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Washington, Tuesday, August 5, 1947

### TITLE 3—THE PRESIDENT

#### EXECUTIVE ORDER 9880

**CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE RIVER TERMINAL RAILWAY COMPANY AND CERTAIN OF ITS EMPLOYEES**

WHEREAS a dispute exists between the River Terminal Railway Company, a carrier, and certain of its employees represented by the Brotherhood of Railroad Trainmen, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within the state of Ohio, to a degree such as to deprive that portion of the country of essential transportation service:

NOW THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160) I hereby create a board of three members, to be appointed by me, to investigate said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the River Terminal Railway Company or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,  
August 1, 1947.

[F. R. Doc. 47-7348; Filed, Aug. 1, 1947;  
3:44 p. m.]

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter III—Farmers Home Administration, Department of Agriculture

##### Subchapter A—Administration

##### PART 300—GENERAL

##### DELEGATION OF AUTHORITY TO ADVERTISE

Part 300, "General" in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter A) is amended by adding § 300.20 as follows:

§ 300.20 *Delegation of authority to advertise.* (a) For the fiscal year ending June 30, 1948, the Administrator and certain designated officials of the Farmers Home Administration within their jurisdictions are authorized to incur expense for advertising in newspapers and other publications as hereinafter specifically set forth.

(1) State Directors; District Supervisors; and County Supervisors may advertise public and private foreclosure sales of personal and real property under lien to the Farmers Home Administration (and its predecessor agencies) as required by State Laws or by orders of courts of competent jurisdiction.

(2) Chief of the Administrative Services Division; Area Finance Managers; Area Chief, Administrative Services Division; State Director, San Juan, Puerto Rico; and Chief, Administrative Management Division, San Juan, Puerto Rico, may advertise:

(i) In accordance with the applicable provisions of law, the dissolution of corporations and associations (including State Rural Rehabilitation Corporations, Defense Relocation Corporations, and Purchasing Associations, and so forth) and the sale and disposal of all real and personal property under the jurisdiction of the Farmers Home Administration.

(ii) For bids on construction contracts into which the Farmers Home Administration desires to enter.

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(iii) In connection with the solicitation of bids for the procurement of office and storage space, services, materials supplies, and equipment.

(b) This authority includes the selection of county, city, or other newspapers, appropriate trade journals, or other publications of limited or general circulation; and the placing thereon of display or other advertisement which will be sufficient notification to the public of any particular proposal. For any single proposal, no advertisement will appear in more than fifteen newspapers or other publications, nor will more than five insertions be made in the same newspaper or publication, except where a larger number of newspapers, or other publications, or a greater number of insertions, are required by State laws, or by orders of a court of competent jurisdiction, in which case the required number of newspapers or other publications, or the required number of insertions, or both, will be limited to the number required by such State laws or by such a court order. (R. S. 3828, sec. 12, Pub. Law 600, 79th Cong., 60 Stat. 806; 44 U. S. C. 324)

Issued this 30th day of July 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

[F. R. Doc. 47-7292; Filed, Aug. 4, 1947; 8:49 a. m.]

**TITLE 16—COMMERCIAL PRACTICES**

**Chapter I—Federal Trade Commission**

[Docket No. 5005]

**PART 3—DIGEST OF CEASE AND DESIST ORDERS**

WATTS-WAGNER CO., INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties.* In connection with the offering for sale, sale, and distribution in commerce, of the product designated "Perma-Weld" or any other product of substantially similar composition or properties, whether sold under the same or any other name, (1) using the words "weld" or "welding", or any other words of similar import or meaning, to designate, describe or refer to said product or the results accomplished through the use of said product; (2) representing, directly or by implication, that the use of said product will result in the fusion, union, consolidation, or welding of metal parts, or that the results accomplished through the use of said product are such as are accomplished through a welding process; or, (3) representing, directly or by implication, that the use of said product will permanently repair any metal parts which are subjected to stress or vibration; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Watts-Wagner Company, Inc., et al., Docket 5005, June 27, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of June A. D. 1947.

*In the Matter of Watts-Wagner Co., Inc., a Corporation; Allen P. Wagner and William W. Wagner, Individually and as Officers of Watts-Wagner Co., Inc.*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before examiners of the Commission theretofore duly designated by it, report of the trial examiners, and the briefs of counsel (oral argument not having been requested) and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Watts-Wagner Company, Inc., a corporation, its officers, representatives, agents, and employees, and the individual respondents Allan P. Wagner and William W. Wagner, individually and as officers of the corporate respondent, jointly or severally, their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the product designated "Perma-Weld" or any other product of substantially similar composition or properties, whether sold under the same or any other

name, do forthwith cease and desist from:

1. Using the words "weld" or "welding," or any other words of similar import or meaning, to designate, describe or refer to said product or the results accomplished through the use of said product.

2. Representing, directly or by implication, that the use of said product will result in the fusion, union, consolidation, or welding of metal parts, or that the results accomplished through the use of said product are such as are accomplished through a welding process.

3. Representing, directly or by implication, that the use of said product will permanently repair any metal parts which are subjected to stress or vibration.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] W. P. GLENDENING, JR.,  
Acting Secretary.

[F. R. Doc. 47-7293; Filed, Aug. 4, 1947; 8:49 a. m.]

[Docket No. 5272]

**PART 3—DIGEST OF CEASE AND DESIST ORDERS**

McKINLEY-ROOSEVELT, INC., ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as religious, educational or research institution or organization:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Reputation, success or standing:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size and extent:* § 3.6 (a) 10 *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Civil Service Commission connections or recognition:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (dd) 10 *Advertising falsely or misleadingly—Success, use or standing:* § 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as educational, religious or research institution:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Reputation, success or standing:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Indorsements:* § 3.69 (b) *Misrepresenting oneself and goods—Success, use or standing.* In connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, and on the part of respondent McKinley-Roosevelt, Incorporated, its

officers, etc., and among other things, as in order set forth (a) representing, through the granting or conferring of so-called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field; (b) representing, directly or by implication, that purported degrees granted or conferred by said corporation are recognized by the United States Civil Service Commission or by employers or prospective employers; (c) representing, directly or by implication, that said corporation maintains separate departments for its courses of study; (d) representing, directly or by implication, that said corporation's courses of study are superior or equal to those offered by resident colleges or universities; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, McKinley-Roosevelt, Incorporated, et al., Docket 5272, June 25, 1947]

§ 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as educational, religious or research institution.* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Reputation, success or standing:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Indorsements:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Success, use or standing:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, and on the part of respondent McKinley-Roosevelt University, its officers, etc., and among other things, as in order set forth (a) representing, through the granting or conferring of so called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field; or (b) using the word "University," or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a university prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, McKinley-Roosevelt, Incorporated, et al., Docket 5272, June 25, 1947]

§ 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as educational, religious or research institution:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Reputation, success or standing:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Indorsements:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Success, use or standing:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business being educational, religious or*

*research institution or organization.* In connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, and on the part of respondent McKinley-Roosevelt Graduate College, its officers, etc., and among other things, as in order set forth (a) representing, through the granting or conferring of so called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field; or (b) using the word "College" or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a college; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, McKinley-Roosevelt, Incorporated, et al., Docket 5272, June 25, 1947]

§ 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as educational, religious or research institution.* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Reputation, success or standing:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Indorsements:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Success, use or standing:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, and on the part of respondent McKinley-Roosevelt Foundation, its officers, etc., and among other things, as in order set forth (a) representing through the granting or conferring of so called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field; or (b) using the word "Foundation" or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a foundation; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, McKinley-Roosevelt, Incorporated, et al., Docket 5272, June 25, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of June A. D. 1947.

*In the Matter of McKinley-Roosevelt, Incorporated, a Corporation; McKinley-Roosevelt Foundation, a Corporation, McKinley-Roosevelt Schools, Inc., a Corporation, McKinley-Roosevelt Graduate College, a Corporation, McKinley-Roosevelt University, a Corporation; and Jessie M. Taylor William R. Peacock, Lozier D. Warner Individually and as Officers of Each of Said Corporations*

This proceeding having been heard by the Federal Trade Commission upon the

complaint of the Commission the answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner and the exceptions thereto, briefs in support of and in opposition to the complaint, and oral argument, and the Commission having made its findings as to the facts and its conclusion that certain of the respondents have violated the provisions of the Federal Trade Commission Act:

1. *It is ordered,* That respondent McKinley-Roosevelt, Incorporated, a corporation, and its officers, and respondents Jessie M. Taylor, William R. Peacock and Lozier D. Warner, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, through the granting or conferring of so-called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field:

(b) Representing, directly or by implication, that purported degrees granted or conferred by said corporation are recognized by the United States Civil Service Commission or by employers or prospective employers.

(c) Representing, directly or by implication, that said corporation maintains separate departments for its courses of study.

(d) Representing, directly or by implication, that said corporation's courses of study are superior or equal to those offered by resident colleges or universities.

2. *It is further ordered,* That respondent McKinley-Roosevelt University, a corporation, and its officers and respondents Jessie M. Taylor, William R. Peacock and Lozier D. Warner, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, through the granting or conferring of so-called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field.

(b) Using the word "University", or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a university.

3. *It is further ordered,* That respondent McKinley-Roosevelt Graduate College, a corporation, and its officers, and respondents Jessie M. Taylor, William R. Peacock and Lozier D. Warner, individually and as officers of said corpora-

tion, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, through the granting or conferring of so-called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field.

(b) Using the word "College" or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a college.

4. *It is further ordered*, That respondent McKinley-Roosevelt Foundation, a corporation, and its officers, and respondents Jessie M. Taylor, William R. Peacock and Lozier D. Warner, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, through the granting or conferring of so-called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field.

(b) Using the word "Foundation" or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a foundation.

5. *It is further ordered*, That the complaint herein be, and it hereby is, dismissed as to respondent McKinley-Roosevelt Schools, Inc.

6. *It is further ordered*, That all of the respondents named in paragraphs 1, 2, 3 and 4 above shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] Wm. P. GLENDENING, Jr.,  
*Acting Secretary.*

[F. R. Doc. 47-7275; Filed, Aug. 4, 1947; 8:46 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51726]

#### PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

##### INVOICES FOR ARTICLES CONTAINING COPPER OTHER THAN COPPER SULPHATE

Requirements for additional information on invoices for articles containing copper (other than copper sulphate) sus-

pending. Section 8.13 (1), Customs Regulations of 1943, amended.

As Public Law No. 42, approved April 29, 1947, suspends the imposition of the copper tax (I. R. C. 3425), except in the case of copper sulphate, during the period from April 30, 1947, to March 31, 1949, inclusive, the application of T. D. 45878 and 50158, and § 8.13 (1), Customs Regulations of 1943, as redesignated by T. D. 51059, requiring additional information on customs invoices for "Copper-bearing ores and concentrates and other articles taxable under sec. 601 (c) (7), Revenue Act of 1932" (I. R. C. 3425) and "Articles dutiable under Tariff Act of 1930 and containing 4 per centum or more by weight of copper (including copper in alloy) except articles provided for in pars. 316, 380, 381, or 387, Tariff Act of 1930," is hereby suspended with respect to such articles except copper sulphate, entered during the period from April 30, 1947, to March 31, 1949, inclusive.

(Sec. 481 (a) (10), 46 Stat. 719; 19 U. S. C. 1481 (a) (10))

Section 8.13 (1), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (1)), as redesignated by T. D. 51059, is hereby further amended by adding the number and date of this Treasury decision to the Treasury decisions appearing opposite each of the items "Copper-bearing ores and concentrates and other articles taxable under sec. 601 (c) (7) Revenue Act of 1932" (I. R. C. 3425), and "Articles dutiable under Tariff Act of 1930 and containing 4 per centum or more by weight of copper (including copper in alloy), except articles provided for in pars. 316, 380, 381, or 387, Tariff Act of 1930"

(Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624)

[SEAL] FRANK DOW,  
*Acting Commissioner of Customs.*

Approved: July 29, 1947.

E. H. FOLEY, Jr.,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 47-7300; Filed, Aug. 4, 1947; 8:50 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Federal Security Agency

#### PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

##### MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, as amended by 59 Stat. 463 and Public Law 16, 80th Cong., 1st Sess., 21 U. S. C., Sup. 357) the regulations for the certification of penicillin-containing drug and streptomycin-containing drugs (12 F. R. 2231) as amended, are hereby further amended as indicated below:

1. Section 146.25 (b), first sentence, line 3, is amended to read: "be of heat-resistant transparent plastic or colorless transparent glass (unless"

2. Section 146.35 (d) (3) is amended to read:

(1) The batch; one immediate container of penicillin sulfonamide powder for each 5,000 containers in the batch, but in no case less than 20 such containers or more than 100, unless each such container is packaged to contain more than one gram in which case the sample shall consist of one gram for each 5,000 immediate containers in the batch, but in no case less than 20 grams or more than 100 grams. Such samples shall be collected by taking single immediate containers or one-gram portions at such intervals throughout the entire time the containers are being filled that the quantities made during the intervals are approximately equal.

This order, which provides for the use of plastic containers in packaging penicillin in oil and wax and for decreasing the size and amount of the sample to be submitted upon application for certification of penicillin sulfonamide powder when packaged in more than one-gram containers, shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay the marketing of penicillin in oil and wax in plastic containers and since it would be against public interest not to decrease the size and amount of the sample required to be submitted with the request for certification of penicillin sulfonamide powder when packaged in containers of more than one gram.

(Sec. 507, 52 Stat. 1040, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong., 21 U. S. C. and Sup. 357)

Dated: July 30, 1947.

[SEAL] MAURICE COLLINS,  
*Acting Administrator.*

[F. R. Doc. 47-7236; Filed, Aug. 4, 1947; 8:48 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Departmental Reg. OR 3]

#### PART 1—FUNCTIONS AND ORGANIZATION

##### MISCELLANEOUS AMENDMENTS

JUNE 3, 1947.

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 230), Part 1 of Title 22 of the Code of Federal Regulations is hereby amended as indicated hereunder:

1. Section 1.110 (c) is added to read as follows:

§ 1.110 *Under Secretary of State.*

(c) *Organization.* The Under Secretary is assisted by the Policy Planning Staff.

2. Section 1.111 is added as follows:

§ 1.111 *Policy Planning Staff—(a) Purpose.* Under the direction of the Un-

der Secretary of State, to assure the development within the Department, of long-range policy that will serve as a framework for program-planning and a guide for current decisions and operations.

(b) *Major functions.* The Policy Planning Staff shall advise and assist the Under Secretary by performing the following functions:

(1) Formulating and developing, for the consideration and approval of appropriate officials of the Department, long-term programs for the achievement of American foreign-policy objectives.

(2) Anticipating problems which the Department may encounter in the discharge of its mission.

(3) Undertaking studies and preparing reports on broad politico-military problems which the Department may submit for consideration by SWNCC, the Committee of Three, or other similar bodies.

(4) Examining, independently or upon reference by the Secretary or the Under Secretary, problems and developments affecting United States foreign policy in order to evaluate the adequacy of current policy and making advisory recommendations pertaining thereto.

(5) Coordinating planning activities within the Department of State.

In the discharge of the above functions, the Policy Planning Staff has no operational responsibility and will not issue directives, instructions, etc., to the operational organizations of the Department or to missions in the field. However, in order to insure a realistic basis for planning, close contact shall be maintained between the Staff and operational organizations and the latter shall be responsible for keeping the Staff informed of their planning activities.

(c) *Organization.* The Policy Planning Staff shall be:

(1) Headed by a Director to report and be responsible to the Under Secretary.

(2) Assisted by panels of special advisers from the operating branches of the Department, from other departments or agencies, and from outside the Government.

(3) Serviced administratively by the Executive Secretariat.

3. Section 1.190 is revised to read as follows:

§ 1.190 *Executive Secretariat*—(a) *General statement.* The major functions of the Executive Secretariat will be issued at a later date. The organization units, in conformity with DA 474, are as follows:

(b) *Committee Secretariat Branch.* The Committee Secretariat Branch performs the following functions:

(1) Serves as secretariat for such Departmental and interdepartmental committees as request assistance.

(2) Gives technical assistance of various kinds to officers of the Department who are preparing policy recommendations for consideration in Departmental committees.

(3) Acts as a channel through which policy matters originating in the Offices, divisions, and Departmental and interdepartmental committees concerned with foreign policy problems, may be

brought to the appropriate committee or the officers.

(4) Communicates the decisions of the policy-formulating committees to the appropriate officers of the Department.

(c) *Policy Registry Branch.* The Policy Registry Branch maintains a comprehensive file of policy decisions, based upon the activities of committees and international conferences and the directives of the officers of the Department, the Secretary of State, and the President of the United States.

(d) *Protocol Staff.* The Protocol Staff performs the following functions:

(1) Plans and makes all arrangements for foreign visits of state; and arranges for the reception by the President and the Secretary of State, of the chiefs of foreign missions and of distinguished foreign guests.

(2) Arranges with Federal, State, and local government agencies for the granting of privileges and immunities to foreign government and international organization officials.

(3) Advises the President and Secretary on all matters of protocol.

(4) Operates the Blair House and the Blair-Lee House for the housing and entertaining of distinguished foreign guests.

(e) *Correspondence Review Branch.* The Correspondence Review Branch performs the following functions:

(1) Reviews, edits, and coordinates outgoing correspondence.

