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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[MQ–71—Cotton (1950), Amdt. 2]

PART 722—COTTON

ACREAGE ALLOTMENTS AND MARKETING QUOTAS FOR 1950 CROP

Basis and purpose. Section 375 (b) of the Agricultural Adjustment Act of 1938, as amended, provides that the Secretary of Agriculture shall provide by regulations for the identification, wherever necessary, of cotton so as to afford aid in discovering and identifying such amounts as are subject to and such amounts as are not subject to marketing restrictions in effect under the act. Under the authority of this provision, § 722.159 of the Regulations Pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton, issued June 26, 1950 (15 F. R. 4162) provides that any cotton purchased by a buyer from a producer shall be taken as subject to the marketing penalty of 15.5 cents a pound unless the producer identifies the cotton as being not subject to the penalty by presenting to the buyer a marketing card or marketing certificate issued to the producer by the appropriate Production and Marketing Administration county committee. Many producers are now selling their equities in 1949 crop cotton which is pledged to the Commodity Credit Corporation as collateral security for loans under the Agricultural Act of 1948, and the regulations require these sales to be identified with marketing certificates. It has been found that this requirement imposes an unreasonable burden on the producers and purchasers involved. The amendment to the regulations set out herein eliminates under certain conditions the use of marketing certificates for such sales and provides that certain loan documents covering the cotton shall be taken by the purchaser as satisfactory evidence that the cotton was produced in 1949 and that it is not subject to the penalty. It is in the interest of producers and the persons engaged in the purchase of producers' equities in 1949 loan cotton that the amendment become effective at the earliest possible date in order that sales of such equities may be made without the delay and inconvenience incident to the issuance and use of marketing certificates. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of Federal Register.

The Regulations Pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (15 F. R. 4162) are hereby amended by the addition of the following new section:

§ 722.176 *Purchases of 1949 CCC loan equities.* Notwithstanding any other provision of the regulations in this part any producer who desires to sell his equity in cotton pledged as collateral security for a 1949 Commodity Credit Corporation loan may identify such cotton as being penalty free by presenting to the buyer of such equity a 1949 form entitled "Producer's Loan Statement—A, Commodity Credit Corporation" or a form entitled "Producer's Warranty and Agreement (1949 C. C. C. Cotton Form G–2)" covering such loan cotton and the buyer of such equity shall accept such identification as evidence to him that the cotton described on such forms is not subject to the penalty or the lien for penalty. With respect to each such purchase, the buyer shall keep a record and make a report to the treasurer of the county committee for the county in which such cotton was produced of the following information: (a) The name and address of the producer from whom the equity was purchased; (b) the date on which the equity was purchased; (c) the form used to identify the cotton pledged as collateral security for a 1949 Commodity Credt Corporation loan; (d) the date of the note covering such cotton; (e) the warehouse receipt number for such cotton; (f) the name of the warehouse where such cotton is stored; and (g) the gross weight of each bale securing such loan. The report covering

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all such purchases for the preceding calendar month shall be filed by the buyer with the treasurer of the appropriate county committee not later than ten calendar days after the end of each such calendar month.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. and Sup. 1375. Interprets or applies sec. 346, 52 Stat. 57, as amended, 63 Stat. 670; sec. 3, 63 Stat. 670; 7 U. S. C. and Sup. 1346)

Done at Washington, D. C., this 16th day of August 1950. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 50-7303; Filed, Aug. 17, 1950; 2:12 p. m.]

PART 723—VIRGINIA SUN-CURED TOBACCO

EDITORIAL NOTE: The material appearing under Part 723 will hereafter be contained in Part 726 and §§ 723.102 to 723.128 are redesignated §§ 726.130 to 726.147.

[MQ-71—Tobacco (1950)]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1950-51 MARKETING YEAR

Part 726 is hereby amended by changing the headnote to read as set forth above and by adding §§ 726.150 to 726.180 as follows:

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AUTHORITY: §§ 726.150 to 726.180 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply 52 Stat. 38, 47, 48, 65, 66, as amended; 7 U. S. C. and Sup. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

GENERAL

§ 726.150. *Basis and purpose.* Sections 726.150 to 726.180 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of fire-cured, dark air-cured, and Virginia sun-cured tobacco during the 1950-51 marketing year. Prior to preparing §§ 726.150 to 726.180, public notice (15 F. R. 2109) of their formulation was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to §§ 726.150 to 726.180 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.151 *Definitions.* As used in §§ 726.150 to 726.180, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1950, which has not been marketed or which has not been disposed of under § 726.163.

(c) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(d) "Dealer or buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(e) "Director" means Director or Acting Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

(f) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work stock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is on dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(g) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(h) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehousemen for sale. Floor sweepings shall not include tobacco defined as "pick-ups."

(i) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 726.150 to 726.180 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(j) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(k) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(n) "Pick-ups" means (1) any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or (2) any tobacco previously marketed at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than this warehouse and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back to a dealer other than this warehouse.

(o) "Producer" means a person who, as owner, landlord, tenant, share cropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(p) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(q) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(r) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(s) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(t) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the

responsibility of administering Production and Marketing Administration programs within the State.

(u) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(v) "Tobacco" means: (1) Type 21, known as Virginia fire-cured tobacco, (2) types 22, 23, and 24, collectively known as fire-cured tobacco, (3) types 35 and 36, collectively known as dark air-cured tobacco, and (4) type 37, known as Virginia sun-cured tobacco, as classified in Service and Regulatory Announcements No. 118 (7 CFR 30.4 and 30.5) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured, dark air-cured, or Virginia sun-cured tobacco shall be considered fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(w) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1950 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 726.163.

(x) "Tobacco subject to marketing quotas" means: Any fire-cured, dark air-cured, or Virginia sun-cured tobacco marketed during the period October 1, 1950, to September 30, 1951, inclusive, and any fire-cured, dark air-cured, or Virginia sun-cured tobacco produced in the calendar year 1950 and marketed prior to October 1, 1950.

(y) "Trucker" means a person who engages to any extent in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(z) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(aa) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets of tobacco marketed in sequence at a given time.

§ 726.152 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out the provisions of §§ 726.150 to 726.180. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 726.153 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1950 shall be expressed in tenths and fractions of less than one-tenth acre shall be dropped. For example, 4.56 acres would be 4.5 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cent per pound would be 0.06 cent.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 726.154 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with §§ 726.111 to 726.128, MQ–21—Tobacco (1950), Fire-cured and Dark Air-cured Tobacco Marketing Quota Regulations, 1950–51 Marketing Year, as amended (14 F. R. 5919, 15 F. R. 1220), and §§ 726.131 to 726.147 (formerly §§ 723.111 to 723.128), MQ–21—Tobacco (1950), Virginia Sun-cured Tobacco Marketing Quota Regulations, 1950–51 Marketing Year (14 F. R. 7327). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1950 times the farm acreage allotment.

The excess tobacco on any farm shall be (a) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1950 times the number of acres harvested in excess of the farm acreage allotment, plus (b) any excess carry-over tobacco. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm as provided in § 726.156 shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of as provided in § 726.163 (b).

§ 726.155 *No transfers.* There shall be no transfer of farm marketing quotas.

§ 726.156 *Issuance of marketing cards.* A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county committee to have been lost, destroyed, or stolen.

(a) *Within Quota Marketing Card (MQ–76—Tobacco).* A Within Quota Marketing Card authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1950 is not in excess of the farm acreage allotment and any excess carry-over tobacco from any prior marketing year can be marketed without penalty under the provisions of § 726.162 (b).

(2) If all excess tobacco produced on the farm is disposed of in accordance with § 726.163 (b), or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Excess Marketing Card (MQ–77—Tobacco).* An Excess Marketing Card showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except that if the farm operator fails to disclose or otherwise furnish, or prevents the county committee from obtaining any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 726.165.

§ 726.157 *Person authorized to issue marketing cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 726.158 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 726.159 *Successors in interest.* Any person who succeeds in whole or in part

to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 726.160 *Invalid cards.* A marketing card shall be invalid if:

(a) It is not issued or delivered in the form and manner prescribed;

(b) Entries are omitted or incorrect;

(c) It is lost, destroyed, stolen, or becomes illegible; or

(d) Any erasure or alteration has been made and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration, or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the office of the county committee at which it was issued.

If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 726.161 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the county or State committee.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 726.162 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 726.163 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of "carry-over" tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over" acres by multiplying the "carry-over" acres (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the "carry-over" tobacco was produced, except that if the excess portion of the carry-over tobacco is disposed of under § 726.163 the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over" acres (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1950 allotment and the "within quota carry-over" acres (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 726.163 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by either of the following methods:

(a) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1950 crop produced on the farm, and posting of a bond approved by the county committee and the State committee in the penal sum of twice the rate of penalty per pound set forth in § 726.165. Penalty at the applicable full rate per pound on marketings of excess tobacco shall become due upon the removal from storage of the excess tobacco, except that an amount of such tobacco in storage equal to the normal production of the acreage by which the 1951 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 726.162 (b) is less than the 1951 allotment may be removed from storage and marketed penalty free.

