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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10173

REGULATIONS RELATING TO THE SAFEGUARDING OF VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES OF THE UNITED STATES

By virtue of the authority vested in me by Public Law 679, 81st Congress, 2d Session, approved August 9, 1950, which amended section 1, Title II of the act of June 15, 1917, 40 Stat. 220 (50 U. S. C. 191), and as President of the United States, I hereby find that the security of the United States is endangered by reason of subversive activity, and I hereby prescribe the following regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, of vessels, harbors, ports, and waterfront facilities in the United States, and all territory and water, continental or insular, subject to the jurisdiction of the United States, exclusive of the Canal Zone, and the said regulations shall constitute Part 6, Subchapter A, Chapter I, Title 33 of the Code of Federal Regulations; and all agencies and authorities of the Government of the United States shall, and all state and local authorities and all persons are urged to, support, conform to, and assist in the enforcement of these regulations and all supplemental regulations issued pursuant thereto:

Subchapter A—General

PART 6—PROTECTION AND SECURITY OF VESSELS, HARBORS, AND WATERFRONT FACILITIES

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AUTHORITY: §§ 6.01-1 to 6.18-1, inclusive, issued under the act of June 15, 1917, 40 Stat. 220, 50 U. S. C. 191, as amended by Pub. Law 679, 81st Cong., 2d Session, approved August 9, 1950.

SUBPART 6.01—DEFINITIONS

§ 6.01-1 *Commandant.* "Commandant" as used in this part, means the Commandant of the United States Coast Guard.

§ 6.01-2 *District Commander.* "District Commander" as used in this part, means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District.

§ 6.01-3 *Captain of the Port.* "Captain of the Port" as used in this part, means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within the general proximity of the port in which he is situated.

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§ 6.01–4 *Waterfront facility.* "Waterfront facility" as used in this part, means all piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.

SUBPART 6.04—GENERAL PROVISIONS

§ 6.04–1 *Enforcement.* (a) The rules and regulations in this part shall be enforced by the captain of the port under the supervision and general direction of the District Commander, and all authority and power vested in the captain of the port by the regulations in this part shall be deemed vested in and may be exercised by the District Commander.

(b) The rules and regulations in this part may be enforced by any other officer of the Coast Guard designated by the Commandant or the District Commander.

§ 6.04–5 *Preventing access of persons, articles or things to vessels or waterfront facilities.* The captain of the port may prevent any person, article or thing from boarding or being taken on board any vessel or entering or being taken into any waterfront facility when he deems that the presence of such person, article or thing would be inimical to the purposes set forth in § 6.04–8.

§ 6.04–7 *Visitation and search.* The captain of the port may cause to be inspected and searched at any time any vessel or waterfront facility or any person, article or thing thereon, within the jurisdiction of the United States, may place guards upon any such vessel and waterfront facility and may remove therefrom any or all persons, articles or things not specifically authorized by him to go or to remain thereon.

§ 6.04–8 *Possession and control of vessels.* The captain of the port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof, within the territorial waters of the United States under his jurisdiction, whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury, or to prevent damage or injury to any vessel or waterfront facility or waters of the United States, or to secure the observance of rights and obligations of the United States.

§ 6.04–11 *Assistance of other agencies.* The captain of the port may enlist the aid and cooperation of Federal, State, county, municipal, and private agencies to assist in the enforcement of regulations issued pursuant to this part.

SUBPART 6.10—IDENTIFICATION AND EXCLUSION OF PERSONS FROM VESSELS AND WATERFRONT FACILITIES

§ 6.10–1 *Issuance of documents and employment of persons aboard vessels.* No person shall be issued a document required for employment on a merchant vessel of the United States nor shall any licensed officer or certificated man be employed on a merchant vessel of the United States if the Commandant is satisfied that the character and habits of life of such person are such as to authorize the belief that the presence of the individual on board would be inimical to the security of the United States: *Provided*, That the Commandant may designate categories of merchant vessels to which the foregoing shall not apply.

§ 6.10–3 *Special validation of merchant marine documents.* The Commandant may require that all licensed officers and certificated men who are employed on other than the exempted designated categories of merchant vessels of the United States be holders of specially validated documents. The form of such documents, the conditions, and the manner of their issuance shall be as prescribed by the Commandant. The Commandant shall revoke and require the surrender of a specially validated document when he is no longer satisfied that the holder is entitled thereto.

§ 6.10–5 *Access to vessels and waterfront facilities.* Any person on board any vessel or any person seeking access to any vessel or any waterfront facility within the jurisdiction of the United States may be required to carry identification credentials issued by or otherwise satisfactory to the Commandant. The Commandant may define and designate those categories of vessels and areas of the waterfront wherein such credentials are required.

§ 6.10–7 *Identification credentials.* The identification credential to be issued by the Commandant shall be known as the Coast Guard Port Security Card, and the form of such credential, and the conditions and the manner of its issuance shall be as prescribed by the Commandant after consultation with the Secretary of Labor. The Commandant shall not issue a Coast Guard Port Security Card if he is satisfied that the character and habits of life of the applicant therefor are such as to authorize the belief that the presence of such individual on board a vessel or within a waterfront facility would be inimical to the security of the United States. The Commandant shall revoke and require the surrender of a Coast Guard Port Security Card when he is no longer satisfied that the holder is entitled thereto. The Commandant may recognize for the same purpose such other credentials as he may designate in lieu of the Coast Guard Port Security Card.

§ 6.10–9 *Appeals.* Persons who are refused employment or who are refused the issuance of documents or who are required to surrender such documents, under this subpart, shall have the right of appeal, and the Commandant shall appoint Boards for acting on such appeals. Each such Board shall, so far as practicable, be composed of one Coast Guard officer, one member drawn from management, and one member drawn from labor. The members drawn from management and labor shall, upon suitable security clearance, be nominated by the Secretary of Labor. Such members shall be deemed to be employees of the United States and shall be entitled to compensation under the provisions of section 15 of the act of August 2, 1946 (5 U. S. C. 55a) while performing duties incident to such employment. The Board shall consider each appeal brought before it and, in recommending final action to the Commandant, shall insure the appellant all fairness consistent with the safeguarding of the national security.

SUBPART 6.12—SUPERVISION AND CONTROL OF EXPLOSIVES OR OTHER DANGEROUS CARGO

§ 6.12–1 *General supervision and control.* The captain of the port may supervise and control the transportation, handling, loading, discharging, stowage, or storage of explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146) and the regulations governing tank vessels (46 CFR Parts 30 to 38, inclusive).

§ 6.12–3 *Approval of facility for dangerous cargo.* The Commandant may designate waterfront facilities for the handling and storage of, and for vessel loading and discharging, explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations referred to in § 6.12–1, and may require the owners, operators, masters, and others concerned to secure permits for such handling, storage, loading, and unloading from the captain of the port, conditioned upon the fulfillment of such requirements for the safeguarding of such waterfront facilities and vessels as the Commandant may prescribe.

SUBPART 6.16—SABOTAGE AND SUBVERSIVE ACTIVITY

§ 6.16–1 *Reporting of sabotage and subversive activity.* Evidence of sabotage or subversive activity involving or endangering any vessel, harbor, port, or

waterfront facility shall be reported immediately to the Federal Bureau of Investigation and to the captain of the port, or to their respective representatives.

§ 6.16-3 *Precautions against sabotage.* The master, owner, agent, or operator of a vessel or waterfront facility shall take all necessary precautions to protect the vessel, waterfront facility, and cargo from sabotage.

SUBPART 6.18—PENALTIES

§ 6.18-1 *Violations.* Section 2, Title II of the act of June 15, 1917, as amended, 50 U. S. C. 192, provides as follows:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 18, 1950.

[F. R. Doc. 50-9317; Filed, Oct. 18, 1950; 4:19 p. m.]

RULES AND REGULATIONS

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-355]

PART 50—AIRMEN AGENCY CERTIFICATES

PRIMARY FLYING SCHOOL FLIGHT CURRICULUM

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 16th day of October 1950.

Section 50.13 (a) of the current Civil Air Regulations requires that a primary flying school giving instruction in spinnable airplanes shall provide at least 35 hours of flying in accordance with a curriculum approved by the Administrator. Such curriculum, as set forth in Civil Aeronautics Manual 50, requires that each student receiving instruction in spinnable airplanes shall be given a minimum of at least 15 hours of dual instruction of which 8 hours shall be given prior to the student's first solo flight, and at least 13 hours of solo flight time.

This Special Civil Air Regulation provides for the issuance of an airman agency certificate with a primary flying school rating to an applicant who will, in lieu of the aforementioned current requirements of the Civil Air Regulations, provide at least 55 hours of flight training of which not less than 10 hours shall be solo flight time, not less than 15 hours dual instruction time, and not less than 30 hours' flight instruction time with the student acting in the capacity of an observer. A student undergoing such instruction will obtain only a total of 25 hours while actually manipulating the controls of an airplane. Thus, this regulation substitutes 30 hours of controlled observer time for 10 hours of pilot time.

It will be noted that the flight curriculum authorized by this Special Civil Air Regulation is identical to that authorized by Special Civil Air Regulation SR-336 which by its terms terminates October 18, 1950.

Information received by the Board indicates that approximately 46 schools have been approved by the Administrator to provide training in accordance with the provisions of Special Civil Air Regulation SR-336, but that only a very few have actually commenced training. We also understand that additional schools are desirous of instituting this type of training. Moreover, we have been advised that none of the students who have matriculated into the course approved pursuant to Special Civil Air Regulation SR-336 have completed their training and that, therefore, the Administrator has not had sufficient time in which to evaluate the results thereof. The Board believes that before it makes the flying school flight curriculum authorized by this regulation a mandatory requirement for all primary flying schools that the Administrator should have sufficient time to evaluate the actual results of such training. Therefore, it is continuing the authorization for the establishment of such a curriculum for an additional year.

This Special Civil Air Regulation also authorizes a graduate of this course of training who passes his examination for a private rating to credit not more than 10 hours of the "dual instruction—observer" time as dual instruction flight time and to obtain a private pilot rating without any endorsement based upon the flight time completed.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter submitted. Since this regulation imposes no additional burden on any person it may be made effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective immediately, to read as follows:

1. In lieu of the primary flying school flight curriculum requirements of § 50.13 (a) of the Civil Air Regulations, the Administrator may issue an airman agency certificate with a primary flying school rating to an applicant who will, as a minimum, provide the following flight training:

(a) 10 hours of solo flight time,

(b) 15 hours of dual instruction time as pilot, and

(c) 30 hours of flight instruction as an observer.

2. The curriculum shall be approved by the Administrator.

3. The solo flight time may be acquired in any type of airplane, except that the student shall solo every type of airplane in which he receives flight instruction as an observer under 1 (c) above.

4. The required dual instruction time and flight time as an observer shall be acquired and credited in the following manner: Each student shall ride at least a total of 45 hours in a 4-place or larger airplane accompanied by a flight instructor, and at least one other student. During such time each student shall pilot the airplane at least 15 hours, act in the capacity of an observer for at least 30 hours, and receive instruction in dead reckoning navigation, traffic control practices and procedures at various airports, and in the interpretation of weather conditions observed in flight. The flight time so acquired shall be appropriately credited as either "dual instruction—pilot" or "dual instruction—observer."

5. A graduate of the course of training authorized by this Special Civil Air Regulation who passes his examination for a private rating may credit not more than 10 hours of the "dual instruction—observer" time as dual instruction flight time, and if otherwise qualified he shall be issued a private pilot rating without any endorsement based upon the flight time completed.

This regulation supersedes Special Civil Air Regulation SR-336 and shall terminate October 18, 1951, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 607, 52 Stat. 1007, as amended, 1008, 1011, 49 U. S. C. 551, 552, 557)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-9288; Filed, Oct. 19, 1950; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Rev. of May 10, 1949, Amdt. 12]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS, MEMORANDA AND HEARINGS

The amendments to § 550.10 (b) and (d) set forth below do not constitute any change of existing policy of the Administrator of Civil Aeronautics, but merely include in the regulations a statement of the nature and purpose of hearings required by section 9 (e) of the Federal Airport Act (60 Stat. 170; 49 U. S. C. 1101 et seq.), consistent with the position heretofore taken by the Administrator. Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

1. Section 550.4 (c) (1) is hereby amended to read as follows:

§ 550.4 *Project costs.* * * *

(c) *United States share of project costs.* * * *

(1) *Project costs other than costs of land acquisition or installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of land acquisition or installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of land acquisition or installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES' PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

Arizona	60.97	Oklahoma	51.38
California	54.14	Oregon	56.05
Colorado	53.30	South Dakota	53.06
Idaho	55.48	Utah	61.89
Montana	53.51	Washington	51.78
Nevada	62.50	Wyoming	57.46
New Mexico	57.01		

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of land acquisition and costs of installing high intensity runway lighting on runways designated as instrument landing runways.

2. Section 550.10 (b) is hereby amended to read as follows:

§ 550.10 *Memoranda and hearings.* * * *

(b) *Hearings.* If a request for a public hearing is made and approved as set forth in paragraph (a) of this section, the time and place of the hearing will be set by the Administrator. The time will be set so as to avoid undue delay in disposing of the subject project application but so as to afford reasonable time for all parties concerned to prepare for the hearing. The hearing will be held at a place convenient to the sponsor. The Administrator will give notice of time and place by mail to the party filing the memorandum, to the sponsor or sponsors, and to such other persons as the Administrator deems necessary. A hearing will be held only for the purpose of assisting the Administrator in ascertaining facts relevant to the location of an airport, the development of which is proposed in an application pending before him. All hearings pursuant to this paragraph will be regarded as hearings in which there are no adverse parties and no adverse interests, and in which there will be no defendant or respondent. They are not hearings of the type described in sections 5, 7 and 8 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), and will not terminate in an "adjudication" as defined by that act.

3. Section 550.10 (d) is hereby amended to read as follows:

§ 550.10 *Memoranda and hearings.* * * *

(d) *Records.* Hearings will be recorded in such form and manner as may be determined by the examiner or examiners and the record so made shall become a part of the record of the project application. However, decisions of the Administrator will not be made solely upon the record of the hearing, but upon all relevant facts within the knowledge of the Administrator, from whatever source obtained.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. and Sup., 1101–1114).

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 50-9250; Filed, Oct. 19, 1950; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of Industry and Commerce

[5th Gen. Rev. of Export Reg., Amdt. P. L. 19] [1]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 Appendix A—*Positive List of Commodities* is amended in the following particulars:

The entries on the Positive List for pumping equipment, Schedule B Nos. 735500–736990, are revised by (a) amending the commodity descriptions, and (b) changing the OLV dollar-value limits for some of the amended entries as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Mining, well, and pumping machinery:				
	Pumping equipment:				
735500	Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) capable of producing pressures of 300 pounds per square inch, gauge reading, and over; (b) capable of operating at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any of the following corrosion-resistant materials: (1) alloys containing 10% or more of chromium, nickel, or silicon; (2) glass, ceramics, or other non-metallic materials of mineral origin; (3) plastics as defined in A. S. T. M. specifications D-883; (4) natural or synthetic rubber; or (5) lead.[3]	No.	CONS	[1] None	RO
735500	Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) capable of producing pressures of 75 pounds per square inch, gauge reading and over, but under 300 pounds per square inch, gauge reading; (b) not capable of operating at temperatures of 220 degrees Fahrenheit and over; and (c) not fabricated of, or lined with, any of the corrosion-resistant materials specified in the preceding entry under Schedule B No. 735500.[3]	No.	CONS	[1] None	R
735600	Rotary pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) capable of producing pressures of 300 pounds per square inch, gauge reading, and over; (b) capable of operating at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any of the following corrosion-resistant materials: (1) alloys containing 10% or more of chromium, nickel, or silicon; (2) glass, ceramics, or other non-metallic materials of mineral origin; (3) plastics as defined in A.S.T.M. specifications D-883; (4) natural or synthetic rubber; or (5) lead.[4]	No.	CONS	None	RO

See footnotes at end of table.

[1] Amendment was published in Current Export Bulletin No. 588 dated October 6, 1950.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
735600	Rotary pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) capable of producing pressures of 75 pounds per square inch, gauge reading and over, but under 300 pounds per square inch, gauge reading; (b) not capable of operating at temperatures of 220 degrees Fahrenheit and over; and (c) not fabricated of, or lined with, any of the corrosion-resistant materials specified in the preceding entry under Schedule B No. 735600.[4]	No.	CONS	None	R
735700	Deep-well turbine pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) capable of producing pressures of 300 pounds per square inch, gauge reading, and over; (b) capable of operating at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any of the following corrosion-resistant materials: (1) alloys containing 10% or more of chromium, nickel, or silicon; (2) glass, ceramics, or other non-metallic materials of mineral origin; (3) plastics as defined in A. S. T. M. specifications D-883; (4) natural or synthetic rubber; or (5) lead.[5]	No.	CONS	None	RO
735700	Deep-well turbine pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) capable of producing pressures of 75 pounds per square inch, gauge reading and over, but under 300 pounds per square inch, gauge reading; (b) not capable of operating at temperatures of 220 degrees Fahrenheit and over; and (c) not fabricated of, or lined with, any of the corrosion-resistant materials specified in the preceding entry under Schedule B No. 735700.[5]	No.	CONS	None	R
735800	Reciprocating steam pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) capable of producing pressures of 300 pounds per square inch, gauge reading, and over; (b) capable of operating at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any of the following corrosion-resistant materials: (1) alloys containing 10% or more of chromium, nickel, or silicon; (2) glass, ceramics, or other non-metallic materials of mineral origin; (3) plastics as defined in A.S.T.M. specifications D-883; (4) natural or synthetic rubber; or (5) lead.[6]	No.	CONS	None	RO
735800	Reciprocating steam pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) capable of producing pressures of 75 pounds per square inch, gauge reading and over, but under 300 pounds per square inch, gauge reading; (b) not capable of operating at temperatures of 220 degrees Fahrenheit and over; and (c) not fabricated of, or lined with, any of the corrosion-resistant materials specified in the preceding entry under Schedule B No. 735800.[6]	No.	CONS	None	R
736100	Other reciprocating power pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) capable of producing pressures of 300 pounds per square inch, gauge reading, and over; (b) capable of operating at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any of the following corrosion-resistant materials: (1) alloys containing 10% or more of chromium, nickel, or silicon; (2) glass, ceramics, or other non-metallic materials of mineral origin; (3) plastics as defined in A. S. T. M. specifications D-883; (4) natural or synthetic rubber; or (5) lead.[4]	No.	CONS	None	RO
736100	Other reciprocating power pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) capable of producing pressures of 75 pounds per square inch, gauge reading and over, but under 300 pounds per square inch, gauge reading; (b) not capable of operating at temperatures of 220 degrees Fahrenheit and over; and (c) not fabricated of, or lined with, any of the corrosion-resistant materials specified in the preceding entry under Schedule B No. 736100.[4]	No.	CONS	None	R
736910	Pumps, n. e. s. (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) capable of producing pressures of 300 pounds per square inch, gauge reading, and over; (b) capable of operating at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any of the following corrosion-resistant materials: (1) alloys containing 10% or more of chromium, nickel, or silicon; (2) glass, ceramics, or other non-metallic materials of mineral origin; (3) plastics as defined in A. S. T. M. specifications D-883; (4) natural or synthetic rubber; or (5) lead.[8]	No.	CONS	[7] None	RO
736910	Pumps, n. e. s. (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) capable of producing pressures of 75 pounds per square inch, gauge reading and over, but under 300 pounds per square inch, gauge reading; (b) not capable of operating at temperatures of 220 degrees Fahrenheit and over; and (c) not fabricated of, or lined with, any of the corrosion-resistant materials specified in the preceding entry under Schedule B No. 736910.[8]	No.	CONS	[9] None	R
736990	Parts for pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) capable of producing pressures of 300 pounds per square inch, gauge reading, and over; (b) capable of operating at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any of the following corrosion-resistant materials: (1) alloys containing 10% or more of chromium, nickel, or silicon; (2) glass, ceramics, or other non-metallic materials of mineral origin; (3) plastics as defined in A.S.T. M. specifications D-883; (4) natural or synthetic rubber; or (5) (5) lead.[10]	———	CONS	None	RO
736990	Parts for pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) capable of producing pressures of 75 pounds per square inch, gauge reading and over, but under 300 pounds per square inch gauge reading; (b) not capable of operating at temperatures of 220 degrees Fahrenheit and over; and (c) not fabricated of, or lined with, any of the corrosion-resistant materials specified in the preceding entry under Schedule B No. 736990.[10]	———	CONS	100	R

[1] GLV dollar-value limit for RO commodities prior to revision—$50.00.