(2) Acts as the official channel for the orderly receipt, presentation for signature, and proper disposition of outgoing correspondence.

(3) Plans, initiates, and executes policies and procedures for effective preparation, coordination, and review of correspondence originating in the Department.

(4) Provides general information and advises on Departmental practice, procedure, and precedents relating to correspondence.

4. Section 1.540 is revised to read as follows:

§ 1.540 *Office of the Foreign Liquidation Commissioner*—(a) *Purpose.* To formulate a coordinated United States foreign policy with respect to the disposal of surplus property, and to insure that the United States and its citizens and their enterprises receive the maximum economic security possible in the disposal of surplus property.

(b) *Major functions.* The Office performs the following major functions:

(1) Directs the disposal of foreign-located surpluses.

(2) Coordinates the program of the Office of Foreign Liquidation with the programs of other Federal agencies.

(3) Determines basic objectives with respect to surplus-property disposals.

(4) Develops major sales opportunities, concluding agreements with larger purchasers.

(c) *Organization.* The Office consists of the Commissioner, Executive Director, Research and Statistics Division, Administrative Division, Fiscal and Accounting Division, Maritime Division, and General Disposals Division.

(d) *Relationships with other agencies.* In addition to other offices in the De-

partment, the Office of Foreign Liquidation has relationships with other agencies with respect to top-level policy decisions in the disposal of surplus property, including, in particular, the War Department, Navy Department, War Assets Administration, Congress, Bureau of the Budget, Maritime Commission, Reconstruction Finance Corporation, Office of Temporary Controls, Interior Department, Commerce Department, Department of Justice, Department of Agriculture, Treasury Department, General Accounting Office, United States Lend-Lease and Surplus Settlement Committee and Working Groups, and Interdepartmental Committee on Implementation of the Fulbright Act.

5. The heading of § 1.600 is revised to read "*Assistant Secretary; Transportation and Communication Affairs.*"

6. Paragraph (c) (4) of § 1.1800 is revised as set forth below:

§ 1.1800 *Assistant Secretary; Administration.* \* \* \*

(c) *Organization.* \* \* \*

(4) Office of Controls, Office of the Foreign Service, Office of Budget and Planning, and Office of Departmental Administration.

7. Paragraph (c) of § 1.1810 is revised to read as follows:

§ 1.1810 *Office of Controls.* \* \* \*

(c) *Organization.* The Office is composed of the Passport Division, Visa Division, Special Projects Division, Division of Foreign Activity Correlation, Division of Security and Investigations, and Munitions Division.

8. In § 1.1830 paragraphs (b) (6) and (c) are revised and paragraph (b) (7) is added to read as follows:

§ 1.1830 *Office of the Foreign Service.* \* \* \*

(b) *Major functions.* \* \* \*

(6) Develops plans and programs for improvement in the over-all administration and management of the Foreign Service.

(7) Through the Corps of Foreign Service Inspectors, directs the inspection of Foreign Service establishments and gives constructive advice and assistance on better methods of operation.

(c) *Organization.* The Office consists of the Division of Foreign Service Planning, Division of Foreign Service Personnel, Division of Foreign Service Administration, Division of Foreign Buildings Operations, Foreign Service Institute, and Division of Foreign Reporting Services.

9. In § 1.1840 section heading is changed to read as set forth below, paragraph (c) is amended and paragraph (d) is added to read as follows:

§ 1.1840 *Office of Budget and Planning.* \* \* \*

(c) *Organization.* The Office consists of the Division of Organization and Budget, Division of Finance, and United Nations Relief and Rehabilitation Division.

(d) *Budget officer.* The Director of the Office is ex officio, the Budget Officer of the Department.

10. Section 1.1850 is revised to read as follows:

§ 1.1850 *Office of Departmental Administration*—(a) *Purpose.* To develop and execute policies to improve the administrative management of the Department, except those relating to organization, security, the budget, and fiscal affairs.

(b) *Major functions.* The Office supervises activities in connection with the following functions:

(1) Provides adequate administrative services and facilities for Departmental activities.

(2) Develops and implements personnel-management policies of the Department and makes available, within budgetary and organizational limitations, the necessary personnel.

(3) Provides in Washington for the distribution of incoming and the dispatch of outgoing communications of the Department and for the transmission of other communications by diplomatic pouch or telegraph; maintains the official files of the Department; and provides the messenger service.

(4) Provides for the security of messages during telegraphic transmission by means of cryptographic systems.

(5) Provides for organization, administration, and general management of United States participation in international conferences, commissions, exhibitions, and other organized international cooperative enterprises other than the United Nations.

(6) Provides translating and interpreting services for the Department and the White House.

(7) Provides the centralized administrative services essential to Department activities in the New York area.

(c) *Organization.* The Office consists of the Division of Central Services, Division of Departmental Personnel, Division of Communications and Records, Division of Cryptography, Division of International Conferences, Central Translating Division, and New York Regional Administrative Office.

11. In § 1.1900 *Legal Adviser* paragraph (c) (10) (ii) is amended and paragraph (c) (11) (v) is added as set forth below and former paragraphs (c) (11) (v) through (vii) are redesignated (c) (11) (vi) through (viii)

(c) *Organization.* \* \* \*

(10) \* \* \*

(ii) Discharges the Department's responsibilities in connection with Presidential elections and amendments and proposed amendments to the Constitution.

(11) \* \* \*

(v) Signs for and in the name of the Secretary of State, and causes the Seal of the Department to be affixed to, certifications regarding treaties and other international agreements for registration of filing with the Secretariat of the United Nations.

Issued: June 3, 1947.

Approved: June 3, 1947.

For the Secretary of State.

[SEAL] STANLEY T. OREAR,  
Chief, Division of  
Organization and Budget.

[F. R. Doc. 47-7287; Filed, Aug. 4, 1947; 8:49 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Sugar Inventory Control Order 1]

#### PART 705—ADMINISTRATION

Pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947, Sugar Control Order No. 1, § 705.7, is issued to read as follows:

SECTION 1. *What this order does.* This order fixes the maximum inventory of sugar which any person can have on hand at any time. This order does not, however, apply to household users or to primary distributors, except that a primary distributor who is also an industrial user is subject to this order as though he were an industrial user only.

SEC. 2. *Maximum inventory for any person.* The maximum inventory of sugar which any person may have on hand at any time shall be the greater of (a) 2,000 pounds or (b) the maximum inventory allowed him under any applicable provisions of section 3 or 4 of this order, or (c) a quantity of sugar equal to his customary shipping unit.

SEC. 3. *Maximum inventory for industrial or institutional users.* The maximum inventory which an industrial or institutional user may have on hand at any time shall be either (a) 140% of the amount of sugar he used during the corresponding and next succeeding month of the 12-month period ended June 30, 1947, or (b) 90% of the amount of sugar used during the corresponding and next succeeding two months of the 12-month period ended June 30, 1947. For example, on any day in September, 1947, his maximum inventory shall not exceed the greater of (a) 140% of the amount he used in the months of September and October 1946 or (b) 90% of the amount he used in the months of September, October and November 1946.

SEC. 4. *Maximum inventory for wholesalers and retailers.* (a) The maximum inventory which a wholesaler or retailer may have on hand at any time shall be the amount of sugar he sold in the preceding calendar month.

(b) If a wholesaler or retailer has not sold sugar during the preceding calendar month, his maximum inventory at any time prior to the end of the first full calendar month during which he sells sugar shall be the reasonable estimated amount of his sales during that calendar month. Thereafter, he shall compute his maximum inventory under paragraph (a) of this section.

SEC. 5. *Records.* Every person who during any time in any calendar month has an inventory of more than 2,000 pounds of sugar must keep records showing the following for each such month:

(a) His actual inventory at the end of that month.

(b) The amount of sugar acquired and the amount of sugar sold or otherwise disposed of during that month.

(c) The records of his monthly operations during the year ended June 30,

1947, necessary to determine his maximum inventory under this order.

SEC. 6. *Definitions.* (a) "Industrial user" means a person who uses sugar in producing, manufacturing or processing for sale any product other than sugar.

(b) "Institutional user" means any person who uses sugar in the preparation of food which he serves to consumers, or in the service of food to consumers.

(c) "Inventory" means sugar which any person has in his possession. Possession of sugar includes:

(1) Sugar in the physical possession or control of the person or his agent or representative.

(2) Sugar placed in any plant, warehouse or other place, which place is owned or controlled directly or indirectly by such person, provided, however, that this shall not apply to sugar stored for others by a public warehouse.

(3) Particular sugar wherever located or an undivided interest in such sugar which is the subject of any contract, arrangement or understanding under which (whether or not conditioned on any contingency) it is sold or is to be sold to such person or disposed of as such person may direct.

(d) "Person" means any individual, partnership, corporation, association, or other organized group of persons.

(e) "Primary distributor" means any person who manufactures sugar or any person who, for the purposes of sale, takes delivery from the Collector of Customs of sugar brought into the continental United States, or the agent of any such person. The term "Agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(f) "Retailer or wholesaler" means any person other than a primary distributor who sells sugar.

(g) "Sugar" shall have the meaning which it had under Third Revised Ration Order 3.

SEC. 7. *Adjustments.* Any person who can show that his maximum inventory under this order causes him hardship may apply to the Sugar Branch, Production and Marketing Administration, Department of Agriculture, Washington, D. C., for an adjustment of that maximum inventory.

SEC. 8. *Sanctions.* Any person violating any provision of this order is subject to the criminal and civil sanctions provided for by the Sugar Control Extension Act of 1947.

This order shall become effective 12:01 a. m., e. d. s. t., August 1, 1947.

NOTE: The record-keeping requirements of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

*Rationale Accompanying Sugar Inventory Control Order 1*

The purpose of Sugar Inventory Control Order 1 is to prohibit an unwarranted accumulation at this time of

sugar stocks in the hands of industrial and institutional users of sugar, by wholesalers and retailers of sugar, or by persons who might purchase sugar for speculative purposes.

Due to restrictions imposed by sugar rationing regulations inventories of sugar at the time of decontrol were at a comparatively low level, and in order to assure equitable distribution of sugar throughout the continental United States to industry and consumers alike this inventory control measure is deemed necessary.

[F. R. Doc. 47-7349; Filed, Aug. 4, 1947; 8:48 a. m.]

## Chapter VIII—Office of International Trade, Department of Commerce

### Subchapter B—Export Control

[Amdt. 346]

#### PART 801—GENERAL REGULATIONS

##### PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodity:

Dept. of Comm. Sched. B No.	Commodity
831600	Industrial chemicals: Acetone.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: July 30, 1947.

FRANCIS MCINTYRE,  
*Director*  
*Export Control Branch.*

[F. R. Doc. 47-7301; Filed, Aug. 4, 1947; 8:45 a. m.]

## Chapter XXIII—War Assets Administration

[Reg. 1, Amdt. 1 to Order 2]

#### PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

##### LOCATION OF DISPOSAL AGENCY OFFICES FOR FILING DECLARATIONS OR SURPLUS PROPERTY BY OWNING AGENCIES

War Assets Administration Regulation 1, Order 2, June 2, 1947, entitled "Location of Disposal Agency Offices for Filing Declarations of Surplus Property by Owning Agencies" (12 F. R. 4139) is hereby amended by making the following changes in Regions 8 and 9 under § 8301.52 (c) thereof:

1. *Region 8 (Kansas City, Mo.)* is amended by deleting the State of Wyoming from that territory.

2. *Region 9 (Denver, Colo.)* is amended by adding to that territory the State of Wyoming.

<sup>1</sup> Reg. 1 (12 F. R. 2249, 2773, 3320).

The amendment to this section shall be effective July 17, 1947.

(Surplus Property Act of 1944, as amended; (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611) Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b) and Reorganization Plan 1 of 1947 (12 F. R. 4534))

ROBERT M. LITTLEJOHN,  
*Administrator*

AUGUST 1, 1947.

[F. R. Doc. 47-7383; Filed, Aug. 4, 1947; 11:53 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, War Department

#### PART 204—DANGER ZONE REGULATIONS

##### REVOCATION OF CERTAIN SECTIONS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) the following §§ 204.92, 204.93a and 204.96, relating to danger zones and regulations governing their use are hereby revoked:

§ 204.92 *Waters of Gulf of Mexico, San Bernard River to Aransas Pass; United States Air Corps bombing area and gunnery range.* [Revoked]

§ 204.93a *Waters of Gulf of Mexico along Padre Island and Brazos Island, Texas, including a portion of Laguna Madre; bombing and gunnery range, Advanced Flying School, Harlingen, Texas.* [Revoked]

§ 204.96 *San Pablo Bay, Calif., Hamilton Field Air Base.* [Revoked]

[Regs. June 23, 1947, CE 800.2121—ENGWR] (40 Stat. 266; 33 U. S. C. 1)

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

[F. R. Doc. 47-7299; Filed, Aug. 4, 1947; 8:50 a. m.]

## TITLE 36—PARKS AND FORESTS

### Chapter II—Forest Service, Department of Agriculture

#### PART 201—NATIONAL FORESTS

##### DESCHUTES NATIONAL FOREST; TRANSFER OF JURISDICTION OF RIGHTS-OF-WAY

CROSS REFERENCE: For transfer of jurisdiction of rights-of-way from Federal Farm Mortgage Corporation to Forest Service, see Surplus Property Transfer Order No. 6 under Federal Farm Mortgage Corporation in Notices section, *infra*.

## TITLE 44—PUBLIC PROPERTY AND WORKS

### Chapter II—Bureau of Community Facilities, Federal Works Agency

#### PART 204—ADMINISTRATION OF THE DISASTER SURPLUS PROPERTY PROGRAM

Regulations for carrying into effect the provisions of Public Law 233, 80th Con-

gress, approved July 25, 1947, authorizing the Federal Works Administrator, after determination by the President, to loan or transfer surplus personal property to States and local governments situated in areas struck by floods or other catastrophes, in order to alleviate damage, hardship, and suffering caused thereby.

Sec.	Purpose of act.
204.1	Purpose of act.
204.2	Delegation of authority.
204.3	Requests, investigations and reports of floods and other catastrophes.
204.4	Requests for surplus property by States and local governments.
204.5	Public entities eligible to receive surplus personal property.
204.6	Requests for transfer of property from War Assets Administration.
204.7	Transfer of personal property without monetary consideration.
204.8	Loan of personal property.
204.9	Transfer of personal property for a monetary consideration.
204.10	Assistance of other constituent units of the Federal Works Agency.
204.11	Cooperation with other Federal agencies.
204.12	Non-discrimination.
204.13	Interest of member of or delegate to Congress.
204.14	Operating procedures and instructions.
204.15	Report to the Administrator.

AUTHORITY: §§ 204.1 to 204.15, inclusive, issued under Pub. Law 233, 80th Cong., approved July 25, 1947.

§ 204.1 *Purpose of act.* The purpose of Public Law 233, 80th Congress, approved July 25, 1947 (called the "act" in this part) is to alleviate damage, hardship, and suffering caused by floods or other catastrophe, by the loan or transfer of surplus personal property to States and local governments situated in any area struck by any such flood or other catastrophe.

§ 204.2 *Delegation of authority.* The function of administering the act and the regulations in this part is hereby delegated to the Bureau of Community Facilities, and the Commissioner of Community Facilities (called the "Commissioner" in this part) shall be responsible for the performance of such function. Any of the powers and duties delegated to the Commissioner under the regulations in this part may be assigned by him to any official or officials of the Bureau of Community Facilities. The Commissioner (or in his absence or disability, the Acting Commissioner) is authorized to make, award, and enter into all contracts and agreements, including changes, necessary to carry out the provisions of the act and of the regulations in this part. Each Division Engineer of the Bureau of Community Facilities (or in the event of his absence or disability, the Acting Division Engineer) is granted similar contracting authority necessary to carry out the provisions of the act and of the regulations in this part within his Division.

§ 204.3 *Requests, investigations and reports of floods and other catastrophes.* The Commissioner shall keep himself informed through the Division Offices of the Bureau of floods and other catastrophes in any of the several States, and if, after consultation with officials of State and local governments, he shall deem a

particular flood or other catastrophe to be of sufficient severity and magnitude to justify invoking the provisions of the act, he shall submit to the Administrator a report thereon, with a recommendation that the provisions of the act be invoked. Only disasters which cannot be handled by the usual forces of rescue available to the State and local governments or by voluntary rescue agencies will be considered. If the Administrator concurs in such recommendation, he shall recommend to the President the making of a determination that it is necessary or appropriate that the War Assets Administration transfer, without reimbursement, to the Federal Works Agency all such surplus personal property as in the judgment of the Federal Works Administrator and the War Assets Administrator can be presently utilized in alleviating the damage, hardship, and suffering caused by such flood or other catastrophe. Requests that the provisions of the law be invoked should be transmitted by the most expeditious means deemed advisable.

§ 204.4 *Requests for surplus property by States and local governments.* Personal property may be made available to States and local governments only upon a request in writing, specifying in detail the uses to which the property is to be put, submitted to the Bureau of Community Facilities by an authorized representative of such State or local government.

The State or local government shall be required to agree to accept and utilize the property transferred to it under the act so as to effectuate the purposes of the act and to certify that it possesses the legal authority to accept and utilize the property for the purposes specified in the aforementioned request in the alleviation of the damage, hardship, and suffering caused by the catastrophe. In addition to such certification, additional proof respecting the legal authority of the State or local government to use the property for the purposes specified may be required by the Bureau.

