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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 246—SWEETPOTATOES

SUBPART—1946 LOAN PROGRAM

This bulletin states the requirements with respect to the 1946 Sweetpotato Loan Program formulated by Commodity Credit Corporation and the Production and Marketing Administration. Loans will be made available on cured sweetpotatoes of the 1946 crop to growers or associations of growers or their authorized agents, and to dealers who certify they have paid growers the applicable support price. The program will be administered through the facilities of the Production and Marketing Administration.

Forms may be obtained from County Agricultural Conservation Committees or from State PMA offices in areas where loans are available. State and county committees will determine the eligibility of the sweetpotatoes, the grade and quality, and the amount of the loan. All loan documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however*, That the county committee may designate in writing certain employees of the County Agricultural Conservation Association to execute such forms on behalf of the Committee.

The County Committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the Area Fiscal Office of the Production and Marketing Administration to which loan documents may be forwarded for disbursement.

Sec.
246.40 Borrower responsibility.
246.41 Eligible borrowers.
246.42 Applications, period for making loans, maturity date and interest rate.
246.43 Eligible sweetpotatoes.
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246.52 Deficiencies due to flood, fire, lightning or windstorm.
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246.54 Loans in default.
246.55 Purchase of notes.

AUTHORITY: §§ 246.40 to 246.55, inclusive, issued under the Charter of Commodity Credit Corporation, Article Third, par. (b); sec. 7 (a) 49 Stat. 4 as amended by 50 Stat. 5, 53 Stat. 510, 55 Stat. 498, 57 Stat. 566, 57 Stat. 643, 58 Stat. 105, 59 Stat. 51, sec. 4 (a) 55 Stat. 498 as amended by 56 Stat. 768; 15 U. S. C. Sup. 713 (a), 713-8 (a).

§ 246.40 *Borrower responsibility.* The Chattel Mortgage and Mortgage Supplement governs generally the responsibility of the borrower and should be read carefully.

§ 246.41 *Eligible borrowers.* (a) Any person, partnership, association, or corporation producing sweetpotatoes in 1946.

(b) Associations of producers that have acquired 1946 sweetpotatoes pursuant to the 1946 Sweetpotato Producers' Sales Agreement (CCC Sweetpotato Form C).

(c) Dealers licensed under the Perishable Agricultural Commodity Act, who certify that they have purchased the sweetpotatoes, on which loan is requested, from producers at not less than the equivalent of the 1946 announced support prices.

§ 246.42 *Applications, period for making loans, maturity date and interest rate.* Applications for loan shall be made at the office of the county agricultural conservation committee for the county where the sweetpotatoes are stored.

Applications for loans may be accepted between November 15, 1946 and January 15, 1947. However, since all loan documents must be completed not later than January 15, 1947, State committees should, if necessary, set a final date for accepting applications sufficiently in advance of January 15, 1947, in order that all inspections of sweetpotatoes and the approval of all loan documents will be completed by January 31, 1947. Disbursement on a loan will be made only within the sixteen calendar day period following the date of approval of the loan.

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All loans shall mature on demand but not later than April 15, 1947, and will bear interest at the rate of 3 percent per annum from the date of disbursement.

§ 246.43 *Eligible sweetpotatoes.* Eligible sweetpotatoes shall be 1946 crop sweetpotatoes produced, or acquired at not less than the equivalent of support prices, by eligible borrowers which have been in storage a period of not less than three weeks and are of a quality suitable for storage and which are properly stored in approved permanent storage in rigid containers.

Sweetpotatoes containing more than one percent of either black rot, frost injury or soft rot and wet breakdown or more than two percent of any combination of such defects shall not be eligible for loan.

Sweetpotatoes stored in a manner or in storage structures not meeting specifications established by the State committee shall not be eligible for loan.

§ 246.44 *Loan rate.* The amount of the loan shall be $1.50 per hundred-

weight of sweetpotatoes of the Porto Rico, Jersey, Nancy Hall, Golden, Triumph, and other varieties of similar characteristics that contain not less than 50 percent U. S. No. 1 quality. For sweetpotatoes of varieties other than those specified that contain not less than 50 percent U. S. No. 1 quality the loan rate shall be $1.00 per hundredweight.

§ 246.45 *Set-offs.* The county committee shall review the county office debt register to determine if the applicant is shown as being indebted to the United States or any agency or corporation thereof.

If the applicant's name appears on the debt register, the loan shall not be approved unless the applicant designates the United States or the agency thereof to which he is indebted, as the payee of the proceeds of the loan to the extent of such indebtedness not to exceed that portion of the proceeds remaining after deduction of (a) the amount due for service fees and (b) amounts designated to be paid prior lienholders. Following (a) and (b), outstanding indebtedness due CCC shall be given first consideration.

If the applicant is known by the county committee to be indebted to CCC (other than for a current loan which has not matured) and such indebtedness does not appear on the debt-register, the loan shall not be approved unless the applicant pays all such outstanding indebtedness to CCC in full, either from the proceeds of the loan, in cash, or both.

§ 246.46 *Storage charges.* Where a borrower obtains a loan on sweetpotatoes stored in an approved warehouse, all storage costs shall be assumed by the borrower.

§ 246.47 *Service fees.* A service fee shall be charged for each loan in the amount of two cents per hundredweight for the hundredweight of sweetpotatoes placed under loan but not less than $5.00 for each loan. Part of the service fee (one-half cent per 100 pounds of the sweetpotatoes which are estimated will be placed under loan, but not less than $5.00) will be payable at the time application is made for a loan, and will be unreturnable even though the loan is not completed.

§ 246.48 *Insurance.* The borrower shall not be required to carry insurance on the collateral. However, in case of a loss the Corporation will only cancel any deficiency remaining on his note after all proceeds from any sales or salvage have been applied as a credit thereto, and then only in the case of a loss due to flood, fire, lightning, or windstorm on which he has given the county committee immediate notice in writing, and to which his fault, negligence or conversion has not been a contributing factor.

§ 246.49 *Settlement of loans.* The borrower must satisfy the loan on or before maturity of the note either by repayment in cash or by delivery of the sweetpotatoes to Commodity Credit Corporation, or by a combination of the two.

(a) *Repayment by cash*—(1) *Proceeds of sales.* A borrower will be required to apply on the loan all of the net proceeds (proceeds less marketing services performed) resulting from sale of the mortgaged sweetpotatoes until the loan is repaid. In no event shall such repayment be less than the loan value of the sweetpotatoes plus interest. Such repayments shall redeem only the sweetpotatoes sold.

(2) *Other cash repayments.* Other cash repayments on the loan shall redeem from the loan (and remove from price support) a quantity of sweetpotatoes equal to the amount of the principal repaid dividend by the loan rate.

(b) *Repayment by delivery.* On or after January 1, 1947, through April 15, 1947, the borrower may request shipping instructions from the county committee to enable him to deliver sweetpotatoes to the Commodity Credit Corporation within the quantity permitted in his loan agreement, in satisfaction of his mortgage indebtedness. Such deliveries in any calendar month except April shall be limited to one-third of the quantity of sweetpotatoes originally placed under loan or one carload whichever is higher, except that the Commodity Credit Corporation may at any time request delivery of all or any portion of the sweetpotatoes and any sweetpotatoes not delivered pursuant to such request shall be removed from price support.

The sweetpotatoes must be delivered in such condition with respect to preparation for market and shipment (either in bulk or containers) as may be prescribed by CCC. Delivery of the sweetpotatoes in any other condition shall be at the borrower's expense.

Upon delivery, the borrower will be credited with the full support price applicable to the sweetpotatoes at the time of delivery.

§ 246.50 *Delivery in excess of agreed monthly quantity.* In the event an examination by a qualified representative of the county committee shows that, by reason of actual deterioration, immediate disposal of all, or a portion of the sweetpotatoes is required to avoid abnormal loss, the Commodity Credit Corporation will accept delivery in excess of the agreed monthly quantity limitation. The quantity thus accepted shall be limited to sweetpotatoes of which immediate disposal has been found necessary. Credit shall be given at support prices applicable on the date of delivery for such quantity of the sweetpotatoes delivered.

§ 246.51 *Inability of CCC to accept delivery.* If the borrower offers sweetpotatoes eligible for delivery the country committee shall authorize the borrower to have such sweetpotatoes inspected by a Federal or Federal-State inspector, at his own expense, to determine their value at the applicable support price as of the date of such inspection.

Such sweetpotatoes will be accepted as soon as possible. In the event that the delivery order covering such sweetpotatoes is issued more than ten days after the date of inspection secured by the borrower, a second inspection shall be made by a Federal or Federal-State inspector while the sweetpotatoes are still in storage, at the expense of the Commodity Credit Corporation to determine their value at the applicable support price as of the date of such inspection.