[2] The above two revised entries for this Schedule B number are substituted for the two present entries on the Positive List. The effect of this amendment is to broaden the RO coverage by including all centrifugal pumps conforming to the specifications set forth in the first revised entry and to delete from the Positive List all pumps not specifically described in the two revised entries for this Schedule B number.

[3] GLV dollar-value limit for R commodities prior to revision—$100.00.

[4] The above two revised entries for this Schedule B number are substituted for the present entry on the Positive List. The effect of this amendment is to add to the Positive List as RO commodities rotary pumps capable of operating at temperatures of 220 degrees Fahrenheit and over and those fabricated or lined with the specified corrosion-resistant materials as set forth in the first revised entry; and to add to the Positive List as R commodities the rotary pumps conforming to the specifications set forth in the second revised entry.

[5] The above two revised entries for this Schedule B Number are substituted for the present entry on the Positive List. The effect of this amendment is to delete from the Positive List all pumps not specifically described in the above two revised entries for this Schedule B number and to change from R to RO control, those pumps included in the first revised entry.

[6] The above two revised entries for this Schedule B number are substituted for the present entry on the Positive List. The effect of this amendment is to delete from the Positive List all pumps not specifically described in the above two revised entries for this Schedule B number and to change from RO to R control those pumps included in the second revised entry.

[7] GLV dollar-value limit for RO commodities prior to revision—$100.00.

[8] The above two revised entries for this Schedule B number are substituted for the two present entries on the Positive List. The effect of this amendment is to delete from the Positive List all pumps, n.e.s. not specifically described in the above two revised entries for this Schedule B number; to delete acid syphons; and to change from R to RO commodities, brine pumps; compression pumps; sand pumps; sludge pumps; and slush pumps having the specifications of the pumps described in the first revised entry.

[9] GLV dollar-value limit for R commodities prior to revision—$100.00.

[10] The above two revised entries for this Schedule B number are substituted for the two present entries on the Positive List. The effect of this amendment is to broaden the RO coverage by including all pump parts conforming to the specifications set forth in the first revised entry and to delete pump parts not specifically described in the above two revised entries for this Schedule B number.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of the changes set forth above which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of October 6, 1950.

Issued this 4th day of October 1950.

[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 50-9230; Filed, Oct. 18, 1950; 8:49 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 4147]

PART 11 — REGISTRATION OF COMMUNIST ORGANIZATIONS AND MEMBERS THEREOF

ADMINISTRATION OF CERTAIN SECTIONS OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

GENERAL REGULATIONS

Sec.

11.1 Administration of act assigned to Internal Security Section.
11.2 Computation of time.
11.3 Act and regulations in this part to be considered together.

DEFINITIONS OF TERMS

11.100 Definitions of terms used in this part.

REQUIREMENTS AS TO REGISTRATION

11.200 Form for registration of organizations.
11.201 Filing of registration statement.
11.202 Annual reports.
11.203 Accounting of moneys received and expended.
11.204 Maintenance of books and records.
11.205 Liability of officers.
11.206 Form for registration of individuals.
11.207 Information required on Form ISA–2.

REGISTERS

11.300 Public inspection of registers.

LABELING

11.400 Labeling of publications.

AUTHORITY: §§ 11.1 to 11.400 issued under secs. 7, 8, 9, 10, Pub. Law 831, 81st Cong.

OCTOBER 17, 1950.

Pursuant to the authority vested in me by sections 7, 8, 9 and 10 of the Subversive Activities Control Act of 1950 (Public Law 831, 81st Congress) and by section 161 of the Revised Statutes of the United States (5 U. S. C. 22), the following regulations and forms are hereby prescribed to carry out the provisions of the said sections of the Subversive Activities Control Act of 1950:

GENERAL REGULATIONS

§ 11.1 *Administration of the act assigned to Internal Security Section.* The administration of sections 7 to 10, inclusive, of the Subversive Activities Control Act of 1950 is assigned to the Internal Security Section, Criminal Division, Department of Justice. All communications with respect thereto should be addressed to the Chief, Internal Security Section, Department of Justice, Washington 25, D. C.

§ 11.2 *Computation of time.* Sundays and holidays shall be counted in computing any period of time provided for in the act or in this part.

§ 11.3 *Act and regulations in this part to be considered together.* In determining any question concerning the application of the act to any person the regulations in this part shall be considered together with the provisions of the act. The regulations in this part shall not be construed to limit the act or to define its full scope or application.

DEFINITION OF TERMS

§ 11.100 *Definitions of terms used in this part.* As used in this part, unless the context otherwise requires:

(a) The term "Attorney General" means the Attorney General of the United States.

(b) The term "act" means the Subversive Activities Control Act of 1950.

(c) The term "section" refers to a section of the act.

(d) The term "regulations" refers to all regulations, forms, and instructions to forms prescribed by the Attorney General pursuant to the act.

(e) The term "registrant" means an individual or organization for whom a registration statement is filed.

(f) The term "executive officer" means the individual who directs the course of business of the organization or who outlines the duties and directs the work of subordinate employees and who is responsible for the day-to-day operation of the organization's affairs and for carrying into effect the purposes of his employment.

REQUIREMENTS AS TO REGISTRATION

§ 11.200 *Forms for registration of organizations.* Each Communist-action organization and each Communist-front organization which is required to register with the Attorney General shall accomplish such registration on a form hereby designated as Form ISA–1. This form is available at Room 2212, Department of Justice, Washington 25, D. C. Forms may be obtained on personal application or through the mail.

§ 11.201 *Filing of registration statement.* Registration statements shall be prepared and filed in duplicate with the Department of Justice, Room 2212, Washington 25, D. C. Filing may be made in person or by mail and shall be deemed to have taken place upon the receipt thereof.

§ 11.202 *Annual reports.* The annual report required by section 7 (e) of the act shall be submitted on a form hereby designated as Form ISA–3. This form is available on request at Room 2212, Department of Justice, Washington 25, D. C., and may be obtained either in person or by mail.

§ 11.203 *Accounting of moneys received and expended.* The accounting of moneys received and expended as required to be reported by section 7 (d) (3) of the act shall be accomplished in the manner prescribed by Items 4 to 10 of Form ISA–1.

§ 11.204 *Maintenance of books and records.* (a) Each organization registered under the act shall make and keep current all bookkeeping and other financial records relating to registrant's activities, including cancelled checks, bank statements, and records of income and disbursements, showing names and addresses of all persons who have paid moneys to the registrant or who have received moneys from the registrant, the specific amounts so paid or received, the date on which each item was paid or received and the purpose for which any item was expended.

(b) Each Communist-action organization in addition to keeping the books and records required by paragraph (a) of this section shall make and keep current such books and records as will disclose the names and addresses of the members of the registrant, the officers and employees of the registrant, and the names and addresses of persons, other than members, officers or employees, who actively participate in the activities of the registrant.

§ 11.205 *Liability of officers.* In the event an organization required to register pursuant to section 7 (a) or 7 (b) of the act has failed to submit its registration statement to the Attorney General for filing within the time specified by section 7 (c) of the act, it shall be the duty of the following designated officers of such organization, jointly with the executive officer and secretary of such organization, to execute and file the required registration statement within ten days after the expiration of the 30-day periods specified in section 7 (c) of the act:

(a) The president, chairman, or other person who is chief officer of the organization.

(b) The vice-president, vice-chairman, or person performing similar function.

(c) The treasurer.

(d) Members of the governing board, council, or body.

§ 11.206 *Form for registration of individuals.* Each individual required to register pursuant to section 8 (a) or (b) of the act shall execute and file a form hereby designated as Form ISA–2. This form is available at Room 2212, Department of Justice, Washington 25, D. C., and may be obtained in person or by mail.

§ 11.207 *Information required on Form ISA–2.* Form ISA–2 shall contain, among other things, the following information:

(a) Registrant's name, present residence address, present business address and all previous residence addresses for the past five years.

(b) All other names ever used by registrant and when used.

(c) The name of the Communist-action organization of which registrant

is a member or officer and all offices ever held by him in the organization.

(d) A description of registrant's duties or functions within the organization.

(e) The name of all other clubs, societies, committees and other non-business organizations in the United States and elsewhere of which registrant has been a member, director, officer, or employee during the past ten years.

(f) Registrant's connections with any foreign government, foreign agency, foreign political party, or any official or representative thereof.

(g) Registrant's present nationality and all previous nationalities.

(h) Registrant's present citizenship status and how acquired.

(i) All past military service and present military status of registrant.

(j) An account of all registrant's trips abroad during the past five years including the names of the countries visited, length of stay and purpose of visit.

(k) A description of any trip contemplated during the coming year.

REGISTERS

§ 11.300 *Public inspection of registers.* Registration statements filed by individuals pursuant to section 8 of the act and, subject to the provisions of section 9 (b) of the act, registration statements and annual reports filed by organizations under section 7 of the act shall be available for public inspection in Room 2212, Department of Justice, Washington 25, D. C., from 10:00 a. m. to 4:00 p. m. on each official business day.

LABELING

§ 11.400 *Labeling of publications.* Any publication transmitted or caused to be transmitted through the United States mails, or by any means or instrumentality of interstate or foreign commerce and required to be labeled pursuant to section 10 (1) of the act shall bear the statement required by that section conspicuously marked at the beginning in the English language and in the language or languages used in such publication. The envelope, wrapper, or other container in which such publication is mailed, circulated, or transmitted shall bear the same statement in the English language in the lower left hand portion thereof.

This order shall be considered effective as of September 23, 1950. The regulations prescribed by the order are necessary for carrying out the provisions of the Subversive Activities Control Act of 1950 (Public Law 831, 81st Congress), which became effective on September 23, 1950. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable and contrary to public interest in this instance, since such compliance would unduly delay and impede the administration and enforcement of the Subversive Activities Control Act of 1950.

[SEAL] J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50-9341; Filed, Oct. 19, 1950; 11:01 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

PART 6—PROTECTION AND SECURITY OF VESSELS, HARBORS, AND WATERFRONT FACILITIES

CROSS REFERENCE: For regulations relating to the safeguarding of vessels, harbors, ports, and waterfront facilities of the United States, see Executive Order 10173, *supra*.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS' CLAIMS

PROVISIONAL REGULATIONS

Section 3.1500 is amended to read as follows:

§ 3.1500 *Procurement of automobiles and other conveyances for disabled veterans.* The purpose of this section is to establish the procedures by which the Veterans' Administration will provide automobiles or other conveyances for certain disabled veterans of World War II in compliance with Public Law 798, 81st Congress, approved September 21, 1950.

(a) The above cited law reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there is hereby authorized to be appropriated to the Veterans' Administration the sum of $800,000 to remain available until June 30, 1951, to enable the Administrator of Veterans' Affairs to provide or assist in providing an automobile or other conveyance by paying not to exceed $1,600, on the purchase price, including equipment with such special attachments and devices as the Administrator may deem necessary, for each veteran of World War II who is entitled to compensation for the loss, or loss of use, of one or both legs at or above the ankle under the laws administered by the Veterans' Administration: *Provided*, That no part of such appropriation shall be used for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others and will be licensed to operate such automobile or other conveyance by the State of his residence or other proper licensing authority: *Provided further*, That under such regulations as the Administrator may prescribe the furnishing of such automobile or other conveyance, or the assisting therein, shall be accomplished by the Administrator paying the total purchase price, if not in excess of $1,600, or the amount of $1,600, if the total purchase price is in excess of $1,600, to the seller from whom the veteran is purchasing under sales agreement between the seller and the veteran: *And provided further*, That no veteran shall be entitled to receive more than one automobile or other conveyance under the provisions of this act and no veteran who has received or may receive an automobile or other conveyance under the provisions of the paragraph under the heading "Veterans' Administration" in the First Supplemental Appropriation Act, 1947, as extended, shall be entitled to receive an automobile or other conveyance under the provisions of this act.

(b) The provisions of the above quoted statute are identical with those of Public Law 663, 79th Congress, as amended and extended, with one exception. Whereas under the former law the total cost of the delivered conveyance, including special attachments and devices deemed necessary could not exceed $1,600, under Public Law 798, 81st Congress, the total sales price, including special attachments and devices deemed necessary, but excluding local and State taxes, may exceed $1,600, but the Veterans' Administration is restricted to the payment of $1,600 on the total purchase price. Of course, if such total purchase price is not in excess of $1,600, that is, total cost excluding local and state taxes, the total cost may be paid by the Veterans' Administration.

(c) Policy on license: (1) Public Law 798, 81st Congress, specifically states that "no veteran shall be given an automobile or other conveyance until it is established to the satisfaction of the Adminstrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others and will be licensed to operate such automobile or other conveyance by the State of his residence or other proper licensing authority."

(2) In States which have operator's license laws: The Veterans' Administration will assume the responsibility of furnishing State, local, or other proper licensing agencies information regarding the applicant's disability. This information will be entered in section III, application form, by the regional office adjudication division or claims division, veterans' claim service, central office except in such cases as it is deemed advisable to submit the information, which clearly is of a confidential nature, under separate cover to the above agencies. It is the veteran's responsibilty to obtain an operator's license if he does not have one, and to present this license, together with his application form, VA Form 4502, to a local or other proper licensing agency for execution of section IVa, "Certificate".

(3) States which do not have operator's license laws: In the States of South Dakota, Wyoming and Louisiana a local Veterans' Administration contact representative will determine whether in his opinion the veteran is able to operate the conveyance safely with the aid of special attachments and devices. For the purpose of such determination he may consult with and secure the opinion of the chief medical officer, adjudication officer, chief, vocational rehabilitation and education officers or any other staff officer. The adjudication division in such cases will furnish the Veterans' Administration contact representative, under separate cover, a statement of any information of a confidential nature as to the veteran's physical or mental

status, it deems necessary. Section IVb of VA Form 4502 will be executed by a local Veterans' Administration contact representative rather than section IVa in these cases.

It is to be understood that under the language of the act the administrative determination that the veteran will be able to operate such automobile or other conveyance does not impose any liability on the employee making the determination or the Federal Government. (Instruction 1, Public Law 798, 81st Congress.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interprets or applies Pub. Law 798, 81st Cong.)

This regulation effective October 19, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-9267; Filed, Oct. 19, 1950; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 677]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE 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 lands in Alaska 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 for military purposes:

Beginning at a point on the north shore of Cape Newenham, Security Cove, Kuskokwim Bay, latitude 58°39' N., longitude 161°56' W.; thence south approximately 1⅛ miles to the south shore of Cape Newenham; thence westerly along the south shore of the westerly tip of the Cape; thence easterly, northerly, and southerly along the north shore of the Cape to the point of beginning; also a small island known as Seal Rock, approximate latitude 58°40' N., longitude 162°08' W.

The tracts described contain approximately 14,285 acres.

It is intended that the lands described above shall be returned to administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

DALE E. DOTY,
Acting Secretary of the Interior.

OCTOBER 13, 1950.

[F. R. Doc. 50-9252; Filed, Oct. 19, 1950; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

ANNUAL REPORT FORM M

In the matter of amendment of Annual Report Form M; applicable to Class A and Class B Telephone Companies.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of October 1950;

The Commission having under consideration the matter of amendment of Annual Report Form M, applicable to Class A and Class B Telephone Companies, by deleting certain requirements presently included therein;

It appearing, that the Commission has no immediate or foreseeable future need for a third copy of the reports of Class B Telephone Companies; and

It further appearing, that the data required by the provisions of schedules 201A, 201L, 304, 305 and 411, are elsewhere available; and

It further appearing, that the data regularly used with respect to employees and their salaries are based upon the number of employees at the end of the month of October and, therefore, the requirements of columns (b), (c) and (d) of schedule 461 for reporting the number of employees at the end of the month of April will not be required; and

It further appearing, that relieving the respondents of the aforementioned requirements will not deprive the Commission of essential information; and

It further appearing, that authority for the adoption of this amendment is contained in sections 4 (i) and 219 of the Communications Act of 1934, as amended; and

It further appearing, that adoption of this amendment will not reduce or terminate the availability to the public of data presently required to be filed with the Commission but will relieve the respondents from filing such data in a different form and manner and, therefore, general notice of proposed rule making in accordance with section 4 (a) of the Administrative Procedure Act is unnecessary and such amendment can be made effective immediately under the provisions of section 4 (c) of that act;

It is ordered, That effective immediately, Annual Report Form M applicable to Class A and Class B Telephone Companies is amended by substituting the attached "Special Notice" in lieu of the "Special Notice" appearing on page (iii) of Annual Report Form M for the year ended December 31, 1949.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 219, 48 Stat. 1077; 47 U. S. C. 219)

Adopted: October 13, 1950.

Released: October 16, 1950.

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

SPECIAL NOTICE

The following modifications in the reporting in this Annual Report Form may be observed for the year ended December 31, 1950:

Class B companies need not comply with the requirement of General Instruction 1 with respect to filing a third copy of the report.

The information called for in schedules 201A, 201L, 304, 305, 350, 351 and 411 need not be furnished.

SCHEDULE 400. PLANT AND OPERATING STATISTICS (PAGE 401)

I. Plant Mileage

The data called for in the columns headed "Total route mileage" designated as columns (c), (e), (g), (i), (k), (o), and (q) are not required to be reported.

SCHEDULE 404. PRIVATE LINE STATISTICS (PAGE 402)

Due to the discontinuance of "Bulletin News" service, the data with respect to Government service should be indicated only on lines 6, 14, and 22.

SCHEDULE 460B. INVESTMENT OF PENSION AND BENEFIT FUNDS (PAGE 405)

Securities held by trustees that are authorized by the laws of the State in which the trustee is located for inclusion in legal reserve funds required by such laws, or in other similar fiduciary funds requiring a qualification for the investment thereof, may be indicated in the aggregate amount applicable to each of the following classes:

United States Government Securities.
Securities issued by the respondent or its affiliates.
Securities of other public utilities.
Other securities.

Securities in the trustee's portfolio that do not qualify as such legal investments shall be fully itemized and classified in accordance with the instructions on page 206.

SCHEDULE 461. EMPLOYEES AND THEIR SALARIES (PAGE 406)

The data called for in columns (b), (c), and (d) are not required to be reported.

MISCELLANEOUS

The term "Earned Surplus" should be assumed to apply where the word "Surplus" is used in Schedules 211C, 285, 285A, 291, 300, and 304.

[F. R. Doc. 50-9272; Filed, Oct. 19, 1950; 8:49 a. m.]

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

PART 3—RADIO BROADCAST SERVICE

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING TELEVISION BROADCAST STATIONS

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

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on October 10, 1950;

The Commission having under consideration the promulgation of engineering standards for color television; and

It appearing that on September 1, 1950, the Commission issued (1) Findings and Conclusions in the above proceedings entitled "First Report of Commission (Color Television Issues)" (FCC 50–1064), and (2) its "Second Notice of Further Proposed Rule Making" (FCC 50–1065),[1] and

It further appearing that simultaneously with the issuance of this order the Commission is issuing its "Second Report of the Commission" (FCC 50–1224):

Accordingly, on the basis of the findings and conclusions set forth in both of the above Reports,

It is ordered, That effective the 20th day of November, 1950, the Commission's "Standards of Good Engineering Practice Concerning Television Broadcast Stations" are amended in the following respects:

(1) Paragraphs "5", "6", "7", and "8" of Section I B entitled "Visual Transmitter" are revised to read as follows:

5. *Color transmission.* The term "color transmission" means the transmission of color television signals which can be reproduced with different values of hue, saturation, and luminance.