§ 204.5 *Public entities eligible to receive surplus personal property.* Surplus personal property may be made available under the act and the regulations in this part solely to any of the several States in the United States and to any political subdivision or municipal corporation of a State, including counties, cities, towns, villages, townships, districts, and other local governmental units.

§ 204.6 *Requests for transfer of property from War Assets Administration.* The Commissioner shall establish, in consultation with officials of the War Assets Administration, the necessary procedures to facilitate the transfer, without reimbursement, of surplus personal property from the War Assets Administration to the Bureau of Community Facilities.

§ 204.7 *Transfer of personal property without monetary consideration.* Expendable personal property, such as medicines, blankets, clothing, and bedding, and property such as lumber, hand tools, cement, water and sewer pipe, and other materials suitable for emergency repairs,

may be transferred to States and local governments without consideration. States and local governments shall be required to assume all shipping costs except in unusual circumstances where the Commissioner may determine otherwise.

§ 204.8 *Loan of personal property.* When the Commissioner deems it in the public interest, personal property may be loaned to a State or local government. The State or local government shall be required to pay shipping costs, except in unusual circumstances where the Commissioner may determine otherwise, and pay the cost of putting and maintaining such property in good usable condition. Provision shall be made for the return of the said personal property to the Government in the same condition as when loaned by the Government and as repaired, ordinary wear and tear and loss or damage caused by acts of God or other events beyond the control of said State or local government excepted.

§ 204.9 *Transfer of personal property for a monetary consideration.* Any surplus personal property, unless loaned or transferred without monetary consideration, as hereinbefore provided, shall be transferred for a monetary consideration by the Bureau of Community Facilities to the States and local governments. Any such transfer shall be upon terms which in the judgment of the Commissioner are in the public interest and at a price, to be determined by the Commissioner, which is fair and equitable. In establishing such price consideration shall be given to (a) the value of such property as reported by the War Assets Administration to the Bureau, (b) any discount that the purchaser might receive if it were to purchase the property directly from the War Assets Administration, (c) the available resources of the purchaser in the light of the damage inflicted by the disaster, (d) shipping costs, and (e) any other relevant factors.

§ 204.10 *Assistance of other constituent units of the Federal Works Agency.* The Commissioner shall utilize the services of the Public Roads Administration to cooperate with and conduct all necessary liaison with State Highway Departments in connection with the administration of the act. Personnel of the Public Buildings Administration may be utilized when required.

§ 204.11 *Cooperation with other Federal agencies.* The Commissioner is authorized, when in his opinion it is necessary or appropriate, to secure the assistance of other Federal agencies in carrying out the provisions of the act, and may utilize and act through any such Federal agency or any State or local government, and, further, may utilize without reimbursement therefor such officers and employees of any such agency or State or local government as the Commissioner may find necessary in carrying out the purposes of the act. In order to facilitate carrying out the purposes of the act, other Federal agencies are required to cooperate with the Federal Works Agency and the War Assets Administration to the fullest extent consistent with the objective of the act.

§ 204.12 *Non-discrimination.* In carrying out the provisions of the act, there shall be no discrimination made on account of race, creed, or color.

§ 204.13 *Interest of member of or delegate to Congress.* Any agreement or contract entered into under the act and the regulations in this part shall provide that no member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of any such agreement or contract or to any benefits arising therefrom.

§ 204.14 *Operating procedures and instructions.* The Commissioner is hereby authorized to issue such operating procedures and instructions not in conflict with Federal law and regulations or the regulations in this part, and the regulations and policies of the Federal Works Agency, as he may deem necessary for carrying out the provisions and effectuating the purposes of the act and of the regulations in this part.

§ 204.15 *Report to the Administrator.* When the Bureau of Community Facilities has completed its function of providing surplus personal property under the act and the regulations in this part with respect to each flood or other catastrophe for which a Presidential determination has been made, the Commissioner shall submit a report to the Administrator of the performance of such function.

*Effective date.* The regulations in this part shall be effective August 4, 1947.

Dated this 29th day of July 1947.

[SEAL] PHILIP B. FLEMING,  
Federal Works Administrator.

[F. R. Doc. 47-7303; Filed, Aug. 4, 1947;  
8:45 a. m.]

[Admin. Order 57]

PART 213—DELEGATIONS OF AUTHORITY  
SUBPART A—DISASTER SURPLUS PROPERTY  
PROGRAM

JULY 29, 1947.

Program authorized by Public Law 233, 80th Congress, to make surplus property available for the alleviation of damage caused by flood or other catastrophe.

Delegation by the Federal Works Administrator to the Commissioner of Community Facilities of responsibility for carrying out the provisions of Public Law 233, 80th Congress, approved July 25, 1947, authorizing the Federal Works Administrator, after determination by the President, to loan or transfer surplus personal property to States and local governments situated in areas struck by floods or other catastrophes, in order to alleviate damage, hardship, and suffering caused thereby.

By virtue of the authority vested in the Federal Works Administrator, *It is hereby ordered.*

§ 213.1 *Delegation to Commissioner.* The Commissioner of Community Facilities, referred to in this section as the

Commissioner, shall be responsible for carrying out the provisions of Public Law 233, 80th Congress, approved July 25, 1947, entitled "An act to make surplus property available for the alleviation of damage caused by flood or other catastrophe."

(a) *Authority to redelegate.* The Commissioner is further authorized to delegate any of the duties and responsibilities hereby imposed upon him to any official or officials of the Bureau of Community Facilities, and he is authorized to do and perform any and all acts as

may be necessary to effectuate the provisions of said law, subject to the general supervision and direction of the Federal Works Administrator.

(b) *Issuance of operating procedures and instructions.* The Commissioner is authorized to issue such operating procedures and instructions not in conflict with Federal law and regulations and the regulations and policies of the Federal Works Agency as he may deem necessary to carry out the provisions and effectuate the purposes of the enabling law.

(c) *Name of program.* This program shall be known as the Disaster Surplus Property Program.

(d) *Delegation additional to existing duties.* The authorities, duties and responsibilities contained in this section shall be in addition to those heretofore vested in the Commissioner of Community Facilities. (Pub. Law 233, 80th Cong.)

[SEAL] PHILIP B. FLEMING,  
Federal Works Administrator

[F. R. Doc. 47-7302; Filed, Aug. 4, 1947;  
8:45 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### [7 CFR, Part 9711]

#### HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

#### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a proposed marketing agreement, regulating the handling of milk in the Dayton-Springfield, Ohio, milk marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., post-marked not later than 10 days after the publication of this recommended decision in the FEDERAL REGISTER.

*Preliminary statement.* A public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Miami Valley Cooperative Milk Producers Association, Ohio Guernsey Breeders Association, Inc. and certain Dayton - Springfield handlers. Additional proposals for consideration were submitted by the Dairy Branch, Production and Marketing Administration. The public hearing was held at Dayton, Ohio, May 7-9, 1947, upon notice issued on May 2, 1947 (12 F. R. 2958)

The material issues developed at the

hearing were concerned with the following:

1. Extending the time limit for performing certain related acts such as filing reports, announcing prices, making payments, etc., required by the order;

2. Revising the definition of Class II milk and Class III milk so as to classify milk used to produce cottage cheese as Class III;

3. Revising the method of determining a handler's maximum plant shrinkage allowed as Class III milk;

4. Revising the method of allocating classified milk to producer's milk with respect to interhandler transfers.

5. Revising the classification provisions to provide that milk or cream disposed of beyond a 90-mile radius from the handler's plant shall be classified as Class I or Class II, respectively.

6. Revising the method of determining the basic formula price;

7. Revising the Class I and Class II price differentials above the basic formula price to replace the bracket differentials with fixed differentials, to establish a definite pattern of seasonal prices, and to raise the annual average level of the price differentials;

8. Revising the method of determining the value of Class III skim milk and butterfat;

9. Establishing an individual-handler type of pool in place of the present market-wide pool;

10. Establishing an alternative method of computing the price to be received by producers of so-called special high fat content milk (Golden Guernsey, Jersey Creamline) that will give special price consideration to the returns of such producers;

11. Revising the method of determining a handler's pro rata share of the expense of administration, and;

12. Revising the method of determining the deductions for marketing services performed by the market administrator.

*Findings and conclusions.* The findings and conclusions herein set forth, together with the reasons therefor, are, on the basis of the hearing record, as follows:

(1) The time limit required by the order for performing certain related acts such as filing reports, announcing prices, making payments, etc., should be extended two days.

Handlers are required to file reports with the market administrator on or before the 5th day of each month showing their receipts and utilization of milk for the preceding month. This reporting date is the key date with respect to the establishment of all other dates concerning the announcements of prices and making payments. Extending the time schedule will delay the date on which producers are paid for their milk. The record indicates some handlers and the market administrator have experienced considerable difficulty and added expense in attempting to meet the present time schedule, particularly when week-ends and holidays fall within the reporting period or experienced office help becomes ill.

It is concluded that the time schedule for filing reports, announcing prices, making payments and performing the other related acts required by the order, should be extended two days and that such an extension of these dates will result in a more efficient operation of the order.

(2) The definitions for Class II milk and Class III milk should be revised so as to classify milk used to produce cottage cheese as Class III milk.

The health department regulations of Dayton, Ohio, do not require cottage cheese to be made from grade "A" or producer milk. Cottage cheese may be disposed of in the marketing area by competing dairymen not regulated by the order. A substantial quantity of cottage cheese is manufactured by handlers from other than producer milk and is disposed of in the marketing area, especially during the fall and winter months, when the supply of producer milk is below the level necessary to fill the manufacturing and fluid milk and cream requirements of the marketing area. Thus, the record indicates that milk made into cottage cheese is competitive with and should have a price comparable to the price of milk used for manufacturing purposes rather than to the price of Class II milk as established by the order.

It is concluded that milk used to produce cottage cheese should be classified as Class III milk rather than Class II milk as at present.

(3) The method of determining a handler's maximum plant shrinkage al-

lowed as Class III milk should be revised to provide that the handler actually "weighing in" milk transferred from another handler will receive the Class III shrinkage allowance on such milk.

The present order provides that the handler reporting receipts of milk from producers will be the handler actually having "weighed in" and processed such milk. The record shows that, in many instances, producer's milk is diverted directly from the farm to the plant of a handler other than the reporting handler and that the processing losses actually occur at the plant where the milk is "weighed in."

It is concluded that the method of determining a handler's maximum plant shrinkage allowed as Class III milk should be revised to provide that milk transferred from one handler to another handler shall be included only in the calculations of the handler "weighing in" such milk for the purpose of determining Class III plant shrinkage on skim milk and butterfat.

(4) The method of allocating classified milk to producer milk, with respect to inter-handler transfers, should not be revised to provide that milk so transferred will be first allocated to the lowest classification of the transferee handler.

When milk is transferred from one handler to another handler, a problem may arise as to the reconciliation of each handler's net utilization of milk to their receipts of milk. The order provides that the transferor handler's classification for transferred milk is dependent upon its classification for the transferee handler. The order further provides that, in the reconciliation of the total classified milk to the receipts of producer milk, the receipts from other sources shall be the milk first eliminated from the transferee handler's lowest classification and that milk received from another handler may only be classified as to the milk then remaining in each class. These provisions of the order, designed to give producer milk priority over other source milk, do make it difficult for handlers to agree on pricing at the time of transfer since the ultimate classification of such milk may not then be known. The proposal to first eliminate transferred milk from the transferee handler's lowest classification on the basis of an agreed classification before eliminating receipts from other sources would simplify this problem. However, the record discloses that such an arrangement could result in producer milk being displaced by milk received from other sources and other methods of handling this problem, not having the inherent weakness of the proposal, are available to handlers.

It is therefore concluded that the present method of allocating classified milk to producer milk with respect to inter-handler transfers should not be changed.

(5) The classification provisions of the order should not be revised at this time to provide that milk or cream disposed of beyond a 90-mile radius from the handler's plant shall be classified as Class I or Class II, respectively.

The record shows that, for handlers to avail themselves of the best markets, it has been necessary to dispose of milk

and cream for manufacturing purposes, beyond a 90-mile radius, particularly during the months of flush production when producer milk exceeds local fluid requirements.

There is some indication that producer milk has been shipped from the Dayton-Springfield area when the area was already short of producer milk to meet the local fluid milk and cream requirements. It would seem that producers are entitled to the Class I price for milk shipped at such times. However, to require that all milk or cream disposed of beyond a 90-mile radius must be classified as Class I or Class II could well create a major problem by imposing a requirement which would impede the marketing of milk for other than fluid purposes especially during periods when supplies of producer milk exceed the local fluid milk and cream requirements.

It is concluded that the present method of determining a handler's classification of milk and cream should not, at this time, be revised with respect to milk or cream disposed of beyond a 90-mile radius from a handler's plant.

(6) The method of determining the basic formula price should not be revised at this time to include the average price paid farmers by 7 "so-called" local condenseries as an additional alternative formula, nor to provide that the basic formula price should be the average rather than the highest of the several alternative formulas.

The present order provides that the basic formula price shall be the highest of three alternative formula prices; i. e., the average field price paid farmers by 18 named Midwest condenseries, the so-called butter-cheese formula, and the so-called butter-powder formula. Producers proposed that the average field price paid by 7 named Ohio condenseries be added as a fourth alternative formula. Handlers proposed that the 3 present alternative formula prices be averaged to determine the basic formula and, that if the 7 named Ohio condenseries are added as a fourth alternative formula, the four alternative formula prices should be averaged to determine the basic formula price. The record indicates that both producers and handlers are seeking a basic formula price that will be a reliable index as to the value of milk for manufacturing purposes and then build from this index, by the addition of class price differentials representing price-making factors not fully reflected in the basic formula or peculiar to the local market, a fluid milk price which will procure an adequate supply of milk for the marketing area and be in the public interest. The primary difference between handler and producer proposals, as indicated by the record, is as to what constitutes the proper basic price. Both the Ohio condenseries prices and the average of the various alternative formulas prices seem to reflect a price pattern similar to the basic formula price now in effect (although at different levels) and do not appear to employ any new price making factors. During the period in which the order has been in effect the present method of determining the basic formula price seems to have provided a reasonably accurate index of

the value of milk for manufacturing purposes. If the fluid milk prices resulting from the application of the class price differentials to the basic formula price do not properly reflect local price-making factors, it would seem more logical to change the differentials rather than to seek a new basic formula price.

It is concluded that the present method of determining the basic formula price should not be revised at this time.

(7) The Class I and Class II price differentials above the basic formula price should be revised to replace the bracket system of differentials with fixed differentials and to establish a definite pattern of seasonal prices (including floor prices for the 1947-48 short production season) and also to raise the annual average level of these price differentials.

The testimony indicates that fixed differentials rather than the present bracket system should be used in determining the Class I and Class II milk prices in relation to basic formula price. For the purpose of determining Class I and Class II prices the present basic formula price is arranged in brackets or at intervals which permit variations up to 22½ cents per hundredweight before a change is brought about in the Class I and Class II price differentials. The record indicates that under the bracket system the Class I and Class II price differentials have not been sensitive to the changes occurring in the basic formula price. The bracket system has had a tendency to disrupt regional milk prices by reflecting prices that are out of line with neighboring markets. Also, contra-seasonal price trends have occurred under the bracket system which have been disturbing to the market. Producers often do not know, within a 22½-cent range, what their class prices will be from month to month, which adds further uncertainty to the normally expected changes occurring in the basic formula price.

A seasonal price pattern was proposed by both producers and handlers. The record shows that there has been a maladjustment in the supply of regular producer milk in relation to the market demand for Class I milk and Class II milk in the Dayton-Springfield area. The utilization of Class I milk and Class II milk has been relatively uniform throughout the year, whereas the receipt of milk from producers varies greatly between the seasons of the year. The variation in the receipts of producers' milk between the flush production season and the short production season has become progressively wider for several years. Production varies seasonally to such an extent that in 1946 the November production was only approximately 62 percent of that for June. Both producers and handlers proposed a 2 (May and June) 6 (February, March, April, July, August and September), and 4 (January, October, November, and December) grouping of months in the proposed seasonal price pattern. The record indicates the desirability of eliminating the intermediate group of months. The period of relatively high production occurs in the months of April, May, June and July. The record shows no substantial difference in the production characteris-

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tics between the months April and July and May and June. Similarly the months of February, March, August and September seem to have production characteristics more akin to the period of short production. Producers and handlers insist that the Dayton-Springfield prices must be related to the prices paid in competing markets. The adoption of a 4-8 grouping of months will provide a seasonal pattern similar to that in effect in the Cincinnati and Columbus markets. The cost of producing milk is considerably higher during the fall and winter months than for April, May, June, and July. A price plan to induce an increase in milk production during the fall and winter seasons is urgent for the Dayton-Springfield market. A Class I price differential, employing floor prices, in the seasonal pattern is required to assure a substantially higher price in the fall and winter months compared to the spring months and thus develop a more level pattern of production. Producers need definite assurance of substantially higher prices during the fall and winter months if they are to produce more milk during these seasons. Floor prices for the 1947 and 1948 season will give this assurance. If the basic formula produces a higher price for these fall and winter months it should prevail as a further guarantee that the Class I price will be more in line with the then current marketing conditions.