Any decline in value between the dates of these two inspections shall be credited to the borrower's account, by means of "Claim for Deterioration".

§ 246.52 *Deficiencies due to flood, fire, lightning or windstorm.* The borrower shall be responsible for any loss in the quality and quantity of the sweetpotatoes, which results in a deficiency on the loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on his part and resulting solely from flood, fire, lightning, or windstorm shall be assumed by CCC to the extent of the deficiency which results. In cases where such losses are covered by insurance, the borrower, after the proceeds of sales and salvage have been applied on the note, shall have first claim on the proceeds of any insurance claim to the extent of his equity in the damaged sweetpotatoes (market value or support value, whichever is higher, of the sweetpotatoes, less the part of the unpaid balance on the note represented by the damaged sweetpotatoes). The balance of the proceeds from the insurance claim, if any, shall be credited in payment of the note.

§ 246.53 *Continued price support.* Borrowers who have satisfied their loans prior to maturity shall be assured full price support through April 15, 1947, with respect to any remaining sweetpotatoes which were covered by the loan and were not redeemed, in accordance with the following procedure:

(a) The borrower shall notify the county committee in writing within 10 days after repayment, stating the quantities of such sweetpotatoes in his possession.

(b) The county committee shall verify the quantity and shall indorse on the declaration the quantity approved for continued price support (sweetpotatoes redeemed by cash repayments on the loan shall not be eligible for continued price support).

(c) The borrower shall be permitted to deliver such remaining sweetpotatoes to CCC, passing title thereto, free and clear of liens and encumbrances, and shall receive in settlement therefor the same price as though such sweetpotatoes had been delivered in satisfaction of the loan, provided that such deliveries shall be limited to one-third of the sweetpotatoes originally placed under loan or one carload, whichever is higher. No deliveries shall be accepted after April 15, 1947.

§ 246.54 *Loans in default.* In the event the borrower has made a fraudulent representation in the loan documents or in obtaining the loan, or abandons or fails to safeguard the mortgaged sweetpotatoes or otherwise causes CCC to remove the sweetpotatoes to protect its interest, or to foreclose the mortgage, settlement shall not necessarily be at support rates, but the borrower shall be credited with the best price obtainable by CCC, less necessary costs incurred, and shall be charged with any deficiency which may result.

In the event the borrower fails to satisfy the loan by maturity, he shall be credited at November 15-December 31, 1945 support prices for sweetpotatoes delivered after maturity and shall be liable for any deficiency which may result. Such delivery shall be limited to the quantity necessary to satisfy the loan.

§ 246.55 *Purchase of notes.* Commodity Credit Corporation will purchase from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and the county committee on such form as CCC may prescribe of all payments received on producer's notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the PMA Area Fiscal Office serving the area.

Issued: October 4, 1946.

RALPH S. TRIGG,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 46-20347; Filed, Nov. 14, 1946; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4895]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOHN SOLARI & CO.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with the offering for sale, sale, and distribution of any sauce for use with food, in commerce, using the word "Hollandaise," or any simulation thereof, to designate, describe, or refer to a sauce in which the fatty ingredient is not exclusively butter, or representing in any manner that a sauce in which the fatty ingredient is not butter is hollandaise sauce; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, John Solari & Company, etc., Docket 4895, October 7, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of October A. D. 1946.

In the Matter of Rinaldo J. Solari, an Individual, Trading as John Solari & Company and as Par-Ex Products Company.

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, report and supplemental report by the trial examiner, and brief and supplemental brief in support of the complaint (respondent not having filed brief and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, Rinaldo J. Solari, an individual, trading as John Solari & Company, Par-Ex Products Company, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of any sauce for use with food, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the word "Hollandaise," or any simulation thereof, to designate, describe, or refer to a sauce in which the fatty ingredient is not exclusively butter, or representing in any manner that a sauce in which the fatty ingredient is not butter is hollandaise sauce.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-20352; Filed, Nov. 14, 1946; 8:50 a. m.]

[Docket No. 5435]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BEAU PEEP PRODUCTS

§ 3.6 (c 5) *Advertising falsely or misleadingly—Condition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* In connection with the offering for sale, sale, and distribution of respondent's Beau Peep Baby Shoe Cleaner or any other preparation of substantially similar composition in commerce, whether sold under the same or any other name, (1) using the term "Non-allergic," either alone or in connection with the word "type," or the use of any other word or term of similar import or meaning to designate or describe respondent's preparation Beau Peep Baby Shoe Cleaner or any other preparation of substantially similar composition, or representing in any other manner, either directly or by implication, that said preparation is a substance to which no individuals exhibit allergy; (2) representing, directly or by implication, that respondent's preparation Beau Peep Baby Shoe Cleaner or any other preparation of substantially similar composition will not rub off when applied to leather or cloth or that it will not give off a white powder when subjected to a rubbing action; or, (3) representing, directly or by implication, either through the use of the word "Pasteurized" or any other word of similar import or meaning to designate or describe said preparation, or in any other manner, that respondent's preparation Beau Peep Baby Shoe Cleaner or any other preparation of substantially similar composition is sterile and free from unsafe and harmful bacteria under conditions of use or that it will retain a sterile condition when subjected to use in the usual and customary manner or will afford protection from germs or bacteria with which it may come in contact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Beau Peep Products, Docket 5435, October 8, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of October A. D. 1946.

In the Matter of Frank M. Conklin, Individually and Trading as Beau Peep Products

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent, in which substitute answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Frank M. Conklin, individually and trading as Beau Peep Products or trading under any other name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of his Beau Peep Baby Shoe Cleaner or any other preparation of substantially similar composition in commerce as "commerce" is defined in the Federal Trade Commission Act, whether sold under the same or any other name, do forthwith cease and desist from:

1. The use of the term "Non-allergic," either alone or in connection with the word "type," or the use of any other word or term of similar import or meaning to designate or describe respondent's preparation Beau Peep Baby Shoe Cleaner or any other preparation of substantially similar composition, or representing in any other manner, either directly or by implication, that said preparation is a substance to which no individuals exhibit allergy.

2. Representing, directly or by implication, that respondent's preparation Beau Peep Baby Shoe Cleaner or any other preparation of substantially similar composition will not rub off when applied to leather or cloth or that it will not give off a white powder when subjected to a rubbing action.

3. Representing, directly or by implication, either through the use of the word "Pasteurized" or any other word of similar import or meaning to designate or describe said preparation, or in any other manner, that respondent's preparation Beau Peep Baby Shoe Cleaner or any other preparation of substantially similar composition is sterile and free from unsafe and harmful bacteria under conditions of use or that it will retain a sterile condition when subjected to use in the usual and customary manner or will afford protection from germs or bacteria with which it may come in contact.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 46-20354; Filed, Nov. 14, 1946; 8:52 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter III—Bonneville Power Administration, Department of the Interior

PART 400—ORGANIZATION AND PROCEDURE

LIST OF DELEGATIONS OF AUTHORITY

The following sections are added to Part 400 (11 F. R. 177A-193) to read as follows:

Sec.
400.32 Assistant Administrator.
400.33 Acting Administrator.
400.34 Controller.
400.35 Chief, Division of Power Sales and Service, Branch of Power Management.
400.36 Assistant General Counsel.
400.37 Chief, Division of Operations and Maintenance, Branch of Engineering and Operations.
400.38 Chief, Procurement Section, Division of Administrative Services.
400.39 Chief, Land Section, Division of Administrative Services.
400.40 Chief, Purchase Unit, Division of Administrative Services.

AUTHORITY: §§ 400.32 to 400.40, inclusive, issued under Pub. Law 404, 79th Cong.

§ 400.32 *Assistant Administrator.* The authority delegated to the Assistant Administrator is set forth in § 401.2 of this chapter.[1]

§ 400.33 *Acting Administrator.* The authority delegated to the Acting Administrator is set forth in § 401.3 of this chapter.

§ 400.34 *Controller.* The authority delegated to the Controller is set forth in § 401.4 of this chapter.

§ 400.35 *Chief, Division of Power Sales and Service, Branch of Power Management.* The authority delegated to the Chief, Division of Power Sales and Service, Branch of Power Management, is set forth in § 401.5 of this chapter.

[1] Part 401 appears at 11 F. R. 13367.

§ 400.36 *Assistant General Counsel.* The authority delegated to the Assistant General Counsels is set forth in § 401.6 of this chapter.

§ 400.37 *Chief, Division of Operations and Maintenance, Branch of Engineering and Operations.* The authority delegated to the Chief, Division of Operations and Maintenance, Branch of Engineering and Operations, is set forth in § 401.7 of this chapter.

§ 400.38 *Chief, Procurement Section, Division of Administrative Services.* The authority delegated to the Chief, Procurement Section, Division of Administrative Services, is set forth in § 401.8 of this chapter.