6. *Field.* The term "field" means scanning through the picture area once in the chosen scanning pattern and in a single color. In the line interlaced scanning pattern of two to one, it means the scanning of the alternate lines of the picture area once in a single color.

7. *Frame.* The term "frame" means scanning all of the picture area once in a single color. In the line interlaced scanning pattern of two to one, a frame consists of two fields.

8 (a). *Color field.* The term "color field" means scanning through the picture area once in the chosen scanning pattern and in each of the primary colors. In the line interlaced scanning pattern of two to one, it means the scanning of the alternate lines of the picture area once in each of the primary colors.

(b). *Color frame.* The term "color frame" means scanning all of the picture area once in each of the primary colors. In the line interlaced scanning pattern of two to one, a color frame consists of two color fields.

(2) Paragraphs "5", "6" and "13" of section 2A entitled "Transmission Standards and Changes or Modifications Thereof" are revised to read as follows:

5. For monochrome transmission the number of scanning lines per frame shall be 525, interlaced two to one in successive fields. The frame frequency shall be 30, the field frequency 60, and the line frequency 15,750 per second.

6. For color transmissions the number of scanning lines per frame shall be 405, interlaced two to one in successive fields of the same color. The frame frequency shall be 72, the field frequency 144, the color frame frequency 24, the color field frequency 48, and the line frequency 29,160 per second.

13. The level at maximum luminance shall be 15% or less of the peak carrier level.

(3) The following new paragraphs "19" and "20" are added to Section 2 A:

19. The color sequence for color transmission shall be repeated in the order red, blue, green in successive fields.

20. The transmitter color characteristics for color transmission shall be such as to reproduce the transmitted colors as correctly as the state of the art will permit on a receiver having the following trichromatic co-efficients, based on the standardized color triangle of the International Commission on Illumination:

Red	*Blue*	*Green*
$x=0.674$	$x=0.122$	$x=0.227$
$y=0.326$	$y=0.142$	$y=0.694$

(4) New "Appendix I" attached hereto entitled "Television Synchronizing Waveform" is substituted for "Appendix I" of the "Standards of Good Engineering Practice Concerning Television Broadcast Stations".

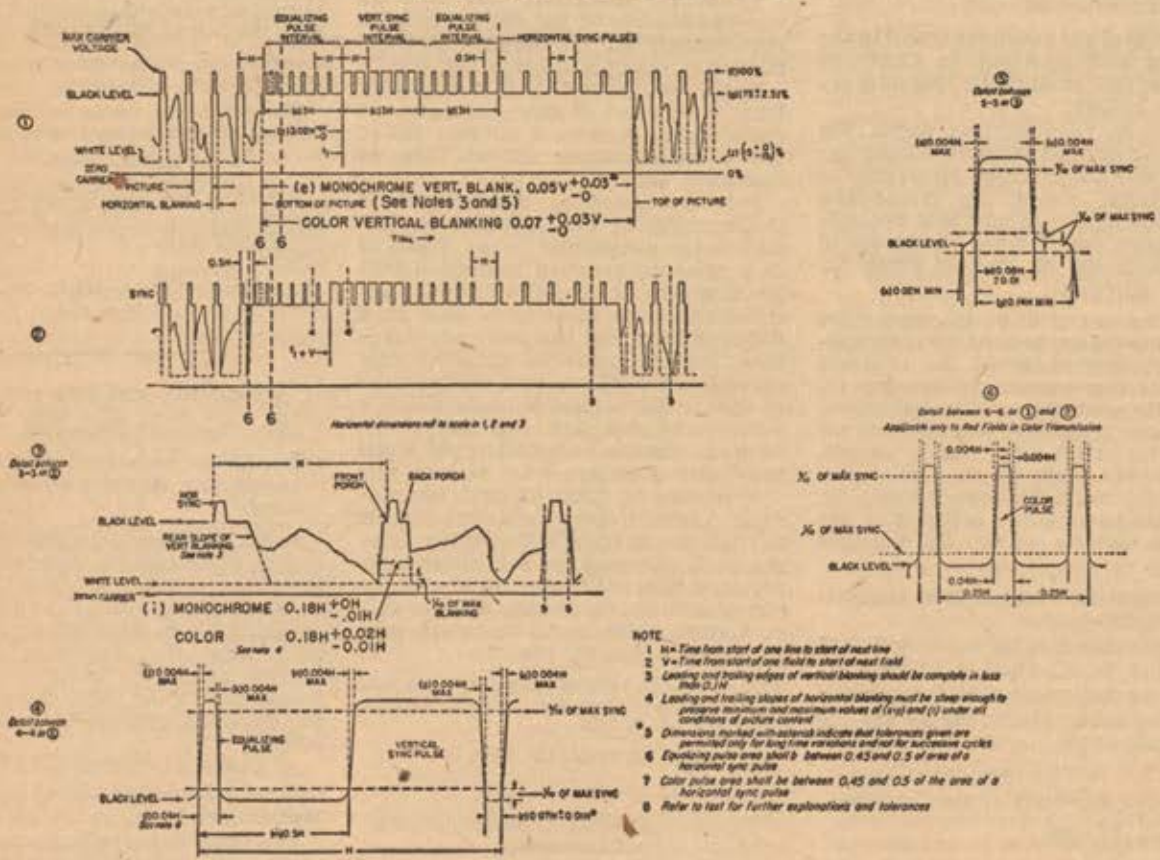
(Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U. S. C. and Sup., 154, 303. Interprets or applies sec. 301, 48 Stat. 1081; 47 U. S. C. 301)

Released: October 11, 1950.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX I

TELEVISION SYNCHRONIZING WAVEFORM



[F. R. Doc. 50-9140; Filed, Oct. 19, 1950; 8:45 a. m.]

[1] 15 F. R. 6047. [2] Commissioners Sterling and Hennock dissenting.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

NATIONAL WILDLIFE REFUGES IN CALIFORNIA; HUNTING

Basis and Purposes: Whereas, the Department of the Interior has acquired certain lands in California under authority of the Lea Act of May 18, 1948 (62 Stat. 238, 16 U. S. C. 695) that are administered as parts of the Colusa, Salton Sea, and Sutter National Wildlife Refuges; and

Whereas, the State of California has set aside funds for the acquisition of equivalent acreages for management under the program contemplated by the said act; and

Whereas, the lands acquired by the United States and the State of California have been developed in accordance with the provisions of the said act;

Now, therefore, upon the recommendations of the Fish and Wildlife Service and of the California Fish and Game Commission, it is hereby determined that public hunting can be permitted on all such lands under restrictions which are set forth in the hereinafter prescribed regulations.

Inasmuch as the following regulations are relaxations of the existing prohibition against hunting on the Refuges, publication prior to the effective date thereof is not required. (60 Stat. 237, 5 U. S. C. 1001 et seq.)

Effective immediately upon publication in the FEDERAL REGISTER, the following subparts and sections are added:

SUBPART—COLUSA NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

Sec.
31.59 Hunting permitted.
31.59 State hunting laws.

SUBPART—SALTON SEA NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

31.313 Hunting permitted.
31.314 State hunting laws.

SUBPART—SUTTER NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

31.329 Hunting permitted.
31.330 State hunting laws.

AUTHORITY: §§ 31.58, 31.59, 31.313, 31.314, 31.329, and 31.330 issued under 62 Stat. 239, 16 U. S. C. 695b.

SUBPART—COLUSA NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

§ 31.58 *Hunting permitted.* Upon a recommendation based on a finding of fact by an Advisory Committee (to be composed of not more than eight local citizens, one-half of whom shall represent farming interests and one-half represent sportsmen's interests, appointed jointly by the California Fish and Game Commission and the Fish and Wildlife Service) either that the substantial part of the crops on lands in the locality of the Refuge susceptible to wildlife depredation has been harvested, or that the period of susceptibility to wildlife depredation on such crops has passed, or that the potentiality of wildlife depredations to crops on such lands is a negligible factor, the Regional Director of the Fish and Wildlife Service may open to hunting any or all of the lands of the Colusa National Wildlife Refuge which have been acquired under authority of the Lea Act of May 18, 1948 (62 Stat. 238, 16 U. S. C. 695b) by suitable posting of such lands and by other appropriate notice; provided that such hunting is not contrary to any Federal or State law or regulation and that it is conducted in accordance with the regulations in Part 18 of this chapter.

§ 31.59 *State hunting laws.* All hunters must comply with State hunting laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for hunting on the lands of the Refuge open to hunting. The Regional Director may authorize the California Fish and Game Commission to regulate and supervise such public hunting under such conditions as he may determine to be reasonable and proper.

SUBPART—SALTON SEA NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

§ 31.313 *Hunting permitted.* Upon a recommendation based on a finding of fact by an Advisory Committee (to be composed of not more than eight local citizens, one-half of whom shall represent farming interests and one-half represent sportsmen's interests, appointed jointly by the California Fish and Game Commission and the Fish and Wildlife Service) either that the substantial part of the crops on lands in the locality of the Refuge susceptible to wildlife depredation has been harvested, or that the period of susceptibility to wildlife depredation on such crops has passed, or that the potentiality of wildlife depredations to crops on such lands is a negligible factor, the Regional Director of the Fish and Wildlife Service may open to hunting any or all of the lands of the Salton Sea National Wildlife Refuge which have been acquired under authority of the Lea Act of May 18, 1948 (62 Stat. 238, 16 U. S. C. 695b) by suitable posting of such lands and by other appropriate notice; provided that such hunting is not contrary to any Federal or State law or regulation and that it is conducted in accordance with the regulations in Part 18 of this chapter.

§ 31.314 *State hunting laws.* All hunters must comply with State hunting laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for hunting on the lands of the Refuge opened to hunting. The Regional Director may authorize the California Fish and Game Commission to regulate and supervise such public hunting under such conditions as he may determine to be reasonable and proper.

SUBPART—SUTTER NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

§ 31.329 *Hunting permitted.* Upon a recommendation based on a finding of fact by an Advisory Committee (to be composed of not more than eight local citizens, one-half of whom shall represent farming interests and one-half represent sportsmen's interests, appointed jointly by the California Fish and Game Commission and the Fish and Wildlife Service) either that the substantial part of the crops on lands in the locality of the Refuge susceptible to wildlife depredation has been harvested, or that the period of susceptibility to wildlife depredation on such crops has passed, or that the potentiality of wildlife depredations to crops on such lands is a negligible factor, the Regional Director of the Fish and Wildlife Service may open to hunting any or all of the lands of the Sutter National Wildlife Refuge which have been acquired under authority of the Lea Act of May 18, 1948 (62 Stat. 238, 16 U. S. C. 695b) by suitable posting of such lands and by other appropriate notice: *Provided*, That such hunting is not contrary to any Federal or State law or regulation and that it is conducted in accordance with the regulations in Part 18 of this chapter.

§ 31.330 *State hunting laws.* All hunters must comply with State hunting laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for hunting on the lands of the Refuge opened to hunting. The Regional Director may authorize the California Fish and Game Commission to regulate and supervise such public hunting under such conditions as he may determine to be reasonable and proper.

(Sec. 6, 45 Stat. 1223; 16 U. S. C. 715e. Interpret or apply sec. 3, 62 Stat. 237; 16 U. S. C. 695b)

Dated October 16, 1950.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 50-9253; Filed, Oct. 19, 1950; 9:42 a. m.]

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

SEASONS AND LIMITS

Basis and purposes. Since the publication of amendments to the Alaska Game Law Regulations in the May 10, 1950, issue of the FEDERAL REGISTER (15 F. R. 2777) grayling obtained in Canada have been transplanted in certain areas

in the Territory. The Alaska Game Commission has recommended that four areas be closed to the taking of game fish this year to afford greater opportunity for the successful propagation of grayling and to avoid a depletion of the stock so planted. In accordance with the provisions of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238, 5 U. S. C. 1003, I have determined that notice and public procedure are impracticable, that to defer the effective date for the period required to give such notice would defeat the purpose of this amendment and would not therefore be in the public interest, and the following amendment of the Alaska Game Law Regulations is adopted to become effective immediately upon its publication in the FEDERAL REGISTER.

1. Section 46.156 *Seasons and limits* is amended by inserting immediately before the last paragraph thereof a new paragraph to read as follows:

No open season in Young Lake and inlet stream on Admiralty Island, and in Lake Creek and area within 200 yards of its mouth in Auk Lake near Juneau.

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

DALE E. DOTY,
Acting Secretary of the Interior.

OCTOBER 13, 1950.

[F. R. Doc. 50-9251; Filed, Oct. 19, 1950; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 730]

RICE

NOTICE OF DETERMINATION WITH RESPECT TO TOTAL SUPPLY AND NORMAL SUPPLY OF RICE FOR MARKETING YEAR BEGINNING AUGUST 1, 1950, AND NOTICE OF PROPOSED PROCLAMATIONS WITH RESPECT TO MARKETING QUOTAS AND NATIONAL ACREAGE ALLOTMENT FOR RICE PRODUCED IN 1951 AND APPORTIONMENT OF SUCH ALLOTMENT AMONG STATES, COUNTIES, FARMS, AND RICE PRODUCERS

Section 352 of the Agricultural Adjustment Act of 1938 (hereinafter referred to as "the act"), as amended (7 U. S. C. 1352), requires the Secretary of Agriculture, not later than December 31, 1950, to proclaim the national acreage allotment of rice for the calendar year 1951. As provided in the act, the 1951 national acreage allotment of rice is that acreage which it is determined will, on the basis of the national average yield of rice for the five calendar years 1946–50, produce an amount of rice adequate, together with the estimated carryover from the 1950–51 marketing year, to make available a supply for the 1951–52 marketing year not less than the normal supply. Section 354 of the act, as amended (7 U. S. C. 1354), provides that if it is determined that the total supply of rice for the 1950–51 marketing year exceeds the normal supply thereof by more than 10 per centum of such normal supply, the Secretary of Agriculture, not later than December 31, 1950, shall proclaim marketing quotas for the 1951 crop of rice.

As defined in section 301 (b) of the act, as amended (7 U. S. C. 1301 (b)), for the purposes of the determinations and proclamations referred to herein, "normal supply" of rice for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined plus the estimated exports of rice for the marketing year for which normal supply is being determined plus 10 per centum of such consumption and exports; "total supply" of rice for any marketing year is the carry-over of rice for such marketing year plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice during such marketing year; "carry-over" of rice for any marketing year is the quantity of rice on hand in the United States at the beginning of the marketing year, not including any quantity of rice which was produced in the United States during the calendar year then current; and "marketing year" for rice is the period beginning August 1 and ending on July 31.

The Secretary of Agriculture is also preparing to apportion the national acreage allotment of rice among States and counties, and to formulate regulations for apportioning allotments among rice producers in the State, or county allotments among rice farms in the county, as may be applicable in any particular State. Section 353 of the act, as amended (7 U. S. C. 1353), provides that the national acreage allotment of rice, less a reserve of not to exceed 1 per centum thereof for apportionment by the Secretary to farms or producers receiving allotments which are inadequate because of an insufficient State or county acreage allotment or because rice was not planted on the farm by the producer during one of the 5 preceding years, shall be apportioned to States in proportion to the number of acres of rice in each State during the 5 years 1946–50, with adjustments for trends in acreage during such period. That section also provides for the apportionment of the State acreage allotment of rice to farms owned or operated by persons who have produced rice in any one of the years 1946–50 on the basis of past production of rice by the producer on the farm taking into consideration acreage allotments previously established for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other physical factors affecting the production of rice. Upon recommendation of the State PMA Committee and determination by the Secretary of Agriculture that such action will facilitate the effective administration of the act, the Secretary may provide for the apportionment of the State acreage allotment to counties on the same basis as the national acreage allotment is apportioned to States and for the apportionment of the county acreage allotment to farms in the county on which rice has been produced in one or more of the five years 1946–50 on the basis of the factors specified for apportioning the State acreage allotment among rice producers in the State, substituting past production of rice on the farms and previous farm rice acreage allotments for the past production of rice by rice producers and rice acreage allotments previously established for such producers. The act further provides for the apportionment of not to exceed 3 per centum of the State acreage allotment (1) among farms operated by persons who will produce rice in 1951 for the first time since 1945, or (2), in States where the State acreage allotment will be apportioned to farms instead of to producers, among farms on which rice will be produced in 1951 for the first time since 1945, on the basis of the applicable factors for apportioning acreage allotments to producers or to farms which have produced rice during one or more of the five years 1946–50.

For purposes of determining rice acreage allotments for 1951, section 353 of the act, as amended, provides that any acreage planted to rice in 1950 on any farm in excess of the 1950 farm acreage allotment shall not be considered; and for purposes of determining whether rice was produced in 1950 on the farm or by the producer, as the case may be, rice planted on a farm for which no 1950 acreage allotment was determined shall not be considered.

Section 353 of the act, as amended, also provides that the marketing quota and acreage allotment provisions thereof shall not apply to (1) nonirrigated rice produced on any farm on which the acreage planted to nonirrigated rice does not exceed 3 acres or (2) rice produced outside the continental United States.

Any person interested in the aforementioned determinations, proclamations, and regulations to be issued by the Secretary of Agriculture is invited to submit his views thereon in writing to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than November 4, 1950.

Section 353 of the act, as amended, further authorizes the State PMA Committee in States where the State acreage allotment will be apportioned to counties to reserve not to exceed 5 per centum of the State allotment to make adjustments in county allotments for trends in acreage and for abnormal conditions affect-

ing plantings. Any person interested in the recommendations to be made to the Secretary of Agriculture by the State PMA Committee as to the apportionment of the State acreage allotment to counties and farms and the determination of the percentage of the State acreage allotment to be reserved for making adjustments in county acreage allotments is invited to submit his views thereon in writing to the appropriate State PMA Committee. All submissions must be postmarked not later than November 4, 1950.

Issued at Washington, D. C. this 16th day of October 1950.

[SEAL] FRANK K. WOOLLEY,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 50-9289; Filed, Oct. 19, 1950; 8:51 a. m.]

[7 CFR, Part 921]

[Docket No. AO-222]

HANDLING OF MILK IN SPRINGFIELD, MO., MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and to a proposed order, regulating the handling of milk in the Springfield, Missouri, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and the proposed order were formulated, was conducted at Springfield, Missouri, on April 17-20, 1950, pursuant to notice thereof which was issued on March 27, 1950 (15 F. R. 1813).

The material issues of record related to:

1. Whether the handling of milk produced for the Springfield, Missouri, fluid milk market is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;
2. The need for regulation;
3. The extent of the marketing area;
4. What milk should be priced under the order;
5. The classification of milk;
6. The level of class prices to be paid and means of determining such prices;
7. The type of pool; and
8. Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are made on the basis of the record of the hearing:

1. The handling of milk in the Springfield, Missouri, market is in the current of interstate commerce, and directly burdens, obstructs, or affects interstate commerce in milk and its products.

Springfield handlers are making regular distribution of milk for fluid use on routes operated from their plants to points in the State of Arkansas. Springfield is located in the southwestern portion of Missouri, approximately fifty miles north of the Arkansas State line. Two of the larger Springfield handlers operate routes to the cities of Harrison, Springdale, and Mountain House, Arkansas. The volume of such distribution is estimated as 15-20 percent of the total fluid milk sales of the market.