Recent price plans employed in the Dayton-Springfield area have not provided as much seasonal variation in producer prices as was customary prior to the maximum price regulations during the war emergency. For this period of time farmers were induced to produce all the milk possible with little regard to the season or the requirements of the local markets. Under these conditions maximum milk production shifted to the spring months when production costs are at their lowest level. To halt and reverse this trend, especially at a time when general milk market conditions are unsettled, will require definite assurance that the fall and winter prices will be substantially higher than for May and June. Seasonality in the price pattern will afford an incentive to shift milk production from spring to fall and winter months.

The record supports the adoption of a seasonal Class I price differential whereby the price for Class I milk would be \$1.05 over the basic formula price for the 8 months of August through March as compared to \$0.75 over the basic formula price for the 4 months of April through July. Normally, the basic formula price will be from 20 to 40 cents higher during the short production months than for the flush production months. Also, normally the percentage utilization of producers' milk for fluid purposes is higher during the fall and winter months, resulting in about 20 cents higher blend price compared to the flush production months. Adding these three factors together it is estimated the blend price for the short production months will exceed the April through July prices from 70 to 90 cents.

Further, the record shows that handlers have procured milk from sources

other than producers to meet the demand for Class I and Class II milk, especially during the period of short production. Not all such milk met the quality standard required of producer milk.

General economic conditions and business activity indicate an expanding demand for milk and milk products in the Dayton-Springfield area. Local industrial expansion, at increasing urban wage levels, tends to reduce the availability of farm labor and increases the cost of farm labor.

The prices of livestock and grains have advanced sharply in 1947 and, compared to decreasing milk prices, offer returns from alternative farm enterprises which will tend to discourage milk production if this relationship continues over an extended period of time.

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

Attempting to find an index that will reflect many milk price making factors, the order provides a basic formula price for manufacturing milk. The basic formula does not, however, reflect fully all the factors necessary at arriving at a price for Class I milk. The order therefore provides a differential that is added to the basic formula price to arrive at the Class I price. This differential is utilized to reflect various price making factors not fully covered by the basic formula and to balance the relative weights of such factors under current local economic conditions so that the Class I price will be at a level which will reflect, in addition to the price and availability of feeds, other economic conditions which affect market supply and demand for milk in the marketing area and will insure an adequate supply of pure and wholesome milk and be in the public interest. The basic formula price has decreased \$1.16 from November 1946 to April 1947, the last month reported in the hearing record. Farmers producing milk for fluid purposes must use feed, labor, and supplies more extensively to maintain production at a more uniform and higher level than is required of manufacturing milk producers. Consequently, the increases in the prices which have taken place in those commodities affect the fluid milk producers more than the producers of milk for condenseries.

Dayton-Springfield handlers compete with milk buyers in other areas, including the adjacent deficit Cincinnati area, for milk supplies to be used for fluid milk purposes. The record shows that for several months the Cincinnati price has been substantially higher than the Dayton-Springfield price. Both handlers and producers agree that the Dayton-Springfield milk price must be kept in close alignment with the milk prices prevailing in competing areas if an adequate supply of pure and wholesome milk is to be secured.

It is concluded that the proper weighing of the above-mentioned price making factors indicate the need for revising the Class I and Class II prices to (1) replace the bracket system of differentials with fixed differentials, (2) establish a defi-

nite pattern of seasonal prices, and (3) raise the annual average level of the differentials. It is further concluded that the milk producers of the Dayton-Springfield area need at this time, when they are planning their fall and winter production program, more definite assurance as to the level of milk prices than is afforded by the basic formula. In order to obviate uncertainty inherent in the basic formula during abnormal post-war marketing conditions a "floor price" for Class I milk and Class II milk is established below which the price will not be permitted to go. The level of floor prices for the fall and winter months should be substantially higher than the prices prevailing from April through July to emphasize the seasonal factor of milk pricing and assure farmers of higher prices during the seasons when an increase in milk production is most needed by the market.

These changes are accomplished by revising the present bracket system of differentials to the following pattern for determining the value of 3.5 percent butterfat content milk.

Month	Class I differential over basic formula price	Class II differential over basic formula price
April through July.....	\$0.75	\$0.46
August through March....	1.05	.75
Average.....	.95	.65

Provided, That for the month of August 1947 the price for Class I milk and Class II milk shall not be less than \$4.25 and \$3.95, respectively, and for the months of September, October, November, and December, 1947, such prices shall not be less than \$4.69 and \$4.39, respectively. *Provided further*, That such prices for January 1948 shall not be less than such December 1947 prices minus \$0.44 and that such February 1948 prices shall not be less than such January 1948 prices minus \$0.44.

(8) The method of determining the value of Class III skim milk and butterfat should be revised to provide a seasonal price comparable to the price of competitive milk and further to provide a single price for the present so-called "Class III Regular" and "Class III Ice Cream" butterfat.

There is a large supply of milk produced for manufacturing purposes within the Dayton-Springfield milkshed and adjacent territory. The Health Department regulations of Dayton do not require that ice cream, cottage cheese, and other manufactured dairy products be made from Grade "A" or producer milk. During the flush production months the supply of producer milk exceeds the fluid milk and cream requirements of handlers and such excess milk must be utilized in manufactured products which are sold in competition with products made from milk not priced by the order. The record indicates that, during the flush production season, Class III produced butterfat has been priced relatively high to competitive butterfat. During the short production months, substantial quantities of milk from sources other than producers has been

imported by handlers. During the short production season a very limited quantity of producer milk is available for manufacturing purposes to compete with the other source milk. Thus, the present price level should be increased for producer milk utilized in Class III products during the period of short supply.

It is concluded that the method of determining the values of Class III skim milk and butterfat should be revised to provide a seasonal price comparable to the price of competitive milk and to provide one price for the present so-called "Class III regular and Class III ice cream butterfat" by giving skim milk and butterfat the following values:

Month	Skim milk	Butterfat other than butter
April through July	Apply present formula	Apply present "regular" formula.
August through March	Apply present formula plus 20¢ per cwt.	Apply average Chicago 92-score, wholesale butter price times 1.25.

The new butterfat price for the months of August through March is approximately equivalent to the weighted average of the present price for "regular" and "ice cream" butterfat for such months. Such a pricing plan will facilitate the marketing of all producer milk during the period of flush production and accentuate the variation of seasonal prices employed for Class I and Class II milk.

(9) An individual-handler type of pool should not be established in place of the present market-wide pool at this time.

Under the present market-wide pool all producers receive the same minimum uniform price. Under the proposed individual-handler pool, handler minimum uniform prices would vary, being dependent upon the utilization of milk by each individual handler. Thus under the individual-handler pool a handler having a relatively high Class I utilization would be required to pay producers a higher price than a handler having a relatively low Class I utilization. The record shows that there is considerable variation in the percentage of producer milk utilized in Class I as between handlers and that the individual-handler pool was proposed as an attempt to reapportion supplies of producer milk between handlers by providing a price incentive under the order for producers to shift from low blend price handlers to high blend price handlers. Proponents of the individual-handler pool contend that a difference in the various uniform minimum prices would bring about producer shifts between handlers. However, since some handlers have paid producers in excess of the minimum uniform price in an effort to obtain greater supplies while other handlers have paid only the minimum uniform price required under the market-wide pool, it cannot be assumed that some variation in the uniform minimum prices under an individual-handler pool would effect a material reapportionment of milk supplies between handlers, especially during months of short supply. Furthermore, it cannot be assumed that low blend price handlers will permit a loss of their supplies because of a difference in minimum order prices, and unstable conditions in the market could result.

Handlers opposed to the adoption of an individual-handler pool contend that under the individual-handler pool there would be a tendency to decentralize the handling of supplies in excess of Class I and Class II requirements which now

constitute a reserve supply for the market during months of short production. This reserve supply of milk under the market-wide pool is received by handlers having full and complete equipment for the most effective use thereof. If, under the individual-handler pool, reserve milk is shifted to plants with inadequate facilities for its most economical use there could develop a constant pressure to lower the Class III price.

The record shows that the supply problem has improved since the inception of the order. It is believed that the recommended class price amendments, if adopted, will further alleviate the supply situation. The record is inconclusive as to whether an individual-handler pool could accomplish this result in an orderly manner, but is rather indicative of the willingness of part of the industry to experiment in an effort to solve some supply allocation problems.

It is concluded that the individual-handler type of pool should not be established at this time in place of the market-wide type of pool.

(10) An alternative method of computing the price to be received by producers of high butterfat content milk that will give special price consideration to the returns of such producers should not be established, but the producer butterfat differential rate should be kept equivalent to the revised price of butterfat disposed of in Class III for other than butter making.

Four proposals were made to give special price consideration to high butterfat content milks especially Golden Guernsey milk. These proposals would, in the alternative, provide for (i) a price premium for so-called special milk to be set aside in a separate pool and paid by the handlers of and above the pool price, (ii) a reduction in the price of butterfat (over 3.5 percent) in high test bottled milk to the Class III butterfat level, (iii) payment to producers of so-called special milk a butterfat differential at a rate equal to the price of Class I butterfat or (iv) a butterfat differential to all producers of milk testing more than 3.5 percent of butterfat at a rate equal to the weighted average price of butterfat paid by the handler. (A fifth proposal would provide for an individual handler pool in substitution for the present market-wide pool. This proposal is disposed of in paragraph 9.)

The Dayton-Springfield order provides for the pricing of all producer milk received by handlers on a classified basis

depending upon its use. Such a system permits all producers to share proportionately in the proceeds from the various uses to which milk is put and prevents any producer or group of producers from receiving a disproportionate share of the proceeds. This does not prevent handlers from paying premiums to producers over the order price for milk having special value to the handlers or their customers. The record indicates proposals (i), (ii) and (iii) above would give preferential price treatment to certain producers.

The record indicates that the market is somewhat long on butterfat and short on skim milk. The adoption of any of the above proposals would encourage the production of high butterfat content milk and would tend to increase this disparity between skim milk and butterfat. Also producers of high butterfat content milk do not have a fluid market for all the milk they produce and such excess milk, particularly the butterfat therefrom must be disposed of in manufactured products.

The record shows that the essential difference between Guernsey milk and other milk is one of butterfat content and that Guernsey milk does not differ materially from other milk of comparable high fat content.

Recognizing that the value of milk varies on the basis of its butterfat content the order provides a butterfat differential to adjust the price of milk to producers having a butterfat content varying from 3.5 percent. The principal issue therefore seems to be whether or not the rate of the butterfat differential is correct. The proposal to base the producer butterfat differential on the price for Class I butterfat or currently on the weighted average of the price paid by handlers for butterfat would tend to encourage the production of an excess of butterfat in relation to skim milk which does not appear to be justified by the record. The present butterfat differential is set at 120 percent of the value of 92-score Chicago wholesale butter price. Inasmuch as most of the butterfat in producer milk testing in excess of the market average is disposed of in Class III products having a higher value than butter it appears logical that the butterfat differential should approximate the higher Class III value. This should not tend to encourage the production of butterfat for exclusive use in manufactured products but would enable the fluid milk producer having high butterfat content milk to realize the regular Class III price for the differential or excess fat used for manufacturing purposes by handlers.

It is concluded, therefore, that an alternative method of pooling high butterfat content milk should not be established, but the butterfat differential should be kept equivalent to the revised price of butterfat utilized in Class III for purposes other than butter manufacture.

(11) The section providing for an assessment covering administrative expense should be revised to provide for (i) changes in the administrative assessment rate below the maximum fixed in such section to be determined by the Secretary rather than by the market ad-

ministrator (subject to review by the Secretary) (ii) elimination of the announcement by the market administrator of the applicable rate of assessment for the delivery period, and (iii) eliminate the administrative assessment on milk received from emergency and other sources not classified as Class I milk and Class II milk.

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

The elimination of the administrative assessment on milk received from emergency and other sources not classified as Class I and Class II milk will place the assessment on milk primarily received for fluid purposes and result in a more equitable assessment between handlers, of the cost of administering the order. The date on which handlers are required to make payment of the assessment should be extended two days to conform with the revised time schedule contained in other sections of the order.

(12) The section providing for marketing service deductions should be revised to (1) authorize the Secretary to fix the assessment rate below the maximum prescribed in such section and (ii) eliminate the application of the marketing service deductions to milk of a handler's own production.

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

Marketing service payments are designed primarily to cover the cost of verifying the weights and tests of producer milk. Producers who are not members of a cooperative association usually are not in a position to govern the disposition of milk and it is not practicable for them to verify the weights and tests of deliveries of their own milk. In the case of milk of a handler's own production such service is not necessary as a protection since the handler has full control of the handling of such milk from the farm to its disposition from his plant. The date on which handlers are required to pay such deduction to the market administrator should be extended two days to conform with the revised time schedule contained in other sections of the order.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of the Miami Valley Cooperative Milk Producers' Association, Inc., The Ohio Guernsey Breeders Association, Inc., and various handlers subject to Order No. 71. The briefs contain statements of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evi-

dence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although all of the briefs do not contain specific requests to make proposed findings, it is assumed that the arguments and conclusions submitted were for this purpose and are treated accordingly. To the extent that such proposed findings and conclusions are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

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

1. Delete from § 971.2 (c) (7) the term "10th" and substitute therefor the term "12th"

2. Delete from § 971.3 (a) the term "5th" and substitute therefor the term "7th"

3. Delete from § 971.3 (b) (3) the term "20th" and substitute therefor the term "22d"

4. Delete from § 971.4 (b) (2) the phrase " or (iii) as cottage cheese"

5. Add to § 971.4 (b) (3) (i) after the term "condensed skim milk," the term "cottage cheese,"

6. At the end of § 971.4 (b) (3) (iii) change the period (.) to a colon(:) and add thereafter the following: "Provided, That skim milk or butterfat transferred by a handler to any plant of another handler, without first having been weighed and tested in the transferring handler's plant, shall be included in the receipts at the plant of the handler weighing and testing such skim milk or butterfat for the purpose of computing his plant shrinkage to be classified in Class III and shall be excluded from the receipts of the transferring handler for the purpose of computing his plant shrinkage to be classified in Class III."

7. Delete from § 971.4 (d) (1) (iii) the term "5th" and substitute therefor the term "7th"

8. Delete from § 971.4 (d) (2) (iii) the term "5th" and substitute therefor the term "7th"

9. Delete from § 971.5 the provisions of paragraphs (b) and (c) and substitute therefor the following:

(b) *Class I milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk or butterfat in milk received from producers and from associations of producers which is classified as Class I milk shall be computed as follows:

(1) Add to the basic formula price the following amount for the months indicated:

Month	Amount
April, May, June, and July	\$0.75
All others	1.05

*Provided, That if the sum so obtained for the month of August, 1947 is less than \$4.25, an additional amount shall be added so that the sum obtained will equal \$4.25, and if the sum so obtained for any of the months of September, October, November, and December, 1947 is less than \$4.69 an amount shall be added so that the sum obtained will equal \$4.69; Provided further That if the sum so obtained for January 1948 is less than the sum obtained for December 1947 minus \$0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained for December 1947 minus \$0.44; and if the sum so obtained for February 1948 is less than the sum obtained for January 1948 minus \$0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained in January 1948 minus \$0.44.*

(2) The price per hundredweight of Class I butterfat shall be the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during such month multiplied by 135.

(3) The price per hundredweight of Class I skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(c) *Class II milk price.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk or butterfat in milk received from producers and associations of producers which is classified as Class II milk shall be computed as follows:

(1) Add to the basic formula price the following amount for the months indicated:

Month	Amount
April, May, June, and July	\$0.45
All others	75

*Provided, That if the sum so obtained for the month of August 1947 is less than \$3.95, an additional amount shall be added so that the sum obtained will equal \$3.95; and if the sum so obtained for any of the months of September, October, November, and December, 1947, is less than \$4.39 an amount shall be added so that the sum obtained will equal \$4.39; Provided further, That if the sum so obtained for January 1947 is less than the sum obtained for December 1947 minus \$0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained for December 1947 minus \$0.44, and if the sum so obtained for February 1948 is less than the sum obtained for January 1948 minus \$0.44, an additional amount shall be added so that the sum obtained will equal the sum obtained in January 1948 minus \$0.44.*

(2) The price per hundredweight of Class II butterfat shall be the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during such month multiplied by 130.

(3) The price of Class II skim milk shall be computed by (1) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii)

subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

10. Delete § 971.5 (d) (1) and (2) and substitute therefor the following:

(1) The price per hundredweight of such skim milk shall be computed for the months of April, May, June and July by subtracting 5.5 cents from the average price per pound of nonfat dry milk solids and multiplying the result by 8.5; and for the months of January, February, March, August, September, October, November and December by subtracting 5.5 cents from the average price per pound of nonfat dry milk solids and multiplying the result by 8.5 and adding 20 cents. (The price per pound of nonfat dry milk solids to be used for each such month shall be the average of the carlot prices for nonfat dry milk solids, roller process for human consumption, delivered at Chicago, as reported by the Department of Agriculture for such month, including in such average the prices published for any fractional part of the previous month which were not available at the time of such average price determination for the previous month.)

(2) The price per hundredweight of such butterfat shall be computed for the months of April, May, June and July by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each such month, by 120; and for the months of January, February, March, August, September, October, November, and Decem-

ber by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each such month, by 125: *Provided*, That the price per hundredweight of butterfat made into butter shall be computed by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each such month by 120 and subtracting \$3.60 from the result.