If the 1950 harvested acreage is less than the 1950 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1950 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 726.162 (b) is less than the 1950 allotment may be marketed penalty free.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 726.164 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1950 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Identification of Virginia sun-cured tobacco.* Any warehouseman upon whose floor both Virginia fire-cured tobacco and Virginia sun-cured tobacco are offered for sale at public auction shall display the Virginia fire-cured tobacco separately and shall make and keep records that will insure a separate accounting of each of these kinds of tobacco sold at auction over the warehouse floor.

(b) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed within four weeks after such sale day, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State committee with the following exceptions:

(1) A warehouseman, or his representative, who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in § 726.172 and who has been authorized on MQ–78—Tobacco, may issue memoranda of sale covering tobacco delivered directly to such receiving point and marketed to such dealer.

The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of §§ 726.150 to 726.180. The authorization shall terminate upon receipt of written notice setting forth the State committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(c) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

Each bill of nonwarehouse sale covering any marketing shall be presented to a field assistant for the issuance of a

memorandum of sale and for recording in MQ–79—Tobacco.

§ 726.165 *Rate of penalty.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be twelve (12) cents per pound in the case of fire-cured tobacco (types 21, 22, 23, and 24), eleven (11) cents per pound in the case of dark air-cured tobacco (types 35 and 36), and thirteen (13) cents per pound in the case of Virginia sun-cured tobacco (type 37).

With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

§ 726.166 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 726.167 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale within four weeks following the date of marketing shall be identified by a MQ–82—Tobacco and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the date of purchase, or if purchased prior to the opening of the local auction markets but is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales, as reported under §§ 726.150 to 726.180, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ–79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 726.150 to 726.180 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 726.150 to 726.180 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the Director or State committee. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1950 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

§ 726.168 *Payment of penalty.* Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 726.163 (a), and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 726.150 to 726.180 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (a) advances to producers, (b) charges for hauling, or (c) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

§ 726.169 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm, and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 726.150 to 726.180 to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 726.170 *Producer's records and reports*—(a) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1950 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise, the allotment next established for such farm shall be reduced as provided in the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1951–52 marketing year.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 726.150 to 726.180, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 10 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on

the farm and the allotment next established for such farm shall be reduced as provided in the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1951–52 marketing year.

§ 726.171 *Warehouseman's records and reports*—(a) *Record of marketing.* Each warehouseman shall keep such records as will enable him to furnish the Director or the State committee with respect to each warehouse sale of tobacco made at his warehouse the following information:

(1) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(2) Date of sale.

(3) Number of pounds sold.

(4) Gross sale price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(6) Name of purchaser.

(7) Number of pounds sold.

(8) Gross sale price.

(9) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups, with respect to both subparagraphs (1) and (2) as defined in § 726.151 (n).

Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended," write thereon the serial number of the suspended sale, and record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided,* That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse, and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1950 the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State committee not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report, showing (1) for each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor; (2) the total pounds and gross amount of "loan tobacco" billed to any association; (3) the total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 726.151 (n) (1) and (2)) and floor sweepings sold by the warehouseman at public auction over his own warehouse floor; (4) the pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 726.151 (n) (1) or (2)), or floor sweepings; (5) the total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and (6) the total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen and all resales over other warehouse floors or to dealers other than warehousemen.

(h) *Report of penalties.* Each warehouseman shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the number of pounds sold; (5) the applicable converted rate of penalty; and (6) the amount of penalty due on each such sale. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on MQ–86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name on the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pick-ups, or floor sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. MQ–86—Tobacco shall be prepared for each sale day and forwarded to the State committee not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the Director may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 726.150 to 726.180.

§ 726.172 *Dealer's records and reports.* Each dealer, except as provided in § 726.173, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address, and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the State committee "Receipt for Dealer's Record" contained in MQ–79—Tobacco which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1950, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1950.

(c) *Report of penalties.* Each dealer shall make a report on MQ–81—Tobacco, Report of Penalties, showing for each purchase of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the number of pounds purchased; (5) the applicable converted rate of penalty; and (6) the amount of penalty due on each such purchase. MQ–81—Tobacco shall be prepared for each week and forwarded

together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1950 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale, has been executed.

(e) *Additional records.* Each dealer shall keep such records in addition to the foregoing as will enable him to furnish the Director or the State committee with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1950 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State committee not later than the end of the week following the calendar week covered by the reports.

§ 726.173 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at (a) warehouse sales, or (b) directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 726.172 but each such dealer shall make such reports to the Director as he may find necessary to enforce §§ 726.150 to 726.180.

§ 726.174 *Records and reports of truckers and persons redrying, prizing, or stemming tobacco.* (a) Every person engaged to any extent in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Director or State committee a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

(b) Every person engaged to any extent in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Director as he may find necessary to enforce §§ 726.150 to 726.180.

§ 726.175 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any records or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 726.176 *Failure to keep records or make reports.* Any warehouseman, dealer, processor, or common carrier of tobacco, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 726.150 to 726.180, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Director.

§ 726.177 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, processor, common carrier, or person engaged in the business of redrying, prizing, or stemming tobacco for producers shall make available for examination upon written request by the State committee or Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State committee or Director has reason to believe are relevant and are within the control of such person.

§ 726.178 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person under §§ 726.150 to 726.180 for the 1950–51 marketing year, shall be kept by him until September 30, 1953. Records shall be kept for such longer period of time as may be requested in writing by the Director or State committee.

§ 726.179 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 726.150 to 726.180 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of county committees and only such data so reported or acquired as the Assistant Administrator for Production, Production and Marketing Administration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 726.180 *Redelegation of authority.* Any authority delegated to the State committee by §§ 726.150 to 726.180 may be redelegated by the State committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 16th day of August 1950. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 50-7255; Filed, Aug. 18, 1950 8:47 a. m.]

[MQ-71—Peanuts (1950), Amdt. 1]

PART 729—PEANUTS

MARKETING QUOTA FOR 1950 CROP

Basis and purpose. Section 359 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that the marketing of any peanuts in excess of the marketing quota for the farm on which such peanuts are produced, or the marketing of peanuts from any farm for which no acreage allotment was determined, shall be subject to a penalty at a rate equal to 50 per centum of the basic rate of the loan (calculated to the nearest tenth of a cent) for farm marketing quota peanuts for the marketing year August 1–July 31. When the Marketing Quota Regulations for 1950 Crop of Peanuts were issued by the Secretary of Agriculture on July 20, 1950, the basic loan rate per pound of peanuts was not available and the exact rate of penalty could not be included in such regulations. Such basic loan rate is now available and

the purpose of the amendment contained herein is to establish and include in the regulations the exact rate of the penalty per pound of peanuts for the 1950 crop.

Peanuts are presently being harvested in the southwesterly areas of the United States and it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers, who desire to market peanuts, and to buyers, who are charged in the regulations with the duty of collecting the penalty on peanuts marketed subject to the penalty. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impractical and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 729.155 of the Marketing Quota Regulations for the 1950 Crop of Peanuts (15 F. R. 4739), is hereby changed to read as follows:

§ 729.155 *Rate of penalty.* The penalty per pound upon marketings of excess peanuts subject to penalty shall be 5.4 cents per pound.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. and Sup. 1375. Interprets or applies sec. 359, 55 Stat. 90, as amended, Pub. Law 471, 81st Cong.; 7 U. S. C. and Sup. 1359)

Done at Washington, D. C., this 16th day of August 1950. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 50-7254; Filed, Aug. 18, 1950; 8:46 a. m.]

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

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 951.311 *Tokay Grape Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Part 951; 14 F. R. 440), regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, 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.) in that, as hereinafter set forth, 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; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 20, 1950. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until August 10, 1950; recommendation as to the need for, and the extent of, grade and size regulation was made at the meeting of said committee on August 10, 1950, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and information were transmitted to the Department; shipments of the current crop of such grapes are expected to begin on or about August 20, 1950, and this section should be applicable to all such shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 20, 1950, and ending at 12:01 a. m., P. s. t., January 1, 1951, no shipper shall ship:

(i) Any Tokay grapes produced in the Lodi District which do not meet the grade and size requirements of U. S. No. 1 Table Grapes: *Provided,* That, in lieu of the tolerance of ten (10) percent for variations incident to proper grading and handling provided for U. S. No. 1 Table Grapes, not more than a total of eight (8) percent, by weight, of the Tokay grapes contained in any container may be below the requirements of U. S. No. 1 Table Grapes; or

(ii) Any Tokay grapes produced in the Florin District which do not meet the grade and size requirements of U. S. No. 1 Table Grapes: *Provided,* That, in addition to the tolerances provided for U. S. No. 1 Table Grapes, there shall be allowed, for each container of Tokay grapes, an aggregate tolerance of six (6) percent, by weight, for defects not considered serious damage and for bunches smaller than the minimum size specified for U. S. No. 1 Table Grapes.