The milk supply for Springfield is produced in an area from which St. Louis handlers purchase milk under Federal Order No. 3 and there is active competition between Springfield handlers and St. Louis handlers for milk supplies. Shifting of producers between the Springfield fluid milk market and the St. Louis fluid milk market has occurred. A large cooperative association, now a handler under the St. Louis order, operates a plant in Springfield and markets considerable inspected milk for fluid use outside the State of Missouri. Milk from this plant and as well as from out of state sources was used during recent months to supplement the supplies received from regular producers by Springfield plants. Milk is regularly marketed on routes in the Springfield market from a plant at Lebanon, Missouri, which is a regular source of supply for St. Louis. Milk is also marketed from this plant to Texas cities.

There are 14 dairy manufacturing plants within the area from which Springfield draws its milk supply. These plants make large quantities of butter, cheese, evaporated milk, and nonfat dry milk solids, and sell a large percentage of such products outside the State of Missouri. Springfield inspected milk which is not used for fluid requirements is at times diverted into these plants for manufacture into products which move in interstate commerce.

2. Marketing conditions in the Springfield, Missouri, marketing area justify the issuance of a marketing agreement or order.

At present producers for the Springfield market are selling their milk to handlers at flat prices without regard to the use made of such milk by handlers. Such prices are usually negotiated between the Greene County Milk Producers Association, which represents a portion of the producers and the handlers. While the level of these flat prices appears to have been satisfactory in recent months, the flat price plan has resulted in equalities in price between handlers which endanger the stability of the market.

For a number of years prior to 1942 the producer association sold milk on a classified price plan. This plan was replaced by flat prices when demands for milk from nearby army camps exceeded the production which the association had available during the period in which ceiling prices were in effect. Association efforts to restore the classified price plan in post war years have been ineffective. Unsuccessful attempts were made in 1947 and in the spring of 1949 to return to classified prices. Some handlers did not cooperate in applying the classified price plan, but instead continued to purchase their fluid needs at a flat price below the classified price for Class I milk. As a result, association members carried the burden of seasonal surpluses, and some handlers paid less than others for milk for fluid use. These classified price plans did not provide for audits of plant records to establish final classification of milk, despite inaccuracies in the reported utilization.

Producer numbers and producer deliveries of milk declined sharply during the post-war period, while St. Louis handlers purchasing milk in the same production area from which Springfield draws its supplies were adding producers rapidly. During 1949, after increases in flat prices were negotiated, there was some gain in the number of producers supplying Springfield, but supplies in the fall of 1949 were still inadequate to meet the market's needs and emergency supplies were obtained. At the same time, St. Louis handlers were acquiring additional producers in this area at a much more rapid rate at prices less than those nominally in effect for Springfield.

It is evident that the present marketing plan fails to provide sufficient stability of pricing to induce a sufficient number of producers to supply the market. In addition, no provision is made for distributing the burden of seasonal surpluses equitably among producers, or for equality of costs to handlers for milk for fluid use. An order is needed to assure producers of an effective price plan which will reflect the requirements of the market for milk and assure equity to producers and handlers.

3. The marketing area should include the territory in Greene County, Missouri, including the city of Springfield.

This is the area provided for in the producers' proposal. One handler proposed, however, that Laclede and Webster Counties, Missouri, be added.

At present all milk sold for fluid use in Greene County is Grade A milk inspected by the Springfield Health Department. Greene County, Missouri, requires that any milk sold in areas of the county beyond the city limits of Springfield be produced and handled under requirements substantially the same as those of the city of Springfield. Milk inspected for Springfield may be sold in all parts of Greene County without additional inspection or permits.

While the record shows substantial sales of Springfield inspected milk beyond the limits of Greene County, principally in Arkansas, only one handler proposed that the marketing area in-

clude additional territory. This handler, who supplies St. Louis, is now regulated under the order for that area, has his plant at Lebanon, Missouri, fifty miles from Springfield where he bottles the milk he sells in Springfield. This handler proposed that the marketing area also include the county in which his plant is located and another county between that county and Greene County. No evidence was given on the record, however, concerning marketing conditions in the additional territory other than a showing that the city of Lebanon has an ordinance with requirements somewhat similar to those of Springfield. There is no evidence in the record that the handling of milk is closely interrelated in these markets. Therefore, it is concluded that the marketing area should be confined to the territory within Greene County, Missouri, including the city of Springfield.

4. Milk to be priced under the order should be that produced under the inspection of health authorities of the marketing area for consumption as Grade A milk which is regularly delivered to a plant from which such milk is distributed on routes in the marketing area.

As indicated in the discussion with respect to the extent of the marketing area, the regular supply of milk for the marketing area is produced by farmers who are under the inspection of and who hold Grade A permits issued by the health authority of the city of Springfield. Plants which distribute milk in the marketing area likewise hold permits from the city health authority. Although milk produced and distributed under Grade A permits issued by the Greene County Health Department may be sold throughout the county, except in Springfield itself, currently all milk except emergency supplies sold in the county is under Springfield city inspection.

In addition to the regular supply from locally inspected producers, short season supplies have been received by Springfield plants under emergency approval of the city health authority from sources approved by other health authorities. Among these sources is the Springfield plant of the Producers Creamery Company, which does not operate routes in the marketing area, but a portion of whose operations and the farms supplying it are approved under the Grade A standards of the State of Missouri. The Producers Creamery Company is a handler under the St. Louis order with respect to its operations at this plant and two other plants.

The milk which should be priced and pooled under the order should be that which constitutes the regular source of supply of the market. This regular source of supply may be delineated by setting out the definition of the following terms: "producer," "handler," and "approved plant."

"Producer" should be defined to include those persons, other than producer-handlers, who produce milk under a dairy farm permit or rating issued by the appropriate health authority of the marketing area for the production of milk intended for consumption as Grade A milk which is received at an approved plant directly from the farm on which produced. Producer-handler (those who distribute only milk of their own production) should not be included in this definition since such persons normally sell to handlers only that milk which is in excess of the needs of their own operations. Other terms of the order provide that producer-handlers will not share with other producers the proceeds of their Class I sales; hence they should not obtain a pro rata share of the Class I sales on any milk they may furnish to a handler. A producer regularly supplying the market should not lose his status as such during temporary periods when a handler diverts his milk from an approved plant for the handler's account. Even though they may meet all the requirements of the producer definition persons whose milk is priced under another Federal order are not included under this order, in order to prevent dual regulation of their prices. Special provisions are included with respect to milk priced under another Federal order.

"Approved plant" should be defined as a milk plant or portion thereof approved by an appropriate health authority for the handling of milk for consumption as Grade A milk in the marketing area, and from which Class I milk is disposed of in the marketing area on wholesale or retail routes (including plant stores or vendors). The approved plant definition should exclude, however, plants which are not regularly engaged in supplying the market, but which furnish milk to handlers in the market during temporary periods of shortage. Inclusion of such plants would be beyond the intended scope of the order, and would involve pricing milk not primarily produced for the Springfield market.

"Handler," to whom the regulatory provisions of the order are applicable, should be defined as the operator of an approved plant in his capacity as such, and a cooperative association with respect to milk which it causes to be diverted from an approved plant to an unapproved plant for its account. It is the operators of approved plants, of course, who furnish the regular supply of milk to the market. At times of flush production, proprietary handlers do not always accept milk from all producers or arrange for diversion of milk. Producers whose milk is not accepted receive returns equal only to the manufacturing price for milk even though these producers may be needed to supply the market later in the year. It has been the practice of the Greene County Milk Producers Association to divert milk to manufacturing plants under such conditions, and the provision that a cooperative association may be a handler even though it does not operate a plant will make it possible for the Association to continue the practice, while at the same time maintain the diverted milk under the pricing and pooling requirements of the order. Producers whose milk is temporarily diverted will thus continue to receive the regulated market price for their milk and the marketing of surplus milk will be facilitated.

The Producers Creamery Company proposed that these definitions be modified so that its Springfield plant which operates no routes in the marketing area would be a "reserve pool plant," and that a portion of its receipts would be considered producer milk and be priced and pooled under the order. As a basis for such proposal, its representative testified that as a local producers' cooperative with ample supplies of Grade A milk, it felt an obligation to supply any deficit needs of the market, and that its producers should share in the market throughout the year on the basis of the amount of milk supplied during the short season. It proposed as a condition for such statutes that it be required to have no commitments for disposition of milk which would prevent it from supplying deficit needs as they appeared, and that the amount delivered to other handlers for Class I uses during the short season and the seasonal pattern of production of the market should determine the amount of its milk to be included for other months.

As indicated elsewhere in this decision, the inspected receipts of this plant are priced and pooled under the St. Louis order. No solution was offered to the administrative problem of attempting to price and pool this milk under two orders, of which one pools milk by handlers and the other would provide for a market-wide pool. Neither is it clear that the Springfield market will require a guaranteed reserve supply. It would be entirely possible for this cooperative association to supply the market without the special provisions. If received at its St. Louis regulated plant and transferred to Springfield handlers, such milk would be treated as other source milk. The cooperative can, however, have producers as needed secure Springfield permits and can supply Springfield handlers by moving the milk directly to their plants. As a cooperative, it can divert the milk of these producers to an unapproved plant it operates in Springfield when it is not needed by the local market and such producers will remain in the Springfield pool; further the cooperative association can collect payments for the milk furnished handlers and in accordance with the provisions of the Marketing Agreement Act blend the proceeds with those of its sales of milk in all other markets. Since the "reserve pool plant" proposal involves administrative problems for which there is now no apparent solution, and since the general objective may be obtained by other means, the proposal should not be included in the order.

Since the record indicates that one handler located at Lebanon, Missouri, distributes milk on routes in the marketing area from a plant at which he is subject to regulation under the St. Louis order, provision should be made to avoid the situation where such a person would be subject to regulation under two different orders with respect to the same milk. It appears reasonable that the effective regulation should be that of the market in which such person has the

greater portion of his sales, which in this case, would appear to be the St. Louis market. Such a person should not, however, be permitted to purchase milk for sale as Class I milk in the Springfield area at less than the price paid by other handlers in that area. Therefore, such a handler should be required to pay into the producer-settlement fund any amount by which the Springfield Class I price exceeds that charged him under another order for all Class I milk disposed of within the marketing area. Such a handler should also be required to report to the market administrator regularly so that the market administrator may ascertain the amount of milk disposed of within the area.

5. The order should provide for two classes of milk. Class I milk should include those products such as fluid milk, skim milk, buttermilk, cream, and milk drinks which are required to be made from inspected milk. It should also include all skim milk and butterfat not specifically accounted for as a Class II product. Class II milk should be that used primarily for manufactured products for which inspected milk is not required, the value of which, therefore, is not determined primarily by local supply-demand conditions which affect the supply of locally inspected milk. Included in Class II also is shrinkage up to 2 percent of receipts from producers, shrinkage on other source milk, and inventory changes of Class I products. The volume of milk to be accounted for in each class should be determined on the basis of the pounds of skim milk and butterfat in each class. All testimony on the record favored the classification system herein provided for.

Provision must also be made for the classification of milk when it is transferred or diverted in the form of milk, skim milk, or cream to other milk plants. The provisions included here provide for classification where such movements are to approved plants, to producer-handlers, and to unapproved plants. Transfers to the approved plants of other handlers may be in either class as agreed upon between the parties to the transactions, subject to the general requirement that producer milk shall have priority over other source milk for Class I use. Transfers to producer-handlers should be at Class I since such persons have primarily Class I operations, and ordinarily purchase from handlers only for Class I use. Transfers to unapproved plants within 125 miles of Springfield may be at Class II if both the buyer and seller so state in writing, the buyer maintains records of utilization which the market administrator may audit, and the buyer actually uses an equivalent amount of milk in Class II uses; otherwise, such transfers are Class I milk. Transfers to unapproved plants beyond 125 miles from Springfield are Class I. The record shows ample manufacturing facilities within the 125 mile limit to handle all surplus producer milk and no necessity was shown for Class II milk to move greater distances. Within this radius will be included the only plant any distance from Springfield to which any handler may find it convenient to move milk for Class II use.

In order to prevent other source milk from displacing milk of producers who constitute the regular source of supply of a plant, the proposal adopted allocates other source milk to the lowest use in an approved plant. This provision will apply to supplies temporarily approved for use in periods of shortage as well as any unapproved supplies, as other source milk includes all skim milk or butterfat other than that in producer milk. Such supplies are needed only after all producer milk is used in Class I milk.

6. The order should provide for a Class I price formula made up of three major components: (1) A basic formula price, (2) differentials over the basic formula price, and (3) an adjustment of the differentials to reflect changes in the ratio of receipts of milk from producers to sales of Class I milk—in other words, a supply-demand adjustment.

The basic formula provided for is the same as that contained in the order regulating the handling of milk in the St. Louis marketing area. This formula is the higher of: (1) Prices paid producers for milk delivered to 23 plants which manufacture such milk into evaporated milk, or (2) a price representative of the value of manufacturing milk derived from the market price for 92-score butter at Chicago and the average price of nonfat dry milk solids at a large number of plants in Wisconsin, Minnesota, Michigan, Illinois, and Indiana.

The use of a basic formula similar to that used in St. Louis for fixing Class I prices in Springfield is appropriate for two reasons. First, a basic formula of this type reflects the changing values of milk for manufacturing purposes produced in the same area from whence Springfield draws its supplies of milk. Most milk production in this area is disposed of in the form of dairy products. The prices of these products, therefore, are especially influential with respect to the prices which will be paid for milk for fluid consumption in Springfield. Second, St. Louis obtains a portion of its milk supplies from the same area from which Springfield draws its supplies. The variations in prices paid for milk for sale in St. Louis will, therefore, have an important effect upon the value of milk for sale in Springfield. The use in this order of a basic formula similar to that provided for in the St. Louis order will change prices for milk in Springfield in accordance with changes in the value of milk for sale in the St. Louis market.

The differential over the basic formula price for Class I milk under this order should be $1.18 per hundredweight for the months of July through December of each year, 93 cents for the months of January through March, and 73 cents per hundredweight for the months of April through June.

The level of the differentials applicable under the St. Louis order are important determinants of the levels of the differentials under this order for reasons similar to those which indicated that the basic formula price under this order should be the same as that effective under the St. Louis order. The differentials proposed herein are 17 cents below the differentials applicable to Class I milk f. o. b. the St. Louis marketing area. The 17 cent differential is the result of adding 10 cents to the differentials stated in the St. Louis order and then deducting 27 cents.

The competition which Springfield handlers must meet in obtaining supplies of milk are the paying prices of St. Louis handlers with plants located in the area from which Springfield draws its supplies. The paying prices of these handlers are based on a 27 cent adjustment for location from St. Louis. In addition, however, St. Louis handlers pay an additional 10 cents per hundredweight to producers cooling their milk with mechanical refrigeration. The milk ordinance for Springfield requires delivery of milk to plants at a temperature of 60 degrees Fahrenheit or less, which is 10 degrees colder than that required for delivery to St. Louis plants. The basis of effective competition is, therefore, 17 cents per hundredweight less than the Class I prices of the St. Louis order for milk delivered to plants in St. Louis, and is reflected in the differentials set forth above.

A further temporary increase of 15 cents per hundredweight over the St. Louis price is also necessary for all months other than the surplus months of April, May and June, in order to increase the supply of milk in this market to levels of adequacy. For some time Springfield milk dealers have been paying producers delivering to this market a price equal to the weighted average price of all milk at St. Louis. This price has been higher than the prices paid by St. Louis handlers at plants located in the Springfield supply area.

Despite the higher prices paid for milk by Springfield milk dealers, this market has been short of milk. In 1949 Class I sales exceeded receipts of approved milk from producers in 7 of the 12 months. In November of that year sales of Class I milk exceeded receipts from producers by 14 percent. During the last two years the St. Louis market has obtained large numbers of new producers from within the Springfield supply area. During the same period Springfield either lost producers or regained them very slowly. During the period November 1947 to November 1949 the number of producers in this area shipping to the St. Louis market increased from 54 to 372. During 1948 the number of Springfield producers actually decreased and in 1949 only 41 producers were added to the Springfield suppliers.

A supply-demand adjustment is proposed herein which, because of lack of information, will not come into play for about a year after the effective date of this order. It is estimated, however, that if the supply-demand adjustment could be made effective at this time, it would result in an increase of at least 15 cents per hundredweight in the differentials otherwise provided for. The temporary increase of 15 cents per hundredweight should be continued therefore only until such time as the supply-demand adjustment becomes effective.

The differentials herein provided for should be subject to adjustment for variation in the ratio of supplies of milk from approved producers to the sales of

Class I milk. If the market is less than normally supplied, the differentials above the basic formula price should be increased in order to induce a greater supply of milk. Conversely, if the market is more than normally supplied, the differentials should be reduced. An adjustment similar to that provided for the St. Louis market is, therefore, contained in this order and it will automatically adjust the differentials on the basis of the ratio of supplies of milk to sales during each preceding year.

As a standard for an adequate market supply an annual volume of producer milk equal to 115 percent of Class I sales should be adopted. Experience under other orders which have classification and accounting features similar to those here proposed and in areas in which seasonality of production is comparable to that which may be expected in Springfield indicates that 115 percent of Class I sales is a reasonable standard for an adequate supply of milk on an annual basis. The adjustment will increase differentials for January through March by 1 cent per hundredweight and for July through December by 2 cents per hundredweight for each percentage point that the ratio of supplies of producer milk to sales of Class I milk falls below this standard for the most recent 12-month period for which data are available at the beginning of each such period; no increases are provided for April through June, which are normally months of high production for which supplies are adequate. The adjustment will decrease differentials for each of these series of months by 2 cents per hundredweight for each percentage point that the ratio of supplies to sales exceeds 115 percent for the most recent 12-month period for which data are available prior to the beginning of each such period.

The Class II price should be the basic formula price. This is the price at which St. Louis handlers who compete for Grade A milk supplies in this area are charged for their Class II milk. It is based on the paying prices of milk for manufacturing purposes, or the market values of manufactured dairy products.

It was proposed that Class II prices be established at the paying prices of five local manufacturing plants, on the basis that these plants represent outlets to which milk surplus to the needs of the market is at times diverted, since not all Springfield handlers have manufacturing facilities. During 1948 and 1949 the paying prices of these five plants have been less than the basic formula prices. Except for short period of flush production the volume of what will be Class II milk has not exceeded the reserves necessary to compensate for day to day variations in Class I sales. In such small amounts approved milk even though used for Class II products has a value in excess of that of unapproved manufacturing milk.

The use of the basic formula price as herein adopted, and the use of such price with a reduction of 20 cents for the months of April through July were also proposed. The latter proposal would result in variations from the prices paid for Class II milk by competing St. Louis handlers which do not appear desirable in view of the close relationship between the two markets.

The class prices determined for milk of 3.5 percent butterfat content should be adjusted by butterfat differentials to determine the value of milk of the actual butterfat content used by a handler in each class. The proponents of the order advocated that for both Class I and Class II milk this butterfat differential be established on the basis of 1.2 times the price of 92-score butter at Chicago, a value generally accepted in the area for the butterfat content of butter. Such a differential would fail to recognize any increased value for butterfat in the Class I products requiring inspected milk, and would allocate the entire difference in value between Class I milk and Class II milk to skim milk. It is concluded that there is increased value of butterfat in Class I milk and that a Class I butterfat differential based on 1.25 times the price of 92-score butter and a Class II butterfat differential based on 1.2 times the price of 92-score butter should be adopted. This is the same butterfat differential provided for in the St. Louis order and will tend to maintain prices between the two markets in appropriate relationship.

7. A market-wide pool should be adopted.

All producers should receive a uniform price without regard to the use made of their milk by the individual handler to whom it was delivered. A market-wide pool will accomplish this result. This type of pool will permit diversion of seasonal surpluses of milk to manufacturing uses as necessary and will require all producers to share the burden of such surpluses. There was no opposition to the proposal for a market-wide pool.