11. Delete from § 971.7 (b) the term "10th" and substitute therefor the term "12th"

12. Delete from § 971.7 (e) (2) the term "10th" and substitute therefor the term "12th"

13. Delete from § 971.8 (a) (1), (a) (2) (b) (1) (b) (2), (d) (e) (1) and (e) (2) the terms "15th" "14th" "25th", "24th" "12th" "14th" and "14th", respectively, and substitute therefor the terms "17th", "16th" "27th" "26th", "14th" "16th", and "16th" respectively.

14. Delete § 971.9 and substitute therefor the following:

§ 971.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 971.2 (c) (3) each handler shall pay to the market administrator, on or before the 14th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts during such month of:

(1) Milk from producers (including such handler's own production) and

(2) Skim milk and butterfat from emergency and other sources classified as Class I milk and Class II milk.

15. Delete the provisions of § 971.10 (a) and substitute therefor the following:

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 5 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 971.8, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from association of producers, and shall pay such deductions to the market administrator on or before the 14th day after such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

16. Delete from § 971.10 (b) the term "14th" and substitute therefor the term "16th"

Filed at Washington, D. C. this 30th day of July 1947.

[SEAL]

E. A. MEYER,  
Assistant Administrator.

[F. R. Dec. 47-7230; Filed, Aug. 4, 1947; 8:49 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Misc. 1606472]

#### ALASKA

#### NOTICE OF FILING OF PLATS OF SURVEY

JULY 29, 1947.

Notice is given that the plats of survey of land hereinafter described will be officially filed in the District Land Office, Anchorage, Alaska, effective at 10:00 a. m. on September 30, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to settlement, application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 30, 1947 to December 29, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any ap-

plicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 10, 1947, to September 30, 1947, inclusive such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 30, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 30, 1947, any of the lands remaining unappropriated shall become subject to such settlement, application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 10, 1947 to December 30, 1947, inclusive, and all such applications, together with those presented at

10:00 a. m. on December 30, 1947, shall be treated as simultaneously filed.

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

Applications for these lands, which shall be filed in the District Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Anchorage, Alaska.

The lands affected by this notice are described as follows:

SEWARD MERIDIAN

- T. 5 N., Rs. 8, 9, 10 W., inclusive (complete survey).
- T. 6 N., R. 10 W., Secs. 30 and 31.
- T. 4 N., R. 11 W., Secs. 1 to 3, inclusive; Secs. 10 to 36, inclusive.
- T. 6 N., R. 11 W., Secs. 22 to 27, inclusive; Secs. 34 to 36, inclusive.

The E $\frac{1}{2}$  sec. 20, sec. 21 and 28, and E $\frac{1}{2}$  sec. 29, T. 4 N., R. 11 W., are subject to Executive Order No. 7888 of May 16, 1938, withdrawing these lands from settlement, location, sale or entry for classification and pending a determination as to the advisability of reserving them for national monument purposes.

Pursuant to Executive Order No. 8979 of December 16, 1941, establishing the Kenai National Moose Range, the E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 30, NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 31, T. 6 N., R. 10 W., lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 1, E $\frac{1}{2}$  sec. 12, E $\frac{1}{2}$  sec. 13, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 24, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 25, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 36, T. 4 N., R. 11 W., and NE $\frac{1}{4}$  sec. 24, T. 6 N., R. 11 W., are not subject to settlement, location, sale, or entry, or other disposition (except for fish trap sites) under any of the public-land laws applicable to Alaska, nor to classification and lease for fur farming or grazing purposes under the acts of July 3, 1926 (44 Stat. 821, 48 U. S. C. secs. 360-361) and March 4, 1927 (44 Stat. 1452, 48 U. S. C. secs. 471-471o).

The lands are located east of the Village of Kenai, adjacent to the Kenai River. These lands are level to rolling in character with intermittent lakes and swamps throughout the area. The timber cover consists chiefly of spruce, birch and aspen, little of which is valuable for commercial purposes. Reconnaissance of the area indicates there is a considerable acreage of land suitable for general crop production and grazing.

FRED W JOHNSON,  
Director

[F. R. Doc. 47-7276; Filed, Aug. 4, 1947; 8:47 a. m.]

Office of the Secretary

[Order 2350]

ALASKA

NOTICE OF HEARINGS AND PROPOSED DESIGNATION OF NATIVE RESERVATION

1. Notice is hereby given that public hearings will be held at Nome, Alaska, at 2 p. m., on August 16, 1947, and at Shungnak, Alaska, at 10 a. m., on August 18, 1947, for the purpose of determining whether the lands described in paragraph three hereof should be designated under section 2 of the act of May 1, 1936 (49 Stat. 1250, 48 U. S. C. 358a), as a reservation for native inhabitants of the village of Shungnak and vicinity. All interested persons may attend at such times and places and present their views to the hearing officer, and may file any written statements or documents with such officer, or with the Department within 60 days from the date of this notice.

2. William E. Warne, Assistant Secretary of the Interior, is hereby designated to hold the said hearings as the immediate representative of the Secretary, and Harry M. Edelstein, Assistant Solicitor, Department of the Interior, shall act as alternate. A designation of the forego-

ing lands as a native reservation will not be made until after such hearings and said 60-day period and will not become effective until approved by a majority vote of the natives residing in the area described below, voting in the manner prescribed by section 2 of the act of May 1, 1936, *supra*.

3. The lands affected are as follows:

Beginning at a point on the right bank of the Kobuk river one mile below the mouth of the Ambler River, thence North 12 miles, thence East 51 miles, crossing the Ambler, the Shungnak and the Kogoiuktuk Rivers, thence South 18 miles to a point northwest of Lake Selby, thence East 14 miles, thence South 18 miles, more or less, passing to the east of Lake Selby, to a point on the south side of the Kobuk River, thence West 14 miles, thence South 17 miles, thence West 13.5 miles to the ridge between the headwaters of the Selawik and the Pah Rivers, thence in northwesterly courses along the aforesaid ridge to the ridge or divide between the Selawik and the Plick Rivers, thence following said divide to the left bank of the Kobuk River, thence down stream with said left bank to a point South of the place of beginning, thence North, crossing the Kobuk River to the place of beginning, enclosing an area of approximately 2,300 square miles.

AUGUST 1, 1947.

OSCAR L. CHAPMAN,  
Acting Secretary of the Interior

[F. R. Doc. 47-7343; Filed, Aug. 4, 1947; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE  
Production and Marketing Administration

[P & S. Docket 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) the Secretary prescribed reasonable rates and charges for the respondent by an order dated May 9, 1946 (5 A. D. 338) and a supplemental order dated June 26, 1946 (5 A. D. 449) By supplemental orders dated December 4, 1946 (5 A. D. 873) and May 26, 1947 (6 A. D. 428), the respondent has been permitted to assess certain temporary rates and charges which are due to expire on June 30, 1948, after which basic rates are again to be in effect unless otherwise ordered.

By petition filed July 29, 1947, the respondent has requested permission to assess and charge certain increased rates for yardage to and until June 30, 1948, as follows:

YARDAGE CHARGE

	Requested increased rates	Existing rates
A. Livestock sold or resold in the Commission Division:		
Cattle.....	60	56
Calves.....	38	36
B. Livestock received directly by packers through the yards:		
Cattle.....	30	28
Calves.....	19	18

The other rates and charges for the respondent are to remain unchanged.

However, the respondent also requests permission to publish a new section to its tariff, as follows, and to assess and charge, in accordance with the section, the rates and charges prescribed thereby on a temporary basis until June 30, 1948:

SECTION I-A

DRIVING LIVESTOCK TO RAILROAD CHUTES

Driving livestock to railroad chutes for outbound shipment:

Cattle.....	\$2 per car.
Calves.....	\$1 per deck.
Hogs.....	\$1 per deck.
Sheep and goats.....	\$1 per deck.
Horses and mules.....	\$2 per car.

It appears that public notice should be given, of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification. All interested persons who desire to be heard upon the matters requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 30th day of July 1947.

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

[F. R. Doc. 47-7291; Filed, Aug. 4, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-148]

ACCIDENT NEAR MAYADINE, SYRIA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 88845 which occurred near Mayadine, Syria, on June 19, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, August 5, 1947, at 9:30 a. m. (local time), in the Empire Room, Lexington Hotel, New York, New York.

Dated at Washington, D. C., July 31, 1947.

[SEAL] ROBERT W CHRISP,  
Presiding Officer

[F. R. Doc. 47-7311; Filed, Aug. 4, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6884, 7115, 7851, 7852]

PATRIOT CO. ET AL.

ORDER AMENDING AND ENLARGING ISSUES

In re applications of The Patriot Co., Harrisburg, Pennsylvania, Docket No.

6884, File No. BP-4091, for construction permit; WHP, Inc. (WHP) Harrisburg, Pennsylvania, Docket No. 7115, File No. BP-4334, for construction permit; Union Broadcasting Co. (WARM) Scranton, Pennsylvania, Docket No. 7851, File No. BP-5186, for construction permit; John H. Stenger, Jr. (WBAX) Wilkes-Barre, Pennsylvania, Docket No. 7852, File No. BP-5212, for construction permit.

The Commission having under consideration the above-entitled applications; and

It appearing, that Union Broadcasting Company (WARM) and John H. Stenger, Jr. (WBAX) are both requesting the frequency 590 kc, with 1 kw power, unlimited time, with directional antenna day and night; that on July 1, 1947, the Commission issued a proposed decision looking to a grant of the facilities 590 kc, with 1 kw power, unlimited time, to Lynchburg Broadcasting Corporation (WLVN), Lynchburg, Virginia; that there is a question of electrical interference between the proposed operation of Union Broadcasting Company (WARM) and John H. Stenger, Jr. (WBAX) and the operation of Lynchburg Broadcasting Corporation as proposed in the Commission's decision of July 1, 1947 and

It appearing further, that evidence as to the above-mentioned question of electrical interference is pertinent to the instant proceeding; and that the issues in said proceeding should be enlarged so as to raise the question of such interference;

*It is ordered*, This 28th day of July 1947, that the notices of hearing in the above-entitled proceeding dated September 30, 1946, be, and they are hereby, amended to include the following issue:

To determine whether the proposed operation of Union Broadcasting Company (WARM) Scranton, Pennsylvania, and John H. Stenger, Jr. (WBAX) Wilkes-Barre, Pennsylvania, would involve objectionable interference with the service of a proposed station at Lynchburg, Virginia, to be operated by the Lynchburg Broadcasting Corporation on 590 kc, with a power of 1 kw, DA-2, unlimited time, as set forth in the proposed decision, released July 1, 1947, in Docket 6866 et al., and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7315; Filed, Aug. 4, 1947;  
8:46 a. m.]

[Docket 7094, 7412 and 8465]

MACKAY RADIO AND TELEGRAPH CO., INC.,  
ET AL.

ORDER POSTPONING HEARING DATE

In the matter of radiotelegraph circuits between the United States and British Commonwealth and certain other foreign points, Docket No. 7094; in the No. 152—3

matter of applications of Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., Tropical Radio Telegraph Company, United States-Liberia Radio Corporation, Press Wireless, Inc., for modification of license for authority to communicate with British Commonwealth and certain other foreign points, Docket No. 7412; in the matter of Mackay Radio and Telegraph Co. applications for special temporary authorizations to communicate with Helsinki, Finland; Lisbon, Portugal; Paramaribo, Surinam; and The Hague, Netherlands, Docket No. 8465, File Nos. T1-SA-680, T1-SA-658, T1-SA-659, T1-SA-657.

It appearing, that the Commission will not be able to hear oral arguments in the above proceedings on August 8, 1947, the date presently scheduled therefor;

*It is ordered*, This 18th day of July, 1947, that the oral arguments now scheduled in the above proceedings for August 8, 1947, are postponed to September 24, 1947, at the same time and place as heretofore designated.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7318; Filed, Aug. 4, 1947;  
8:46 a. m.]

[Docket Nos. 8043, 8064, 8065, 8270]

MID-STATE BROADCASTING CO. ET AL.

ORDER AMENDING AND ENLARGING ISSUES

In re applications of Mid-State Broadcasting Co. (WMMF), Peoria, Illinois, Docket No. 8043, File No. BP-5551, for construction permit; Grain Country Broadcasting Co., Inc., Peru, Illinois, Docket No. 8064, File No. BP-5567, for construction permit; Fred Jones Broadcasting Co. (KFMJ), Tulsa, Oklahoma, Docket No. 8065, File No. BP-5585, for construction permit; Public Radio Corp. (KAKC) Tulsa, Oklahoma, Docket No. 8270, File No. BP-5985, for construction permit.

The Commission having under consideration a petition filed July 14, 1947, by Public Radio Corporation (KAKC), Tulsa, Oklahoma, requesting the Commission to enlarge the issues in the proceeding upon the above-entitled applications so as to include the following:

To determine the type and character of program service rendered by KOIN to the areas and populations that would be lost, if any, to KOIN if the application of Public Radio Corporation (KAKC) were granted, and the character of other broadcast services available to these areas and populations;

*It is ordered*, This 25th day of July 1947 that the instant petition be, and it is hereby, granted; and the notice of hearing in the above-entitled proceeding, dated March 27, 1947, be, and it is hereby, amended to include the following issue:

To determine the type and character of program service rendered by KOIN to the areas and populations that should

be lost, if any, to KOIN, if the application of Public Radio Corporation (KAKC) were granted, and the character of other broadcast services available to those areas and populations.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7316; Filed, Aug. 4, 1947;  
8:46 a. m.]

[Docket No. 8462]

SEMINOLE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Tom Potter, tr/as Seminole Broadcasting Co., Seminole, Okla., Docket No. 8462, File No. BP-6086, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of July 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1260 kc, 250 w power, daytime only at Seminole, Oklahoma;

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

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

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

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

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

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

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to § 3.29 of the rules

## NOTICES

and the related provisions of the Standards.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7321; Filed, Aug. 4, 1947;  
8:47 a. m.]

[Docket No. 8466]

LAKES AREA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of L. L. Gaffaney and J. B. Smith d/b as Lakes Area Broadcasting Co., Pryor, Oklahoma, Docket No. 8466, File No. BP-5752, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of July 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1370 kc, with 250 w power, daytime only, at Pryor, Oklahoma;

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

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

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

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

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

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

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to those provisions regarding the location of transmitters and

the assignment of Class IV stations to regional channels.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7319; Filed, Aug. 4, 1947;  
8:46 a. m.]

[Docket Nos. 8469, 8470]

KENTUCKY MOUNTAIN HOLINESS ASSN.  
AND WYOMING BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Kentucky Mountain Holiness Association, Lawson, Ky., Docket No. 8469, File No. BP-6034, Clarence W Meadows, William T. Lively and William D. Stone d/b as Wyoming Broadcasting Company, Pineville, W Va., Docket No. 8470, File No. BP-6149, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of July 1947;

The Commission having under consideration the above-entitled applications of The Kentucky Mountain Holiness Association, requesting a construction permit for a new standard broadcast station to operate on 730 kc, with 1 kw power, daytime only, at Lawson, Kentucky, and of Clarence W Meadows, William T. Lively and William D. Stone d/b as Wyoming Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 730 kc, with 1 kw power, daytime only, at Pineville, West Virginia.

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership, Wyoming Broadcasting Company, and the partners and of the applicant corporation, The Kentucky Mountain Holiness Association, its officers, directors and members to construct and operate the proposed stations.

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

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

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

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

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

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

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7322; Filed, Aug. 4, 1947;  
8:47 a. m.]

[Docket Nos. 8472, 8473]

MATTA BROADCASTING CO. AND PITTSBURGH  
BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Matta Broadcasting Co., Pittsburgh, Pa., Docket No. 8472, File No. BPH-1109; Pittsburgh Broadcasting Co., Pittsburgh, Pa., Docket No. 8473, File No. BPH-1207, for FM construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of July 1947;

The Commission having under consideration the above-entitled applications for construction permits for new Class B FM broadcast stations in the Pittsburgh, Pennsylvania, area; and

It appearing, that seven of the eight Class B FM channels allocated for Pittsburgh, Pennsylvania, area have been assigned, leaving a possible maximum of one Class B. FM channel which might be available for immediate assignment in the vicinity of Pittsburgh, Pennsylvania;

*It is ordered*, Pursuant to section 309 (a) of the Communications Act of 1934 as amended, that the above-entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding at a date and place to be specified by a subsequent order upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

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

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

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7324; Filed, Aug. 4, 1947;  
8:47 a. m.]

[Docket No. 8474]

BERT WILLIAMSON

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Bert Williamson, Martinez, California, Docket No. 8474, File No. BP-6114, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of July 1947:

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on the frequency 1340 kc, with 250 w power, unlimited time at Martinez, California;

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

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of R. S. Bowdle and B. J. E. Burgess, operating as Coast Counties Broadcasters (File No. BP-6008) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of

Good Engineering Practice Concerning Standard Broadcast Stations.

*It is further ordered*, That, Ruth Finley, licensee of station KSRO, Santa Rosa, California, be, and she is hereby, made a party to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7320; Filed, Aug. 4, 1947;  
8:46 a. m.]