(2) *Definitions.* As used in this section, "handler," "shipper," "ship," "Lodi District," "Florin Disrtict," "bunches," and "size" shall have the same meaning as when used in the amended marketing agreement and order; and "U. S. No. 1 Table Grapes," "defects," and "serious damage" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 51.232).

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

Done at Washington, D. C., this 17th day of August 1950.

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

[F. R. Doc. 50-7319; Filed, Aug. 18, 1950; 9:10 a. m.]

[Lemon Reg. 244]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.451 *Lemon Regulation 344*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the 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 lemons, 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 Lemon Administrative Committee on August 16, 1950. 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 lemons; 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 lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 20, 1950, and ending at 12:01 a. m., P. s. t., August 27, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 343 (15 F. R. 5222), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

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

Done at Washington, D. C., this 17th day of August 1950.

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

[F. R. Doc. 50-7315; Filed, Aug. 18, 1950; 9:10 a. m.]

PART 993—HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

SALABLE PERCENTAGE AND SURPLUS PERCENTAGE FOR 1950–51 CROP YEAR

§ 993.201 *Dried prune salable tonnage and surplus tonnage regulation for the 1950–51 crop year*—(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR 993.1 et seq.), regulating the handling of dried prunes produced in California, hereinafter referred to as the "order", effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and upon the basis of information supplied by the Prune Administative Committee established under the said order, and other available information, it is hereby found by me on behalf of the Secretary of Agriculture that to establish a salable percentage and a surplus percentage 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 for a longer period than three days after publication thereof in the FEDERAL REGISTER because deliveries of dried prunes to handlers by producers and dehydrators during the 1950–51 crop year will begin within the next few days, and it is necessary to have regulations of this nature in effect as promptly as practicable in order to regulate such receipts effectively. No preparation for this section is required which cannot be completed prior to such effective date. Therefore, good cause exists for not giving preliminary notice, engaging in public rule making procedure, and delaying the effective date of this section beyond three days after the publication of this document in the FEDERAL REGISTER (See section 4 (c) of the Administrative Procedure Act; 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(b) *Order.* The salable percentage of dried prunes produced in California for the crop year beginning August 1, 1950, and ending July 31, 1951, shall be 100 percent, and the surplus percentage of such dried prunes for said crop year shall be 0 percent.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 1, 608c)

Issued at Washington, D. C., this 16th day of August 1950, to become effective at 12:01 a. m., P. d. s. t., August 22, 1950.

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

[F. R. Doc. 50-7268; Filed, Aug. 18, 1950; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 533—GRATUITY UPON DEATH

SPECIAL DETERMINATIONS

Rescind paragraph (a) of § 533.8 and substitute the following in lieu thereof:

§ 533.8 *Special determinations*—(a) *Absent without leave.* (1) During periods of absence without leave service members shall continue in a pay status, but shall forfeit all pay allowances during such absence unless such absence is excused as unavoidable. The 6 months' death gratuity is not a part of a member's "pay and allowances," therefore, if a member dies during an absence without leave, whether such absence is excused as unavoidable, payment of the 6 months' death gratuity at the rate of pay accruing to such member at the date of death is authorized if otherwise payable. This determination applies to all cases where absence without leave and death occurred subsequent to August 31, 1946.

(2) When absence without leave does not exceed 3 months, payment of the 6 months' gratuity pay will be made by the Military Pay Division, Army Finance Center, St. Louis, Missouri. When absence is in excess of 3 months, cases will be referred to the Chief of Finance, Department of the Army.

* * * * *

[C2, AR 35-1370, Aug. 2, 1950] (R. S. 161, 5 U. S. C. 22; interprets or applies secs. 1, 2, 41 Stat. 367, as amended, sec. 5, 53 Stat. 557, as amended, sec. 4 (b) 60 Stat. 964, as amended; 10 U. S. C. 456, 903; 37 U. S. C. 33)

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

[F. R. Doc. 50-7257; Filed, Aug. 18, 1950; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 656]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH A SOLAR OBSERVATORY

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and otherwise and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights the public lands within the following-described areas in the Lincoln National Forest are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force in connection with a solar observatory:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 10 E. (unsurveyed),
Sec. 1, SE¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, E½, SE¼NW¼, and SW¼;
Sec. 13;
Sec. 14, E½ and E½SW¼;
Sec. 22, SE¼SE¼;
Secs. 23, 24, 25, and 26;
Sec. 27, E½E½;
Sec. 34, E½E½;
Secs. 35 and 36.

T. 18 S., R. 10 E. (unsurveyed),
Secs. 1 and 2;
Sec. 3, E½NE¼;
Sec. 11, E½, E½NW¼ and NW¼NW¼;
Sec. 12;
Sec. 13, N½, N½SW¼, SE¼SW¼ and SE¼;
Sec. 14, E½NE¼;
Sec. 24, N½NE¼.

T. 17 S., R. 11 E. (partly unsurveyed),
Sec. 1, lots 7, 8, 9, 10, W½SE¼ and SW¼;
Sec. 2, lot 4, S½N½ and S½;
Secs. 3 and 4;
Sec. 5, lots 1, 2, S½NE¼, S½NW¼ and S½;
Sec. 6, NE¼NE¼, NE¼SW¼, S½SW¼ and SE¼;
Secs. 7 to 36, incl.

T. 18 S., R. 11 E.,
Secs. 1 to 18, incl.;
Sec. 19, N½ and N½SE¼;
Secs. 20, 21 and 22;
Sec. 23, N½, N½S½, S½SW¼ and SW¼SE¼;
Sec. 24, N½NE¼, SW¼NE¼, NW¼ and NW¼SW¼;
Sec. 27, NW¼NE¼ and N½NW¼;
Sec. 28, N½N½.

T. 17 S., R. 12 E.,
Sec. 7, lots 1, 2, 3, 4, SE¼NW¼, E½SW¼, W½SE¼ and SE¼SE¼;
Sec. 17, SW¼NW¼ and SW¼;
Secs. 18 and 19;
Sec. 20, W½NE¼, W½, W½SE¼ and SE¼SE¼;
Secs. 29, 30, 31 and 32.

T. 18 S., R. 12 E.,
Sec. 5, lots, 1, 2, 3, 4, W½SE¼ and SW¼;
Secs. 6 and 7;
Sec. 8, NW¼ and W½SW¼;
Sec. 18, lots 1 to 11, inclusive, NE¼NE¼ and W½NE¼.

The areas described, including both public and non-public lands, aggregate approximately 54,294 acres.

This order shall take precedence over but not otherwise affect, (1) Executive Order No. 2633 of June 6, 1917, transferring the lands of the Alamo National Forest to the Lincoln National Forest and (2) the order of the Secretary of the Interior of December 9, 1918, withdrawing certain lands for stock driveway purposes, so far as such orders affect any of the above-described lands.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 15, 1950.

[F. R. Doc. 50-7242; Filed, Aug. 18, 1950; 8:45 a. m.]

[Public Land Order 657]

ALASKA

RESERVING A CERTAIN AREA FOR USE OF THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described area in front of United States Survey No. 7, Townsite of Juneau, approved March 29, 1893, lying below the line of ordinary high tide of Gasteneau Channel is hereby reserved for the use of the Department of the Army for military purposes:

Beginning at a point from which Corner No. 11 of United States Survey No. 7, Townsite of Juneau, bears N. 21° 54' E., 152.49 feet, thence by metes and bounds:

S. 9° 15' W., 225.0 feet;
S. 23° 20' E., 140.0 feet;
S. 66° 40' W., 847.0 feet;
N. 23° 20' W., 689.0 feet;
N. 57° 45' E., 347.0 feet;
N. 25° 22' W., 444.0 feet;
N. 64° 38' E., 10.0 feet;
N. 25° 22' W., 77.0 feet;
W. 64° 38' E., 40.0 feet;
S. 25° 22' E., 517.59 feet;
N. 57° 45' E., 267.0 feet;
S. 32° 15' E., 80.0 feet;
S. 46° 35' W., 77.0 feet;
S. 49° 00' E., 425.0 feet;
N. 48° 00' E., 198.0 feet;
S. 23° 27' E., 34.50 feet; to the point of beginning.

The tract described contains 10.95 acres.

This order shall be subject to the provisions of Executive Order No. 9173 of May 23, 1942, transferring the control and jurisdiction over the Government Dock and approach thereto at Juneau, Alaska, from the Secretary of the Interior to the Secretary of the Navy for use of the United States Coast Guard, so far as such order affects any of the land described above.

It is intended that the land aboye described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 15, 1950.

[F. R. Doc. 50-7244; Filed, Aug. 18, 1950; 8:45 a. m.]

[Public Land Order 658]

WASHINGTON

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 7510 OF DECEMBER 11, 1936, ESTABLISHING THE LENORE LAKE MIGRATORY BIRD REFUGE

By virtue of the authority vested in the President by the act of June 25, 1910 (35 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 7510 of December 11, 1936, establishing the Lenore Lake Migratory Bird Refuge, Washington, the name of which was changed to Lenore Lake National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked as to the following-described lands:

WILLAMETTE MERIDIAN

T. 24 N., R. 27 E.,
SEC. 21, lot 4 and NW¼NE¼SW¼.

The area described contains 13.90 acres.

