresh meats, carloads.

From: Evansville, Ind.

To: Norton, Va.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-9896; Filed, Dec. 9, 1949; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1124]

OHIO EDISON CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of December A. D. 1949.

The Detroit Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $8.00 Par Value, of Ohio Edison Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Detroit Stock Exchange is the State of Michigan; that out of a total of 2,283,990 shares outstanding, 11,884 shares are owned by 184 shareholders in the vicinity of the Detroit Stock Exchange; and that in the vicinity of the Detroit Stock Exchange transactions were effected in 1,574 shares of this security during the period from September 29, 1949, to October 29, 1949, inclusive;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Detroit Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $8.00 Par Value, of Ohio Edison Company be, and the same is, hereby granted.

By the Commission.

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

[F. R. Doc. 49-9887; Filed, Dec. 9, 1949; 8:48 a. m.]

[File No. 7-1127]

KANSAS POWER & LIGHT CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of December A. D. 1949.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $8.75 Par Value, of Kansas Power & Light Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission, on the basis of the facts submitted in the application, makes the following findings:

(1) That this security is registered and listed on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of the total of 2,143,158 shares outstanding, 377,843 shares are owned by 7,014 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange 77 transactions were effected in 2,241 shares of this security during the period from September 26, 1949 until October 25, 1949 inclusive;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist within the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $8.75 Par Value, of Kansas Power & Light Company be, and the same is, hereby granted.

By the Commission.

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

[F. R. Doc. 49-9888; Filed, Dec. 9, 1949; 8:48 a. m.]

[File No. 7-1130]

WEST KENTUCKY COAL CO.

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

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

The Philadelphia-Baltimore Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $4 Par Value, of West Kentucky Coal Company, a security listed and registered on the New York Stock Exchange.

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

Notice is hereby given that, upon request of any interested person received prior to December 28, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter,

this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

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

[F. R. Doc. 49-9889; Filed, Dec. 9, 1949; 8:48 a. m.]

[File No. 7-1135]

SOUTHERN CO.

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

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

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5 Par Value, of The Southern Company, a security listed and registered on the New York Stock Exchange.

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

Notice is hereby given that, upon request of any interested person received prior to December 21, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

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

[F. R. Doc. 49-9890; Filed, Dec. 9, 1949; 8:49 a. m.]

[File No. 811-333]

UNITED NEW YORK BANK TRUST SHARES

NOTICE OF APPLICATION

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

Notice is hereby given that United New York Bank Trust Shares (Applicant), of New York, New York, a unit investment trust registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order of the Commission declaring that Applicant has ceased to be an investment company within the meaning of the act.

It appears from the application that the Agreement and Declaration of Trust, as amended (Agreement) by which Applicant was created, provides for automatic termination on January 1, 1949, unless within thirty days prior to such date the depositor should deliver to the trustee a notice of extension; that on January 6, 1949, the successor depositor, Investors Sponsors Corporation, New Jersey, delivered to te trustee, Continental Bank & Trust Company of New York, a certificate certifying that no notice of extension had been delivered and declaring that such Agreement terminated on January 1, 1949; that on such date there were outstanding 42,000 trust shares; that once a week for three successive weeks during February, 1949, publication was made in the New York Times of the termination of the trust and the rights of shareholders to receive the underlying assets or the net proceeds thereof; thereafter, in accordance with the Agreement, the holder of certificates for one thousand trust shares surrendered such certificates to the trustee and received cash and securities in full satisfaction of such certificates; that pursuant to the Agreement the trustee thereafter sold all securities held for the remaining 41,000 trust shares and on June 10, 1949, such trustee held an aggregate of $94,639.84 in cash, subject to expenses incurred and to be incurred estimated to aggregate $12,639.84; that on June 27, 1949, notice was mailed to each holder of shares registered on the books of the trustee advising that a liquidating dividend of $2 a share, or $82,000 had been declared; that as of September 30, 1949, the trustee had distributed $52,202 to the holders of 26,101 trust shares against surrender of such shares and presently holds $29,798 for distribution to the remaining 14,899 trust shares; and that it is expected that a further and final distribution will be made when all expenses and taxes shall have been exactly determined.