§ 400.39 *Chief, Land Section, Division of Administrative Services.* The authority delegated to the Chief, Land Section, Division of Administrative Services, is set forth in § 401.9 of this chapter.

§ 400.40 *Chief, Purchase Unit, Division of Administrative Services.* The authority delegated to the Chief, Purchase Unit, Division of Administrative Services, is set forth in § 401.10 of this chapter.

Dated: November 7, 1946.

C. GIRARD DAVIDSON, *Assistant Secretary of the Interior.*

[F. R. Doc. 46-20335; Filed, Nov. 14, 1946; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PENICILLIN

Correction

In Federal Register Document 46-18660, appearing at page 12128 of the issue for Thursday, October 17, 1946, the following changes should be made:

1. In paragraph (c) of § 141.1 the reference to "100°" should read "10°".

2. Paragraph 3 of the correction appearing on page 12699 of the issue for Tuesday, October 29, 1946, is superseded by the following change: The last word in the first line of § 141.2 (a) (2) (iii) should read "is".

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN-CONTAINING DRUGS

Correction

In Federal Register Document 46-18661, appearing at page 12136 of the issue for Thursday, October 17, 1946, the word "quality" in the seventeenth line of § 146.25 (b) should read "quantity".

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO REGIONAL OFFICE OFFICIALS

Paragraph (j) of § 603.2 (11 F. R. 177A-907) is amended, effective November 15, 1946, to read as follows:

§ 603.2 *Delegations to Regional Office officials.* * * *

(j) *Delegations of authority to regional conversion management supervisors, assistant regional and area conversion management supervisors, and field representatives.* Pursuant to the provisions of Public Law 849, 76th Congress, 54 Stat. 1125; 42 U. S. C. 1521, in connection with the management of public conversion projects, powers are delegated as follows:

(1) To regional conversion management supervisors the power:

(i) To establish, adjust, or revise rentals for dwelling units in conversion projects: *Provided*, That no rentals shall be increased above the rentals specified in the program assignment by the office of the Administrator and also to approve the compromise or release of claims for delinquent rent due from tenants or former tenants.

(ii) To modify or extend leases for converted properties and to sell, cancel, or dispose of leases when approved by the Assistant Commissioner for Real Estate and Disposition.

(iii) To exercise all rights and privileges of the United States under lease for conversion projects other than the termination of leases.

(iv) To execute or approve contracts and contract changes with respect to the operation, maintenance, repair, alteration, or betterment of public conversion projects, and to act as the representative of the head of the department for the purpose of approving such contract changes when the contract documents require the approval of such contract changes by the head of the department or his duly authorized representative.

(v) To act as representative of the head of the department for the purposes of approving the consideration of contractors' requests for extension of time when contracts permit the waiver by the head of the department or his duly authorized representative of the contractor's failure to notify the Government of the delay within the period of time stated in the contract.

(vi) To execute contracts with brokers for services in connection with termination of leases and to approve vouchers in payment of such services.

(2) To assistant regional and area conversion management supervisors the power:

(i) To approve expenditures in connection with the operation, maintenance, repair, alteration, or betterment of public conversion projects in amounts not exceeding $500 for any one transaction.

(ii) To approve the incurring of court costs and counsel fees by contract managers in connection with any claim against tenants, provided such counsel fees conform to the FPHA established schedule.

(3) To field representatives the power:

(i) To approve expenditures in connection with the operation, maintenance, repair, alteration, or betterment of public conversion projects in amounts not exceeding $100 for any one transaction.

(ii) To approve the incurring of court costs and counsel fees by contract managers in connection with any claim

against tenants provided such counsel fees conform to the FPHA established schedule.

(Pub. Law 404, 79th Cong.)

Approved: November 8, 1946.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 46—20376; Filed, Nov. 14, 1946; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

STATUS OF ACCOUNTS OF INTERNEES

CROSS REFERENCE: For definition of the applicability of § 131.42 (General License No. 42), see Public Circular No. 29, *infra*.

APPENDIX A TO PART 131—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

STATUS OF TAIWAN (FORMOSA)

CROSS REFERENCE: For an interpretation of General Ruling No. 11A, see Public Circular No. 33, *infra*.

APPENDIX B TO PART 131—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

STATUS OF ACCOUNTS OF INTERNEES

NOVEMBER 15, 1946.

Amendment to Public Circular No. 29 (11 F. R. 2680) under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Part 131, Appendix B (Public Circular No. 29) is hereby amended to read as follows:

1. *Status of accounts upon parole or release of internee.* Instructions or notifications by or in behalf of the Treasury Department blocking the property of any person as an internee shall be regarded as revoked upon the parole or release of the person from internment: *Provided*, That if the person was paroled or released prior to March 15, 1946, that date shall be regarded as the effective date of revocation. However, the provisions hereof shall not apply to any person released into the custody of the Immigration and Naturalization Service for deportation proceedings nor to any person who is the subject of a "removal order" issued pursuant to Presidential Proclamation 2655 of July 14, 1945 (10 F. R. 8947).

2. *Applicability of General License No. 42 (§ 131.42, 6 F. R. 2907, 7 F. R. 1492, 11 F. R. 9340).* The accounts of internees blocked pursuant to specific directions from the Treasury Department are not unblocked by virtue of General License No. 42 as amended on August 27, 1946.

(Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; 12 U. S. C. 95 note, 95a, 31 U. S. C. 804a note, 50 U. S. C. App. 3, App. Sup., 5 (b), 616; E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941; E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, 5 F. R. 1400, 6 F. R. 2897, 3715, 6348, 6785; 3 CFR, Cum. Supp., E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945, 7 F. R. 5205, 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, July 26, 1941, February 19, 1946, and June 28, 1946, 5 F. R. 1401, 6 F. R. 2905, 3722, 11 F. R. 1769, 7184, 31 CFR, Cum. Supp., 130.1-7)

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-20246; Filed, Nov. 14, 1946; 8:54 a. m.]

APPENDIX B TO PART 131—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

STATUS OF TAIWAN (FORMOSA)

NOVEMBER 15, 1946.

Public Circular No. 33 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading With the Enemy Act, relating to foreign funds control.

(1) *In general.* For the purposes of the order and General Ruling No. 11:

(a) Taiwan (Formosa) shall be deemed to be subject to the jurisdiction of China;

(b) No person shall be deemed a national of Japan solely by reason of the fact that, at any time on or since the effective date of the order, Taiwan (Formosa) was regarded as part of Japan.

(2) *Under General Ruling No. 11A (10 F. R. 5573, 11 F. R. 9340).* Paragraph (1) (c) of General Ruling No. 11A shall not be deemed to apply to a partnership, association, corporation, or other organization solely by reason of the fact that it is organized under the laws of Taiwan (Formosa) or has had its principal place of business therein.

(Secs. 3 (a), 5 (b), 40 Stat. 412, 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, 55 Stat. 838; 50 U. S. C. App. 3, 5; 12 U. S. C. 95 note, 95a, 50 U. S. C. App., Sup., 616; E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, February 19, 1946, and June 28, 1946; 31 CFR, Cum. Supp. 130.1-7, 11 F. R. 1769, 7184)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 46-20353; Filed, Nov. 14, 1946; 8:50 a. m.]

PART 130—PROCEDURES OF FOREIGN FUNDS CONTROL

RULE MAKING

NOVEMBER 15, 1946.

Section 139.4 of this part is hereby amended to read as follows:

§ 139.4 *Rule making.* All rules and other public documents, except public interpretations, are issued by the Secretary of the Treasury upon recommendation of the Director. Public interpretations are issued by the Director. Except to the extent that there is involved any military, naval, or foreign affairs function of the United States or any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts and except when interpretative rules, general statements of policy, or rules of agency organization, practice, or procedure are involved or when notice and public procedure are impracticable, unnecessary or contrary to the public interest, interested persons will be afforded an opportunity to participate in rule making through submission of written data, views, or argument, with oral presentation in the discretion of the Director. In general, rule making by Foreign Funds Control involves foreign affairs functions of the United States. Wherever possible, however, it is the practice to hold informal consultations with interested groups or persons before the issuance of any rule or other public document.

Any interested person may petition the Director in writing for the issuance, amendment or repeal of any rule.

(Pub. Law 404, 79th Cong.)

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-20245; Filed, Nov. 14, 1946; 8:54 a. m.]

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[Dept. Circ. 793]

PART 324—ARMED FORCES LEAVE BONDS

NOVEMBER 12, 1946.

Under section 6 of the Armed Forces Leave Act of 1946 (hereinafter referred to as the act)[1] living members and living former members of the Armed Forces of the United States are entitled to receive under the conditions set forth in the act, bonds of the United States in settlement and compensation of accumulated leave. Under the terms of the act these bonds are issued under authority and subject to the provisions of the Second Liberty Bond Act, as amended.