[Docket Nos. 8475, 8476]

TEXAS GULF COAST BROADCASTING CO. AND ALICE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. H. Rowley, Nathan Clark, James A. Clements, Glen H. McClain, and L. M. Rice, a partnership d/b as Texas Gulf Coast Broadcasting Co., Corpus Christi, Texas, Docket No. 8475, File No. BP-5360; J. H. Mayberry, Buford Nicholson and E. G. Lloyd, Jr., a partnership d/b as Alice Broadcasting Co. (KBKI) Alice, Texas, Docket No. 8476, File No. BP-5882, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of July 1947:

The Commission having under consideration the above-entitled applications by Texas Gulf Coast Broadcasting Company, requesting a permit to construct a new standard broadcast station in Corpus Christi, Texas, to operate on 1070 kc, with 10 kw power, unlimited time, using a directional antenna, this application specifically requesting that the daytime only facilities on 1070 kc assigned to Alice Broadcasting Company (KBKI) Alice, Texas, be withdrawn and another frequency be substituted therefor; and by Alice Broadcasting Company requesting a construction permit to change the assignment of station KBKI, Alice, Texas, from 1070 kc with 1 kw power, daytime only, to 1070 kc, with 5 kw power, unlimited time, using a directional antenna nighttime;

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant Texas Gulf Coast Broadcasting Company and the partners to construct and operate its proposed station, and to determine the technical, financial and other qualifications of the applicant Alice Broadcasting Company and the partners to construct and operate Station KBKI as proposed.

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

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

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

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

6. To determine whether the installation and operation of each of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, especially with respect to blanket area populations in so far as Alice Broadcasting Company is concerned.

7. With respect to the proposal of Alice Broadcasting Company, to determine whether the proposed operation would adversely affect the operation of the Commission's primary monitoring station at Kingsville, Texas, and if so, whether the proposed operation would be in the public interest.

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

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7323; Filed, Aug. 4, 1947;  
8:47 a. m.]

[Docket No. 8477]

WESTERN UNION TELEGRAPH CO.

ORDER INSTITUTING INVESTIGATION

The Commission, having under consideration Public Law 193, 80th Congress, 1st Session, enacted July 16, 1947, providing for the repeal of the Post Roads Act of 1866, as amended; the Commission's Report of June 4, 1946, Docket No. 7445, In the Matter of The Western Union Telegraph Company, Petition for Rate Increase; Commission Order No. 137, dated May 28, 1947, with respect to charges for Government telegraph communications for the year ended June 30, 1948; and the presently effective tariff schedules of The Western Union Telegraph Company with respect to United States Government domestic telegraph communications; and having also under consideration new tariff schedules filed by The Western Union Telegraph Company on July 17 and 21, 1947, to be effective August 25, 1947, designated as follows:

## THE WESTERN UNION TELEGRAPH COMPANY

Tariff F C. C. No. 177

Supplement No. 3

Tariff F C. C. No. 176

10th Revised Page No. 37

5th Revised Page No. 38

14th Revised Page No. 39

3d Revised Page No. 40

Tariff F C. C. No. 173

36th Revised Page No. 5T

11th Revised Page No. 5TA

11th Revised Page No. 5U

15th Revised Page No. 5V

24th Revised Page No. 5W

Tariff F C. C. No. 223

Supplement No. 109

It appearing, that the above new tariff schedules of The Western Union Telegraph Company would have the effect of generally eliminating the differential presently existing between the charges for commercial telegrams and those for certain "domestic" United States Government Telegrams, namely, interstate telegrams within the continental United States, and telegrams between the continental United States, on the one hand, and Alaska, Canada, Mexico (except Full Rate Telegrams) Newfoundland, Labrador, and Miquelon, on the other hand;

It further appearing, That the above new tariff schedules of The Western Union Telegraph Company would also have the effect of eliminating the priority now provided for United States Government telegrams between the above-named points;

It further appearing, That the above new tariff schedules of The Western Union Telegraph Company would result in increased charges to the United States Government for and in connection with the use of telegraph communications between the above-named points, and would preclude any priority for such communications of the United States Government; and that it is desirable in the public interest that the various United States Government departments and agencies which are directly affected thereby as users of such communications be given an opportunity to be heard with respect to the proposed increased charges and elimination of priority.

It is ordered, This 24th day of July, 1947, That pursuant to sections 201, 204, 205 and 403 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the charges, classifications, regulations and practices set forth in the above-cited tariff schedules;

It is further ordered, That pursuant to section 204 of the Communications act of 1934, as amended, the operation of the above-cited tariff schedules is hereby suspended until November 25, 1947, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in said tariff schedules, or in the regulations, charges or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That pursuant to sections 201, 205 and 403 of the Communications Act of 1934, as amended, an

investigation is hereby instituted into the lawfulness of the charges, classifications, regulations, practices and services of The Western Union Telegraph Company for and in connection with United States Government "domestic" telegraph communications, that is, interstate telegraph communications within the continental United States, and United States Government telegraph communications between points in the continental United States and other North American points;

It is further ordered, That, without in any way limiting the scope of the investigation herein, it shall include inquiry into the following matters with respect to "domestic" (as above defined) telegraph communications of the United States Government:

(1) The lawfulness, under the Communications Act of 1934, as amended, of the charges, classifications, regulations and practices proposed by The Western Union Telegraph Company in the above-cited tariff schedules;

(2) Whether under section 201 (b) of the Communications Act of 1934, as amended, there shall be established a United States Government class or classes of communications, with charges and regulations therefor different from those for corresponding non-Government communications; and, if so, whether such Government class or classes of communications shall be applicable to all the established departments, independent establishments, and agencies in the legislative, executive, and judicial branches of the Federal Government, or whether they shall be applicable only to particular departments, establishments or agencies;

(3) What will be the just and reasonable charges to be observed, and what classifications, regulations and practices are or will be just, fair and reasonable for and in connection with United States Government domestic telegraph communications;

(4) The nature and extent of the priority, if any, to be accorded United States Government domestic telegraph communications;

(5) The regulations and practices to be followed by respondent carriers with respect to liability to the United States Government and to others for failure of delivery, delayed delivery, incorrect transmission, or other acts resulting in injury or damage, in connection with the carriers' handling of United States Government domestic telegraph communications;

It is further ordered, That in the event a decision as to the lawfulness of the charges, classifications, regulations and practices herein suspended has not been made during the aforesaid suspension period, and said charges, classifications, regulations and practices set forth in the above-cited tariff schedules go into effect, The Western Union Telegraph Company and the other respondent carriers shall, until further order of the Commission, keep accurate account of all amounts charged, collected or received by reason of such increase; and that said carriers shall specify in such accounts the department, establishment or agency of the Government by whom

and in whose behalf such amounts are paid;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Western Union Telegraph Company and all carriers concurring in said tariff schedules are hereby made party respondents to this proceeding; and that a copy hereof be served on such carriers;

It is further ordered, That a copy of this order shall also be served upon all departments, establishments and agencies in the legislative, executive, and judicial branches of the Federal Government, and they are given leave to intervene and participate in the proceedings herein;

It is further ordered, That this proceeding is assigned for hearing on September 22, 1947, beginning at 10:00 a. m., at the offices of the Federal Communications Commission in Washington, D. C., and that the Commission's Telegraph Committee, or one or more members thereof, is hereby authorized to preside at the hearings and otherwise to conduct the proceedings herein.

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

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 47-7317; Filed, Aug. 4, 1947;  
8:48 a. m.]KXXL, RENO, NEV.<sup>1</sup>PUBLIC NOTICE CONCERNING PROPOSED  
ASSIGNMENT OF PERMIT

The Commission hereby gives notice that on July 24, 1947 there was filed with it an application (BAP-47) for its consent under section 310 (b) of the Communications Act to the proposed assignment of permit of AM Station KXXL, Reno, Nevada from Chet L. Gonce, d/b as The Voice of Reno to Edward Margolis, Byron J. Samuel and Frederick W. Kirske, a partnership. The proposal to assign the permit arises out of a contract of July 1, 1947 pursuant to which Gonce agrees to sell and the assignee partnership agrees to buy all the assets and properties of AM Station KXXL, Reno, Nevada for a total consideration of \$30,000 (subject to the assumption by the purchasers of the difference between current income and operating expenses between the time of the contract and the consummation of the sale) to be paid as follows: \$20,000 in cash and a promissory note for \$10,000 (due in six months from closing and secured by a chattel mortgage) both to be placed in escrow on July 2, 1947 and to be transferred to the seller on approval date by the Federal Communications Commission. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

<sup>1</sup>Section 1.321, Part I, Rules of Practice and Procedure.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on July 24, 1947 that starting on July 30, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Reno, Nevada in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 30, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

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

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

[F. R. Doc. 47-7325; Filed, Aug. 4, 1947; 8:47 a. m.]

**KERO, BAKERSFIELD, CALIF.<sup>1</sup>**

**PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE**

The Commission hereby gives notice that on July 18, 1947 there was filed with it an application (BAL-627) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of AM station KERO, Bakersfield, California, from J. E. Rodman to Paul R. Bartlett. The proposal to assign the license arises out of a contract of July 9, 1947 pursuant to which Rodman agrees to sell and Bartlett agrees to buy all the fixed and tangible assets and lease-hold interest owned by Rodman and used or useful in the operation of KERO together with the contracts and agreements of KERO. Rodman will retain all money, bank accounts and receivables and Bartlett will collect accounts receivable and remit to Rodman as collections are made. Consideration to be paid in cash is a minimum of \$25,000, but in no event less than the original cost of the assets sold less depreciation at closing date.

This application is contingent upon the granting of certain applications now on file with the Commission proposing a consolidation of KFRE, Fresno, California, and KTKC, Visalia, California, into a single 50 kw station to be operated by California Inland Broadcasting Company in which said Rodman holds a 40% interest. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on July 18, 1947 that starting on July 31,

<sup>1</sup>Section 1.321, Part I, Rules of Practice and Procedure.

1947 notice of the filing of the application would be inserted in the "Bakersfield Californian" a newspaper of general circulation at Bakersfield, California, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 31, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

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

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

[F. R. Doc. 47-7326; Filed, Aug. 4, 1947; 8:47 a. m.]

**FEDERAL FARM MORTGAGE CORPORATION**

[Surplus Property Transfer Order 6]

**DESCHUTES NATIONAL FOREST**

**TRANSFER OF JURISDICTION OF RIGHTS-OF-WAY**

Transferring jurisdiction of rights-of-way in the Deschutes National Forest, to the Forest Service pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765)

Whereas, the following described rights-of-way owned by the United States and situate within the exterior boundaries of the Deschutes National Forest and which are necessary in the protection of the said National Forest have been declared surplus pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765)

*Parcel A:* A perpetual easement for a roadway on, over and across the following described lands located in Deschutes County, Oregon, to-wit:

A parcel of land situated in Sections 3, 4 and 5, Township 20 South, Range 11 East of the Willamette Meridian in Deschutes County, Oregon, said parcel being a strip of land 100 feet in width, 50 feet on each side of the center line hereinafter described, and extending from the easterly right-of-way line of the Great Northern Railway to the northwesterly right-of-way line of United States Highway No. 97. The center line of said strip of land is more particularly described as follows:

Beginning at a point which is Engineer's Station 20+46.41, which point is north 2222.70 feet and west 965.55 feet from the southeast corner of Section 5, Township 20 South, Range 11 East of the Willamette Meridian, opposite and 50 feet distant from which point the north right-of-way line of said strip of land intersects the easterly right-of-way line of the Great Northern Railway; thence east 4065.51 feet to Engineer's Station 61+11.92 P. C.; thence on a curve to the left having a radius of 954.93 feet through a central angle of 27° 26' a distance of 457.22 feet to Engineer's Station 65+69.14 P. T.; thence North 03° 34' east 306.21 feet to the Engineer's Station C3+75.35 P. C.; thence on a curve to the right having a radius of 1145.92 feet; a distance of 649.23 feet through a central angle of 32° 24' 40" to Engineer's Station 75+23.57 P. T., thence South 85° 01' 20" east 701.23

feet to Engineer's Station 83+14.85 P. C.; thence on a curve to the right having a radius of 2324.79 feet a distance of 1415.56 feet through a central angle of 23° 18' 40" to Engineer's Station 97+30.41 P. T.; thence south 58° 42' 40" east 931.43 feet to Engineer's Station 106+61.90 at which point the above described center line intersects the center line of United States Highway No. 97.

*Parcel B:* A perpetual easement to operate and maintain a telephone line in, on, over and across the following described lands located in Deschutes County, Oregon, to-wit:

A parcel of land situated in Sections 3, 4 and 5, Township 20 South, Range 11 East of the Willamette Meridian in Deschutes County, Oregon, said parcel being a strip of land 50 feet in width, 25 feet on each side of the center line hereinafter described, and extending from the easterly right-of-way line of the Great Northern Railway in said Section 5 to the existing toll line of the Pacific Telephone and Telegraph Company in said Section 3. The center line of said strip of land is more particularly described as follows:

Beginning at a point which is north 2463.74 feet and west 892.44 feet from the southeast corner of Section 5, Township 20 South, Range 11 East of the Willamette Meridian in Deschutes County, Oregon, opposite and 25 feet distant from which point the northeasterly right-of-way line of said strip of land intersects the easterly right-of-way line of the Great Northern Railway; thence south 73° 22' 30" east 654.92 feet; thence south 63° 58' east 749.4 feet; thence south 63° 58' 30" east 1647.8 feet; thence south 63° 59' 30" east 1049.65 feet; thence north 76° 20' 30" east 239.6 feet; thence north 75° 48' east 147.95 feet; thence north 62° 45' east 636.0 feet; thence south 85° 03' east 405.75 feet; thence south 84° 57' east 1503.35 feet; thence south 84° 54' east 1570.1 feet; thence south 70° 21' east 824.25 feet; thence south 70° 11' 30" east 469.9 feet to the existing Pacific Telephone and Telegraph Company toll line in said Section 3.

But excepting that part lying within the right-of-way of United States Highway No. 97 in said Section 3.

*Parcel C:* A perpetual easement for a roadway on, over and across the following described lands located in Deschutes County, Oregon, to-wit:

That portion of the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of Section 31 and the Southwest Quarter of Section 32, Township 19 South, Range 11 East of the Willamette Meridian lying and being in a strip of land 68 feet wide and being 33 feet wide on each side of the following described center line:

Beginning at a point where the center line of the Great Northern Railway (Station 247+69.9 RR) intersects the center line of Camp Abbot Access Road, said point being described as follows: Commencing at the section corner common to Sections 4, 5, 8 and 9, Township 20 South, Range 11 East of the Willamette Meridian; thence West along section line between Sections 5 and 8, 843 feet to a point on the center line of the Great Northern Railway (Station 270+48.0 RR); thence North 4° 18' West along center line of said railway 2281.1 feet to the point of beginning of this description; thence South 63° 58' West along the center line of access road 600 feet to a point; thence northwesterly on a 10° curve to the right (radius 572.96 feet) 775 feet to a point; thence North 12° 32' West 43.5 feet to a point; thence northwesterly on a 25° curve to the left (radius 229.18 feet) a distance of 241.83 feet to a point on the center line of "F" street; thence North 73° 00' West, along center line of "F" Street, 803.8 feet to a point on the center line of 2nd Avenue; thence North 17° 00' East along the center line of 2nd Avenue 2,910 feet to

a point on the center line of "L" Street; thence North 73° 00' West along center line of "L" Street 1075 feet to a point on the center line of 3rd Avenue, and the beginning of the Military Road. Thence North 73° 00' West 183.03 feet to a point; thence on a 10° curve to the right (radius of 572.96 feet), a distance of 133.33 feet; thence North 59° 40' West, 1545.90 feet to a point; thence on a 3° curve to the left (radius of 1909.86 feet) a distance of 1185.65 feet to a point; thence South 84° 45' 50" West, 3069.45 feet to a point; thence on a 3° curve to the right (radius of 1909.86 feet), a distance of 457.50 feet to a point; thence North 81° 30' 40" West, 423.65 feet to a point; thence on a 24° curve to the right, (radius of 238.73 feet), a distance of 339.44 feet to a point on the center line of the West Side Road. The same being a portion of the Military Road and "L" Street, Camp Adair, Oregon as the same are now located and constructed on, over and across the said property.

**Parcel D:** A perpetual easement for a roadway on, over and across the following described lands located in Deschutes County, Oregon, to-wit:

That portion of the Southeast Quarter of Section 31, Township 19 South, Range 11 East of the Willamette Meridian, lying and being in a strip of land 66 feet wide and being 33 feet wide on each side of the following described center line.

Beginning at a point on the center line of Training Aids Road, said point being South 89° 53' 40" East 129.5 feet from ¼ corner between Section 6, Township 20 South, Range 11 East of the Willamette Meridian, and Section 31, Township 19 South, Range 11 East of the Willamette Meridian; thence North 17° 00' West, 220.3 feet to a point; thence North 13° 00' East, 1910.83 feet to a point on the center line of Military Road; thence North 36° 48' 45" East 703 feet to a point on the east and west center line of Section 31, said point being West 1,765 feet of the ¼ corner between Sections 31 and 32, Township 19 South, Range 11 East of the Willamette Meridian, the same being a portion of the Training Aids Road as the same is now located and constructed on, over and across the said property.