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

Notice is further given that an order granting the application, in whole or in part and upon such terms and conditions as the Commission may see fit to impose, may be issued by the Commission at any time after December 21, 1949, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 19, 1949, at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

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

[F. R. Doc. 49-9891; Filed, Dec. 9, 1949; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14108]

DIRTJE FOKKEN

In re: Interest in real property, property insurance policies, household furniture and furnishings and bank account owned by Dirtje Fokken, also known as Dirtje Jakobs Fokken and as Mrs. Berend Fokken.

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 Dirtje Fokken, also known as Dirtje Jakobs Fokken and as Mrs. Berend Fokken, whose last known address is Campen, Amt Emden, Ostfriesland, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half interest in real property situated in the City of Los Angeles, County of Los Angeles, State of California, 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 person named in subparagraph 1 hereof, in and to the fire insurance policies issued by the Northwestern Fire & Marine Insurance Company, 125 South Fifth Street, Minneapolis, Minnesota, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with any and all extensions or renewals thereof, which policies insure the improvements on the real property described in subparagraph 2-a hereof,

c. An undivided one-half interest in and to that certain household furniture and furnishings described in Exhibit C, attached hereto and by reference made a part hereof, and located at 331½ and 333½ West Thirty-third Street, Los Angeles, California, and

d. An undivided one-half interest in and to that certain debt or other obligation of the Security-First National Bank of Los Angeles, 3900 West Sixth Street, Los Angeles, California, arising out of a commercial account, entitled George Wigmore, Inc., Primus Estate Account, 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, Dirtje Fokken, also known as Dirtje Jakobs Fokken and as Mrs. Berend Fokken, 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 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 subparagraphs 2–b to 2–d inclusive 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 December 5, 1949.

For the Attorney General.

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

EXHIBIT A

All that certain real property situated in the City of Los Angeles, County of Los Angeles, State of California, described as follows:

Parcel No. 1. Lot 18 in Block 1 of the Mason Tract in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 52, page 33 et seq., Miscellaneous Records, in the Office of the County Recorder of said County, more commonly known as 331, 331½, 333 and 333½ West 33d Street, Los Angeles, California.

Parcel No. 2. Lot 1 of Benedict's Subdivision of Lot 1 in Block 5 of the Los Angeles Homestead Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 66, page 91, of Miscellaneous Records, in the Office of the County Recorder of said County, more commonly known as 1145 West 18th Street and 1732–1734–1736 South Burlington Avenue, Los Angeles, California.

Parcel No. 3. Lots 9 and 11 in Block "R" of Nafleau Orange Tract in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 59, page 49, of Miscellaneous Records, in the Office of the County Recorder of said County, more commonly known as 771–773–775–781–781½–783 East 41st Street, Los Angeles, California

EXHIBIT B

Policy No.	Amount	Date of expiration	Location of insured improvements
095532	$4,000	Dec. 28, 1949	331–333 West 33d St.
099456	3,000	Aug. 24, 1950	Do.
090025	2,000	Sept. 1, 1949	331½ and 333½ West 33d St. ($1,000 each).
09031	6,500	Dec. 30, 1950	1732–1734–1736 South Burlington Ave. and 1145 West 18th St.
23222	6,000	May 12, 1952	773–775 East 41st St. ($3,500), 781½ East 41st St. ($2,500).
099457	7,500	Aug. 2, 1950	771–781–783 East 41st St. ($2,500 each).

EXHIBIT C

331½ West 33d St., Los Angeles, Calif.:
1 overstuffed chair.
1 rocker.
1 iron bed.
1 dresser.
1 table.
2 straight chairs.

333½ West 33d St., Los Angeles, Calif.:
1 iron bed.
1 mattress.
1 bed spring.
4 straight chairs.
1 table.
1 table lamp.
1 dining room table.