8. Certain other provisions should be adopted in order to carry out administratively the purposes of the regulation.

(a) *Administrative assessments.* Each handler should be required to pay to the market administrator, as his pro rata share of the costs of administration of the order 5 cents per hundredweight, or such amount not to exceed 5 cents per hundredweight, as the Secretary may from time to time prescribe, on receipts of (1) producer milk and (2) other source milk required to be reported.

The market administrator is required to verify the disposition of all milk received in order to properly determine the classification of producer milk. A charge on receipts of other source milk will appropriately apportion the expense among handlers.

In view of the anticipated volume of milk on which the rate would apply, a maximum rate of 5 cents per hundredweight should be adopted to guarantee sufficient administrative income. This is in line with the provision of other milk orders of similar complexity regulating milk handling in markets of about the same size. In the event a lesser amount proves upon experience to be sufficient for proper administration, provision should be made to enable the Secretary to revise the assessment accordingly within the 5-cent maximum without the necessity of amending the order. The act provides that such assessments shall be the means of financing the cost of administration.

(b) *Deductions for marketing services.* Provision should be included for furnishing marketing services to producers who do not belong to a cooperative association which performs such services, and appropriate deductions should be made therefor. Such provisions are specifically authorized by the act and the proponents of the order proposed a rate of assessment 5 cents per hundredweight with respect to the milk of such producers to cover expenses in connection with the services to be rendered. The costs of performing such services will vary with the number of producers and the volume of milk. No testimony was offered to show the propriety of any other rate of assessment. In view of the anticipated volume of milk for which such services will be required, it is determined that the deductions for them from payments to producers should be at the rate of 5 cents per hundredweight of milk until such time as it can be determined from experience that a different rate will be appropriate. In the event any cooperative association of producers performs such services for its members, handlers will be required to pay to the cooperative association such deductions as are authorized by the members of the association.

(c) *Reports and records.* The order should require handlers to maintain adequate records and to make certain reports. Such reports and records are necessary for the purpose of determining proper classification and payment for the milk of producers.

Reports of utilization should be filed not later than the seventh day after the end of each delivery period to assure a uniform price announcement by the 12th day after the end of the delivery period.

(d) *Audits.* The order should provide for the auditing of each handler's reports and records as one means of assuring that handlers are complying with the terms of the order. It is necessary also that the handler provide whatever facilities are necessary to verify reports or to ascertain the correct information regarding the receipts and utilization of milk and payments to producers.

(e) *Payments to producers.* Although the uniform price is computed only once a month, provision should be made for payment to producers semi-monthly. Producers proposed an "advance" payment covering milk delivered during the first 15 days of the month to be made on or before the last day of the month. Producers customarily have been paid twice a month and this practice should be continued. Handlers offered no opposition to this plan of payment. The mid-month payment should be fixed at not less than the rate of the Class II price for the preceding month. The final payment for each month should be made on or before the 15th day after the end of such month. Dates for the filing of handler reports and for the computation and announcement of the uniform price have been adjusted in a manner which will permit handlers to make required payments both to producers and the producer-settlement fund within the respective dates prescribed. Thus, a rea-

sonably adequate time is allowed handlers in which to make final payments to producers.

(f) *Other administrative provisions.* The other provisions of the order which are of a general administrative nature are found in all orders and are necessary for proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed by the market administrator in making computations required by the order. They also provide a plan for liquidation of the order in the event of its suspension or termination.

A "producer-handler" should be exempt from all the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. The producer-handler, by definition, is a person who does not buy milk from producers and is not responsible for the classification of any such milk. In these respects his situation is different from that of other handlers. On the other hand, such persons frequently change their status. It is necessary, therefore, for the market administrator to receive reports from the producer-handler in order to verify his continued status as such as well as to supplement other market information.

The order should also provide for the retention of necessary records and the ultimate termination of obligations. The provisions with respect to these items are those which experience under other marketing orders has shown to be appropriate.

It was proposed that if a handler fails to make the required reports or payments, his name may be publicly announced by the market administrator, unless otherwise directed by the Secretary. It is concluded that this provision should be adopted since it will facilitate the enforcement of the terms of the order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Greene County, Missouri, Milk Producers Association, Frank Pilley & Sons, the Producers Creamery Company and the Benage Dairy.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed order. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the recommended order.

DEFINITIONS

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

§ 921.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties, pursuant to the act of the Secretary of Agriculture.

§ 921.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified herein.

§ 921.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 921.5 *Delivery period.* "Delivery period" means a calendar month during which this order or any amendment thereto is in effect.

§ 921.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 921.7 *Springfield, Missouri, marketing area.* "Springfield, Missouri, marketing area," hereinafter called the marketing area, means all of the territory in Greene County, Missouri, including the city of Springfield.

§ 921.8 *Producer.* "Producer" means any person other than a producer-handler who produces milk under a dairy farm permit or rating issued by an appropriate health authority of the marketing area for the production of milk intended for consumption as Grade A milk in the marketing area, which milk is received at an approved plant directly from the farm at which produced, or is caused to be diverted by a handler from an approved plant to an unapproved plant. Milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person defined as a producer under another Federal milk marketing order with respect to milk produced by him which is received at a plant operated by a handler who is subject to regulation with respect to such milk under such other order and who is partially exempt from the provisions of this order pursuant to § 921.62.

§ 921.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted from an approved plant to an unapproved plant by such cooperative association for its account.

§ 921.10 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is approved by an appropriate health authority of the marketing area for the handling of milk in the marketing area, and from which Class I milk is disposed of in the marketing area on wholesale or retail routes (including plant stores and routes operated by vendors.)

§ 921.11 *Unapproved plant.* "Unapproved plant" means any milk processing, distributing, or manufacturing plant which is not an approved plant.

§ 921.12 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received by a handler either directly from such producers or from other handlers.

§ 921.13 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 921.14 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

MARKET ADMINISTRATOR

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

§ 921.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 921.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of the order, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Cause to be paid out of the funds provided by § 921.87 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 921.86) necessarily incurred by him in the performance of his duties;

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

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

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

(h) Publicly disclose at his discretion unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 921.30 through 921.32, or (2) payments pursuant to §§ 921.80 through 921.87.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices and butterfat differentials determined for each delivery period as follows: (1) On or before the 6th day after the end of each delivery period, the prices and butterfat differentials for each class of milk computed pursuant to §§ 921.51 and 921.52; and

(2) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to § 921.71 and the butterfat differential computed pursuant to § 921.82; and

(j) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

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

(a) The quantities of skim milk and butterfat contained in all receipts at each of his approved plants within such delivery period:

(1) Of milk from producers (including his own farm production),

(2) From other handlers, and

(3) Of other source milk (except nonfluid Class II products disposed of in the form in which received without further processing or packaging by the handler),

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement of the disposition of Class I milk on routes wholly outside of the marketing area;

(c) The name and address of each producer from whom milk was received for the first time, and the date on which such milk was first received;

(d) The name and address of each producer who discontinued deliveries of milk, and the date on which delivery ceased; and

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

§ 921.31 *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler who purchased or received milk from producers shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer:

(a) The total pounds of milk received and the average butterfat content thereof,

(b) The amount of payment to each producer or cooperative association, with the prices, deductions, and charges involved.

§ 921.32 *Reports of producer-handlers.* Each producer-handler shall make report to the market administrator at such time and in such manner as the market administrator may prescribe.

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

(a) The receipts and utilization of all receipts of producer milk and other source milk;

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

(c) Payments to producers and cooperative associations; and

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

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

CLASSIFICATION

§ 921.40 *Basis of classification.* All skim milk and butterfat received within the delivery period by a handler at his approved plant(s) which is required to be reported pursuant to § 921.30 shall be classified by the market administrator pursuant to the provisions of §§ 921.41 to 921.46.

§ 921.41 *Classes of utilization.* Subject to the conditions set forth in §§ 921.43 and 921.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (fresh or sour) and products required by the health authority of the City of Springfield, Missouri, to be made from approved butterfat and skim milk; and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat, (1) Used to produce any product other than those specified in paragraph (a) of this section, (2) in inventory variation of milk, skim milk, cream, or any Class I product, (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (4) in shrinkage allocated to receipts of other source milk.

§ 921.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

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

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 921.44 *Transfers.* Skim milk or butterfat disposed of by a handler either

by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the seventh day after the end of the delivery period within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II in the plant of the transferee handler after the subtraction of other source milk pursuant to § 921.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

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

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located 125 miles or more by shortest highway distance, as determined by the market administrator, from the City Hall in Springfield, Missouri;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located less than 125 miles from the City Hall in Springfield, Missouri, unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the seventh day after the end of the delivery period within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

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

§ 921.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 921.45, the market administrator shall determine the classification of milk received from producers as follows:

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 921.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other handlers according to its classification pursuant to § 921.44 (a);

(4) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received in milk from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Determine the pounds of butterfat in each class to be allocated to milk received from producers in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to milk received from producers in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of the milk in each class.

MINIMUM PRICES

§ 921.50 *Basic formula price.* The basic formula price per hundredweight to be used in determining the prices set forth in § 921.51 shall be the higher of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraphs (a) and (b) of this section.

(a) Determine the arithmetic average of the basic or field prices to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.
Pet Milk Co., Greenville, Ill.
Litchfield Creamery Co., Litchfield, Ill.
Indiana Condensed Milk Co., Bunker Hill, Ill.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows: Multiply by 3.5 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, add 20 percent thereof, and add or subtract, as the case may be, to such sum 3½ cents for each full ½ cent that the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, is above 5½ cents.

§ 921.51 *Class prices.* Subject to the differentials set forth in § 921.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts: $1.18 for the delivery periods of July through December; 93 cents for the delivery periods of January through March; and 73 cents for the delivery periods of April through June: *Provided*, That if, after this order shall have been effective for 12 months, during the 12 months prior to the month immediately preceding each of the following delivery period groups, the total volume of milk received from producers by all handlers was more or less than 115 percent of the total Class I milk disposed of by all handlers (other than producer-handlers, and those partially exempt from this order pursuant to § 921.62) during such 12 months period the following adjustments shall be made to the price for Class I milk for the respective groups of delivery periods:

Delivery period group	For each percentage point that receipts from producers as a percent of Class I milk is—	
	Below 115 percent (add)	Above 115 percent (subtract)
	Cents	*Cents*
January through March	1	2
April through June	0	2
July through December	2	2

And provided further, That for all delivery periods other than April, May and June from the effective date of this order until the date at which any adjustment, if required, could be effective under the proviso immediately preceding, the Class I price shall be increased 15 cents per hundredweight.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price.

§ 921.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant

to § 921.51 for each one-tenth of one percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk*, multiply by 1.25;

(b) *Class II milk*, multiply by 1.20.

APPLICATION OF PROVISIONS

§ 921.60 *Producer-handlers.* The provisions of §§ 921.40 through 921.46, 921.50 through 921.52, 921.61, 921.70 and 921.71, 921.80 through 921.88, shall not apply to a producer-handler.

§ 921.61 *Interhandler transfers.* Milk which is caused to be diverted by a handler directly from producers' farms to an approved plant of another handler for not more than 15 days during any delivery period shall be considered as having been received by the handler who caused the milk to be diverted; milk received at an approved plant for more than 15 days during any delivery period shall be considered to have been received by the handler who operates such approved plant.

§ 921.62 *Milk priced under other Federal orders.* In case skim milk or butterfat which is priced under another Federal milk marketing agreement or order issued pursuant to the act is disposed of as Class I milk in the marketing area on a route operated by or for a person subject to regulation as a handler as defined in such other agreement or order, the provisions of this order shall not apply except as follows:

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

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

DETERMINATION OF UNIFORM PRICE

§ 921.70 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be the sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 921.46 by the applicable class prices.

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

(a) Combine into one total the values computed pursuant to § 921.70 of all handlers who made the reports prescribed in § 921.30 and who made the payments prescribed in §§ 921.80 through 921.83 for the previous delivery period;

(b) Add the unobligated balance in the producer-settlement fund;

(c) Subtract, if the weighted average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 921.81, and multiplying the resulting figure by the total hundredweight of such milk;

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

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received from producers.

PAYMENTS

§ 921.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 15th day after the end of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, at not less than the uniform price computed pursuant to § 921.71 adjusted by the butterfat differential computed pursuant to § 921.81 and less the amount of (1) the payment made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 921.86 and (3) deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 921.84, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall, however, complete such payments not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the 28th day of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of the delivery period at not less than the Class II price for the preceding delivery period.

(c) On or before the 13th day after the end of each delivery period, and on or before the 26th day of the delivery period, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

(d) In making payments to producers pursuant to paragraph (a) of this section each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds of milk delivered by the producer, and the average butterfat test thereof, and the pounds per shipment, if such information is not furnished to the producer each day;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of this section;

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

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 921.86 together with a description of the respective deductions; and

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

In making payment to a cooperative association pursuant to paragraph (c) of this section, each handler shall furnish the above information to the cooperative association with respect to each producer for whom such payment is made.

(e) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 921.81 *Producer butterfat differential.* In making payments pursuant to § 921.80 (a) each handler shall add to or subtract from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 921.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 921.83

and 921.62 (b), and all appropriate payments pursuant to § 921.85 and out of which he shall make all payments to handlers pursuant to § 921.84 and appropriate payments pursuant to § 921.85: *Provided*, That payment due to any handler shall be offset by payments due from such handler.

§ 921.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers, as determined pursuant to § 921.70, is greater than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat differential.

§ 921.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount, if any, by which the value of the milk received by such handler from producers, as determined pursuant to §921.70 is less than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat differential: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make payment pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

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

§ 921.86 *Marketing services.* (a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 921.80 shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers.

(b) *Deductions with respect to members of a producers' cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to producers pursuant to § 921.80 (a) as are authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of such delivery period, pay over such deductions to the cooperative association rendering such services.

§ 921.87 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the delivery period of producer milk (including such handler's own production) and other source milk required to be reported.

§ 921.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

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

(1) The amount of the obligation;

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

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

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

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

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

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 921.90 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 921.91.

§ 921.91 *Suspension or termination.* The Secretary may suspend or terminate any or all of the provisions hereof, whenever he finds that they obstruct or do not tend to effectuate the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 921.92 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder the final accrual or ascertainment of which require further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

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

MISCELLANEOUS PROVISIONS

§ 921.100 *Agents.* The Secretary may, by designation in writing, name any of-

ficer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

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

Filed at Washington, D. C. this 17th day of October 1950.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator.

[F. R. Doc. 50-9291; Filed, Oct. 19, 1950; 8:51 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR, Part 202]

PREVAILING MINIMUM WAGE FOR SMALL ARMS AMMUNITION, EXPLOSIVES AND RELATED PRODUCTS INDUSTRIES

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. secs. 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 Small Arms Ammunition, Explosives and Related Products Industries shall be not less than 75 cents an hour. This amended determination was based upon information indicating that substantially all employees in the Small Arms Ammunition, Explosives and Related Products Industries 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 an hour to substantially all employees in these industries. This amended determination also provided that learners, apprentices and handicapped workers might 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 521, 522, 524, and 525 respectively).

A wage survey of selected small arms ammunition, explosives and related products manufacturing establishments made as of March 1950 by the Bureau of Labor Statistics indicates that the 75-cent rate now in effect may not reflect the prevailing minimum wages in these industries; 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 Small Arms Ammunition, Explosives and Related Products Industries are defined in the current determination as those industries which manufacture or furnish any of the following products:

(1) Ammunition and parts thereof for small arms, and such related products as saluting primers and aircraft engine starters;

(2) Blasting and detonating caps;

(3) Explosives, including dynamite, permissible explosives (those approved by the United States Bureau of Mines for use in mines where dust and gas explosions are likely to occur), nitroglycerine, black-blasting powder, pellet and fuse powder, and smokeless gunpowder.

Now, therefore, notice is hereby given: that a public hearing will be held on November 28, 1950, at 10:00 a. m., in Room 1214 of the Department of Labor, Constitution Avenue and 14th Street, Northwest, 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 Small Arms Ammunition, Explosives and Related Products Industries; (2) as to whether there should be included in any amended determination for these industries 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 propriety of the present definition of these industries.

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.

Tabulations of wage data prepared by the Bureau of Labor Statistics 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 have taken place in the wage structure of these industries 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 17th day of October, 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-9300; Filed, Oct. 19, 1950; 8:52 a. m.]

Wage and Hour Division

[29 CFR, Ch. V]

HOOKED RUG INDUSTRY; LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY; HANDICRAFT PRODUCTS INDUSTRY; MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY; AND NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE NO. 8 FOR PUERTO RICO

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 63 Stat. 910; 29 U. S. C. 201), on June 15, 1950, by Administrative Order No. 399, appointed Special Industry Committee No. 8 for Puerto Rico, composed of residents of Puerto Rico and of the United States outside of Puerto Rico, to investigate conditions in and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in a number of industries in Puerto Rico specified in the order, including the Hooked Rug Industry; Leather, Leather Goods, and Related Products Industry; Handicraft Products Industry; Men's and Boys' Clothing and Related Products Industry; and Needlework and Fabricated Textile Products Industry.

The Committee included disinterested persons representing the public, a like number of persons representing employees in these industries, and a like number representing employers in these industries.

Special Industry Committee No. 8 for Puerto Rico has made separate minimum wage recommendations and has duly filed with the Administrator reports containing such recommendations, pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act, for each of the aforementioned industries.

The Administrator is required by section 8 (d) of the act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order each of the recommendations of Special Industry Committee No. 8 for Puerto Rico if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the act; and, if he finds otherwise, to disapprove such recommendations.

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of Special Industry Committee No. 8 for employees engaged in commerce or in the production of goods for commerce in the above-named industries in Puerto Rico are as follows:

Industry	Recommended minimum cents an hour
1. Hooked rug industry:	
(a) Hand-hooked rug division	40
(b) Machine-hooked rug division	45
2. Leather, leather goods and related products industry:	
(a) Hide curing division	50
(b) Leather tanning and processing division	27
(c) Baseball and softball division:	
(1) Hand sewing operations	23
(2) All other operations	32
(d) Small leather goods division:	
(1) Hand sewing or hand lacing operations	23
(2) All other operations	32
(e) General division:	
(1) Hand sewing or hand lacing operations	23
(2) All other operations	35
3. Handicraft products industry	26
4. Men's and boys' clothing and related products industry:	
(a) Suits, coats, trousers, and work clothing division	35
(b) General division	35
5. Needlework and fabricated textile products industry:	
(a) Woven and knitted fabric glove division:	
(1) Hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand	21
(2) Machine operating or operations known to the industry as cutting, laying off, sizing, banding, and boxing	45
(3) All other operations	29
(b) Leather glove division:	
(1) Hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand	25
(2) Machine operating, or any operations known to the industry as cutting, laying off, sizing, banding, and boxing	52
(3) All other operations	29
(c) Silk, rayon and nylon underwear division:	
(1) Hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand	21
(2) All other operations	34
(d) Cotton underwear and infants' underwear division:	
(1) Hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand	17½
(2) All other operations	30
(e) Infants' wear division:	
(1) Hand sewing operations, including, but not by limitation, hand drawing, hand rolling, and embroidering and embellishing by hand	17½
(2) All other operations	30
(f) Needlepoint division:	
(1) Hand sewing operations, including, but not by way of limitation, embroidering and embellishing by hand	17½
(2) All other operations	30
(g) Household art linen division:	
(1) Hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand	17½
(2) All other operations	30
(h) Handkerchief and square scarf division:	
(1) Hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand	17½
(2) All other operations	30
(i) Children's dresses division:	
(1) Hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand	28
(2) All other operations	31
(j) Corsets, brassiers, and allied garments division	33
(k) Crochet slipper division	32
(l) Crocket beading division	35
(m) Bullion embroidery division	35
(n) Corde and bonnaz embroidery and corde handbag division	36
(o) Women's blouses, dresses, and neckwear division:	
(1) Hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand	28
(2) All other operations	35
(p) Fur garment division	45
(q) Miscellaneous division:	
(1) Hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand	21
(2) All other operations	30

B. The definitions of the above-named industries in Puerto Rico (as set forth in Administrative Order No. 399) and of the separable divisions thereof, for which Special Industry Committee No. 8 for Puerto Rico has made the foregoing separate minimum wage recommendations are as follows:

1. *Hooked Rug Industry.* The manufacture of hooked rugs.