The lands released by this revocation have been selected for exchange under section 303 of the act of June 15, 1935 (49 Stat. 382), as modified by section 4 (f) of Reorganization Plan No. II (53 Stat. 1433; 16 U. S. C. 715d-2).

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 15, 1950.

[F. R. Doc. 50-7245; Filed, Aug. 18, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

[41 CFR, Part 202]

PREVAILING MINIMUM WAGE FOR PAINT AND VARNISH INDUSTRY

NOTICE OF HEARING ON PROPOSED AMENDMENT

The Secretary of Labor, in an amended minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. 35-45) and effective January 25, 1950 (15 F. R. 382), determined that the minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the act for the manufacture or furnishing of the products of the Paint and Varnish Industry shall be not less than 75 cents an hour. This amended determination was based upon information indicating that substantially all employees in the Paint and Varnish Industry are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, and that as a consequence the Fair Labor Standards Amendments of 1949 require payment of a wage rate of not less than 75 cents per hour to substantially all employees in the industry. This amended determination also provides that learners and handicapped workers may be employed at subminimum rates in accordance with regulations of the Administrator of the Wage and Hour Division of the Department of Labor under section 14 of the Fair Labor Standards Act (29 CFR Parts 522, 524 and 525).

A wage survey of selected paint and varnish manufacturing establishments made by the Bureau of Labor Statistics as of April 1950 shows clearly that the 75-cent rate now in effect does not reflect the prevailing minimum wages in the industry; and it is proposed, therefore, to hold a hearing for the purpose of consideration by the Secretary of Labor of an amendment of the current determination.

The Paint and Varnish Industry, for the purpose of this hearing, is defined as that industry which manufactures or furnishes any of the following products:

Pigments and colors either in dry or paste form; paints mixed ready for use or in dry or paste form; varnishes; lacquers and enamels; fillers, putty and top dressings; paint and varnish removers; furniture and floor wax; lacquer thinners; waterproofing compounds; and artists' oil and water colors.

Now, therefore, notice is hereby given: That a public hearing will be held on September 14, 1950, at 10:00 a. m., in Room 1214, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions, or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument: (1) As to what are the prevailing minimum wages in the Paint and Varnish Industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the adequacy of the proposed definition.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing.

Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Copies of the above-mentioned survey by the Bureau of Labor Statistics (Paint and Varnish Industry, April 1950), as well as supplementary tables prepared at the request of the Wage and Hour and Public Contracts Divisions, will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which may have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the presiding officer, a period of not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 15th day of August 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-7246; Filed, Aug. 18, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 917]

[Docket No. AO-218]

HANDLING OF IRISH POTATOES GROWN IN WYOMING AND WESTERN NEBRASKA

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

Correction

In F. R. Doc. 50-7035, appearing in the issue for Friday, August 11, 1950, at page 5198 make the following changes:

1. In § 917.10, the reference to "Wyoming-Western Nebraska Committee," should read "Wyoming-Western Nebraska Potato Committee".

2. In § 917.26 the table should be changed to read as follows:

Districts	Subdistricts	State and counties
District No. 1.....	1A	Converse, Niobrara, Platte, Goshen and Laramie Counties in Wyoming.
	1B	All the remaining counties in Wyoming within the production area not included in subdistrict 1A.
District No. 2.....	2A	Scotts Bluff County in Nebraska.
	2B	All the remaining counties in Nebraska within the production area not included in subdistrict 2A.

[7 CFR, Part 951]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, of the rules and regulations (7 CFR 951.100 et seq.) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951) regulating the handling of Tokay grapes grown in the State of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The proposals have been submitted by the Industry Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendment is as follows:

1. In § 951.100 *General*, delete the address "1910 Eye Street, Sacramento 14, California" and substitute therefor the following: "P. O. Box 877, Lodi, California."

2. Revise § 951.101 *Definitions* in the following respects: a. Revise the provisions of paragraph (a) to read as follows:

(a) "Standard package" means the standard grape lug No. 37G specified in section 828.53 of the Agricultural Code of California.

b. Revise the provisions of paragraph (f) by deleting "§ 951.5 (f) and section 5 of the marketing agreement" and substituting therefor the following: "§ 951.7 (f) of the order, as amended, and section 7 (f) of the marketing agreement, as amended."

c. Delete the last sentence in paragraph (g) and substitute therefor the following: "Grapes placed in cold storage shall not be shipped therefrom except as provided by §§ 951.7 and 951.8 of the order, as amended, and sections 7 and 8 of the marketing agreement, as amended."

3. Revise the heading of § 951.104 *Regulation by grades and sizes* together with the provisions in paragraphs (a) and (b) of such section to read as follows:

§ 951.104 *Notice of recommendations and regulations; exemption certificates*—(a) *Notice of recommendation.* Notice of each recommendation, made by the Industry Committee to the Secretary, with respect to regulation by grades and sizes, by minimum standards of quality and maturity, or of daily shipments, and of each such recommendation to modify, suspend, or terminate a regulation, shall be given by the Industry Committee by having a general statement of the contents of the recommendation published once as a news item in a newspaper of general circulation in the City of Lodi, California, and once in a newspaper of general circulation in the City of Sacramento, California.

(b) *Notice of regulation.* Notice of each regulation by grades and sizes, by minimum standards of quality, and maturity, or of daily shipments, and of each modification, suspension, or termination of a regulation, shall be given by the Industry Committee by having a general statement of the contents of the regulation, or modification, suspension, or termination of a regulation, as the case may be, mailed to each handler whose name appears on the records of the Industry Committee for the current year, and by having a general statement of the contents of the regulation, or modification, suspension, or termination, published once as a news item in a newspaper of general circulation in the City of Lodi, California, and once in a newspaper of general circulation in the City of Sacramento, California.

4. In § 951.105 *Regulation of daily shipments*, redesignate paragraph (a) (2) as (a) (3) and add the following as a new paragraph (a) (2):

(2) The time a car of grapes is held at a railroad assembly point is computed as hereinafter prescribed. A car of grapes at a railroad assembly point will be considered to have been held: (i) 24 hours if such car was not released by the Industry Committee in time to depart from said assembly point the first day following the billing date of said car; (ii) 48 hours if such car is not released by the Industry Committee in time to depart from said assembly point the second day following the billing date of said car; and (iii) 72 hours if such car is not released by the Industry Committee in time to depart from said assembly point the third day following the billing date of said car. In no event shall a car of grapes eligible for release be held at a railroad assembly point longer than 72 hours.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment may submit the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the 15th day after publication of this notice in the FEDERAL REGISTER.

Issued this 16th day of August 1950.

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

[F. R. Doc. 50-7267; Filed, Aug. 18, 1950; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE FOR FILING OBJECTION TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH A SOLAR OBSERVATORY [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 15, 1950.

[F. R. Doc. 50-7243; Filed, Aug. 18, 1950; 8:45 a. m.]

[1] See F. R. Doc. 50-7242, Title 43, Chapter I, Appendix, *infra*.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9759]

MT. AIRY BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Mt. Airy Broadcasters, Inc., Mount Airy, North Carolina, for construction permit; Docket No. 9759, File No. BP-7653.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of August 1950;

The Commission having under consideration the above-entitled application for a construction permit to construct a new standard broadcast station to operate unlimited time on 1240 kc with 250 watts of power at Mount Airy, North Carolina;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on January 30, 1951, at Washington, D. C., upon the following issues:

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

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WKOY, Bluefield, West Virginia; and with Station WROV, Roanoke, Virginia, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WKOY, Incorporated, licensee of Station WKOY, Bluefield, West Virginia, and that Radio Roanoke, Inc., licensee of Station WROV, Roanoke, Virginia, are made parties to this proceeding.

Released: August 10, 1950.

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

[F. R. Doc. 50-7260; Filed, Aug. 18, 1950; 8:47 a. m.]

[Docket No. 9760]

PAUL A. BRANDT (WCEN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Paul A. Brandt (WCEN), Mount Pleasant, Michigan, for modification of construction permit, Docket No. 9760, File No. BMP-5188.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of August 1950;

The Commission having under consideration the above-entitled application requesting modification of construction permit (File No. BP-7494 which authorized increase in power of Station WCEN, Mount Pleasant, Michigan, from 500 watts to 1 kilowatt) to change hours of operation from daytime only to unlimited time and to install a directional antenna for night use only;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to construct and operate Station WCEN as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at 10:00 a. m., on January 31, 1951, at Washington, D. C., upon the following issues:

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

2. To determine whether the operation of Station WCEN as proposed would involve objectionable interference with any other existing United States broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WCEN as proposed would involve objectionable interference with Station CKX, Brandon, Manitoba, or with any other existing foreign broadcast stations and, if so, whether such interference would be in contravention of any international agreement or the Commission's rules and standards.