[F. R. Doc. 49–9905; Filed, Dec. 9, 1949; 8:53 a. m.]

[Vesting Order 14072]

MARTIN MACK

In re: Estate of Martin Mack, deceased. File No. D–28–10555; E. T. sec. 14945.

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 Angelika Mack, Maria Elisabethe Mack, Christian Mack, and Georg Mack, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by William I. O'Neill, as administrator, acting under the judicial supervision of the County Court of Milwaukee, in Probate, State of Wisconsin;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on November 28, 1949.

For the Attorney General.

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

[F. R. Doc. 49–9872; Filed, Dec. 8, 1949; 9:00 a. m.]

[Vesting Order 14075]

KUNIHIKO NAKANO

In re: Rights of Kunihiko Nakano under insurance contract. File No. D–39–18515–H–1.

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

1. That Kunihiko Nakano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS–56349, issued by the California-Western States Life Insurance Company, Sacramento, California, to Kunihiko Nakano, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 28, 1949.

For the Attorney General.

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

[F. R. Doc. 49-9874; Filed, Dec. 8, 1949; 9:01 a. m.]

[Return Order No. 486]

ANGELA PILERI CALABI ET AL.

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

It is ordered, That the claimed property, consisting of shares of the common and third preferred capital stock of the De Nobili Cigar Company, Long Island City, New York, together with the cash dividends accrued thereon 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. The claimants, the number of shares claimed, the stock certificate numbers and the amount of the dividends are identified below:

Claim No.	Claimant	Shares		Certificate Nos.	Amount
		Common	Preferred		
1229	Angela Pileri Calabi, New York, N. Y.	25	----	145	$133.96
		----	20	197	
1230	Ugo Calabi, New York, N. Y.	25	----	54	149.30
		----	23	109	
2279	Camillo Artom, Winston-Salem, N. C.	6	----	191	58.75
		----	10	238	
36592	Roberto Funaro, New York, N. Y.	6	----	216	28.06
		----	4	263	

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C. December 6, 1949.

For the Attorney General.

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

[F. R. Doc. 49-9909; Filed, Dec. 9, 1949; 8:55 a. m.]

[Return Order 491]

FRED LORCH

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

Fred Lorch, a/k/a Fritz Lorch, Union City, N. J., Claim No. 40037; October 22, 1949 (14 F. R. 6488); $1,297.46 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 6, 1949.

For the Attorney General.

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

[F. R. Doc. 49-9910; Filed, Dec. 9, 1949; 8:55 a. m.]

[Return Order 494]

ODILE BURG

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

Odile Burg, a/k/a Othellia Burg, Strasbourg, France; Claim No. 12115; November 1, 1949 (14 F. R. 6654); $1,668.13 in the Treasury of the United States. All right, title and interest of Odile Burg, also known as Othellia Burg, in and to the Estate of John Jacob, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 5, 1949.

For the Attorney General.

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

[F. R. Doc. 49-9911; Filed, Dec. 9, 1949; 8:55 a. m.]

[Return Order 497]

HOOVER CO.

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

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

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

The Hoover Company, North Canton, Ohio, Claim No. 2126; November 1, 1949 (14 F. R. 6654); property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 1,901,467. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 6, 1949.

For the Attorney General.

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

[F. R. Doc. 49-9912; Filed, Dec. 9, 1949; 8:56 a. m.]

[Vesting Order 14078]

JACOB PODLESNIK

In re: Estate of Jacob Podlesnik, also known as Jacob Podlasnik and Jack Podlesnik, deceased. File No. 017-25131.

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

1. That Joseph Podlesnik, also known as Josef Podlesnik, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Jacob Podlesnik, also known as Jacob Podlasnik and Jack Podlesnik, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Albert E. Hill, as administrator, acting under the judicial supervision of the Superior Court of California, County of Alameda;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on November 28, 1949.

For the Attorney General.

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

[F. R. Doc. 49-9875; Filed, Dec. 8, 1949; 9:01 a. m.]