Whereas, the Forest Service has caused the sum of \$189.28, which is the fair value of the rights-of-way, to be covered into the Treasury of the United States for deposit to the credit of the Federal Farm Mortgage Corporation from funds appropriated by the Congress for the purpose of carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921, as amended (23 U. S. C. 23, 23a.)

Now therefore, the Federal Farm Mortgage Corporation, pursuant to the authority vested in it in the disposal of surplus agricultural or forest property, by virtue of delegations of authority issued pursuant to the provisions of the aforementioned act of 1944, does hereby transfer the aforesaid rights-of-way to the Forest Service as of this date.

In witness whereof, the Federal Farm Mortgage Corporation has, on this 5th day of May 1947, caused these presents to be duly executed for and in its name and behalf and the seal of the said corporation to be hereunto affixed.

[SEAL] WILLARD M. REES,  
Vice President.

Attest:

A. W. BEHRENS,  
Assistant Secretary.

[F. R. Doc. 47-7312; Filed, Aug. 4, 1947;  
8:45 a. m.]

## FEDERAL POWER COMMISSION

[Project No. 1744]

UTAH POWER & LIGHT CO.

NOTICE OF ORDER MODIFYING OCTOBER 25, 1946, ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

JULY 29, 1947.

Notice is hereby given that, on July 29, 1947, the Federal Power Commission issued its order entered July 22, 1947, modifying October 25, 1946, order authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-7277; Filed, Aug. 4, 1947;  
8:47 a. m.]

[Docket No. G-905]

EQUITABLE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 29, 1947.

Notice is hereby given that, on July 29, 1947, the Federal Power Commission issued its findings and order entered July 24, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-7278; Filed, Aug. 4, 1947;  
8:47 a. m.]

[Docket Nos. IT-6013, IT-5648, IT-5751]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO AND RESCINDING PREVIOUS AUTHORIZATIONS

JULY 30, 1947.

Notice is hereby given that, on July 29, 1947, the Federal Power Commission issued its order entered July 29, 1947, authorizing transmission of electric energy to Mexico and rescinding previous authorizations in the above-designated matters.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-7279; Filed, Aug. 4, 1947;  
8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[No. 29770]

INCREASED LESS-CARLOAD RATES, OFFICIAL TERRITORY

JULY 30, 1947.

By petition dated May 29, 1947, the Ahnapsee and Western Railway Company, and numerous other common carriers by railroad and the Baltimore Steam Packet Company and other common carriers by water, together comprising substantially all common carriers by

railroad or water operating within official territory, and between official territory and northern Illinois, extended Zone C in Wisconsin, and eastern Canada, request leave to file and make effective not later than July 20, 1947, after statutory notice, schedules of increased class rates applicable to less-carload and any-quantity freight traffic within the territory above stated. To that end the petitioners also request (1) permission under sections 6, 217, and 306 of the Interstate Commerce Act, as amended, to publish, in individual or blanket supplements to the applicable class rate tariffs, revised class rates on less-carload or any-quantity rated traffic in the form of conversion tables, or by separate publication of such rates, together with general provisions canceling the present class rates in so far as they apply on less-carload or any-quantity traffic; (2) authority to establish, without observing the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act, the proposed increased rates on less-carload and any-quantity traffic via all routes by way of which they now have authority from the Commission under the various rate and fourth-section orders to apply the class rates presently published on the same traffic; such proposed increased class rates to apply on less-carload and any-quantity traffic within and between the territories above referred to, by rail, and combined rail and water, standard and differential, export, import, intercoastal, coastwise, and international routes, to the extent that the class rates which the proposed rates will supplant are now published by authorized routes; and (3) a general order modifying all outstanding orders of the Commission to the extent necessary to enable them to make such schedules of increased rates effective as requested.

Notice was issued by the Commission on June 16, 1947, that the petition had been docketed as above captioned, that notice of hearing would thereafter be given, and that the Commission had assigned the proceeding to Division 2 for administrative handling.

The proceeding is assigned for hearing at the office of the Commission in Washington, D. C., before Division 2, immediately upon the close of the hearing in Ex Parte No. 166, "Increased Freight Rates, 1947," assigned for hearing at Washington, D. C., on September 9, 1947, but not prior to September 16, 1947, at 9 a. m. United States standard time (10 a. m. District of Columbia daylight saving time)

Attention is called to the appendix hereto, which contains special instructions and rules of procedure, supplementing the general rules of practice, to be followed in this proceeding.

By the Commission.

[SEAL] W. P. BARTELL,  
Secretary.

APPENDIX—SPECIAL RULES OF PRACTICE APPLICABLE IN DOCKET NO. 29770

*Interventions, protests.* Persons appearing in opposition to the petition will be considered as protestants, and may be heard without the filing of petitions of intervention.

**NOTE:** If the makers of any of the protests already filed desire to avoid the necessity for personal attendance and appearance as witnesses at the hearing, or to obviate preparation and service of verified statements, the Commission suggests that such protestants discuss with petitioners' counsel whether a stipulation can be made that a particular protest may be received in evidence for what it may be worth, as if a witness were to be produced, subject to objection as to materiality and relevancy.

**Simplification of presentations.** To conserve time and avoid expense, persons with common interests in the proceeding should, to the greatest extent possible, endeavor to consolidate their testimony and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should be carefully prepared with a view to conciseness and clarity, and avoid inclusion of extraneous, immaterial, and irrelevant matter, and the undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

**Exhibits.** In the preparation of exhibits, Rules of Practice 81 to 84, inclusive, should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory, in order to minimize the amount of time required for explanation by oral testimony.

**Prepared statements.** Witnesses who expect to read from a written statement should comply with Rule 77 of the Rules of Practice. They should have sufficient copies thereof for opposing counsel, the presiding officers, and the official reporter, and copies of the written statements should be furnished counsel a reasonable time before the witness takes the stand. However, in the interest of conservation of time, it is suggested that such statements be prepared, verified, and offered in the manner indicated below, instead of being read orally by a witness on the stand.

Witnesses who will use prepared statements should remember statistical or extensive tabular matter should be submitted separately, as an exhibit, and thus avoid the necessity for copying tabular matter into the transcript of oral testimony.

**Submission of evidence in written form.** The Commission desires that evidence in chief be prepared in written form, if possible. The evidence in chief to be produced on behalf of the petitioners shall be submitted in written form, as prepared statements by the respective witnesses, with their accompanying exhibits. Such documents should be made available to the Commission by filing copies as in the case of verified statements (hereinafter mentioned) on or before August 27, 1947, and a copy should be transmitted by petitioners to the regulatory authority of each State in official territory having jurisdiction with respect to the intrastate rates and charges of petitioners and intervening petitioners, and also to each person who already has by protest or by written notice to the Commission given timely advice to the Commission and counsel for petitioners of their intention to appear as protestants. Such notification to petitioners should be made on or before August 27, 1947, in writing, addressed to Guernsey Orcutt, 1740 Broad Street Station Building, Philadelphia 3, Pennsylvania.

**Verified statements (affidavits).** Verified statements (affidavits) submitted without

personal appearance of the affiant as a witness may be received in the absence of objection. Parties offering such statements should make available as early as possible during the hearing 150 copies for the Commission and other parties, including the petitioners. Notice of any objection to the receipt of any such statement in evidence should be given to the Commission and to the party submitting the statement promptly following the receipt of such statement. If no such notice is given promptly it will be considered that objection to the receipt of the statement in evidence is waived, but objection to the weight to be accorded the statements of fact is reserved. Such statements should conform to the Rules of Practice in respect of style, mimeographing, or printing, etc. They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

**Notice of intention to produce testimony.** Persons who desire to be heard will facilitate necessary arrangements by sending notice of their intention by letter or telegram to the Commission at Washington, before September 11, 1947, which shall state the number of witnesses, and the approximate amount of time considered necessary for presentation of direct testimony.

**Correspondence.** Correspondence relative to this matter should be addressed to the Commission at Washington, D. C., with a reference to the docket number, No. 23770.

[F. R. Doc. 47-7294; Filed, Aug. 4, 1947; 8:50 a. m.]

[S. O. 396, Special Permit 257]

#### RECONSIGNMENT OF POTATOES AT KANSAS CITY, Mo.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, of WFE 63085 and FGE 51295, potatoes, now on Missouri Pacific tracks, by Cochran Brokerage Company, to K&M Fruit Company, Chicago, Illinois (Wabash)

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of July 1947.

HOMER C. KING,  
Director.

[F. R. Doc. 47-7236; Filed, Aug. 4, 1947; 8:50 a. m.]

[S. O. 763]

#### UNLOADING OF GLASS AND CAR WHEELS AT JERSEY CITY (GREENVILLE PIERS) N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of July A. D. 1947.

It appearing, that cars PRR 284970 and NYC 628663 containing glass and car wheels, respectively, at Jersey City (Greenville Piers), N. J., on The Pennsylvania Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Glass and car wheels at Jersey City (Greenville Piers) N. J., on the P. R. R. be unloaded.* The Pennsylvania Railroad Company, its agents or employees, shall unload immediately cars PRR 284970 and NYC 628663, containing glass and car wheels, respectively, now on hand at Jersey City (Greenville Piers) N. J., consigned to J. H. Faunce, Inc., and the Amtorg Trading Corporation, respectively.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., July 31, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon The Pennsylvania Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

ISEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-7295; Filed, Aug. 4, 1947;  
8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1567]

POTOMAC ELECTRIC POWER CO. AND WASHINGTON RAILWAY AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July 1947.

Potomac Electric Power Company ("Pepeco") a subsidiary of Washington Railway and Electric Company ("Washington Railway") a registered holding company, which in turn is a subsidiary of The North American Company, also a registered holding company, and Washington Railway have filed a joint application-declaration, and amendment thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the General rules and regulations promulgated thereunder, regarding the following proposals:

Pepeco proposes: (1) To exchange or redeem, on September 1, 1947, all of its outstanding preferred stock (the "Old Preferred Stock") consisting of 20,000 shares of 6% Cumulative Preferred Stock, Series 1925, of the par value of \$100 per share, and 50,000 shares of 5½% Cumulative Preferred Stock, Series of 1927, of the par value of \$100 per share. For this purpose Pepeco will issue 140,000 shares of -----% Preferred Stock ("New Preferred Stock") of the par value of \$50 per share, and will offer to the holders of its presently outstanding Old Preferred Stock the right to exchange their shares of Old Preferred Stock for shares of the New Preferred Stock on the basis of 2 shares of New Preferred Stock for 1 share of Old Preferred Stock, plus a cash adjustment. Such cash adjustment will represent the difference between the price to be paid to Pepeco for the shares of New Preferred Stock not issued pursuant to the exchange offer and the redemption price of the Old Preferred Stock (exclusive of accrued dividends) less a dividend adjustment. The exchange offer is to be open for acceptance for a period of approximately 10 days. All shares of Old Preferred Stock so acquired will be retired.

In connection with the proposed exchanges and redemption, Pepeco proposes, pursuant to Rule U-50, to invite sealed written proposals for services in obtaining exchanges of shares of Old Preferred Stock and for the purchase of such of the 140,000 shares of New Preferred Stock as are not required to effect exchanges. Each proposal shall specify (a) the price per share (exclusive of accrued dividends from July 1, 1947) to be paid Pepeco for

the unexchanged shares, which price shall not be less than \$50 per share and, in the event the annual dividend rate specified in clause (c) below is more than 3.60%, the price shall not be more than \$51.375, in both cases after deduction of underwriter's compensation; (b) the aggregate amount of the compensation to be paid to the bidder for services in connection with the exchanges and the purchase of the unexchanged shares; and (c) the annual dividend rate of the New Preferred Stock, which dividend rate shall be in multiples of 1/10th of 1% and shall be not less than 3.60% of the par value of such New Preferred Stock. Pepeco reserves the right to reject any and all bids.

(2) To make a short term bank loan in an amount not to exceed, the principal amount of \$7,490,000 in order to provide itself with funds to finance the redemption of its Old Preferred Stock, pending the consummation of the sale of the New Preferred Stock. The bank loan will be made pursuant to a bank loan agreement between Pepeco and The Chase National Bank of the City of New York and Chemical Bank & Trust Company, New York, under the terms of which Pepeco may borrow not to exceed the principal amount of \$7,490,000 for a period of seven days at a cost of \$7,500, with the option of extending said loan for a period of 90 days at an interest cost of 1½% per annum, payable on or before the expiration of such 90-day period.

(3) To increase, after the proposed redemption of its Old Preferred Stock, its authorized capital stock from \$30,000,000 to \$75,000,000, consisting of 400,000 shares of -----% Preferred Stock, par value of \$50 per share (the New Preferred Stock) and 5,500,000 shares of New Common Stock, par value \$10 per share. As part of such recapitalization the presently outstanding 90,000 shares of Pepeco common stock, par value \$100 per share, all of which is owned by Washington Railway, will be reclassified into 85,000 shares of the proposed New Preferred Stock and 2,961,250 shares of the proposed New Common Stock.

(4) To make appropriate amendments to its charter to effectuate the proposed transactions, which amendments will contain the provisions of the New Preferred Stock, including certain provisions for the protection of the holders of the New Preferred Stock, as more fully set forth in the application-declaration.

(5) To separately designate the 140,000 shares and the 85,000 shares of its New Preferred Stock. The 140,000 shares of New Preferred Stock to be offered to the holders of Pepeco's Old Preferred Stock pursuant to the above-described Exchange Offer will bear the distinguishing symbol "A" and will be of a distinguishing color, both upon the original issue and in future transfers. The remaining 85,000 shares of Pepeco New Preferred Stock which will be distributed to the holders of Washington Railway Preferred Stock, pursuant to the terms of the latter's section 11 (e) plan, will bear the distinguishing symbol "B" and will be of a different color than the certificates bearing the symbol "A". The 140,000 shares and the 85,000 shares of Pepeco New Preferred Stock are being so designated because the dividends on such

shares are treated differently under the Internal Revenue Code. Such separate treatment arises by reason of a ruling by the Bureau of Internal Revenue to the effect that the corporate holders of any of such 140,000 shares bearing symbol "A" will not be entitled to a dividends-received credit under section 26 (b) of the Internal Revenue Code for the purpose of corporate surtax, but that corporate holders of any of the 85,000 shares bearing the symbol "B" will be entitled to such credit for the purpose of corporate surtax as well as normal tax.

Washington Railway proposes: (1) To acquire the 85,000 shares of New Preferred Stock and the 2,961,250 shares of New Common Stock of Pepeco upon the recapitalization of Pepeco as aforesaid.

(2) To acquire, upon the dissolution of its two subsidiaries, The Washington and Rockville Railway Company of Montgomery County (Washington Rockville) and Great Falls Power Company (Great Falls), pursuant to the provisions of Washington Railway's aforesaid section 11 (e) plan, the remaining assets of Washington Rockville and Great Falls and to convey to Pepeco all of the real property conveyed by Great Falls to Washington Railway.

The applicants-declarants have designated sections 6, 7, 9, 10, 11 and 12 of the act and Rules U-23, U-42, U-43, U-50 and U-64 as applicable to the proposed transactions.

Said application-declaration having been filed on July 10, 1947, and notice of filing having been issued in the manner and form prescribed by Rule U-23, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and the Commission not having ordered that a hearing be held thereon; and

It appearing to the Commission that such proposals consist of certain proposed transactions set forth in the plan filed by Washington Railway pursuant to section 11 (e) of the act for the purpose of complying with section 11 (b) of the act, and approved by order of this Commission dated May 15, 1947 (Holding Company Act Release No. 7410) and approved by order dated June 16, 1947, of the United States District Court for the District of Columbia; that the proposed issuance and sale by Pepeco of the New Preferred Stock and New Common Stock, as well as the proposed acquisition by Washington Railway of shares of such New Preferred Stock and New Common Stock, has been authorized by order of the Public Utilities Commission of the District of Columbia; that the charter amendments providing for the authorization of the New Preferred Stock and the New Common Stock of Pepeco contain provisions concerning the respective rights of the holders of the various classes of stock which would be outstanding upon consummation of the proposed transactions; that the request of applicants-declarants for acceleration of such application-declaration should be granted; and

The Commission finding that the proposed transactions are appropriate steps in furtherance of and in compliance with the provisions of the plan filed by Wash-

ington Railway pursuant to section 11 (e) of the act and approved by order of this Commission dated May 15, 1947; and the Commission finding that the proposed transactions are not in contravention of the act and any rules and regulations promulgated thereunder and that the proposed transactions satisfy the applicable requirements of the act and the rules thereunder and that it is appropriate in the public interest and in the interest of investors and consumers that said application and said declaration, as amended, respectively, be granted and permitted to become effective:

*It is hereby ordered*, That the application and declaration, as amended, be and the same are, respectively, hereby granted and permitted to become effective forthwith, subject to the terms and conditions of Rule U-24 and to the following terms and conditions:

(a) That the issue and sale of the proposed New Preferred Stock by Pepco shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been supplied by a further amendment and a further order shall have been entered, which order may contain such further terms and conditions as may then be deemed appropriate; and

(b) That jurisdiction be and the same is hereby reserved with respect to all legal fees and expenses in connection with the proposed transactions, and that such legal fees and expenses shall not be paid pending further order of the Commission.