The Committee recommended that the Hooked Rug Industry in Puerto Rico, as defined in Administrative Order No. 399, be divided into separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(a) *Hand-hooked Rug Division.* The manufacture of hooked rugs by a hand-hooking process.

(b) *Machine-hooked Rug Division.* The manufacture of hooked rugs by a process other than hand-hooking.

2. *Leather, Leather Goods and Related Products Industry.* The curing, tanning or other processing of hides, skins, leather or furs and the manufacture of products therefrom; the manufacture from artificial leather, fabric, or similar materials of suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, and like articles; and the manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials: *Provided, however,* That this definition shall not include any product or activity included in the Shoe Manufacturing and Allied Industries in Puerto Rico, as defined in the wage order for that industry, the Button, Buckle, and Jewelry Industry in Puerto Rico, as defined in Administrative Order No. 389 (14 F. R. 6610), appointing Special Industry No. 6 for Puerto Rico, or the Needlework and Fabricated Textile Products Industry or the Men's and Boys' Clothing and Related Products Industry as those industries in Puerto Rico are defined herein.

The Committee recommended that the Leather, Leather Goods, and Related Products Industry in Puerto Rico, as defined in Administrative Order No. 399, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be defined as follows:

(a) *Hide Curing Division.* This division consists of the salting and other curing of hides and skins and operations incidental thereto.

(b) *Leather Tanning and Processing Division.* This division consists of the tanning or other processing of hides, skins, leather, or furs, except the activities included in the Hide Curing Division, as defined herein, and except the processing of such materials in the course of the fabrication of products therefrom.

(c) *Baseball and Softball Division.* This division consists of the manufacture of baseballs and softballs covered with leather, artificial leather, fabric, or similar materials.

(d) *Small Leather Goods Division.* This division consists of the manufacture from leather, artificial leather, fabric or similar materials, of wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, belts, pouches, tie cases, toilet kits, checkbook covers, and like articles.

(e) *General Division.* This division consists of all products and activities included in the Leather, Leather Goods, and Related Products Industry, as defined in Administrative Order No. 399, except those included in the Hide Curing Division, the Leather Tanning and Processing Division, the Baseball and Softball Division, and the Small Leather Goods Division, as defined herein.

3. *Handicraft Products Industry.* The manufacture of hand-made or hand-woven products (including, but without limitation, handbags, belts, hats, rugs, baskets, mats, coasters, lamp and window shades, blinds, and fans) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair bristles, feathers, excelsior, cork bamboo, rattan, willow, seeds, native shells, pebbles, esponga, or similar materials: *Provided, however,* That this definition shall not include any product or activity included in the Button, Buckle, and Jewelry Industry or the Textile and Textile Products Industry, as those industries in Puerto Rico are defined in Administrative Order No. 389 (14 F. R. 8610), appointing Special Industry Committee No. 6 for Puerto Rico.

4. *Men's and Boys' Clothing and Related Products Industry.* The manufacture from any material of men's and boys' clothing and related products, in-

cluding, but without limitation, suits, coats, overcoats, trousers, shirts, underwear, nightwear, work clothing, sportswear (including bathing suits, riding habits and athletic uniforms), heavy outerwear, neckties, caps, hats (except hand-made straw hats), belts, robes and dressing gowns, raincoats, suspenders, garters, academic caps and gowns, vestments, costumes, and other items of apparel and accessories (except gloves, handkerchiefs, scarves and mufflers, hosiery and shoes).

The Committee recommended that the Men's and Boys' Clothing and Related Products Industry in Puerto Rico, as defined in Administrative Order No. 399, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be defined as follows:

(a) *Suits, Coats, Trousers, and Work Clothing Division.* The manufacture from any material of men's and boys' suits, coats, topcoats, overcoats, trousers, and work clothing.

(b) *General Division.* The manufacture from any material of all products included in the Men's and Boys' Clothing and Related Products Industry in Puerto Rico, as defined in Administrative Order No. 399, except those included in the Suits, Coats, Trousers, and Work Clothing Division, as herein defined.

5. *Needlework and Fabricated Textile Products Industry.* The manufacture from any material of all apparel and apparel furnishings and accessories made by the knitting, crocheting, cutting, sewing, embroidering or other processes, and the manufacture of all textiles and textile products except products or activities included in the Shoe Manufacturing and Allied Industries in Puerto Rico, as defined in the wage order for that industry; the Textile and Textile Products Industry and the Button, Buckle, and Jewelry Industry, as those industries in Puerto Rico are defined in Administrative Order No. 389 (14 F. R. 6610), appointing Special Industry Committee No. 6 for Puerto Rico; the Hosiery Industry, the Hairnet Industry and the Artificial Flower Industry, as those industries in Puerto Rico are defined in Administrative Order No. 395 (15 F. R. 1611), appointing Special Industry Committee No. 7 for Puerto Rico; and the Men's and Boys' Clothing and Related Products Industry, the Hooked Rug Industry, and the Handicraft Products Industry, as those industries in Puerto Rico are defined herein. This definition includes, but without limitation, handkerchiefs, scarves and mufflers; gloves; women's, misses', girls', and infants' outerwear, underwear, and nightwear; women's and misses' corsets and allied garments; millinery; handbags (except handbags made by hand out of raffia, maguey, straw, or similar materials); household art linens; needlepoint; embroideries and trimmings; curtains, draperies, and bedspreads; and miscellaneous fabricated textile products.

The Committee recommended that the Needlework and Fabricated Textile Products Industry in Puerto Rico, as defined in Administrative Order No. 399, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be defined as follows:

(a) *Woven and Knitted Fabric Glove Division.* The term Woven and Knitted Fabric Glove Division shall mean the manufacture of all gloves or mittens from woven or knitted fabrics.

(b) *Leather Glove Division.* The term Leather Glove Division shall mean the manufacture of all gloves and mittens from leather or from leather in combination with woven or knitted fabrics.

(c) *Silk, Rayon and Nylon Underwear Division.* The term Silk, Rayon and Nylon Underwear Division shall mean the manufacture, from any woven or knitted fabric except cotton or from any woven or knitted fabric containing a mixture of cotton and other fibers, of women's, misses' and children's underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles.

(d) *Cotton Underwear and Infants' Underwear Division.* The term Cotton Underwear and Infants' Underwear Division shall mean the manufacture from cotton of women's, misses' and children's underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles, and the manufacture of underwear and nightwear for infants under three years of age.

(e) *Infants' Wear Division.* The term Infants' Wear Division shall mean the manufacture of dresses, rompers, creepers, sportswear and play apparel, for infants under three years of age.

(f) *Needlepoint Division.* The term Needlepoint Division shall mean the manufacture of needlepoint on canvas or other material.

(g) *Household Art Linen Division.* The term Household Art Linen Division shall mean the manufacture of household art linens including, but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers, sheets, pillow cases, and towels.

(h) *Handkerchief and Square Scarf Division.* The term Handkerchief and Square Scarf Division shall mean the manufacture of plain, scalloped or ornamented handkerchiefs and square scarves.

(i) *Children's Dresses Division.* The term Children's Dresses Division shall mean the manufacture of dresses for children over three years of age.

(j) *Corsets, Brassieres, and Allied Garments Division.* The term Corsets, Brassieres, and Allied Garments Division shall mean the manufacture of corsets, brassieres, brassiere pads, girdles, sanitary belts, foundation garments, and similar items.

(k) *Crochet Slipper Division.* The term Crochet Slipper Division shall mean the manufacture of slippers, slipper socks, mukluks, and similar types of footwear (except infants' bootees) made by a crocheting or knitting process.

(l) *Crochet Beading Division.* The term Crochet Beading Division shall mean the embroidery of any article by a crochet beading process and all operations directly incidental to such embroidery.

(m) *Bullion Embroidery Division.* The term Bullion Embroidery Division shall mean the manufacture of emblems and insignia made of bullion embroidery and the embroidery of any other articles with bullion threads and all operations directly incidental to such embroidery.

(n) *Corde and Bonnaz Embroidery and Corde Handbag Division.* The terms Corde and Bonnaz Embroidery and Corde Handbag Division shall mean the manufacture of corde handbags, corde plates for handbags, and other articles or trimmings made on a Bonnaz embroidery machine.

(o) *Women's Blouses, Dresses, and Neckwear Division.* The Women's Blouses, Dresses and Neckwear Division shall mean the manufacture of women's and misses' blouses, waists, dresses, smocks, aprons, neckwear (including collar and cuff sets) and scarves (except square scarves).

(p) *Fur Garment Division.* The term Fur Garment Division shall mean the manufacture of fur coats and other fur garments, accessories and trimmings.

(q) *Miscellaneous Division.* The term Miscellaneous Division shall mean all products and activities included in the Needlework and Fabricated Textile Products Industry, as defined in Administrative Order No. 399, which are not included in any of the other divisions of the industry as herein defined.

6. The full texts of the reports and recommendations of Special Industry Committee No. 8 for Puerto Rico for each of the above industries will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour and Public Contracts Divisions:

18 Oliver Street, Boston 10, Mass.
Room 808, Lafayette Building, Fifth and Chestnut Streets, Philadelphia, Pa.
4237 Main Post Office, West Third and Prospect Avenue, Cleveland 13, Ohio.
3000 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.
144 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.
Fourteenth Street and Constitution Avenue, Washington 25, D. C.
Room 903, Old Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.
1908 Comer Building, 2026 Second Avenue, North Birmingham 3, Ala.
1200 Merchandise Mart Building, 222 West North Bank Drive, Chicago, Ill.
Room 222, Fidelity Building, Dallas 2, Tex.
808 Broadway, Nashville 3, Tenn.
Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, P. R.

Copies of the Committee's reports and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico.

D. Public hearings will be held at 10:00 a. m., on the dates and at the places set

forth below before the Administrator of the Wage and Hour Division, or a representative designated to preside in his place, for the purpose of taking evidence on the question of whether the separate recommendations of Special Industry Committee No. 8 for Puerto Rico set forth above shall be approved or disapproved.

Hooked Rug Industry—November 13, 1950, in Room 5406, Department of Labor Building, Washington 25, D. C.

Men's and Boys' Clothing and Related Products Industry—November 13, 1950, in Room 5406, Department of Labor Building, Washington 25, D. C.

Leather, Leather Goods, and Related Products Industry—November 13, 1950, in Room 5406, Department of Labor Building, Washington 25, D. C.

Handicraft Products Industry—November 15, 1950, in Room 5406, Department of Labor Building, Washington, D. C.

Needlework and Fabricated Textile Products Industry—November 15, 1950, in Room 5406, Department of Labor Building, Washington 25, D. C.

E. Any interested person supporting or opposing any of the recommendations of Special Industry Committee No. 8 for Puerto Rico which are set forth above may appear at any of the aforesaid hearings to offer evidence, either on his own behalf or on behalf of any other person; provided that not later than seven days preceding any hearing at which he intends to appear, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or at the office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing;

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;

3. The recommendation or recommendations of Special Industry Committee No. 8 for Puerto Rico in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the above recommendations of Special Industry Committee No. 8 for Puerto Rico may secure further information concerning the aforesaid hearings by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor, in Washington, D. C

G. The records made at the public hearing on conditions in the above-named industries in Puerto Rico held before Special Industry Committee No. 8 in San Juan, Puerto Rico on July 18–20, 24–28 and 31; August 1–5, 7–11 and 14–15, 1950, inclusive, may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, at 14th and Constitution Avenue NW., Washington 25, D. C., and Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico. The records of the public hearing before the Industry Committee with respect to each of the above-named industries in Puerto Rico will be offered in evidence at the appropriate public hearing before the Administrator or his representative on such industry.

H. The hearings will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator or his authorized representative, as the case may be) as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 14th and Constitution Avenue NW., Washington 25, D. C.

2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

4. All evidence must be presented under oath or affirmation.

5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

6. Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance by the Administrator of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing a subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross-examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer.

11. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matters in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

12. Briefs (4 copies) on particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

13. (a) Where the hearing is held before the Administrator, within fifteen

(15) days after the close of the hearing, any interested person appearing at the hearing may submit for the consideration of the Administrator an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator designated to preside in his place, a complete record of the proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and the appropriate order. Notice of the Administrator's tentative decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Administrator's tentative decision is published in the FEDERAL REGISTER, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen day periods referred to in paragraphs 13 (a) and (c) above, and after consideration of all relevant matter presented as provided in such paragraphs, the Administrator shall make his final decision in the matter, and shall issue an order approving or disapproving the recommendations of the industry committee. Such order shall be published in the FEDERAL REGISTER.

14. Any wage order issued as a result of hearings held hereunder shall take effect 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 17th day of October 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 50-9268; Filed, Oct. 19, 1950; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

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

TELEVISION BROADCAST SERVICE

NOTICE OF REVISED ORDER OF TESTIMONY

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

1. The order of testimony to be followed by the Commission at the hearing on general issues herein scheduled to commence on October 16, 1950, at 10:00 a. m., in the U. S. Department of Commerce Auditorium, 14th Street between E Street and Constitution Avenue NW., Washington, D. C., is revised as set forth below.

Adopted: October 11, 1950.

Released: October 12, 1950.

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

APPENDIX [1] (Revised)

Issue	*Parties*
	Ad Hoc Committee
A. Appendix A of Notice of Further Proposed Rule Making (FCC 49-948) issued July 11, 1949 (14 F. R. 4483).	Edward W. Allen, Chairman. Stuart L. Bailey. George H. Brown. Thomas J. Carroll. Paul A. deMars. Ralph N. Harmon. Frank G. Kear. Albert F. Murray. Kenneth A. Norton. Chester H. Page. Robert P. Wakeman. Raymond M. Wilmotte. Jay W. Wright.
	Joint Technical Advisory Committee
	Television Broadcasters Association. Bell Telephone Laboratories, Inc.[2] United States Independent Telephone Association.[2] National Mobile Radio System.[2] Mutual Telephone Co.[2] John H. Poole. Allen B. DuMont Laboratories, Inc. [2] Bell Telephone Laboratories, Inc. [2] United States Independent Telephone Association. [2] National Mobile Radio System. [2] Mutual Telephone Co. WDEL, Inc. Allegheny Broadcasting Corp. WGAL, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Gable Broadcasting Co. Hazelton Broadcasting Co. Reading Broadcasting Company. John H. Poole. Pittsburg Broadcasting Co., Inc. Sarkes Tarzian, Inc. Philco Corp. Bell Telephone Laboratories, Inc.[2] United States Independent Telephone Association.[2] National Mobile Radio System.[2] Mutual Telephone Co.[2] Radio Manufacturers Association. National Association of Broadcasters. The Federal Communications Bar Association. Association of Federal Communications Consulting Engineers. Radio Corp. of America. Columbia Broadcasting System, Inc. John H. Poole. Haley, McKenna & Wilkinson, on behalf of listed parties. Paramount Television Productions, Inc. Columbia Broadcasting System, Inc. Allen B. DuMont Laboratories, Inc. American Broadcasting Co., Inc. John H. Poole. Lehigh Valley Television, Inc. Easton Publishing Co. Kendrick H. Lippitt. Jamestown Broadcasting Co., Inc. WSM, Inc. Jefferson Standard Broadcasting Co. Associated Broadcasters, Inc.

[1] Names indented are parties who filed oppositions to the proposals of the parties under whose names the indentations appear except those names preceded by 2.

[2] Parties whose names are preceded with this footnote will be permitted to cross-examine the parties under whose names they are indented on the issue relating to the allocation of the band 470 to 500 Mcs. and will be permitted to offer rebuttal evidence.

APPENDIX [1] (Revised)—Continued

Issue	Parties
	Joint Technical Advisory Committee—Continued
A. Appendix A of Notice of Further Proposed Rule Making (FCC 49-948) issued July 11, 1949 (14 F. R. 4483)—Continued	Hampden-Hampshire Corp. Keystone Broadcasting Corp. Kansas State College of Agriculture and Applied Science. Christina M. Jacobson, t/a The Valley Electric Co. Communication Measurements Laboratory, Inc. WDEL, Inc. Allegheny Broadcasting Corp. WGAL, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Gable Broadcasting Co. Hazelton Broadcasting Co. Reading Broadcasting Co. Houston Post Co. KTRH Broadcasting Co. Roy Hofheinz d/b as Texas Television Co. Shamrock Broadcasting Co. Television Research Company. WDEL, Inc. Allegheny Broadcasting Corp. WGAL, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Gable Broadcasting Co. Hazelton Broadcasting Co. Reading Broadcasting Co. California State Communications Advisory Board. W. H. C. Higgins. Home News Publishing Co. Home News Publishing Co. WBEN, Inc. Archer S. Taylor. Hearst Radio, Inc. Johnson-Kennedy Radio Corp. Independent Merchants Broadcasting Co. Triangle Publications, Inc. WDEL, Inc. Trent Broadcasting Corp. Mercer Broadcasting Co. WHEC, Inc. Hudson Valley Broadcasting Co., Inc. Community Broadcasting Co. WGAL, Inc. Presque Isle Broadcasting Co. Eastern Radio Corp. Pennsylvania Broadcasting Co. Edgar B. Stern, et al., d/b as WDSU Broadcasting Services. Collins Radio Co. Air King Products Co., Inc. Vincent Andrew Autuori. Federal Telephone & Radio Corp., et al. The Peoples Broadcasting Co. Eastern Radio Corp. Lehigh Valley Television, Inc. Easton Publishing Co. WTOP, Inc.

APPENDIX [1] (Revised)—Continued

Issue	Parties
	Joint Technical Advisory Committee—Continued
A. Appendix A of Notice of Further Proposed Rule Making (FCC 49-948) issued July 11, 1949 (14 F. R. 4483)—Continued	The Peoples Broadcasting Co.—Continued General Teleradio, Inc. WCAE, Inc. WCAU, Inc. WDEL, Inc. The Evening Star Broadcasting Co., Inc. The American Broadcasting Co., Inc. Daily News Television Co. South Shore Broadcasting Co.
B. Appendix B of Notice of Further Proposed Rule Making.	Communication Measurements Laboratory, Inc. Radio-Television Manufacturers Association. WSM, Inc. WJR, The Goodwill Station, Inc. Travelers Broadcasting Service Corp. Radio Station WPIX. Jefferson Standard Broadcasting Co. Kear and Kennedy.
C. "Stratovision"	Westinghouse Electric Corp. and Westinghouse Radio Stations, Inc. WDEL, Inc. Allegheny Broadcasting Corp. WGAL, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Gable Broadcasting Co. Hazelton Broadcasting Co. Reading Broadcasting Co. The Fort Industry Co. WCAE, Inc. Hearst Radio, Inc.
D. "Polycasting"	Raymond M. Wilmotte. Allen B. DuMont Laboratories, Inc.
E. Reservation of channels for noncommercial educational television stations.	The United States Office of Education. National Education Association. WDEL, Inc. Allegheny Broadcasting Corp. WGAL, Inc. Associated Broadcasters, Inc. Keystone Broadcasting Corp. Gable Broadcasting Co. Hazelton Broadcasting Co. Reading Broadcasting Co. McClatchy Broadcasting Co. Houston Post Co. KTRH Broadcasting Co. Roy Hofheinz, d/b as Texas Television Co. Shamrock Broadcasting Co. Association of Land Grant Colleges and Universities. National Association of State Universities. National Association of Educational Broadcasters. Association for Education by Radio. American Council on Education. National Council of Chief State School Officers. American Federation of Teachers. Allen B. DuMont Laboratories, Inc.
F. "Metered television" and general comments.	Thomas E. Corbett.