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

5. To determine whether the installation and operation of Station WCEN as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class and to the population residing within the 250 mv/m nighttime blanket contour.

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

[F. R. Doc. 50-7261; Filed, Aug. 18, 1950; 8:47 a. m.]

[Docket Nos. 9752, 9753]

H. C. YOUNG, JR., AND SOUTHERN BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of H. C. Young, Jr., Nashville, Tennessee, Docket No. 9752, File No. BP-7624; Southern Broadcasting Co., Inc., Nashville, Tennessee,

Docket No. 9753, File No. BP-7732; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of August 1950;

The Commission having under consideration the above-entitled applications, each requesting a new standard broadcasting station on frequency 1470 kilocycles, 1 kilowatt, daytime only, at Nashville, Tennessee;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m., on January 23, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the corporate applicant, its officers, directors and stockholders to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the Southern Broadcasting Co., Inc., proposal and of Station WCOR, Lebanon, Tennessee, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

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

[F. R. Doc. 50-7259; Filed, Aug. 18, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-962, G-1070]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF ORDER

AUGUST 15, 1950.

Notice is hereby given that, on August 11, 1950, the Federal Power Commission issued its order entered August 11, 1950, amending order of July 29, 1949, published in the FEDERAL REGISTER on August 5, 1949 (14 F. R. 4866), issuing certificate of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7249; Filed, Aug. 18, 1950; 8:46 a. m.]

[Project No. 2053]

FALL RIVER POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

AUGUST 15, 1950.

Public notice is hereby given that The Fall River Power Company, of Idaho Springs, Colorado, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for water-power Project No. 2053 located on Fall River in the State of Colorado.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before September 22, 1950, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-7256; Filed, Aug. 18, 1950; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO PURCHASES AND CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH CONSTRUCTION AND MAINTENANCE OF ROADS AND TRAILS OF NATIONAL PARK SERVICE

1. Pursuant to the authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, and having determined that such action is advantageous to the Government in terms of economy and efficiency, I hereby delegate to the Secretary of the Interior authority to make purchases and contracts for supplies and services with States, political subdivisions, local Governmental units, or agencies of the foregoing for the performance of road construction or maintenance work of the National Park Service or for the furnishing of materials, supplies, equipment, or services of any kind in connection therewith, pursuant to the provisions of Title III of the aforesaid act: *Provided, however*, That such purchases and contracts may be negotiated only pursuant to the authority contained in subsection 302 (c) (9) of the aforesaid act.

2. The authority contained herein shall be inoperative to the extent that any authority heretofore permitting purchases or contracts for supplies and services for the foregoing purposes, without regard to advertising requirements of law, may be continued in effect.

3. This delegation of authority shall be effective August 2, 1950.

Dated: August 15, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-7258; Filed, Aug. 18, 1950; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II, d (15 F. R. 184, dated January 12, 1950) is amended to read as follows:

d. *Field Operations Division.* Each of the three Field Operations Divisions is headed by an Assistant Commissioner for Field Operations, responsible to the Commissioner for the administration of activities in his area. There are several field offices under the supervision of each Assistant Commissioner for Field Operations. The headquarters and jurisdiction of each field office are as follows:

AREA A

Boston: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Public Housing Administration, Oliver Building, 141 Milk Street, Boston 9, Massachusetts.

Detroit: Michigan and Ohio. Public Housing Administration, 1800 Cadillac Tower, Detroit 26, Michigan.

New York: New Jersey and New York. Public Housing Administration, Empire State Building, 350 Fifth Avenue, New York 1, New York.

Philadelphia: District of Columbia, including PBS Dormitories in Arlington, Virginia, Delaware, Maryland, and Pennsylvania. Public Housing Administration, Beury Building, 3701 North Broad Street, Philadelphia 40, Pennsylvania.

Puerto Rico: Puerto Rico and the Virgin Islands. P. O. Box 1546, San Juan, Puerto Rico.

AREA B

Atlanta: Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee. Public Housing Administration, Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Georgia.

Fort Worth: Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas. Public Housing Administration, 805 Texas and Pacific Passenger Building, Fort Worth 2, Texas.

Richmond: Kentucky, North Carolina, Virginia, except PBS Dormitories in Arlington, Virginia, and West Virginia. Public Housing Administration, 900 North Lombardy Street, Richmond 20, Virginia.

AREA C

Chicago: Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Da-

kota, South Dakota, and Wisconsin. Public Housing Administration, 201 North Wells Street, Chicago 6, Illinois.

Los Angeles: Arizona, and that part of the State of California comprised of the Counties of Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Mariposa, Merced, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura. Public Housing Administration, Room 401, Rives-Strong Building, 112 West 9th Street, Los Angeles 15, California.

San Francisco: That part of the State of California, comprised of the Counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Mono, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba; the States of Nevada and Utah, and the Territory of Hawaii. Public Housing Administration, 1360 Mission Street, San Francisco 3, California.

Seattle: Idaho, Montana, Oregon, Washington, Wyoming, and the Territory of Alaska. Public Housing Administration, 607 Third Avenue, Seattle 4, Washington.

Date approved: August 11, 1950.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 50-7247; Filed, Aug. 18, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25330]

TRICHLOROETHANE FROM ARKANSAS TO TEXAS AND FLORIDA

APPLICATION FOR RELIEF

AUGUST 16, 1950.

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: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariffs I. C. C. Nos 3648 and 3638.

Commodities involved: Dichlorodiphenyl-trichloroethane, carloads.

From: Baldwin and Pine Bluff, Ark.

To: Jacksonville, Fla., McGregor and Harlingen, Tex.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos 3648, 3912 and 3908, Supplements 326, 1 and 5, respectively.

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. 50-7250; Filed, Aug. 18, 1950; 8:46 a. m.]

[4th Sec. Application 25331]

SULPHUR FROM LOUISIANA AND TEXAS TO BENTONVILLE, VA.

APPLICATION FOR RELIEF

AUGUST 16, 1950.

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: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Crude sulphur, carloads.

From: Points in Louisiana and Texas.

To: Bentonville, Va.

Grounds for relief: Competition with water-rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supplement 49.

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. 50-7251; Filed, Aug. 18, 1950; 8:46 a. m.]

[4th Sec. Application 25332]

REFRIGERATORS FROM GLENCLIFF, TENN., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

AUGUST 16, 1950.

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: D. Q. Marsh, Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1013, pursuant to fourth-section order No. 16101.

Commodities involved: Cooling boxes, refrigerators, etc., carloads.

From: Glencliff, Tenn.

To: New Orleans, La.

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. 50-7252; Filed, Aug. 18, 1950; 8:46 a. m.]

[4th Sec. Application 25333]

HEXAMETHYLENE DIAMMONIUM ADIPATE SOLUTION FROM ORANGE, TEX., TO SEAFORD, DEL.

APPLICATION FOR RELIEF

AUGUST 16, 1950.

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: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Hexamethylene diammonium adipate solution and adipic acid, carloads.

From: Orange, Tex.

To: Seaford, Del.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 474.

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. 50-7253; Filed, Aug. 18, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-96]

WISCONSIN ELECTRIC POWER CO. ET AL.

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 15th day of August 1950.

In the matter of Wisconsin Electric Power Company and its subsidiary companies, respondents, File No. 59-96.

The Commission having examined, pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935 ("act"), the corporate structure of Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company, the corporate structure of its subsidiary companies, the relationship among the companies in the holding company system of Wisconsin Electric, the character of the interests thereof and the properties owned or controlled thereby to determine the extent to which the property and business of such system may be confined to those necessary or appropriate to the operations of an integrated public-utility system or systems meeting the applicable standards of section 11 (b) (1) of the act; and said examination having disclosed data establishing or tending to establish the following:

I. 1. Wisconsin Electric, a registered holding company and an operating public utility company, is a corporation organized under and by virtue of the laws of the State of Wisconsin. It maintains its principal offices in the City of Milwaukee, Wisconsin. Wisconsin Electric has three direct subsidiaries, two of which, Wisconsin Natural Gas Company ("Wisconsin Gas"), and Wisconsin Michigan Power Company ("Wisconsin Michigan"), are public utility companies within the meaning of section 2 (a) (5) of the act, the third, the Milwaukee Electric Railway & Transport Company ("Transport Company"), being a non-utility subsidiary. The latter named company, in turn, has a wholly owned non-utility subsidiary, Badger Auto Service Company. The Commission, in its findings and opinion dated April 14, 1942, found that the electric properties of Wisconsin Electric, Wisconsin Gas,[1] and Wisconsin Michigan constitute a single integrated public utility system within the meaning of section 2 (a) 29 (A) of the act. The electric service areas of the Wisconsin Electric holding company system are shown on the annexed map marked Exhibit "1" [2] which is made a part hereof as if set out herein in full.