It appearing further that the Commission previously, by order entered April 14, 1942, directed that Washington Railway and its subsidiary, Washington Rockville, each divest itself of all of their respective interests in Great Falls, that such disposition has not yet been accomplished, and it appearing appropriate that, in order to facilitate the liquidation of Washington Railway and Washington Rockville, the Commission may appropriately permit at this time the acquisition by Pepco of the properties of Great Falls, subject, however, to the condition that such properties are to be held by Pepco subject to the order of divestment previously in effect with respect to Washington Railway and Washington Rockville;

*It is further ordered*, That the application in so far as it relates to the acquisition by Pepco of the properties of Great Falls be and the same is hereby approved upon the condition that such properties be held subject to the terms of the aforesaid divestment order dated April 14, 1942, requiring the disposition by Washington Railway and Washington Rockville of all direct and indirect ownership, control, and holdings of securities issued and properties owned, controlled, or operated by Great Falls, and the reservation of jurisdiction set forth in the order of this Commission dated May 15, 1947 with respect to the retention by Pepco of said properties of Great Falls.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-7284; Filed, Aug. 4, 1947; 8:48 a. m.]

[File No. 70-1548]

MISSISSIPPI POWER CO.

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

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 29th day of July 1947.

Mississippi Power Company ("Mississippi") a public utility subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 6 (a) 7 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder regarding the proposed sale pursuant to the competitive bidding requirements of Rule U-50 of (a) \$2,500,000 principal amount of additional First Mortgage Bonds, --% Series, to be dated August 1, 1947 and to mature August 1, 1977 and (b) 20,099 shares of --% preferred stock, cumulative, par value \$100 per share, subject, however, to an exchange offer of such new preferred stock to the holders of Mississippi's \$6 Preferred Stock; and

The Commission having by order dated July 17, 1947 granted said amended application and permitted said amended declaration to become effective, subject, however, to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed sale of new bonds, issuance of new Preferred Stock and exchange or redemption of \$6 Preferred Stock should not be consummated until the results of competitive bidding had been made a matter of record in this proceeding and a further order issued by this Commission in the light of the record so completed; and the Commission having reserved jurisdiction over the payment of all fees and expenses in connection with the proposed transactions; and

Mississippi having filed a further amendment dated July 28, 1947 to its application-declaration setting forth the action taken by it to comply with the requirements of Rule U-50 and showing that pursuant to the invitation for competitive bids, the following bids for the bonds have been received:

Bidders	Coupon rate	Price to company (percent of principal amount)	Cost to company
Halsey, Stuart & Co., Inc.	Percent 2 7/8	100.20	Percent 2.8216
Shields & Co.	} 2 7/8	100.20	2.8219
Carl M. Loeb, Rhodes & Co.			
Kidder, Peabody & Co.	} 3	102.20	2.8219
White, Weld & Co.			
Otis & Co. group			
	3	101.703	2.9143

Said amendments showing further that, pursuant to the invitation for competitive bids, the following bid for the preferred stock was received from a group headed by W. C. Langley & Company and Glore, Forgan & Company, namely \$104 per share with a dividend rate of 4.60% and compensation of \$70,000, equivalent to \$3.483 per share, for

their services in endeavoring to obtain exchanges of \$6 Preferred Stock for new preferred stock and for their agreement to purchase the shares of new preferred stock not required to effect exchanges. Deducing from the bid price the compensation on a per share basis, the annual dividend cost to the company would be 4.576%.

Said amendment having further set forth that, in respect of the bonds, Mississippi has accepted the bid of Halsey, Stuart & Co., Inc., as set out above, and that said bonds will be offered for sale to the public at a price of 101% of the principal amount thereof plus accrued interest from August 1, 1947 to the date of delivery, resulting in an underwriters spread of 0.731% of the principal amount of said bonds; and that, in respect of the preferred stock, Mississippi has accepted the bid, submitted by the group headed by W. C. Langley & Company and Glore, Forgan & Company; and

Counsel concerned having filed statements with respect to the nature of the services performed in connection with the transactions; and it appearing to the Commission that the proposed fee of Winthrop, Stimson, Putnam and Roberts, counsel for Mississippi, in the amount of \$10,000 (of which \$4,000 is applicable to the new bonds and \$6,000 to the new preferred stock) and the proposed fees of Reid & Priest, counsel to the successful bidders in the aggregate amount of \$7,000 (of which \$2,500 is applicable to the new bonds and \$4,500 to the new preferred stock) are for necessary services and are not unreasonable; and it appearing to the Commission that other expenses estimated at \$24,410 applicable to the bonds and \$24,009 applicable to the new preferred stock are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters;

*It is ordered*, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding under Rule U-50 be, and hereby is, released, and that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24.

*It is further ordered*, That the jurisdiction heretofore reserved over all fees and expenses in connection with the proposed transaction be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-7235; Filed, Aug. 4, 1947; 8:48 a. m.]

[File No. 54-42, 54-69, 59-65]

CENTRAL STATES UTILITIES CORP. ET AL.  
SUPPLEMENTAL FINDINGS AND ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 29th day of July A. D. 1947.

In the matters of Central States Utilities Corp., Central States Power & Light Corp., Ogden Corp., File No. 54-42; Ogden Corp. and subsidiary companies, File No. 54-69; Ogden Corp. and subsidiary companies, File No. 59-65.

Ogden Corp. ("Ogden") a registered holding company, having filed a plan and an amendment thereto ("amended plan") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") said plan providing, in general, for the liquidation and dissolution of two of its subsidiary companies, namely, Central States Utilities Corporation ("Central Utilities") a registered holding company, and Central States Power and Light Corporation ("Central States") a registered holding company and a subsidiary company of Central Utilities, whereby, among other things, there will be distributed (a) to the holders, other than Ogden, of the 5% Debentures of Central States \$81 for each \$100 principal amount of such debentures, together with accrued and unpaid interest on the principal amount to the effective date of the Amended Plan, (b) to the holders, other than Ogden, of the \$7 Dividend Preferred Stock of Central States \$9 per share, (c) to the holders, other than than Ogden, of the 6% Gold Bonds of Central Utilities \$7.50 for each \$100 principal amount of such bonds, and (d) to Ogden, the residual net assets of Central States and Central Utilities; and

Said plan having been filed for the stated purpose of complying with the provisions of section 11 (b) of the act and with the Commission's order dated May 20, 1943, directed to Ogden and its subsidiary companies requiring, among other things, that Central Utilities be liquidated and dissolved, and that Central States be recapitalized, but that such recapitalization need not be effected if Central States is liquidated and dissolved; and

Public hearings having been held after appropriate notice, and the Commission having considered the record and having issued its findings and opinion on July 17, 1947, finding said amended plan, if modified in certain respects, to be necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby and Ogden, Central Utilities and Central States having filed an amendment to said amended plan containing the modifications suggested by the Commission in its findings and opinion of July 17, 1947; and Ogden, Central Utilities and Central States having requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate District Court of the United States to enforce and carry out the terms and provisions of said amended plan, as modified;

It is found, in accordance with said findings and opinion dated July 17, 1947, that said amended plan, as modified, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby.

It is ordered, Pursuant to section 11 (e) and to other applicable provisions of the act, that said amended plan, as modified,

be and it hereby is approved, subject to the conditions specified in Rule U-24 and to the following additional terms and conditions:

(1) That this order shall not be operative to authorize the consummation of the proposed transactions until an appropriate District Court of the United States, upon application thereto, shall have entered an order enforcing said amended plan, as modified;

(2) That jurisdiction is generally reserved to the Commission to entertain such further proceedings, to make such supplemental findings and to take such further action as it may deem appropriate in connection with said amended plan, as modified, the transactions incident thereto and the consummation thereof, and to take such further action as it may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and that jurisdiction is specifically reserved to consider and determine the reasonableness and appropriate allocation of all fees, expenses, and other remunerations incurred and to be incurred in connection with said amended plan, as modified, and the transactions incident thereto.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant to the Secretary.

[F. R. Doc. 47-7281; Filed, Aug. 4, 1947;  
8:47 a. m.]

[File No. 70-1549]

ROCHESTER GAS AND ELECTRIC CORP. AND  
GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING  
DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of July 1947.

General Public Utilities Corporation ("GPU") a registered holding company, and its subsidiary, Rochester Gas and Electric Corporation ("Rochester") having filed, respectively, a declaration, and an application, as amended, pursuant to sections 12 (b) and 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder, wherein Rochester requests approval for its issuance and sale of unsecured promissory notes bearing interest not in excess of 2% per annum, each having a maturity of nine months or less, and the renewal thereof, in an aggregate principal amount not to exceed \$8,000,000, for a period of not more than two years from the effective date of this order, which application requests that pursuant to the first sentence of section 6 (b) of the act the Commission authorize an increase in the percentage of the principal amount, par value, and fair market value of the securities of Rochester which may be represented by notes and drafts maturing within nine months, and wherein GPU requests authorization to make, from time to time, cash capital contributions to Rochester within a period of two years and nine months from

the effective date of this order, the amount of such capital contributions to be not in excess of (i) \$300,000 plus (ii) an amount not in excess of the aggregate amount of dividends on Rochester's common stock theretofore declared and paid by Rochester to GPU from and after June 30, 1947; and

The Commission having considered the record and having entered its findings and opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declaration to become effective and to grant the application, as amended, subject to certain conditions, and to grant a request of the applicants-declarants that the effective date of the order be the date upon which this order is entered:

It is hereby ordered, That, pursuant to the provisions of section 12 (b) of the act and Rule U-45 promulgated thereunder, the declaration of GPU is hereby permitted to become effective forthwith; and, pursuant to the first sentence of section 6 (b) of the act, the application, as amended, of Rochester is hereby granted, to be effective forthwith, so that Rochester may issue and sell, and renew, for a period of two years from the date of this order, promissory notes each of which will have a maturity of nine months or less, in an aggregate principal amount which may exceed five per centum of the aggregate of the principal amount, par value and fair market value of Rochester's other securities but in no event may such outstanding notes exceed an aggregate of \$8,000,000; and subject to the conditions that (a) so long as any notes of Rochester having a maturity of nine months or less are outstanding in an aggregate amount in excess of that which would, in the absence of this order, be exempt from the provisions of section 6 (a) of the act by reason of the provisions of the first sentence of section 6 (b) of the act, the aggregate amount of dividends declared and paid upon Rochester's common stock from and after June 30, 1947, shall not be in excess of the aggregate amount of cash capital contribution, if any, as shall theretofore have been received by Rochester from the holder or holders of its common stock from and after June 30, 1947; (b) within ten days of the date upon which Rochester issues any initial notes, or renewal notes, it file a notification in this proceeding of the amount of such note, the interest rate thereon, the name of the payee, and the total amount of notes of a maturity of nine months or less then outstanding; and (c) within ten days of the date upon which Rochester declares a dividend upon its common stock, it file a notification in this proceeding of the aggregate amount of dividends paid on its common stock from and after June 30, 1947, and the aggregate amount of cash capital contributions received by it from the holder or holders of its common stock from and after June 30, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-7283; Filed, Aug. 4, 1947;  
8:48 a. m.]

[File No. 70-1566]

PHILADELPHIA ELECTRIC POWER CO. AND  
SUSQUEHANNA POWER CO.ORDER GRANTING APPLICATION AND PERMIT-  
TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of July 1947.

Philadelphia Electric Power Company ("PEP") a registered holding company, and its electric utility subsidiary, The Susquehanna Power Company ("SP") having filed a joint application-declaration and an amendment thereto, pursuant to sections 6 (a) 7, 10, 12 (c) 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder, with respect to the following transactions:

Pursuant to orders of the Federal Power Commission and a decree of the United States Circuit Court of Appeals for the Third Circuit, PEP and SP propose to make certain accounting adjustments in respect of a final determination of the actual legitimate original cost, as of December 31, 1932, of the Conowingo Hydro-Electric Project, including (a) the charge off by SP of certain disallowed amounts to Earned Surplus with a provision that certain amounts may be charged to a properly created Capital Surplus; and (b) the reduction by PEP of the book cost of its investment in the stock of SP. In this connection SP proposes to create a Capital Surplus of \$3,676,091.92 to be used solely for charging off an equal amount of disallowed cost in compliance with said orders and decree, and also to reclassify its common stock and reduce the stated value thereof from \$4,866,886.36 to \$1,190,794.44; and

SP proposes to cancel by charter amendment its authorized Class A and Class B stocks and issue 200,000 shares of common stock, without par value, in the place and stead of 110,500 shares of common stock, Class A, no par value, now outstanding and 135,000 shares of common stock, Class B, no par value, now outstanding, all of which outstanding stock is owned by PEP and pledged with the Fidelity-Philadelphia Trust Company, Trustee, under the First Mortgage of PEP and SP dated February 1, 1926, as amended by supplemental indenture dated July 1, 1946. The 200,000 new shares are to be issued to PEP and exchanged with the Trustee in the place of the outstanding shares of the Class A and Class B stocks of SP and

The proposed issue and sale of securities by SP and the acquisition of such securities by PEP having been approved by the Public Service Commission of the State of Maryland; and

The joint application-declaration having been filed on July 8, 1947, and an amendment thereto having been subsequently filed; and notice of the filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration, as amended, be granted and permitted to become effective and deeming it appropriate to grant the request of declarants that the order become effective at the earliest date possible:

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

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.[F. R. Doc. 47-7280; Filed, Aug. 4, 1947;  
8:47 a. m.]

[File No. 70-1571]

## PORTLAND GAS &amp; COKE CO.

## NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Portland Gas & Coke Company ("Portland"), a gas utility subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 8, 1947 at 11 a. m., e. d. 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 application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said 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 application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Portland proposes to issue and sell to Mellon National Bank and Trust Company of Pittsburgh its 3 3/8% installment promissory note in the principal amount

of \$4,500,000 payable in sixteen equal semi-annual installments of \$281,250 commencing thirty months after the date of issuance, which is to be on or after August 1, 1947 but not later than September 15, 1947.

The proceeds from the proposed sale of the installment promissory note will be applied to the retirement of all of Portland's presently outstanding unsecured debt consisting of \$400,000 principal amount of 1 3/4% Serial Notes due 1947 to 1951 and \$1,750,000 principal amount of 2 3/4% Bank Notes due 1948 to 1950. The \$2,350,000 balance of the proceeds will be used to construct additional facilities which Portland states are essential to ensure a continuity of adequate gas service. It is further stated that the present facilities of Portland do not have adequate capacity to meet prospective demands in the winter of 1947-1948 and failure to install additional facilities promptly may result in thousands of customers being without service during periods of moderately cold weather.

In the loan agreement, pursuant to which the installment note will be issued, Mellon National Bank and Trust Company represents that it is purchasing the note for investment purposes and has no present intention of making any disposition of such note. In the application Portland states that no finder's fee or other fee, commission or remuneration is to be paid in connection with the proposed transaction to any third person for negotiating the sale of the note.

The proposed transactions are subject to the jurisdiction of the Oregon Commissioner of Public Utilities and the Washington Department of Public Utilities. Portland is organized and doing business in the State of Oregon and also does business in the State of Washington. Each of the foregoing regulatory bodies has expressly authorized the issuance and sale of said note on the terms proposed. In granting its approval the Oregon Commissioner of Public Utilities found the issuance and sale of said note to be compatible with the public interest in that the proposal, involving the consolidation of Portland's short term debt and the procurement of additional capital, would make possible the completion of a construction program earlier found to be urgently needed to meet greatly increased present and prospective service demands.

Portland requests that the Commission's order with respect to the application issue at the earliest date practicable and become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.[F. R. Doc. 47-7282; Filed, Aug. 4, 1947;  
8:48 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 69 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. 9783, Oct. 14, 1946, 11 F. R. 11931.

[Vesting Order 9459]

ANNA BARO

In re: Estate of Anna Baro, deceased. File D-28-9950; E. T. sec. 14112.

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 Sporle, Elizabeth Sporle, Anna Sporle Holtzman, Joseph Friedl and Catherine Mertes, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of \$800.00 was paid to the Attorney General of the United States by Phillip Friedl, Executor of the Estate of Anna Baro, deceased;

3. That the said sum of \$800.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

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

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

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

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on February 17, 1947, pursuant to the Trading with the Enemy Act, as amended.

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

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7328; Filed, Aug. 4, 1947; 8:48 a. m.]

[Vesting Order 9460]

LUISE BODECKER

In re: Estate of Luise Bodecker, also known as Louise Bodecker, also known as Luise von Bodecker, deceased. File D-28-10455; E. T. sec. 14870.

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 Marta Stidia and Karl Admiral von Bodecker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Luise Bodecker, also known as Louise Bodecker, also known as Luise von Bodecker, deceased, is properly payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Bank of America, National Trust and Savings Association, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7329; Filed, Aug. 4, 1947; 8:48 a. m.]

[Vesting Order 9461]

J. F. DOCKWEILER ET AL.

In re: J. F. Dockweiler et al, vs. Gertrude Volkmann et al. File D-28-9775; E. T. sec. 13743.

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 Gertrude Volkmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the sum of \$87.51 was paid to the Attorney General of the United States by Arthur C. Mosley, Sheriff of St. Louis County, Clayton, Missouri;

3. That the said sum of \$87.51 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

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

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

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

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on May 6, 1947, pursuant to the Trading with the Enemy Act, as amended.

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

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7330; Filed, Aug. 4, 1947; 8:48 a. m.]