Pursuant to the authority contained in said acts the following regulations are prescribed to govern such bonds:

SUBSTANTIVE REGULATIONS

Sec.
324.1 Designation.
324.2 Issue and inscription.
324.3 Date and maturity of bond, and interest.
324.4 Transfer and pledge.

[1] Pub. Law 704, 79th Cong.

Sec.
324.5 Claims of creditors.
324.6 Assignment to the Administrator of Veterans' Affairs.
324.7 Payment to registered owner at maturity.
324.8 Right to payment on death of owner.
324.9 Payment to survivors.
324.10 Loss, theft, destruction, mutilation or defacement of bonds.
324.11 Checks.

PROCEDURE

324.12 Surrender of bonds at maturity by registered owner.
324.13 Payment to survivors.
324.14 Designation of agents to make determination.

GENERAL

324.15 Taxation.
324.16 Address for communications.
324.17 Additional regulations.

AUTHORITY: §§ 324.1 to 324.17, inclusive, issued under Pub. Law 704, 79th Cong.

SUBSTANTIVE REGULATIONS

§ 324.1 *Designation.* The bonds issued in settlement and compensation of accumulated leave are designated "Armed Forces Leave Bonds".

§ 324.2 *Issue and inscription.* Armed Forces Leave Bonds are issued by the Secretary of the Treasury (hereinafter referred to as the Secretary) acting through the Army, Navy, Marine Corps and Coast Guard, which are designated as issuing agents. They are inscribed only in the names of living members or living former members of the armed forces. In each case a single bond in the highest appropriate multiple of $25 is issued where the amount due is $50 or more. The name and serial or service number of the owner will be inscribed on the bond and at the option of the issuing agent the address may also be inscribed. No exchange will be permitted for bonds of lower denomination, for example, if a bond for $275 is issued to a particular owner he may not exchange that bond for a bond in the amount of $200 and a bond in the amount of $75.

§ 324.3 *Date and maturity of bond, and interest.* The issue date of a bond will be the first day of the quarter-year period (January 1, April 1, July 1 or October 1) next following the date of discharge from the armed forces of the former member whose name is to be inscribed thereon, provided he was discharged on or after January 1, 1943, and prior to September 1, 1946, or in case a member of the armed forces was still on active duty on September 1, 1946, his bond will be dated October 1, 1946. Each bond will mature five years from its issue date. In case of the death of the owner of any such bond payment may be made prior to maturity upon proper application, at the option of such owner's survivors, as defined in the act (see § 324.9). Interest will accrue at the rate of 2½% per annum from the issue date to the date of maturity or to the last day of the month in which payment is made, whichever may be earlier. Interest will be paid only with the principal sum.

§ 324.4 *Transfer and pledge.* The bonds are nontransferable by sale, exchange, assignment, pledge, hypothecation or otherwise, except that they may be assigned by the owner to the Administrator of Veterans' Affairs for redemption by such Administrator, for the purpose of paying premiums or the difference in reserve in case of conversion to insurance on another plan or a policy loan made prior to July 31, 1946, on a United States Government life insurance policy or a national service life insurance policy under such regulations as may be prescribed by the Administrator of Veterans' Affairs. Such assignment may not be used directly or indirectly as a means of securing in cash the proceeds of such bond or any portion thereof prior to the date of its maturity or the maturity of such policy by death, whichever is earlier (see § 324.6). No claims by attempted transferees or by persons loaning money on the security of the bonds will be recognized.

§ 324.5 *Claims of creditors.* By the terms of the act the bonds are exempt from claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever. Accordingly, no claims of creditors, assignees for the benefit of creditors, trustees or receivers in bankruptcy or equity will be recognized, and no payment of the bonds to any such persons will be made, either during the lifetime of the person whose name is inscribed on the bonds or after his death.

§ 324.6 *Assignment to the Administrator of Veterans' Affairs.* Any registered owner of an Armed Forces Leave Bond who desires to use his bond in payment of premiums or other payments in connection with United States Government life insurance or national service life insurance policies should mail or deliver his bond to the Office of the Veterans' Administration to which he pays his premiums. The bond should be accompanied by a completed VA Form 1625, "Directions for use of Proceeds of Armed Forces Leave Bonds", obtainable at any Veterans' Administration Office. Before submitting the bond to the Veterans' Administration the assignment form printed on the bottom of the back of the bond should be signed by the owner exactly as his name appears on the face of the bond. No certification or witness to the signature of the owner on such assignment form will be required.

§ 324.7 *Payment to registered owner at maturity.* To secure payment at maturity the registered owner should appear before one of the officers authorized to certify requests for payment, establish his identity and sign his name to the request for payment printed on the back of the bond. The signature should be in exactly the form as his name is inscribed on the face. No power of attorney to request payment will be recognized.

(a) *Certification of request.* After the request for payment has been signed the certifying officer should complete and sign the certificate appearing at the end of the form for request for payment and the bond should then be presented in person or by mail to the Federal Reserve Bank of the District in which the owner resides,[2] or to the Treasurer of the United States, Washington 25, D. C., or to such other paying agent as may be designated by the Secretary of the Treasury. The use of registered mail is desirable for the protection of the owner.

(b) *Certifying officers.* The following officers are authorized to certify requests for payment of Armed Forces Leave Bonds:

(1) Certain designated officers in the Treasury Department at Washington;

(2) Officers of incorporated banks or trust companies;

(3) Commissioned officers of the Army, Navy, Marine Corps and Coast Guard of the United States (only for members of such establishments);

(4) The officer in charge of any home, hospital or other facility of the Veterans' Administration (only for patients and members of such facilities);

(5) Such other officers as may from time to time be designated by the Secretary for that purpose.

(c) *Instructions to certifying officers.* Certifying officers should require positive identification of the person signing a request for payment.

§ 324.8 *Right to payment on death of owner.* (a) Upon the death of an owner of an Armed Forces Leave Bond the bond becomes payable only to his survivors in the following order:

(1) Surviving wife or husband and children, if any, in equal shares;

(2) If such owner leaves no surviving spouse or children, then in equal shares to such owner's surviving parents, if any.

(b) If there are no such survivors the bond will be retired and the amount covered into the general fund of the Treasury. Accordingly, payment will not be made to an executor or administrator of the estate of a deceased registered owner, and if a bond should come into the possession of such an executor or administrator, or other person not a survivor, following the death of the owner it should be immediately delivered to one of the survivors, if any; otherwise forwarded to the Division of Loans and Currency, Washington 25, D. C., with a signed statement that there are no known survivors.

§ 324.9 *Payment to survivors.* Survivors of a deceased registered owner in the order provided in the preceding section are entitled to receive payment of an Armed Forces Leave Bond at their option and upon application to the Secretary of the Treasury at any time following the death of such registered owner, whether before, upon or after maturity of the bond. Application for such payment should be made on Form PD 2066, copies of which may be obtained from any Federal Reserve Bank. See § 324.13 for instructions as to filing the application.

(a) *Definition of survivors.* Survivors are defined in the act as follows:

[2] The Federal Reserve Banks are located at Boston, New York, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas and San Francisco.

(1) "Spouse" means a lawful wife or husband;

(2) "Children" include:

(i) A legitimate child;

(ii) A child legally adopted;

(iii) A stepchild, if, at the time of death of the member or former member of the armed forces, such stepchild is a member of the deceased's household;

(iv) An illegitimate child, but in the case of a male member or former male member of the armed forces only if he has been judicially ordered or decreed to contribute to such child's support; has been judicially decreed to be the putative father of such child; or has acknowledged under oath in writing that he is the father of such child; and

(v) A person to whom the member or former member of the armed forces at the time of death stands in loco parentis and so stood for not less than twelve months prior to the date of death;

(3) "Parent" includes father and mother, grandfather and grandmother, stepfather and stepmother, father and mother through adoption, and persons who, for a period of not less than one year prior to the death of the member or former member of the armed forces, stood in loco parentis to such member or former member: *Provided*, That not more than two parents may receive the benefits provided under this act and preference shall be given to the parent or parents, not exceeding two, who actually exercised parental relationship at the time of or most nearly prior to the date of the death of such member or former member of the armed forces.

(b) *Payment only.* Only payment of the entire amount of the bond will be permitted. No partial payment and no reissue of the bond in part may be made. Payment in all cases will be made by separate checks drawn in the proper amounts to the individual survivors, except that in the case of a survivor under 17 years of age or under mental disability, the check will be drawn either to the guardian of such survivor, if the Secretary has received notice of the appointment of such guardian, or in the absence of such notice, to a proper person selected by the Secretary, for the use and benefit of such survivor, without the necessity of resorting to judicial proceedings for the appointment of a legal representative.