2. The corporate relationship of the system companies to each other, and the nature of their business, are shown in the following table:

Name of company	Percent of voting control	Nature of business
Wisconsin Electric Power Co.	----------	Holding company and electric utility.
Wisconsin Natural Gas Co.	100	Gas utility and steam.
Wisconsin Michigan Power Co.	90.91	Gas and electric utility.
The Milwaukee Electric Railway & Transport Co.	100	Local transit and terminal freight.
Badger Auto Service Co.	100	Parking, auto service and gasoline.

3. The managements of Wisconsin Electric, Wisconsin Gas, Wisconsin Michigan, Transport Company and Badger Auto Service Company are interlocked through the medium of common officers and directors.

4. Wisconsin Electric, in addition to being a holding company, is engaged in the generation, transmission, distribution and sale of electricity in Milwaukee and neighboring communities and in the sale of steam in downtown Milwaukee. In 1949 its gross revenues from the sale of electricity were approximately 97 percent of its total gross operating revenues. Over 99 percent of electric energy sold was generated at the company's own steam generating plants. Wisconsin Electric serves an area having a population of over one million persons.

5. A condensed pro-forma corporate balance sheet of Wisconsin Electric, as of February 28, 1950, reflecting the acquisition of the electric properties of Wisconsin Gas, the sale by Wisconsin Electric of $15,000,000 of bonds, and of 585,405 shares of its common stock, shows the following:

Assets:	*Pro forma*
Property and plant	$183,000,771
Investments:	
Reacquired securities (at (at par)	49,200
Common stock of Wisconsin Gas	4,456,481
Common stock of Wisconsin Michigan	8,851,158
Securities of Transport Company	8,675,486
Other investments	38,656
Cash and U. S. Government securities	19,960,945
Other current assets	10,044,287
Deferred charges	2,526,381
Total assets	237,603,365

Liabilities:	*Pro forma*
Current and accrued liabilities	$11,278,654
Contributions in aid of construction	735,317
Reserve for depreciation	61,524,239
Reserve for casualties and insurance	865,451
Premium on capital stocks	5,981,002
Funded debt	77,100,000
Six percent preferred capital stock ($100 par)	4,500,000
Serial preferred stock ($100 par)	26,000,000
Common stock ($10 par)	35,124,260
Surplus:	
Paid-in	6,416,289
Earned	8,078,153
Total liabilities	237,603,365

6. A condensed pro-forma corporate income statement of Wisconsin Electric for the twelve months ending February 28, 1950, giving effect to the acquisition of the electric properties of Wisconsin Gas and the issuance of new securities, shows the following:

	Pro forma
Operating revenues	$50,245,106
Operating expenses and taxes	41,857,466
Net operating revenues	8,387,640
Nonoperating revenues	1,266,270
Gross income	9,653,910
Income deductions (net)	2,707,352
Net income	6,946,558
Preferred stock dividend requirements	1,203,048
Balance for common and surplus	5,743,510

7. In 1949 the amounts of electric energy sold and the prices received therefor by Wisconsin Electric under various contracts with subsidiaries were as follows:

Name	KWH sold	Price received
Wisconsin Michigan	204,879,000	$1,772,872
Transport Co.	91,338,921	988,650
Wisconsin Gas	502,791,236	5,050,101

The above amounts constituted substantially all of the electric energy required by Wisconsin Gas and the Transport Company and approximately 38 percent of that required by Wisconsin-Michigan.

II. 8. The operations of Wisconsin Gas have heretofore consisted of supplying services as an electric utility, a manufactured gas utility, and, to a minor extent, a steam heating company. Since the transfer of its electric properties to Wisconsin Electric, Wisconsin Gas is engaged principally in the purchase, distribution, and sale of natural gas and to a small extent in the generation and sale of steam. Natural gas, which has been distributed in its entire gas service area only since February 1950, is purchased at rates regulated by the Federal Power Commission from Michigan-Wisconsin Pipe Line Company, a non-affiliated company, under a twenty-five year contract entered into on June 1, 1949. In 1949 the gross operating revenues of Wisconsin Gas were derived approximately 71 percent from sales of electric energy, 28 percent from gas sales, and 1 percent from steam sales.

[1] At the time of the issuance of the Commission's findings and opinion, Wisconsin Gas was known as Wisconsin Gas and Electric Company and was engaged in the operation of both gas and electric utility businesses. In May 1950 the name of the company was was changed to Wisconsin Natural Gas Company and on June 9, 1950, the electric properties of Wisconsin Gas were acquired by Wisconsin Electric pursuant to authorization granted by the Commission in its order of May 26, 1950 (Holding Company Act Release No. 9891). By this same order the Commission authorized the redemption of Wisconsin Gas' Preferred Stock.

[2] Filed as part of the original document.

9. The gas utility operations of Wisconsin Gas include the distribution at retail of natural gas in the cities of Racine, Kenosha, Waukesha, South Milwaukee, Cudahy, Watertown, Fort Atkinson, Oconomowoc, Whitewater, and 46 other communities in southeastern Wisconsin. The estimated population of the territory served with gas by Wisconsin Gas at December 31, 1949, was approximately 311,000. The gas service area of Wisconsin Gas is largely west and south of Milwaukee and is located for the most part in the area served by the electric properties transfererd to Wisconsin Electric. The service area of Wisconsin Gas, as of December 31, 1949, is shown on the annexed map, marked Exhibit "2",[2] which is made a part hereof as if set out herein in full.

10. Wisconsin Gas also operates a small steam heating business supplying approximately 220 customers in a limited area in the City of Waukesha, Wisconsin. In 1949, gross operating revenues from steam heating sales were $80,833. In 1949, in conjunction with an application before the Public Service Commission of Wisconsin for an increase in steam heating rates, Wisconsin Gas petitioned for permission to abandon its steam heating service by June 1950. The order issued by the Commission in that case increased the rates for steam heating service but disapproved the proposal to abandon such service.

11. A condensed pro forma corporate balance sheet of Wisconsin Gas, as of February 28, 1950, reflecting the sale of its electric properties and the redemption of $10,500,000 of debt and the sale of $3,500,000 of bonds for the redemption of its preferred stock, shows the following:

Assets:	*Pro forma*
Property and plant	$11,060,227
Investments in Waukesha Gas & Electric Co. bonds	231,000
Cash and U. S. Government securities	898,015
Other current assets	1,010,423
Deferred charges	2,029,860
Total assets	15,229,525
Liabilities:	
Current and accrued liabilities	2,089,574
Contributions in aid of construction	47,895
Reserve for depreciation	3,348,036
Reserve for casualties and insurance	632,932
Funded debt	4,000,000
Preferred stock ($100 par)	
Common stock ($20 par)	4,000,000
Earned surplus	1,111,088
Total liabilities	15,229,525

12. A condensed pro forma corporate income statement of Wisconsin Gas for the twelve months ending February 28, 1950, giving effect to the sale of its electric properties and the financing transactions involved, shows the following:

Operating revenues:	*Pro forma*
Gas	$3,959,181
Heating	77,384
Total operating revenues	4,036,565
Operating expenses and taxes	3,478,126
Net operating revenues	558,439
Nonoperating revenues	3,000
Gross income	561,439
Income deductions	125,150
Net income	436,289

It appears that the change-over by Wisconsin Gas from manufactured gas to natural gas was completed February 28, 1950, and hence the above income statement does not reflect fully the savings due to the discontinuance of its high cost manufactured gas production. The company has stated that it expects to be able to satisfy its gas service requirements at a substantially lower cost as a result of the change-over to natural gas.

III. 13. Wisconsin Michigan conducts its business in the State of Wisconsin and in the northern peninsula of the State of Michigan, where it is engaged in the generation, distribution and sale of electricity. It is also engaged in the manufacture, transmission and sale of gas in the City of Appleton, Wisconsin, and vicinity. Wisconsin Michigan produces about 52 percent of its electric energy requirements and all of its gas requirements. Of its total electric generation, approximately 76 percent was supplied by its hydro plants, 23 percent by its steam plants, and 1 percent by internal combustion facilities. In March 1950, Wisconsin Michigan contracted with Michigan-Wisconsin Pipe Line Company, a non-affiliate and the same supplier which has a contractual relationship with Wisconsin Gas, for the supply of its requirements of straight natural gas commencing late in 1950.

14. The electric service areas of Wisconsin Michigan are located in the northern peninsula of Michigan, where the principal hydroelectric plants of the company are located, and in the Fox River Valley of Wisconsin. These areas include 160 communities, 97 of which are in Wisconsin and provide the bulk of the company's revenues, and 63 of which are in the mining regions of Michigan. The principal communities served in Wisconsin by Wisconsin Michigan are Appleton, Neenah, Kimberly, and Niagara, the principal Michigan communities are Iron Mountain and Kingsford. The electric operations account for 95 percent of the company's revenues. Gas is sold at retail in the Wisconsin communities of Appleton, Neenah and Menasha which area is approximately sixty miles from the nearest point served by Wisconsin Gas. The electric service areas embrace 8,476 square miles of which 5,943 are in Michigan. The population served approximates 192,000 persons, 64,000 of whom reside in Michigan.

a. A condensed corporate balance sheet of Wisconsin Michigan as of February 28, 1950, shows the following.