[F. R. Doc. 50-9271; Filed, Oct. 19, 1950; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

OCTOBER 6, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950 (15 F. R. 5641, Sec. 2.21), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 160 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 242

For lease and sale for homesites only:
T. 7 N., R. 4 W., S. B. M.,
Sec. 30, N½NE¼.
Sec. 31, SE¼SW¼ and SW¼SE¼.

The lands are situated in San Bernardino County, California, about 10 miles north of the Town of Victorville, California. They can be reached over U. S. Highway 66–91, which is the main highway leading from Los Angeles eastward. The land is in a desert area but domestic water can be obtained from wells at depths ranging from 70 to 150 feet. The Town of Victorville has all of the usual community services.

2. As to applications regularly filed prior to 9:00 a. m., March 30, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., December 8, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., December 8, 1950, to close of business on March 8, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., March 30, 1949, to 10:00 a. m., December 8, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., March 9, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., March 30, 1949, to 10:00 a. m., March 9, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $35.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 50-9269; Filed, Oct. 19, 1950; 8:48 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

OCTOBER 6, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950 (15 F. R. 5641, Sec. 2.21), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 800 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 243

For lease and sale for homesites only,
T. 9 N., R. 2 W., S. B. M.,
Sec. 11, S½.
Sec. 12, S½N½ and S½.

The lands are situated adjoining or in close proximity of the Town of Barstow, in San Bernardino County, California. They are particularly desirable because of their proximity to this rapidly growing community and the great demand for homesites in the area. Barstow has all of the usual community services. It is situated on U. S. Highway 66–91 leading from Los Angeles, California, eastward.

2. As to applications regularly filed prior to 9:00 a. m., September 14, 1950, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., December 8, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., December 8, 1950, to close of business on March 8, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., September 14, 1950, to 10:00 a. m., December 8, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the Public generally, commencing at 10:00 a. m., March 9, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., September 14, 1950, to 10:00 a. m., March 9, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veterans shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through

settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. The lands will be leased in tracts, as follows:

In the S½N½ and N½S½ Sec. 12, the tracts will be 1 and ¼ acres in size, or approximately 165 by 330 feet, the long axis being north and south; in the S½ of Sec. 11 and S½S½ of Sec. 12, the tracts will be 2 and ½ acres in size, or approximately 330 by 330 feet.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised prices, as follows:

$90.00 per acre for the S½N½ of Sec. 12,
$75.00 per acre for the N½S½ of Sec. 12,
$50.00 per acre for the S½S½ of Sec. 12 and the S½ of Sec. 11.

Application for purchase may be filed at or after the expiration of one year from date the lease is issued.

9. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 50-9270; Filed, Oct. 19, 1950; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

BLAIR LIVESTOCK SALES CO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Blair Livestock Sales Company, Blair, Nebraska, originally posted on January 20, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 16th day of October 1950.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 50-9290; Filed, Oct. 19, 1950; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6323]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

OCTOBER 16, 1950.

Take notice that on October 13, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Florida Power Corporation, a corporation organized under the laws of the State of Florida and doing business in said State with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of $10,000,000 principal amount of Promissory Notes to be issued on the following dates in the amounts indicated: November 1950, $3,500,000; January 1951, $2,000,000; March 1951, $3,000,000; and May 1951, $1,500,000. The said Promissory Notes will be payable on or before July 31, 1951, and will bear an interest rate of 2¼ percent for the November borrowings, and at the appropriate going rates at the time of borrowing but not to exceed 2½ percent for the January, March and May 1951 borrowings. The proposed Promissory Notes will be issued to the following banks in the percentages hereinafter indicated: Guaranty Trust Company of New York, 39 percent; Central Hanover Bank and Trust Company (New York), 24 percent; The Chase National Bank of the City of New York, 24 percent; Irving Trust Company (New York), 5 percent; Florida National Bank of St. Petersburg, 4.1 percent; Union Trust Company of St. Petersburg, 1.25 percent; First National Bank of Orlando, 1.25 percent; First National Bank of St. Petersburg, 1 percent; and The Bank of Clearwater, .4 percent; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before 3d day of November 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 50-9266; Filed, Oct. 19, 1950; 8:48 a. m.]

[Docket No. G-1508]

UNITED GAS PIPE LINE CO.

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

OCTOBER 16, 1950.

On October 30, 1948, the Commission issued its order No. 144, effective December 1, 1948, amending Part 154 of the Commission's general rules and regulations, which part governs the form, composition, filing and posting of rate schedules and tariffs for the transportation or sale of natural gas subject to the jurisdiction of the Commission.

Thereafter, United Gas Pipe Line Company (United) filed in the United States Court of Appeals for the District of Columbia Circuit its petition for review of said Order No. 144. (United Gas Pipe Line Company v. Federal Power Commission, Case No. 10,125.)

On April 5, 1950, the United States Court of Appeals for the District of Columbia Circuit issued its opinion and decision in said Case No. 10,125, dismissing the petition for review filed by United. United applied for certiorari to the Supreme Court of the United States for review of the decision of the Court of Appeals, and certiorari was denied on October 9, 1950. On October 16, 1950, the Commission received from the Court of Appeals a certified copy of the opinion and judgment in lieu of mandate in said Case No. 10,125 dismissing the petition for review.

United is a natural-gas company subject to the jurisdiction of the Commission under the Natural Gas Act, and it appears that United should comply with the regulations promulgated by the Commission's Order No. 144. United, however, has not complied with such regulations.

The Commission orders:

(A) United Gas Pipe Line Company shall file with the Commission in conformity with Part 154 of the Commission's general rules and regulations a tariff constituting a restatement of all its effective schedules of rates, charges, classifications, practices, regulations and contracts for the transportation or sales of natural gas subject to the jurisdiction of the Commission, except as otherwise permitted by said part, on or before January 2, 1951, or shall show good cause at a public hearing to be held commencing January 3, 1951, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., why it should not file said tariff.

(B) United Gas Pipe Line Company shall notify the Commission in writing under oath on or before December 1,

1950, whether it intends to file a tariff as required by Paragraph (A) of this order.

Date of Issuance: October 16, 1950.

By the Commission.

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

[F. R. Doc. 50-9264; Filed, Oct. 19, 1950; 8:48 a. m.]

[Project No. 2060]

NIAGARA MOHAWK POWER CORP.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

OCTOBER 16, 1950.

Public notice is hereby given that Niagara Mohawk Power Corporation of Syracuse, New York, has filed application for license under the Federal Power Act (16 U. S. C. 791a–825r) for certain proposed project works, including a dam, on the Raquette River, New York, a navigable waterway of the United States.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before November 23, 1950, to the Federal Power Commission.

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

[F. R. Doc. 50-9265; Filed, Oct. 19, 1950; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25486]

VARIOUS COMMODITIES BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 17, 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: C. W. Boin and L. N. Doe, Agents, for and on behalf of carriers parties to tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

Between: Points in official territory.

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. 50-9254; Filed, Oct. 19, 1950; 8:47 a. m.]

[4th Sec. Application 25487]

AUTOMOBILE PARTS FROM MUNCIE, IND., TO TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

OCTOBER 17, 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: L. C. Schuldt, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile parts, carloads.

From: Muncie, Ind.

To: Points in trunk line territory.

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. 50-9255; Filed, Oct. 19, 1950; 8:47 a. m.]

[4th Sec. Application 25488]

PETROLEUM FROM TUSCALOOSA, ALA., AND ROGERSLACY, MISS., TO ILLINOIS

APPLICATION FOR RELIEF

OCTOBER 17, 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: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Petroleum and petroleum products, tank carloads.

From: Tuscaloosa, Ala., and Rogerslacy, Miss.

To: Points in Illinois.

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

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supplement 178.

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. 50-9256; Filed, Oct. 19, 1950; 8:47 a. m.]

[4th Sec. Application 25489]

BEANS FROM UTAH TO THE SOUTHWEST

APPLICATION FOR RELIEF

OCTOBER 17, 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: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A–3613.

Commodities involved: Beans, lentils and peas, dried, carloads.

From: Points in Utah.

To: Points in southwestern territory.

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

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A–3613, 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 be-

for 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. 50-9257; Filed, Oct. 19, 1950; 8:47 a. m.]

[4th Sec. Application 25490]

SODA IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 17, 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: C. W. Boin, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-848.

Commodities involved: Soda and soda products, carloads.

From: Points in Illinois territory.

To: Points in New England territory.

Between: Points in Illinois territory and points in trunk line and central territories.

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

Schedules filed containing proposed rates:

I. C. C. Tariff No.	*Supplement No.*
Agent C. W. Boin:	
A-848 (Item 6841-G)	179
Agent B. T. Jones:	
3779	100
2445	280
2446	290
2447	282
2448	277
3685	111
3355	165
2451	285
3425	145
3098	172
3642	163

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. 50-9258; Filed, Oct. 19, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-175]

WEST PENN ELECTRIC CO., ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 16th day of October A. D. 1950.

In the matter of The West Penn Electric Company, West Penn Railways Company, West Penn Power Company and Monongahela Power Company, File No. 54-175.

The West Penn Electric Company ("Electric"), a registered holding company and three of its subsidiaries, namely, West Penn Railways Company ("Railways"), West Penn Power Company ("Power"), and Monongahela Power Company ("Monongahela"), having heretofore filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, concerned primarily with a plan under section 11 (e) of the act to effectuate further partial compliance, by the holding company system of which applicants-declarants are members, with the requirements of the act;

The transactions proposed in the joint application-declaration being primarily: (a) The distribution to Electric of Railways' stock holdings in Power and Electric, together with certain surplus cash; (b) the assumption by Electric of all of Railways' bond obligations; (c) an accounting reorganization of Railways; (d) the repurchase from Power by Electric of a block of shares of common stock of Monongahela; and (e) a cash payment to the public minority stockholders of Power of $2.30 per share to compensate for any dilution resulting from the transfer of the Monongahela common stock;

The Commission by order dated July 28, 1949, having granted and permitted effectiveness to the joint application-declaration which order, among other things, reserve jurisdiction over the reasonableness and appropriate allocation of fees, expenses, and other remunerations incurred, or to be incurred, in connection with the plan as modified, and the transactions incident thereto (except for a fee of $4,555.16, at that time approved for payment to J. Samuel Hartt, as an independent consulting engineer); the record having now been completed with respect to additional fees and expenses proposed for payment by applicants-declarants as follows:

1. $12,000 to Sullivan and Cromwell, New York, New York, as counsel for applicants-declarants in this matter;

2. $350.00 to Milbank, Tweed, Hope & Hadley, as counsel to the Trustee for Railways' bonds; and

3. $219.21 to McNees, Wallace and Nurick, as counsel to Railways, concerning certain required corporate action by Railways;

The Commission having considered these fees and expenses and the amounts thereof in the light of the standards of the act, and having concluded that they are not unreasonable;

It is hereby ordered, That the reservation of jurisdiction in this matter with respect to said fees and expenses, be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 50-9263; Filed, Oct. 19, 1950; 8:48 a. m.]

[File No. 59-96]

WISCONSIN ELECTRIC POWER CO., ET AL.

ORDER POSTPONING HEARING

In the matter of Wisconsin Electric Power Company and Its Subsidiary Companies, Respondents, File No. 59-96.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of October 1950.

This Commission, by order dated August 15, 1950, (Holding Company Act Release No. 10030) having instituted proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 with respect to Wisconsin Electric Power Company, a registered holding company, and its subsidiary companies and said order having directed that a hearing be held in such matter on November 7, 1950, at the offices of the Commission in Washington, D. C.; and

The Public Service Commission of Wisconsin, a party to such proceedings, having filed a petition on October 4, 1950, with this Commission requesting (a) that the hearing heretofore ordered to be held on November 7, 1950, be postponed to a date subsequent to November 17, 1950, and (b) that for the convenience and necessity of the parties such hearing be held at Madison, Wisconsin; and

This Commission having considered said petition and the reasons advanced in support of the relief requested therein and deeming it appropriate in the public interest and in the interest of investors and consumers that the request to postpone the aforesaid hearing be granted but that the request to hold such hearing in Madison, Wisconsin be denied, without prejudice, however, to the renewal of such request at an appropriate time during the couse of such hearing;

It is ordered, That the hearing heretofore scheduled to be held in this proceeding on November 7, 1950, be, and the same hereby is, postponed until November 28, 1950, at the same time and place and before the same hearing officer as heretofore prescribed, without prejudice, however, to the right of the Public Service Commission of Wisconsin to renew its request at an appropriate time during such hearing that such hearing be held in Madison, Wisconsin.

It is further ordered, That the Secretary of this Commission shall serve notice of the postponed hearing by mailing a copy of this notice by registered mail to all persons previously served in this

proceeding and to all persons having heretofore filed herein applications to be heard; and that notice of said postponed hearing is hereby given to 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 business, affairs or operations of any of them and to all other interested persons, such notice to be given by a general release of this 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 in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 50-9259; Filed, Oct. 19, 1950; 8:48 a. m.]

[File No. 70-2491]

MONTAUP ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of October A. D. 1950.

Notice is hereby given that Montaup Electric Company ("Montaup"), an indirect public utility subsidiary company of Eastern Utilities Associates ("EUA"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935. Montaup has designated section 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 25, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 25, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Montaup proposes to issue from time to time additional unsecured 2 percent promissory notes in an aggregate amount not in excess of $3,800,000. The notes, maturing on March 30, 1951, will be issued to The First National Bank of Boston under a loan agreement dated as of March 3, 1950, and may be prepaid at any time without premium.

The declaration states that Montaup is presently carrying out a construction program involving the installation of a 60,000 kilowatt unit, estimated to cost $12,330,300 through 1951, and that the proceeds to be derived from the sale of the proposed notes will be used to finance construction requirements. The declaration indicates that Montaup contemplates the note borrowings, as proposed and as outstanding, as temporary pending permanent financing which will be on a system basis. It is further indicated that the EUA system's permanent financing plan will not only provide sufficient funds to pay the proposed notes and the $5,200,000 of presently outstanding 2 percent promissory notes but will also supply additional capital for Montaup's construction program.

The declaration indicates that with respect to the proposed borrowings it is unnecessary to secure the approval of any State or Federal commission, other than this Commission. It is estimated that the expenses involved in connection with the proposed borrowings will not amount to more than $100.

Montaup requests that the Commission's order herein be issued pursuant to Rule U-23 promulgated under the act and that the Commission's order herein become effective upon issuance.

By the Commission.

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

[F. R. Doc. 50-9262; Filed, Oct. 19, 1950; 8:48 a. m.]

[File No. 70-2399]

AMERICAN NATURAL GAS CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of October A. D. 1950.

The Commission having by order issued August 24, 1950, granted and permitted to become effective an application-declaration, as amended, of American Natural Gas Company ("American Natural"), a registered holding company, relating to the issue and sale by American Natural to its stockholders of up to 304,486 additional shares of its common stock; and

The record, at the date of the order granting and permitting to become effective said application-declaration as amended, having been incomplete with respect to the fees and expenses to be incurred in connection with said issuance and sale of stock, and the Commission having reserved jurisdiction with respect to such fees and expenses; and

The record having been subsequently completed by an amendment and supporting statements showing the estimated amount of fees and expenses to be paid by American Natural, together with the nature and extent of services rendered, and stating that such fees and expenses aggregate $135,000, as follows:

S. E. C. registration fee		$812.21
Federal original issue tax		14,500.00
Printing		30,000.00
Blue Sky expense		1,000.00
Fees and expenses of National City Bank of New York, Agent:		
Services as subscription agent	$29,380.50	
Services as transfer agent and registrar	4,500.00	
Expenses	9,150.00	
		43,030.50
Arthur Andersen & Co., for accounting services		21,000.00
Ralph E. Davis for engineering services		2,500.00
Fees for legal services:		
Sidley, Austin, Burgess & Smith, Chicago, Ill		12,000.00
Miller, Mack & Fairchild, Milwaukee, Wis		1,500.00
Dyer, Angell, Meek & Batten, Detroit, Mich		3,500.00
Clifford B. Longley, Detroit, Mich		600.00
Miscellaneous		4,557.29
Total		135,000.00

The Commission having examined the record as so completed, and it appearing that the fees and expenses requested are not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to fees and expenses to be paid by American Natural in connection with the issue and sale to its stockholders of up to 304,486 additional shares of its common stock be, and it hereby is, released.

By the Commission.

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

[F. R. Doc. 50-9260; Filed, Oct. 19, 1950; 8:48 a. m.]

[File No. 70-2473]

NEW ENGLAND ELECTRIC SYSTEM AND WEYMOUTH LIGHT AND POWER COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of October A. D. 1950.

A joint application and an amendment thereto having been filed with this Commission pursuant to sections 6 (b), 7, 10, and 12 (c) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-23, U-24 and U-42 (b) (2) of the general rules and regulations promulgated thereunder, by New England Electric System ("NEES"), a registered holding company and its subsidiary company, Weymouth Light and Power Company ("Weymouth"), regarding the following proposed transactions:

Weymouth proposes to issue and sell 16,298 shares of additional Capital Stock, par value $25 each (aggregate par value

$407,450), and to issue warrants to its shareholders to subscribe for such shares in proportion to their holdings. The subscription price of $35 per share (the total subscription price aggregating $570,430) was determined by Weymouth's board of directors and is subject to the approval of the Department of Public Utilities of the Commonwealth of Massachusetts. Each warrant will expire on the 21st day following the mailing thereof and will indicate the number of new shares or the fraction of a new share to which the holder thereof is entitled to subscribe. Fractional warrants can be combined but no fractional shares will be issued.

Weymouth presently has outstanding 48,893 shares of capital stock. NEES owns 48,682 shares of such stock (99.568 percent) and will receive warrants to subscribe for 16,227⅓ additional shares. The minority public shareholders own 211 shares of such capital stock (.432 percent) and will receive warrants to subscribe for an aggregate of 70⅓ new shares. Weymouth proposes to sell any shares unsubscribed for by its shareholders at public auction or directly to NEES at the price of $35 per share, provided the same is authorized by the Department of Public Utilities of Massachusetts.

NEES proposes to exercise its right to subscribe for the additional shares of capital stock of Weymouth to which it will be entitled. NEES further proposes to bid $35 per share for all unsubscribed shares sold at public auction, or, in the event that the consent of the Department of Public Utilities of Massachusetts is obtained, to purchase such shares directly from Weymouth at the price of $35 per share.

Total expenses to be borne by Weymouth for services performed in connection with the proposed sale of said common shares are estimated at $3,152. Such estimate includes $2,000 for services rendered at the actual cost thereof by New England Power Service Company, an affiliated service company. The cost to NEES for services to be rendered by such service company is estimated not to exceed $500.

Weymouth will use the proceeds to be derived from the proposed sale of additional common shares, estimated at $570,430, to pay off its non-interest bearing advances from NEES in the amount of $50,000 and to retire the $430,000 principal amount of notes payable to banks and presently bearing interest at the rate of 2¾ percent per annum and the balance of $90,430 remaining will be applied by Weymouth to the cost of extensions, enlargements and additions to plant and property subsequent to October 31, 1949. The application states that the Department of Public Utilities of the Commonwealth of Massachusetts has jurisdiction over and has approved the transactions proposed by Weymouth and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The applicants request that the order of this Commission be made effective forthwith upon issuance.

Said joint application having been filed on September 5, 1950, and an amendment thereto having been filed on October 10, 1950, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions satisfy the applicable standards of the act, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said joint application, as amended, and also deeming it appropriate to grant the request of the applicants that the order herein become effective upon the issuance thereof:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said joint application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

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

[F. R. Doc. 50-9261; Filed, Oct. 19, 1950; 8:48 a. m.]