(c) *All survivors must join.* Since no partial payment or reissue may be made, all survivors of the class entitled to receive payment must unite in the application, except that in the case of survivors under 17 years of age or under mental disability, legally qualified guardians, if any, may sign in their behalf, and in the absence of such legal guardians, such proper persons as the Secretary may select to act on behalf of such survivors.

(d) *Time of vesting of survivors' rights.* A survivor's right to receive payment becomes fixed upon the date of the death of the owner. If a survivor dies before receiving payment the right to receive payment of his or her share of the bond passes to the estate of such survivor. For example, if the registered owner dies and leaves a widow and two children and the widow dies prior to receipt of payment, her share passes to her estate and payment of the bond will be made one-third to the widow's representative and one-third to each of the surviving children. If no executor or administrator is appointed for the estate of a deceased survivor, settlement may be made in the same manner as provided for the settlement without administration of estates of deceased owners of United States registered bonds.

§ 324.10 *Loss, theft, destruction, mutilation or defacement of bonds.* If an Armed Forces Leave Bond is lost, stolen, destroyed, mutilated or defaced, relief may be granted before maturity by the issue of a substitute bond to be marked "Duplicate", or at or after maturity by payment of the bond in accordance with the provisions of section 8 of the Government Losses in Shipment Act (U. S. C. 1940 Ed., title 31, sec. 738a). Relief in such cases will be governed by the regulations contained in Department Circular 300, as amended.[3] In any such case immediate notice of the facts, together with a complete description of the bond (including name and address of owner, bond serial number, amount, and issue date), should be given to the Treasury Department, Division of Loans and Currency, Washington 25, D. C., which will forward appropriate forms for requesting relief, together with full instructions. Usually such relief will be granted without requiring a bond of indemnity.

§ 324.11 *Checks.* (a) Payment to survivors of checks issued to the registered owner (1) in full settlement of leave, (2) in payment of bonds, or (3) in payment of the odd amount due the member or former member of the armed forces over and above the bond issued in settlement of leave, will be made to the persons entitled as provided in the above regulations relating to bonds. Accordingly, such checks received by executors or administrators of deceased registered owners should not be deposited for collection but should be turned over to the survivors or returned to the issuing office with a statement of the facts.

(b) In the case of a survivor entitled to payment who dies before receiving and collecting the check issued in the name of the survivor, payment will be made to his estate.

PROCEDURE

§ 324.12 *Surrender of bonds at maturity by registered owner.* Registered owners desiring payment of their bonds at maturity, after completing the request for payment in accordance with the provisions of § 324.7, should forward the bonds to the appropriate Federal Reserve Bank or to the Treasurer of the United States, Washington 25, D. C. The use of registered mail is desirable for the protection of the owner. Federal Reserve Banks as fiscal agents of the United States are authorized to make payment of bonds so presented if in proper form. Bonds marked "Duplicate" issued in lieu of lost, stolen, destroyed, mutilated or defaced bonds must be submitted to the Treasury Department, Division of Loans and Currency, Washington 25, D. C., as Federal Reserve Banks are not authorized to pay such bonds.

[3] 31 CFR, Part 306.

§ 324.13 *Payment to survivors.* Survivors applying for payment under § 324.9 should forward the bonds, accompanied by the applications on Form PD 2066, to the appropriate Federal Reserve Bank or to the Treasury Department, Division of Loans and Currency, Washington 25, D. C. Usually payment will be expedited by the use of the Federal Reserve Banks. The form must be accompanied in each case by (a) a death certificate for the registered owner, (b) an explanation of any discrepancy between the name as given on the face of the bond and the name as given in the death certificate, and (c) in case of an application by parents other than the own father and mother still living together, a signed and sworn statement giving the basis for the claim of parental relationship as defined in the act (see § 324.9). The right is reserved to require other and further evidence in cases where such action appears desirable. Federal Reserve Banks as fiscal agents of the United States are authorized to make payment to survivors upon applications in accordance with these regulations, but may submit any doubtful or unusual cases to the Treasury Department, Division of Loans and Currency, for final decision.

§ 324.14 *Designation of agents to make determination.* The various Federal Reserve Banks as fiscal agents of the United States, the Fiscal Assistant Secretary of the Treasury, the Assistant to the Fiscal Assistant Secretary, the Commissioner and Associate Commissioner of the Public Debt, and the Chief of the Division of Loans and Currency are designated to make determinations on behalf of the Secretary as provided in the act.

GENERAL

§ 324.15 *Taxation.* Under the act all amounts paid or payable under section 6 in cash, bonds or both (except interest in the case of bonds) shall be exempt from taxation.

§ 324.16 *Address for communications.* All inquiries after issue in connection with the payment of or transactions in Armed Forces Leave Bonds should be addressed to the Federal Reserve Bank of the District in which the owner resides, or to the Treasury Department, Division of Loans and Currency, Washington 25, D. C., except that any inquiries regarding the use of such bonds in connection with Government life insurance or national service life insurance payments should be addressed to the Office of the Veterans' Administration to which the assured has been paying premiums, or to the Director of Insurance Accounts Service, Veterans' Administration, Washington 25, D. C.

§ 324.17 *Additional regulations.* The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory or revised rules and regulations governing Armed Forces Leave Bonds.

Publication of notice and public procedure thereon with respect to these regulations are found to be contrary to the

public interest for the reason that such notice and public procedure would expose interested parties to undue delay in the exercise of rights provided by the act.

These regulations in this part will become effective immediately, the requirements of section 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress) being dispensed with in order that survivors entitled may take prompt advantage of their rights under the act.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 46-20367; Filed, Nov. 14, 1946; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

EXPORT LICENSES FOR MILLWORK COMMODITIES

ORDER REDUCING VALIDITY PERIOD

It is hereby ordered, That all outstanding export licenses validated by the Department of Commerce between May 15, 1946, and November 14, 1946, both dates inclusive, authorizing the exportation of millwork commodities (Department of Commerce Schedule B Nos. 422600, 422800, 423200 and 423990 except prefabricated panels and sections classified under Schedule B No. 423990) are revoked effective May 14, 1947, regardless of the period of validity provided in such licenses.

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

Dated: November 8, 1946.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 46-20373; Filed, Nov. 14, 1946; 8:45 a. m.]

[Amdt. 269]

PART 801—GENERAL REGULATIONS

REFUNDS OF SUBSIDY PAYMENTS

Section 801.16 *Refunds of subsidy payments* is hereby revoked.

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

Dated: November 7, 1946.

JOHN C. BORTON,
Director, Commodities Branch.

[F. R. Doc. 46-20374; Filed, Nov. 14, 1946; 8:45 a. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 910—ISSUANCE OF NECESSITY CERTIFICATES

REQUEST FOR RECONSIDERATION OF ACTION

Amendment of amended regulations of December 17, 1943, as amended March 2, 1944 and January 14, 1946, covering the issuance of Necessity Certificates under section 124 (f) of the Internal Revenue Code.

The amended regulations of December 17, 1943 (8 F. R. 16964) as amended March 2, 1944 (9 F. R. 2492), and January 14, 1946 (11 F. R. 631), governing the issuance of Necessity Certificates under section 124 (f) of the Internal Revenue Code, are hereby amended, pursuant to the authority contained in the said section and in Executive Order No. 9406 of December 17, 1943, as amended by Executive Orders Nos. 9429 of March 2, 1944, and 9638 of October 4, 1945, by adding the following at the end of section 5 (c) of the said regulations (32 CFR, 1943 Supp., 910.5 (c) as amended):

The certifying authority shall not grant any request for reconsideration of action taken with respect to a statement setting forth the correct description or cost of the emergency facility actually constructed, reconstructed, erected, installed or acquired unless such request has been filed with the certifying authority on or before January 31, 1947.

J. D. SMALL,
Administrator.

Approved: Nov. 12, 1946.

HARRY S. TRUMAN.

[F. R. Doc. 46-20426; Filed, Nov. 13, 1946; 10:58 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1000, Amdt. 1]

MILLER MODERNIZATION CO. AND STANDARD MODERNIZATION CO.

Miller Modernization Company and Standard Modernization Company of 7015 Miller Street, Detroit, Michigan, were suspended on October 24, 1946 by Suspension Order No. S-1000 for construction begun on five buildings to be used as garages without authorization from the Civilian Production Administration, located at 16400 Novara, Detroit, Michigan; 15805 Beatrice, Allen Park, Michigan; 45 Waverly, Highland Park, Michigan; 209 Oak Ridge, Ferndale, Michigan; and 710 East Second Street, Royal Oak, Michigan. They have appealed from the provisions of the order. The Chief Compliance Commissioner has directed that the order be amended.