Assets:	
Property and plant:	*Per books*
Electric—at original cost	$33,546,456
Gas—at original cost	1,813,558
Plant acquisition adjustments	306,983
Other physical property	988,721
Total property and plant	36,655,723
Investments	23,700
Cash	1,634,062
Other current assets	1,147,238
Deferred charges	250,056
Total Assets	39,710,779
Liabilities:	
Current and accrued liabilities	2,260,603
Contributions in aid of construction	182,517
Reserve for depreciation	7,419,840
Reserve for casualties and insurance	466,901
Funded debt	15,600,000
Preferred stock	4,000,000
Common stock	9,000,000
Surplus:	
Capital surplus	42,942
Earned surplus	737,976
Total liabilities	39,710,779

15. The operating revenues of Wisconsin Michigan from the sale of gas for the twelve months ending February 28, 1950, aggregated $427,565. A condensed corporate income statement of Wisconsin Michigan for the twelve months ending February 28, 1950, shows the following:

Operating revenues:	*Per books*
Electric sales	$7,977,776
Gas	427,565
Total operating revenues	8,425,341
Operating expenses and taxes	6,905,787
Net operating revenues	1,519,554
Nonoperating revenues	14,756
Gross income	1,534,310
Income deductions	425,007
Net income	1,109,303
Preferred stock dividend requirements	180,029
Balance for common and surplus	929,274

IV. 16. Transport Company operates substantially all local transit service in Milwaukee and its adjoining suburbs. A minor part of its gross revenues, 2.5 percent in 1949, is derived from the operation of a terminal freight line. Transport Company, in addition to its own facilities, operates a small amount of transportation properties leased by it from Wisconsin Electric. The transportation system of Transport Company, as of December 31, 1949, included approximately 56 miles of double track and 30 miles of single track, trackless trolley overhead, and an overhead and underground feeder system supplying power to the railway lines and trackless trolley cars, 276 street railway cars, 26 utility and special rail vehicles, 7 electric locomotives, 400 trackless trolley cars, 432 gasoline motor buses, passenger stations, stations for housing rolling stock and buses, and a shop for constructing and repairing such equipment. Transport

[2] Filed as part of the original document.

Company also manufactures small electric furnaces for Hevi Duty Electric Company, a direct subsidiary of The North American Company, the former parent of Wisconsin Electric.

17. A condensed corporate balance sheet of Transport Company, as of February 28, 1950, shows the following:

Assets:	Per books
Property and plant	$33,426,299
Investments:	
Contracts for sale of certain property	354,501
Badger Auto Service Co. common stock	30,000
Funds set aside:	
For modernization of properties	23,524
For retirement of capital liabilities	444,209
Cash	2,147,661
Other current assets	1,100,773
Deferred charges	309,677
Total assets	37,836,644
Liabilities:	
Current and accrued liabilities	1,648,321
Reserve for depreciation	12,259,235
Reserve for casualties and insurance	1,119,812
Funded debt	4,000,000
Common stock	15,350,000
Earned surplus	3,459,306
Total liabilities	37,836,644

18. A condensed corporate income statement of Transport Company for the twelve months ending February 28, 1950, shows the following:

	Per books
Operating revenues	$17,518,744
Operating expenses and taxes	17,098,450
Net operating revenues	420,294
Nonoperating revenues (net)	29,843
Gross income	450,137
Income deductions	169,462
Net income	280,675

19. Transport Company has a wholly owned subsidiary, Badger Auto Service Company, which operates several parking, auto service and gasoline stations in Milwaukee.

20. A condensed corporate balance sheet of Badger Auto Service Company, as of February 28, 1950, shows:

Assets:	Per books
Property and plant	$27,393
Cash	39,255
Other current assets	71,482
Deferred charges	1,549
Total assets	139,679
Liabilities:	
Current and accrued liabilities	23,157
Reserve for depreciation	14,967
Reserve for casualties and insurance	3,446
Common stock	30,000
Earned surplus	68,109
Total liabilities	139,679

21. A condensed corporate income statement of Badger Auto Service Company for the twelve months ending February 28, 1950, shows the following:

	Per books
Revenues from operations (net)	$18,690
Gross income	18,690
Net income	18,690

A dividend of $12,000 was paid in this period to Transport Company by Badger Auto Service Company on its common stock.

V. Recapitulating certain pertinent facts from the foregoing, it appears that Wisconsin Electric directly or indirectly owns, controls, or holds with power to vote, various assets, or securities representing assets, including the following:

(a) Electric utility assets, serving electricity in the States of Wisconsin and Michigan, which electric properties have previously been found by the Commission to constitute a single integrated electric utility system (The North American Company, 11 S. E. C. 194);

(b) Gas utility assets in the State of Wisconsin, concerning which gas utility assets no finding has been made by the Commission with respect to how many integrated gas utility systems are included therein, nor as to the extent, if any, to which such gas utility properties may be retained, together with each order or with any other properties;

(c) Assets used in businesses other than electricity and gas, including local transportation, steam heat, railway, freight and terminal facilities, servicing of automotive equipment, operation of parking lots and gasoline stations, and the manufacture of electric furnaces, all located in Wisconsin and operated through various subsidiaries, concerning which no findings have been made by the Commission as to their retainability together with other properties.

VI. 23. The foregoing allegations, and the facts otherwise disclosed to the Commission in the course of its investigation hereinbefore referred to, indicate or tend to indicate that:

(a) The holding company system of Wisconsin Electric is not confined in its operations to those of a single integrated public utility system and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public utility system;

(b) The various gas utility properties and the electric system owned or controlled by Wisconsin Electric and other respondents cannot continue to be controlled by Wisconsin Electric under the standards of section 11 (b) (1), particularly Clauses (A) and (C) thereof; and

(c) The various businesses, hereinbefore referred to, other than electric and gas, cannot be retained as reasonably incidental or economically necessary or appropriate to the operations of either the electric or gas utility systems.

VII. It appearing to the Commission, on the basis of the allegations hereinbefore set forth, that proceedings should be instituted under section 11 (b) (1) of the act with respect to the holding company system of Wisconsin Electric and its subsidiaries:

Wherefore it is ordered, That proceedings be and the same hereby are instituted under section 11 (b) (1) of the act with respect to Wisconsin Electric Power Company and each of its subsidiary companies hereinbefore named, all of which are made respondents herein. Such respondents shall file with the Secretary of the Commission on or before October 1, 1950, their joint or several answers in the form prescribed by Rule U-25 under the act admitting, denying, or otherwise explaining their respective positions as to each of the allegations of Parts I to VI hereof, inclusive. Any such answer may include a statement of the claim of the respondents, or any of them, as to (a) the action, if any, which is necessary and should be required to be taken by any of the respondents (including the divestment of control, securities or other assets), to limit the operations of Wisconsin Electric, the registered holding company hereinbefore named, to a single integrated public utility system and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public utility system; (b) the extent to which Wisconsin Electric should be permitted to continue to control one or more additional integrated public-utility systems as may meet the requirements of Clauses (A), (B) and (C) of section 11 (b) (1) of the act; and (c) the extent to which any of said respondents should be permitted to retain an interest in any business (other than the business of a public-utility company as such) as provided by section 11 (b) (1) of the act. The answer of Wisconsin Electric should state which of its integrated public utility systems it designates as its principal system, and may, if such respondent so desires, state that such respondent proposes and is prepared to take such action as will cause it to cease to be a holding company within the meaning of the act, together with a description of such action and the time within which it proposes to take such action.

It is further ordered, Pursuant to the applicable provisions of the act, that a hearing be held at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on November 7, 1950, at 10:00 o'clock, a. m., e. s. t. On such day the hearing room clerk in Room 193 will advise as to the room where such hearing will be held. At such time respondents and any other interested persons will be heard with respect to the matters and questions hereinafter set forth. The Division of Public Utilities has requested that the hearing officer, in accordance with the last paragraph of Rule III of the Commission's rule of practice, as soon as possible after the opening of said hearing, call a conference of the parties for the purpose of specifying and agreeing on the procedural steps to be followed in said proceeding as specified in Rule III (e) of such rules, including therein the recommended disposition of any issues that appear to be without substantial basis of controversy, the simplification of other issues, and the order of presentation of evidence deemed most conducive to an orderly and expeditious proceeding. The hearing for the taking of evidence in such proceedings shall, unless otherwise directed by the hearing officer, be convened at 2:00 o'clock, p. m., on the aforesaid day.