[File Nos. 70-2467, 70-2481, 70-2493, 70-2502]

BEVERLY GAS AND ELECTRIC CO., ET AL.

NOTICE OF FILING AND ORDER FOR CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of October A. D. 1950.

In the matters of Beverly Gas and Electric Company, The Lowell Electric Light Corporation, Malden and Melrose Gas Light Company, and Southern Berkshire Power & Electric Company, File No. 70-2467; Malden Electric Company, File No. 70-2481; Wachusett Electric Company, File No. 70-2493; Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Central Massachusetts Electric Company, Gardner Electric Light Company, The Lowell Electric Light Corporation, Malden and Melrose Gas Light Company, Worcester Suburban Electric Company, New England Power Company, Southern Berkshire Power and Electric Company, and Worcester County Electric Company, File No. 70-2502.

Notice is hereby given that the above-entitled companies, hereinafter collectively sometimes referred to as "applicant companies," all subsidiary companies of New England Electric System ("NEES"), a registered holding company, have filed separate applications or declarations with this Commission pursuant to the Public Utility Holding Company Act of 1935. The applicant companies have designated sections 6 (b) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 26, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said applications or declarations which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 26, 1950, said applications or declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said applications or declarations which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Applicant companies propose to increase their borrowings by issuing notes to banks from time to time, but not later than December 31, 1950. Prior to December 31, 1950, certain of the companies contemplate the retirement of part or all of the notes with proceeds from permanent financing. The table below shows the notes outstanding October 1, 1950, the notes proposed to be issued, the maximum face amounts of notes which may be outstanding at any one time as limited by bank letter agreements of certain applicant companies, the contemplated retirements and the amounts to be outstanding December 31, 1950.

	Outstanding Oct. 1, 1950	Proposed to be issued	Maximum amounts which may be outstanding at any one time	Estimated amount	
				To be retired prior to Dec. 31, 1950	To be outstanding Dec. 31, 1950
Attleboro	$440,000	$60,000	$500,000	$500,000	
Beverly	470,000	620,000	650,000	470,000	$620,000
Central Massachusetts	1,000,000	125,000	1,500,000	1,125,000	
Gardner	500,000	50,000	650,000	550,000	
Lowell	1,950,000	2,100,000	2,300,000	1,950,000	2,100,000
Malden Electric	150,000	450,000	450,000	150,000	450,000
Malden & Melrose	550,000	900,000	1,000,000	550,000	900,000
New England Power	9,000,000	8,000,000	10,500,000	8,000,000	9,000,000
Southern Berkshire	300,000	400,000	500,000	300,000	460,000
Wachusett		200,000	200,000		200,000
Worcester County	6,050,000	1,250,000	7,300,000	7,300,000	
Worcester Suburban	2,100,000	300,000	2,400,000	2,400,000	
Total of above	22,510,000	14,455,000	27,950,000	23,295,000	13,670,000

The notes outstanding and to be issued by all of the companies except Malden Electric Company and Wachusett Electric Company are subject to bank letter agreements and mature on May 31, 1951. Malden Electric and Wachusett propose to issue notes, from time to time up to December 31, 1950, maturing six months from date of issue and bearing interest at the rate of 2¼ percent per annum: *Provided*, That if the interest rate is to exceed this amount the company will notify the Commission by appropriate amendment five days prior to the execution and delivery of such notes and request that such amendment become effective if not notified by the Commission to the contrary.

The interest rates on the borrowings of Attleboro, Central Mass., Gardner and Worcester Suburban are pursuant to bank letter agreements and are determined by a formula related to the Federal Reserve rediscount rate, which formula we have heretofore approved, while the New England Power and Worcester County interest rates are subject to other agreements which we have heretofore approved (Holding Company Act Release Nos. 8253 and 9527). Beverly, Lowell, Malden and Melrose, and Southern Berkshire have entered into supplemental agreements reducing the interest rates on notes presently outstanding, which rates will be applicable to the notes proposed to be issued.

In connection with the system program for financing its construction requirements it is stated in the application:

The bank debt of all NEES subsidiaries at September 30, 1950, was $26,340,000 while estimated construction expenditures of these companies are $12,340,000 in the last quarter of 1950, $34,912,000 in the year 1951 and $25,524,000 in the year 1952, a total of about $100,000,000. It is anticipated that about $25,000,000 of this will be obtained by NEES and its subsidiaries from depreciation and amortization charges, retained net income, etc. This leaves about $75,000,000 to be obtained either from the sale of assets or security issues of NEES or its subsidiaries of which the major portion will be obtained from the sale of senior securities of subsidiaries to the public.

NEES intends to dispose of its investment in gas and transportation properties and the proceeds of such sales should be substantial although the timing for the receipts arising from such disposition cannot be definitely stated at this time even though negotiations for some of such sales are actually under way. As many subsidiaries will have need for short term bank borrowings in this period of substantial construction expenditures, NEES will report to the Securities and Exchange Commission by March 31, 1951, on the progress of such sales of gas and transportation properties. NEES intends to maintain a reasonable equity base for the required senior financing and if it then appears that the sales of gas and transportation properties are to be materially delayed, NEES proposes to maintain such equity base through the issue and sale of additional common shares as soon as practicable and feasible provided market conditions are favorable. In formulating any program for future financing and in determining any future policy during these troublesome, changing, and uncertain times, NEES recognizes that changes may be necessary or desirable from time to time to meet unforeseen or unusual conditions that may arise and any statement of program or policy must therefore be so qualified.

It is estimated by applicant companies that the actual cost for services performed by New England Power Service Company, an affiliate, in connection with the proposed transactions will aggregate not more than $4,300. Other fees and expenses are estimated at $1,100.

It is stated that no State commission has jurisdiction over the transactions proposed by Malden Electric and Wachusett; that the Department of Public Utilities of the Commonwealth of Massachusetts, which has jurisdiction over the transactions with respect to each of the other applicant companies, has approved the proposed note borrowings; and that the Public Service Commissions of the States of New Hampshire and Vermont have approved the transactions proposed by New England Power Company. It is further stated that no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

Each of the applicant companies requests that the Commission's order herein become effective upon issuance. It appears to this Commission that the above entitled matters are related and involve similar questions of law and fact, that each of the matters may have a bearing on the other and that substantial savings in time, effort and expenses will result if said matters are consolidated for consideration and decision.

It is ordered, That the above entitled proceedings be, and the same hereby are, consolidated for the purpose of consideration and decision by this Commission, subject to the right to separate, for decision, any one or more of said proceedings as may be deemed necessary or appropriate in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-9297; Filed, Oct. 19, 1950; 8:52 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 15150]

BERENT NILSEN

In re: Stock owned by Berent Nilsen, also known as H. B. Nilsen and as Harald Berent Nilsen. F-28-30892.

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 Berent Nilsen, also known as H. B. Nilsen and as Harald Berent Nilsen, whose last known address is Andreasstrasse 15, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of no par value common stock of General Electric Company, 570 Lexington Avenue, N. Y., N. Y., evidenced by a certificate numbered NYD-462861, registered in the name of N. V. Amsterdamsch Administratiekantoor van Amerikaansche Waarden, Amsterdam, together with all declared and unpaid dividends thereon;

b. Ten (10) shares of $10.00 par value common stock of Tidewater Associated Oil Company, 17 Battery Place, New York, New York, evidenced by a certificate numbered BNCX 3489, registered in the name of N. V. Het Administratiekantoor gebr. Boissevain en gebr. Teixeira de Mattos, A'dam, together with all declared and unpaid dividends thereon;

c. Ten (10) shares of $25.00 par value common stock of The Chesapeake & Ohio Railway Company, Terminal Tower, Cleveland, Ohio, evidenced by an ordinary share warrant numbered CX45210, registered in the name of (Broekmans) Algemeene Trust Maatschappij, Amsterdam, together with all declared and unpaid dividends thereon;

d. Twenty (20) shares of $10.00 par value common stock of F. W. Woolworth Co., Woolworth Building, N. Y., N. Y., being a part of the one hundred (100) shares evidenced by certificate numbered WT/O 189320, registered in the name of N. V. Amsterdamsch Administratiekantoor van Amerikaansche Waarden, Amsterdam, together with all declared and unpaid dividends thereon; and

e. 2.5 shares of no par value (new) common stock of Standard Brands, Inc., 595 Madison Avenue, N. Y., N. Y., being a part of 25 shares of (new) common stock of Standard Brands, Inc., evidenced by a certificate numbered C-318896, for 100 shares of (old) common stock of the aforesaid Standard Brands, Inc., registered in the name of Broekmans Administratiekantoor N. V., Amsterdam, together with all declared and unpaid dividends thereon, and all rights to receive a new certificate for 2.5 shares of (new) common stock of the aforesaid corporation;

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, Berent Nilsen, also known as H. B. Nilsen and as Harald Berent Nilsen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on September 27, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9273; Filed, Oct. 19, 1950; 8:50 a. m.]

[Vesting Order 15189]

LOUIS JUCHZS

In re: Estate of Louis Juchzs, deceased. File No. D-28-7962: E. T. sec. 8859.

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 August Roedenberger, Frieda Stahl, Marie Hoffman, Sophie Groetzinger, Karl Moser, Luise Butzer, Frieda Duerr, Helene Schneider, Martha Vogt, Else Moser, Hans Moser, Robert Faber, Erwin Faber, Gertrud Faber, Anna Pfeill, Hedwig Hoffer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees, and distributees, names unknown, of Karoline Louise Roedenberger, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Louis Juchzs, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Public Administrator of Kings County, New York, as administrator, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees, and distributees, names unknown, of Karoline Louise Roedenberger, 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 October 11, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9274; Filed, Oct. 19, 1950; 8:50 a. m.]

[Vesting Order 15190]

ANDREW KLESSEL

In re: Estate of Andrew Klessel, deceased. File No. D-28-12854; E. T. sec. 17019.

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 Maria Klessel Hertrich, John Klessel, Margaret Klessel Ackard, and Margaret Klessel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Maria Klessel Hertrich, of John Klessel, of Margaret Klessel Ackard and of Margaret Klessel, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

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

4. That such property is in the process of administration by William Sigerer, as executor acting under the judicial supervision of the Surrogate's Court of Montgomery County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Maria Klessel Hertrich, of John Klessel, of Margaret Klessel Ackard and of Margaret Klessel, 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 October 11, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9234; Filed, Oct. 18, 1950; 8:50 a. m.]

[Vesting Order 15191]

AKI KOSHI ET AL.

In re: Rights of Aki Koshi et al. under insurance contract. File No. F-39-6720-H-1.

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

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

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saburo Koshi, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,361,673, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Jitsuo Koshi, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saburo Koshi, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

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

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise 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 October 11, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9235; Filed, Oct. 18, 1950; 8:50 a. m.]

[Vesting Order 15197]

GUSTAV ALBORG

In re: Certificates of deposit owned by the personal representatives, heirs, next of kin, legatees and distributees of Gustav Alborg, deceased. F-28-24021-A-1.

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

1. That the personal representatives, heirs, next of kin, legatees and distributees of Gustav Alborg, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Three (3) certificates of deposit for St. Louis, San Francisco Railway Company 4% Series A Bonds, due July 1, 1950, said certificates issued by the Central Hanover Bank & Trust Company of New York, New York, numbered and of the face values as follows:

Number:	*Face value*
A. M. 30591	$1,000.00
A. M. 30592	1,000.00
A. Y. 1085	250.00

which certificates of deposit are presently in the custody of Morris Blau, 11 West 42nd Street, New York 18, New York, together with any and all rights thereunder and thereto,

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 personal representatives, heirs, next of kin, legatees and distributees of Gustav Alborg, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Gustav Alborg, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

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

For the Attorney General.

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

By LOYOLA M. BLANTON,
Assistant Secretary for Records.

[F. R. Doc. 50-9275; Filed, Oct. 19, 1950; 8:50 a. m.]

[Vesting Order 15199]

GUSTAVE BETCHMANN

In re: Bank account owned by Gustave Betchmann. F-28-27101-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 Gustave Betchmann, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Gustave Betchmann, by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of an unclaimed deposit account, entitled Gustave Betchmann, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

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

For the Attorney General.

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

[F. R. Doc. 50-9276; Filed, Oct. 19, 1950; 8:50 a. m.]

[Vesting Order 15200]

GALVANOCOR A. G.

In re: Bank account owned by Galvanocor A. G.

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

1. That the personal representatives, heirs, next of kin, legatees and distributees of Dr. Max Schloetter, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That Galvanocor A. G. is a corporation organized under the laws of Switzerland, whose principal place of business is located at Lucerne, Switzerland, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the personal representatives, heirs, next of kin, legatees and distributees of Dr. Max Schloetter, deceased, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, arising out of a current account entitled Galvanocor A. G. Lucerne. No. 80792, maintained at the aforesaid Swiss Bank Corporation, New York Agency, 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 Galvanocor A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Galvanocor A. G. 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 Galvanocor A. G. and the personal representatives, heirs, next of kin, legatees and distributees of Dr. Max Schloetter, deceased, are not within a designated enemy country, the national interest of the United

States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

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

For the Attorney General.

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

[F. R. Doc. 50-9277; Filed, Oct. 19, 1950; 8:50 a. m.]

[Vesting Order 15201]

LOUISE GRAFE

In re: Debts owing to Louise Grafe. D-28-10252-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 Louise Grafe, whose last known address is Dresden, N. 6 Timausstr. 14/III Germany, is a resident of Germany and a national of a designated enemy country (Germany);

That the property described as follows: Those certain debts or other obligations of the Utility Employes Savings & Loan Association, 315 North Twelfth Boulevard, St. Louis 1, Missouri, arising out of full paid savings accounts, evidenced by certificates numbered 2195, 2453, 4009 and 4010 of the face value of $800.00, $200.00, $500.00, and $500.00 respectively, registered in the name of Alfred Grafe and Louise Grafe, joint tenants, with right of survivorship, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

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

For the Attorney General.

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

[F. R. Doc. 50-9278; Filed, Oct. 19, 1950; 8:50 a. m.]

[Vesting Order 15204]

MACHINENFABRIK AUGSBURG-NUERNBERG, A/G

In re: Bank account owned by Machinenfabrik Augsburg-Nuernberg, A/G. F-28-4697-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 Machinenfabrik Augsburg-Nuernberg, A/G the last known address of which is Nuernberg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Machinenfabrik Augsberg-Nuernberg, A/G, by Chase National Bank of the City of New York, 20 Pine Street, New York City, New York, arising out of a checking account, entitled Machinenfabrik Nuernberg, Germany, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

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

For the Attorney General.

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

[F. R. Doc. 50-9279; Filed, Oct. 19, 1950; 8:50 a. m.]

[Vesting Order 15205]

FRANZ SCHIEMANN

In re: Bank account owned by Franz Schiemann. F-28-23039-E-3.

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

1. That Franz Schiemann, whose last known address is Koenigsberg, Ost Preussen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Franz Schiemann, by Citizens National Trust and Savings Bank of Los Angeles, 457 South Spring Street, Los Angeles 54, California, arising out of a Savings Account, account number 3784, entitled Franz Schiemann, maintained at the branch office of the aforesaid bank located at Wilshire and Hauser Boulevard, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

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

For the Attorney General.

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

[F. R. Doc. 50-9280; Filed, Oct. 19, 1950; 8:50 a. m.]

[Vesting Order 15206]

ITARO SHIMAMOTO

In re: Bank account owned by Itaro Shimamoto. F-39-1642-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 Itaro Shimamoto, whose last known address is Kushimoto Cho Nishi Muro Gun, Wakayama Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Itaro Shimamoto, by The United States National Bank of San Diego, San Diego 12, California, arising out of a Savings Account, account number 17412, entitled Itaro Shimamoto, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

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

For the Attorney General.

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

[F. R. Doc. 50-9281; Filed, Oct. 19, 1950; 8:50 a. m.]

[Return Order 768]

SOCIETA ITALIANA DEGLI AUTORI ED EDITORI (S. I. A. E.)

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

Societa Italiana Degli Autoro ed Editori (S. I. A. E.), Via Valadier, 37, Rome, Italy; Claim No. 41652; September 8, 1950 (15 F. R. 6061); $87,559.36 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument and all causes of action accrued or to accrue relating to the non-dramatic performance for profit of all musical compositions held by Societa Italiana Degli Autori ed Editori (S. I. A. E.) and/or each and every member thereof immediately prior to vesting thereof by Vesting Order No. 2097 (8 F. R. 16463, December 7, 1943).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington D. C., on October 12, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9238; Filed, Oct. 18, 1950; 8:50 a. m.]

[Return Order 772]

URBANO ORGANTINI

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

Urbano Organtini, New York, N. Y., Claim No. 4051; September 8, 1950 (15 F. R. 6061); the following securities presently in the custody of the Office of Alien Property, 120 Broadway, New York, N. Y.: 1,000 RM Hamburg Liquidation Loan 1927, Cert. No. 05365; 100 RM Rheinischen Hypothekenbank, Mannheim, 4½ percent 1928, Cert. No. 91381, with 1942 coupon renewal certificate attached; 200 shares Ohio Copper Company of Utah (a Maine corporation) $1 par value capital stock, registered in the name of Herrick Berg & Co. and endorsed in blank, Cert. Nos. A5539 and A5540 for 100 shares each; 5,000 RM German Liquidation Loan (Ex Rights).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9242; Filed, Oct. 18, 1950; 8:51 a. m.]

HERTHA HENRIETTE BECHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, 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., Property and Location

Hertha Henriette Becher, Belmont, Mass.; Claim No. 10221; $594.87 in the Treasury of the United States.

Martha Reinicke, Brussels, Belgium; Claim No. 10221; $594.87 in the Treasury of the United States

Gertrud Joachim, Belmont, Mass.; Claim No. 10221; $594.87 in the Treasury of the United States.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9232; Filed, Oct. 19, 1950; 8:50 a. m.]

ANDRE BERNARD NICHOLAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, 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., Property and Location

Andre Bernard Nicolas, a/k/a Andre Bernard Nicholas, Paris, France; Claim No. 42008; $360.10 in the Treasury of the United States.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9283; Filed, Oct. 19, 1950; 8:50 a. m.]

ANNA MARIA WEBER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, 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., Property and Location

Anna Maria Weber, Long Island City, N. Y.; Claim No. 5835; $399.88 in the Treasury of the United States.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9284; Filed, Oct. 19, 1950; 8:50 a. m.]

AMMINISTRAZIONE DEI MONOPOLI DI STATO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, 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., Property and Location

Amministrazione dei Monopoli di Stato, Rome, Italy; Claim No. 41054; all right, title and interest of the Attorney General by virtue of Vesting Order No. 274 in and to all property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Amministrazione dei Monopoli di Stato, an agency of the government of Italy, Rome, Italy, including but not limited to all property of Italian Tobacco Regie, its American branch located at New York, N. Y.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9285; Filed, Oct. 19, 1950; 8:50 a. m.]

CLEMENTE DEL DRAGO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, 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., Property and Location

Clemente del Drago, by his guardian Marcel del Drago, Rome, Italy; Claim No. 42976; all right, title, interest and claim of any kind or character whatsoever of Clemente del Drago, the son of Marcel del Drago, in and to the trusts created under the will of Josephine del Drago, deceased; Trustee: Corn Exchange Bank Trust Company, New York, New York, vested by Vesting Order No. 1999 (8 F. R. 11819, August 26, 1943).

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9286; Filed, Oct. 19, 1950; 8:50 a. m.]

MARIA THELIAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, 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., Property and Location

Maria Thelian, Klagenfurt, Austria; Claim No. 42080; $495.57 in the Treasury of the United States.

Executed at Washington, D. C., on October 13, 1950.

For the Attorney General.

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

[F. R. Doc. 50-9287; Filed, Oct. 19, 1950; 8:50 a. m.]