It is hereby ordered, That: § 1010.1000, Suspension Order No. S-1000, issued October 17, 1946 and effective October 24, 1946, be and hereby is amended by adding paragraph (h) as follows, effective as of October 24, 1946:

(h) The provisions of this order shall not apply to the following list of priority numbers and jobs under construction:

66-044-013362, 14 new houses at the following locations: 20263 Caldwell Street, 20277 Caldwell Street, 20285 Caldwell Street, 20295 Caldwell Street, 20301 Caldwell Street, 20309 Caldwell Street, 20315 Caldwell Street, 20541 Caldwell Street, 25549 Caldwell Street, 20555 Caldwell Street, 20561 Caldwell Street, 20569 Caldwell Street, 20535 Caldwell Street, and 20271 Caldwell Street, Detroit; # 66-044-026157, 1272 Ethel Street, Lincoln Park; # 66-044-026159, 7776 Mettatal Avenue, Detroit; # 66-044-026826, 501 Neff Road, Grosse Pointe Woods; # 66-044-021897, 5214 Neff Road, Detroit; # 66-044-026231, 14815 Frazo Street, Roseville; # 66-044-025560, 4481 Rosalie Street, Dearborn; # 66-044-025037, 6408 Jonathan Street, Dearborn; # 66-044-022024, 21367 Reimanville Street, Ferndale; # 66-044-023489, 18509 Orleans Street, Detroit; # 66-044-024067, 15728 Appoline Street, Detroit; # 66-044-025329, 16725 Gilchrest Street, Detroit; # 66-044-020836, 9441 Brockton Street, Detroit; and # 66-044-020337, 9443 Brockton Street, Detroit; all in the state of Michigan.

Issued this 13th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-20473; Filed, Nov. 14, 1946; 11:25 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Reg. 18]

PROCEDURE FOR DETERMINATION OF ELIGIBILITY OF MANUFACTURERS OF APPAREL ITEMS FOR RELIEF PURSUANT TO SECTION 205(E) OF THE EMERGENCY PRICE CONTROL ACT OF 1942, AS AMENDED

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AUTHORITY: §§ 1300.775 to 1300.811, inclusive, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Laws 108 and 548, 79th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; E. O. 9599, 10 F. R. 10155; E. O. 9651, 10 F. R. 13487; E. O. 9697, 11 F. R. 1691.

§ 1300.775 *Statutory provision.* Section 205 (e) of the Emergency Price Control Act of 1942, as amended by section 12 (b) of the Price Control Extension Act of 1946, provides in part as follows:

The Administrator shall not institute or maintain any enforcement action under this subsection against any manufacturer of apparel items where the Administrator shall determine (1) that the transactions on which such proceeding is based consist of the manufacturer's selling such an item at his published March 1942 price list prices instead of his March 1942 delivered prices, and (2) that the seller's customary pricing patterns for related apparel items would be distorted by a requirement that his ceilings be the March 1942 delivered prices. The Administrator's determinations under this paragraph shall be subject to review by the Emergency Court of Appeals in accordance with sections 203 and 204.

§ 1300.776 *Purpose of procedural regulation.* It is the purpose of this procedural regulation to prescribe the procedure by which a manufacturer of apparel items may secure a determination of his right to relief under the statutory provision set forth in § 1300.775 above.

§ 1300.777 *Right to apply for relief.* Any manufacturer of apparel items against whom an enforcement action under section 205 (e) of the Emergency Price Control Act of 1942, as amended, has been instituted, or is threatened, by the Administrator may apply to have the Administrator withdraw, or refrain from instituting, such action to the extent that such action is based upon transactions consisting of the manufacturer's selling such items at his published March 1942 price list prices instead of at his March 1942 delivered prices, and it is determined that the manufacturer's customary pricing patterns for related apparel items would be distorted by a requirement that his ceilings be the March 1942 delivered prices.

§ 1300.778 *Time and place for filing application.* Such an application may be filed at any time during the pendency of any enforcement action maintained by the Administrator under section 205 (e) of the act, or at any time prior to the institution of such an enforcement action threatened by the Administrator. Applications shall be filed with the Secreary, Office of Price Administration, Washington, D. C., or, in the case of persons having their principal place of business in a territory, with the director of the appropriate territorial office. Applications shall be deemed filed on the date received by the Secretary, Office of Price Administration Washington, D. C., or by the director of the appropriate territorial office, as the case may be.

§ 1300.779 *Form of application and number of copies.* Every application shall contain upon the first page thereof a heading or title clearly designating it as an application under this procedural regulation for relief pursuant to section 205 (e) of the Emergency Price Control Act of 1942, as amended. Five copies of the application and of all accompanying documents and briefs must be filed.

§ 1300.780 *Contents of application.* (a) Every application must contain the following:

(1) The name and post office address of the applicant and the nature of his business;

(2) The name and post office address of any person filing the application on behalf of the applicant, and the name and post office address of the person to whom all notices and communications from the Office of Price Administration relating to the application shall be sent;

(3) The nature and designation of the enforcement action maintained by the Administrator and identification of the Court in which such action is pending, or the nature of the enforcement action threatened by the Administrator, as the case may be, as to which relief is desired;

(4) A clear and concise statement of the facts upon which the applicant relies to establish his right to relief;

(5) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the applicant personally, or if a partnership, by a partner, or if a corporation or association, by a duly authorized officer, that the application is prepared in good faith, and that the facts alleged are true to the best of his knowledge, information and belief. The applicant shall specify which of the facts are alleged and known to be true and which are alleged on information and belief.

(b) The applicant may request, in his application, that oral testimony be taken in connection with his application. Such a request shall be accompanied by a showing by the applicant as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the application.

(c) *Request for consideration by a board of review.* An applicant who wishes his application considered by a board of review must specifically so request, indicating, if he wishes to offer oral argument, the order of his preference as to (1) argument before a board of review in Washington, D. C.; (2) argument before a subcommittee consisting of one member of the board at a location named by him. Section 1300.803 sets forth the considerations which will be determinative in the decision as to where oral argument may be heard. The request for consideration by a board of review must be made either in the application or in an amendment thereto filed within fifteen days of the date the application was filed. Such an amendment shall be deemed filed within the fifteen day period if it is received by the Secretary, Office of Price Administration, Washington, D. C., or by the director of the appropriate territorial office, no later than the fifteenth day after the application was filed. Further provisions with respect to this proceeding before a board of review are set forth in §§1300.801 through 1300.807 of this regulation.

§1300.781 *Consolidation of applications.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more applications, the Administrator may consolidate such applications.

§ 1300.782 *Assignment of docket number.* Upon receipt of an application it shall be assigned a docket number of which the applicant shall be notified and all further papers in the proceedings shall contain on the first page thereof the docket number so assigned.

§ 1300.783 *Action by the Administrator on the application.* (a) Within a reasonable time after the filing of any application in accordance with this procedural regulation, but in no event more than thirty days after such filing, the Administrator shall:

(1) Determine whether or not the applicant is eligible for relief pursuant to section 205 (e) of the Emergency Price Control Act of 1942, as amended. If the Administrator shall determine that the applicant is eligible for such relief, he shall forthwith direct the withdrawal of any pending enforcement action maintained by him against the applicant, or so much thereof which is affected by such determination, or shall refrain from instituting any enforcement action against the applicant to the extent to which it is so affected; or

(2) Dismiss the application for failure to state facts sufficient to show the eligibility of the applicant for the relief sought; or

(3) Notice the application for hearing of testimony in accordance with § 1300.786.

(4) Provide an opportunity to the applicant to present affidavits or other written evidence in connection with his application. Within a reasonable time after the presentation of such written evidence the Administrator may notice such application for hearing of oral testimony in accordance with § 1300.786, notice the application for hearing of oral argument by a board of review in accordance with § 1300.804, include addi-

tional material in the record of the proceedings on the application in accordance with § 1300.785, or take such other action as may be appropriate to the disposition of the application.

(b) Notice of any such action taken by the Administrator shall promptly be served upon the applicant.

§ 1300.784 *Affidavits or other written evidence.* If the Administrator, pursuant to § 1300.783 (a) (4), provides the applicant an opportunity to present affidavits or other written evidence in support of his application, the applicant shall file the following:

(a) Affidavits setting forth in full the evidence which is subject to the control of the applicant upon which he relies in support of the facts alleged in the application. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the applicant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance the affiant shall state in detail the sources of his information.

(b) A statement by the applicant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts stated in his application. Such statement shall be accompanied by an application for assistance, by way of subpoena, interrogatories, or otherwise, in obtaining the documentary evidence, or the evidence of persons, not subject to applicant's control, showing, in any case, what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and, if calling for the production of documents, shall specify them with sufficient particularity to enable them to be identified for purposes of production.