It is further ordered, That the specific matters of fact and law to be considered and determined at said hearing (subject to such amendment or

amendments as may hereafter be made and subject to the consideration and determination of such other issues as may be raised by interested parties), are the following:

(a) Whether the gas utility assets owned or controlled by Wisconsin Electric (directly or through subsidiaries) constitute an integrated gas utility system or systems;

(b) Whether more than one of the electric and gas utility systems owned or controlled by Wisconsin Electric (directly or through subsidiaries) may be retained under common control by Wisconsin Electric under the provisions of section 11 (b) (1) of the act, specifically Clauses (A) and (C) thereof;

(c) Whether the non-utility businesses conducted by Wisconsin Electric and by its subsidiaries are reasonably incidental or economically necessary or appropriate to the operations of any integrated public utility system or systems retainable under the control of Wisconsin Electric;

(d) What action is necessary to be taken by Wisconsin Electric and by each of its subsidiaries to limit the operations of the system to those of a single integrated public utility system, together with such additional utility systems, and other businesses, if any, as are retainable under the standards of section 11 (b) (1) of the act;

(e) Whether there would be a loss of substantial economies within the meaning of Clause (A) of section 11 (b) (1) of the act if the gas business of Wisconsin Gas and Wisconsin Michigan were not conducted under common control with the electric business of the Wisconsin Electric system;

And, in particular, as pertinent and relevant to a determination of this issue, the respondents herein shall produce such evidence as they may have bearing on:

(1) A comparison of the amounts devoted to repairs, maintenance, replacements and improvements of plant and other service facilities as between the electric utility operations of the Wisconsin Electric system and the gas utility operations of such system;

(2) A similar comparison with respect to the amounts devoted to and types of promotional activities;

(3) Methods of allocation of costs, expenses, and other accounts as between the said operations;

(4) The feasibility of increasing the extent of natural gas distribution by Wisconsin Gas and Wisconsin Michigan and the effect, if any, which control of such gas operations by Wisconsin Electric may have on the amount of gas distributed, the extension of service areas, and the cost of gas service to consumers;

(5) The effect of independent operation of the gas businesses conducted by Wisconsin Gas and Wisconsin Michigan and free and unrestrained competition between the gas and electric businesses in the areas served with respect to adequacy of service, rates, proper maintenance and the revenues and income of such gas and electric businesses; and

(f) Whether the continued combination of the gas and electric systems under common control of Wisconsin Electric is so large (considering the state of the art and the area or region affected) as to impair the advantages of localized management, efficient operation, or the effectiveness of regulation.

It is further ordered, That Richard Townsend or any other hearing officer or hearing officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, not later than ten days prior to the date hereinbefore fixed as the date for said hearing, his request or application therefor, as prescribed by Rule XVII of the rules of practice of the Commission. Such request shall set forth the nature of the applicant's interest in the proceedings, his reasons for requesting to be heard or to intervene, which of the allegations and issues, as hereinbefore set forth, applicant proposes to controvert, together with a statement of any additional issues which the applicant proposes to raise with respect to the proceedings herein instituted.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this notice of and order for hearing by registered mail to Wisconsin Electric Power Company, to Wisconsin Natural Gas Company, to Wisconsin Michigan Power Company, to the Milwaukee Electric Railway & Transport Company, to Badger Auto Service Company, to the Public Service Commission of Wisconsin, to the Public Service Commission of Michigan, to the Federal Power Commission, to the Interstate Commerce Commission, and to the mayors of the following cities in the State of Wisconsin: Milwaukee, Appleton, Racine, Kenosha, Waukesha, South Milwaukee, Cudahy, Oconomowoc, Neenah, Menasha, Whitewater, and Watertown, not less than sixty days prior to the date hereinbefore fixed as the date of hearing; and that notice of said hearing is hereby given to Wisconsin Electric Power Company and its subsidiaries, to their security holders, and to all consumers of Wisconsin Electric Power Company and its subsidiaries, to all states, municipalities and political subdivisions of states within which are located any of the physical assets of said companies or under the laws of which any of said companies are incorporated, to all state commissions, state security commissions, and all agencies, authorities and instrumentalities of any state, municipality, or other political subdivision having jurisdiction over Wisconsin Electric Power Company or its subsidiaries or any of the businesses, affairs or operations of any of them and to all other interested persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and by publication of this notice and order in the FEDERAL REGISTER not later than sixty days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

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

[F. R. Doc. 50-7248; Filed, Aug. 18, 1950; 8:46 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 14909]

FUHRMEISTER & CO.

In re: Debts owing to Fuhrmeister & Co., Shanghai, China. F-28-5479-A-1, F-28-5479-E-1.

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

1. That Friedrich Fuhrmeister, Sr., also known as Friedrich Heinrich Carl Fuhrmeister, whose last known address is 29 Oldenfelderstrasse, Hamburg-Rahlstedt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Fuhrmeister & Co., whose last known address is Shanghai, China, is a partnership organized under the laws of China, and whose principal place of business is located at Shanghai, China, which is, or on or since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act, directly or indirectly for the benefit of or on behalf of the aforesaid Friedrich Fuhrmeister, Sr., also known as Friedrich Heinrich Carl Fuhrmeister, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, representing a portion of an account entitled "The National City Bank of New York, Shanghai Branch," maintained with the aforesaid The National City Bank of New York, arising out of the proceeds of sale of certain securities held in an account, Account Number B-4012, for Fuhrmeister & Co., Shanghai, China, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, representing a portion of an account entitled "Fuhrmeister & Co., Shanghai, China," maintained with the aforesaid bank, arising out of the proceeds of redemption of certain bonds held in an account, Account Number B-4012, for Fuhrmeister & Co., Shanghai, China, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

4. That Fuhrmeister & Co., Shanghai, China, is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

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

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

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

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

Executed at Washington, D. C., on July 18, 1950.

For the Attorney General.

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

[F. R. Doc. 50-7262; Filed, Aug. 18, 1950; 8:51 a. m.]

[Vesting Order 14978]

HERMANN COUNT SEHERR-THOSS ET AL.

In re: Trust under deed dated February 29, 1932 between Margaret Muriel Seherr-Thoss, Grantor, and Louis Spencer Morris and Charles S. McVeigh, Trustees. File No. F-28-5038; E. T. sec. 8419.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9183, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Count Seherr-Thoss, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is 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 and arising out of or under that certain Deed of Trust dated February 29, 1932 between Margaret Muriel Seherr-Thoss, Grantor, and Louis Spencer Morris and Charles S. McVeigh, Trustees, and presently being administered by Edgar M. Church, Jr., 20 Exchange Place, New York 5, New York, Successor Trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designed enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Hermann Count Seherr-Thoss 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 August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7263; Filed, Aug. 18, 1950; 8:51 a. m.]

[Return Order 709]

BLANDINA D'AMBROSIO ET AL.

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

Blandina d'Ambrosio a/k/a Valentina d'Ambrosio, and Nicolina d'Ambrosio, Fontanarosa, Italy; Claim No. 28902; June 1, 1950 (15 F. R. 3442); $1,240.14 in the Treasury of the United States, in two equal shares, one each to Blandina d'Ambrosio a/k/a Valentina d'Ambrosio, and to Nicolina d'Ambrosio.

Seven (7) United States of America Treasury Bonds to Blandina d'Ambrosio a/k/a Valentina d'Ambrosio and to Nicolina d'Ambrosio, equally, in custody of the Federal Reserve Bank of New York, New York, described as follows:

Four (4) United States of America Treasury Bonds of 1964-69, 2½%, dated April 15, 1943, due June 15, 1969, with coupon dated June 15, 1950, and S. C. A. serial numbers and face amounts as indicated:

Bond No.:	*Amount*
62165	$500
183460	1,000
183461	1,000
183462	1,000

Three (3) United States of America Treasury Bonds of 1964-69, 2½%, dated April 15, 1943, due June 15, 1969, interest payable June and December 15th registered in the name of the Office of Alien Property Custodian, Washington, D. C., serial numbers and face amounts as indicated:

Bond No.:	*Amount*
15763	$500
32150	1,000
32151	1,000

An undivided one-half (½) interest each to Blandina d'Ambrosio a/k/a Valentina d'Ambrosio and to Nicolina d'Ambrosio in and to four (4) Passbooks, Regno d'Italia Casse Di Risparmio Postali, in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York, passbook numbers and amounts recorded therein, indicated as follows:

Number:	*Amount (lire)*
07991	44,544.30
07992	47,855.10
03572	55,492.60
08573	38,511.80

All right, title, interest and claim of any kind or character whatsoever of Valentina d'Ambrosio and Nicolina d'Ambrosio, and each of them, in and to the Estate of Salvatore d'Ambrosio, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7264; Filed, Aug. 18, 1950; 8:51 a. m.]

[Return Order 710]

MARCEL MARIE GAETAN HAWADIER AND MICHEL GRAVINA

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

Marcel Marie Gaetan Hawadier and Michel Gravina, Paris, France; Claim No. 4322; June 23, 1950 (15 F. R. 4069); Property described in Vesting Order No. 720 (8 F. R. 2163, February 18, 1943) relating to United States Patent Application Serial No. 407,662, an undivided one-half interest therein to each claimant. This return shall not be deemed to include the rights of any licensees under the above patent application.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-7265; Filed, Aug. 18, 1950; 8:51 a. m.]