§ 1300.785 *Incorporation of material in the record by the Administrator.* The Administrator may include in the record of the proceedings on the application such evidence, in the form of affidavits or otherwise, as he deems appropriate to the issues raised by the application. This may include statements of economic data or other facts of which the Administrator has taken official notice, including facts found by him as a result of reports filed and studies and investigations made pursuant to section 202 of the act. When such evidence is incorporated into the record otherwise than at a hearing pursuant to § 1300.786 of this regulation, copies thereof shall be served upon the applicant, and the applicant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.786 *Notice of hearing before presiding officer.* (a) The Administrator may, upon request of the applicant in accordance with § 1300.780 (b), or on his own motion, provide for the taking of oral testimony in connection with the application. In such case, he shall appoint a presiding officer for the purpose of conducting a hearing for the receipt of such testimony and other relevant documentary evidence, and shall issue a notice of hearing to the applicant. The notice of hearing shall set forth the time and place of hearing, which shall not be less than ten days after the date on which the notice is issued, the name of the presiding officer, and a statement of the facts alleged in the application as to which the Administrator requires evidence of the truth thereof. The notice shall also state that a denial of the application may be entered by default in case of failure of the applicant to appear at the hearing.

(b) A copy of this procedural regulation shall be attached to the notice of hearing served upon any applicant.

§ 1300.787 *Conduct of hearings.* (a) Any hearing held pursuant to § 1300.786 of this regulation shall be conducted by a presiding officer designated by the Administrator to conduct the hearing. The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

(b) At the hearing the applicant may present oral or written evidence with respect to the issues stated in the notice of hearing. The Administrator, through duly authorized representatives, may also present written or oral evidence on any of the issues raised at the hearing. The Administrator may also present for incorporation in the record of the proceeding statements of economic data or other facts of which the Administrator has taken official notice, including facts found by him as a result of reports filed and studies and investigations made pursuant to section 202 of the act.

(c) The hearing shall be so conducted as to permit the presentation of evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(1) The applicant shall have the right to be represented by counsel of his own choosing.

(2) The presiding officer shall afford reasonable opportunity for cross-examination of witnesses.

(3) All hearings held pursuant to this regulation shall be public.

§ 1300.788 *Rules of evidence.* The rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern all hearings: *Provided, however,* That such rules may be relaxed by the presiding officer where the ends of justice will be better served by so doing.

§ 1300.789 *Appearances.* At any hearing held pursuant to § 1300.786 any individual applicant may appear for himself; any partner may appear for a partnership if expressly or impliedly authorized to do so; any officer of a corporation or association may appear for such corporation or association. Any applicant may appear by an attorney. No other person may appear for an applicant unless specifically authorized in writing by such applicant. All appearances shall be noted on the record of the proceeding. Appearances of Office of Price Administration employees and former employees in a representative capacity shall be governed by the provisions of Procedural Regulation 14.

§ 1300.790 *Continuance or adjournment of hearing.* The hearing shall be held at the time and place specified by the notice of hearing but the presiding officer may continue or adjourn the hearing to a later date or to a different place. A request by the applicant for adjournment of the hearing must be made not less than five days prior to the date fixed for such hearing, except for good cause shown. Notice of such adjournment or continuance shall be given either prior to or at the hearing.

§ 1300.791 *Defaults.* (a) If an applicant fails to appear at a hearing, the hearing need not be held, and the Administrator may enter an order denying the application upon default.

(b) At any time within ten days after the service of an order issued after a default the applicant may file with the Office of Price Administration a petition for the reopening of the proceedings, setting forth the grounds on which he believes his default should be excused. The Administrator shall grant or deny the petition by order. If the Administrator grants the petition, his order shall set aside the order denying the application to which the petition is directed and shall set forth a new time and place for the hearing.

§ 1300.792 *Subpoenas.* (a) The Administrator may, upon proper application to be filed with the Secretary, Office of Price Administration, Washington, D. C., issue subpoenas compelling the attendance and testimony of witnesses and the production of evidence at a hearing conducted under this regulation.

(b) An applicant for a subpoena shall specify, in writing, the name and address of the witness and the nature of the facts to be proved by him, and, if calling for the production of documentary evidence, shall specify the same with such particularity as will enable it to be identified for purposes of production.

(c) A subpoena may be served by any person, including a party, who is more than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fee and mileage for one day's attendance. When the subpoena is issued on behalf of the Office of Price Administration, fees and mileage need not be tendered. The verified return of the person making the service shall be proof of service.

§ 1300.793 *Payment of witness fees and mileage.* Witnesses summoned before a presiding officer at any hearing held pursuant to this Regulation shall be paid the same fees and mileage as are paid witnesses in the District Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 1300.794 *Contemptuous conduct.* Contemptuous conduct at any hearing shall be ground for exclusion from the hearing.

§ 1300.795 *Transcript of hearings.* (a) A stenographic report of all hearings

shall be taken and shall be transcribed. Any party may obtain a copy of the transcript by requesting the reporter at the hearing to make a copy for him and paying the cost thereof. A copy of the transcript shall be available for inspection by the applicant during business hours at the Office of the Secretary, Office of Price Administration, Washington, D. C. Argument of counsel shall not be included in the record except at the direction of the presiding officer.

(b) The applicant and the representatives of the Office of Price Administration who participate in such hearing may, by stipulation, agree upon corrections of inaccuracies in the transcript. The presiding officer shall, by written findings, resolve any dispute of the parties as to the accuracy of the transcript.

§ 1300.796 *Change in designation of presiding officer.* When necessitated by incapacity of the person designated in the notice of hearing to act as presiding officer or other good cause, the Administrator may, at any time before the hearing, name another person to act in substitution for the person originally designated as presiding officer.

§ 1300.797 *Presiding officer's advisory report.* A presiding officer who has conducted a hearing shall prepare an advisory report which shall contain findings of fact with respect to the issues stated in the notice of hearing. The advisory report shall be filed with the Administrator and a copy thereof shall be served on the applicant.

§ 1300.798 *Objections to presiding officer's advisory report.* Any party may submit to the Administrator a statement of objections, in writing, to the report of the presiding officer. Such statements must be filed within five days after service of the presiding officer's report. The statement, with five copies thereof, must be filed with the Secretary, Office of Price Administration, Washington, D. C. Such a statement may be filed after the time prescribed in this section only with the permission of the Administrator.

§ 1300.799 *Basis for determination upon application*—(a) *Record of the proceedings.* The factual basis upon which an application is determined is to be found in the record of the proceedings. This record consists of the following:

(1) The application properly filed with the Secretary of the Office of Price Administration or the director of the appropriate territorial office in accordance with §§ 1300.778, 1300.779 and of this procedural regulation;

(2) Any supporting evidential material filed by the applicant pursuant to § 1300.784 or 1300.785 of this regulation;

(3) Any materials incorporated into the record of the proceeding by the Administrator pursuant to § 1300.785 of this regulation;

(4) The transcript of the hearing, if any, before a presiding officer, including any documentary materials properly introduced into the record of such proceeding; and the advisory report of the presiding officer;

(5) Written statements of objections, if any, to the advisory report of the presiding officer; and

(6) All orders and opinions issued in the course of the proceedings.

(b) *Briefs and arguments.* Briefs and oral arguments submitted or presented in accordance with this procedural regulation are, of course, considered in the determination of an application. They are, however, not a part of the record of the proceedings and are not included in the transcript of proceedings on the application which is filed, in case of appeal, with the Emergency Court of Appeals.

§ 1310.800 *Submission of briefs by applicant.* The applicant may file with his application, or at the time of hearing before the presiding officer, or within five days after service upon him of the advisory report of the presiding officer, a brief in support of the position set forth in the application. Such brief shall be submitted as a separate document distinct from the application, and from the written statement of objections to the advisory report, and from any documentary evidence introduced at the hearing before the presiding officer.

§ 1300.801 *Consideration by a board of review.* If an applicant has properly requested that his application be considered by a board of review prior to final determination thereon by the Administrator, a board of review will be appointed to consider the application upon the basis of the record which has been developed in the proceedings hereunder. If an oral hearing has been held pursuant to § 1300.786, the board of review will be appointed after filing of the advisory report of the presiding officer and of the applicant's objections thereto, if any. The applicant is accorded an opportunity to present oral argument to a board upon the basis of the grounds stated in the application and the evidence in the record and guided by the explanatory statement of the issues in the notice of consideration by a board of review. Section 1300.799 of this procedural regulation explains the nature of the record in the proceedings. Section 1300.780 (c) explains the nature of such a request and states the time within which it must be filed.

§ 1300.802 *Composition of boards of review.* A board of review is composed of one or more officers or employees of the Office of Price Administration designated by the Administrator to review the record of the proceedings on a particular application and make recommendations to him as to its disposition. The number of members constituting a board will be determined in the light of the scope and complexities of the issues presented. The applicant will be advised of the membership of the board considering his application and if the board consists of more than one member, of the member selected to preside, in the notice of consideration by a board provided for in § 1300.804. When necessitated by incapacity of a member or other good cause, the Administrator may make substitutions in the membership of the board as originally constituted.

§ 1300.803 *Where boards of review hear oral argument.* A board of review consisting of more than one member will ordinarily hear oral argument at the National Office in Washington, D. C., and only in exceptional cases and for good cause shown will the full board hold hearings elsewhere. A board consisting of only one member may hear argument at a Regional or District Office or elsewhere. Where the applicant has requested that oral argument be heard at some other place than the National Office, and where the board consists of more than one member, a subcommittee thereof may be designated to hear argument at the place requested or at some other convenient place.

§ 1300.804 *Notice of consideration by a board of review.* (a) Before the Administrator will deny any application under section 205 (e) of the act in any case in which the applicant has requested consideration by a board of review in accordance with § 1300.780 (c) of this procedural regulation, which has not subsequently been waived by the applicant, notice of consideration by a board of review will be sent by registered mail to the applicant. Sending of the notice marks a closing of the record of the evidence in a proceeding hereunder. The notice will indicate the issues thought to be determinative of the case which may serve as a guide to the applicant in planning oral argument. The notice of consideration shall contain or be accompanied by the following items as nearly as the circumstances permit:

(1) Information identifying the application, including the designation of the pending enforcement action (if any) with respect to which relief is requested, and the docket number;

(2) A list of the documents comprising the completed record of the proceeding;

(3) A brief statement of the issues involved;

(4) A statement of the time (which shall not be less than seven days from the date of the mailing of the notice) and place where a board of review or a subcommittee thereof will hear oral argument;

(5) A list of persons comprising the board of review which is thereby appointed to consider the application, with their official titles, and a designation of the presiding member if the board of review is composed of more than one person.

§ 1300.805 *Waiver of right to consideration in whole or in part.* An applicant who has properly requested consideration by a board of review in accordance with § 1300.780 (c) may, if he so desires, waive his right to consideration by a board. If he chooses, he may have his application considered by a board waiving his right to oral argument before a board. Such waiver shall be in writing and shall constitute a part of the record of proceedings on the application. Failure of an applicant to appear at a hearing of oral argument, which he has not waived in accordance with the foregoing, at the time and place specified in the notice of consideration

shall, unless a reasonable excuse is shown, also constitute a waiver of his right to consideration by a board. Unexcused failure to appear at a hearing of oral argument shall be noted on the record of the proceedings.

§ 1300.806 *Hearing of oral argument.* (a) Argument before a board of review by an applicant shall ordinarily be limited to one hour except for good cause shown. Where the magnitude of the issues involved warrants more extended discussion or where the applicants are numerous, the board may extend or limit the time of each applicant in its discretion. A board may exclude specific argument deemed to be irrelevant to the grounds set forth in the application or unsupported by any evidence in the record. Hearings of argument will be open to the public. Where argument is to be heard by a board of review consisting of more than one member, a majority of such board shall constitute a quorum for the purpose of hearing argument. Presentation of oral argument may be accompanied by submission of a brief.

(b) A stenographic report of all hearings of oral argument by boards of review or subcommittees thereof shall be taken. The report will be transcribed at the direction of the board if a transcription is desired to facilitate disposition of the application. The report will ordinarily be transcribed if the argument is heard by a subcommittee of the board. If the report is transcribed, a copy shall be available for inspection during business hours in the Office of the Secretary, Office of Price Administration, Washington, D. C. Applicants who wish a copy of the report may obtain it by requesting the reporter at the hearing to make a copy for them and paying the cost thereof.

§ 1300.807 *Action by boards of review at the conclusion of their consideration of an application.* Within a reasonable time after the hearing of oral argument or after the closing of the record, if such argument has been waived, a board of review shall submit its recommendations in writing to the Administrator as to the disposition of the application. The recommendations of a majority of the members of a board shall constitute the recommendations of the board, but the disagreement of any member with the recommendations shall be expressly noted. The applicant will be advised of the recommendations of the board in an appendix to the Administrator's opinion disposing of the application or closing the docket. Copies of these documents containing a board's recommendations will be sent to the applicant by registered mail. A board of review shall have authority to recommend to the Administrator that he grant or deny the relief requested and to specify the enforcement action as to which any such relief is appropriate. If it is the opinion of the board that the record in the proceedings should be expanded, it may refer the record of the proceeding to the Administrator in order that the Administrator may consider permitting amendment of the application or the reopening of the hearing for the receipt of additional evidence. Records will, however, be reopened only in very exceptional circumstances and where, in the judgment of the Administrator, it will not unduly delay the completion of the proceedings on the application.

§ 1300.808 *Action by Administrator after receipt of board of review's recommendations.* After receipt of the board of review's recommendations as to the disposition of the application, the Administrator shall, within a reasonable time, determine that the applicant is eligible or ineligible for the requested relief. If he should determine that the applicant is eligible for such relief, he shall forthwith withdraw any pending enforcement action to the extent to which it is affected by such determination, or refrain from instituting any contemplated enforcement action to the extent to which it is so affected.

§ 1300.809 *Opinion setting forth Administrator's determination.* In the event that the Administrator determines an applicant to be ineligible for the requested relief, the applicant shall be informed of the grounds upon which such determination is based, and (if the application has been considered by a board of review) of the recommendations of the board of review. If any findings of fact made by a presiding officer appointed pursuant to § 1300.786, or if any recommendation of a board of review, have been rejected, the reason for rejection shall be set forth in the opinion of the Administrator.

§ 1300.810 *Petitions for reconsideration.* A determination that the applicant is not eligible for relief under section 205 (e) of the act may include leave to file a petition for reconsideration within a specified period.

§ 1300.811 *Effective date.* This procedural regulation shall become effective November 14, 1946.

NOTE: All reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of November 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-20466; Filed, Nov. 14, 1946; 11:07 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 291,[1] Amdt. 9]

CERTAIN SYRUPS AND MOLASSES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Revised Maximum Price Regulation 291 is amended in the following respects:

1. Section 7 (a) (1) is amended to read as follows:

(1) A "producer of country cane syrup" means any person who produces country cane syrup as defined in this regulation. Maximum prices for sales by producers of country cane syrup to all classes of purchasers shall be:

$0.78 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for highest grade, A-1 syrup.
$0.75 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 2d grade, No. 1 syrup.
$0.68 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 3d grade, No. 2 syrup.

2. Section 7 (b) is amended to read as follows:

(b) *Accumulator's maximum prices for country cane syrup.* "Accumulator of country cane syrup" means any person who collects the barrels of cane syrup manufactured by country cane syrup producers for resale in original packages.

Accumulator's maximum prices for sales of country cane syrup to all classes of purchasers shall be:

$0.80 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller, for highest grade, A-1 syrup.
$0.77 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller, for 2d grade, No. 1 syrup.
$0.70 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 3d grade, No. 2 syrup.

3. Section 7 (c) (1) is amended to read as follows:

(1) Packers' and producer-packers' (as to portion packed by producer) maximum prices for country cane syrup delivered to the customary receiving point of the buyer in the southern zone shall be as follows:

$5.67 per case of 6 No. 10 cans.
$5.92 per case of 12 No. 5 cans.
$6.17 per case of 24 No. 2½ cans.
$6.60 per case of 48 No. 1½ cans.
$4.51 per case of 24 No. 2 cans.
$3.35 per case of 24 No. 1½ cans.

The "southern zone" includes the states of Georgia, Alabama, Florida, North Carolina and South Carolina.

4. Section 7 (c) (2) is amended to read as follows:

(2) Maximum prices for country cane syrup delivered in all places outside the "southern zone" for packers and producer-packers (as to portion packed by producer) located in the "southern zone" shall be the following f. o. b. Cairo, Georgia, prices, plus the lowest available freight rates on an identical quantity from Cairo, Georgia, to the point of destination. For packers located outside the "southern zone" the delivered maximum prices shall be the following, plus the freight actually paid up to, but not in excess of the lowest available, freight rate from the packer's mill.

$5.42 per case of 6 No. 10 cans.
$5.67 per case of 12 No. 5 cans.
$5.92 per case of 24 No. 2½ cans.
$4.33 per case of 24 No. 2 cans.
$6.35 per case of 48 No. 1½ cans.
$3.22 per case of 24 No. 1½ cans.

All of the above prices in this paragraph (c) shall be for carload lots to the wholesale and chain store warehouse

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[1] 8 F. R. 16508; 9 F. R. 795, 2562, 3647, 4196, 13852, 14429; 10 F. R. 199.

trade and to commercial, institutional, or governmental users.

5. Section 7 (f) is amended to read as follows:

(f) *Producer-packers' maximum prices for country cane syrup sold at wholesale and at retail.* (1) Producer-packers' maximum delivered prices for country cane syrup on sales directly to retail stores shall be as follows:

$6.21 per case of 6 No. 10 cans.
$6.49 per case of 12 No. 5 cans.
$6.77 per case of 24 No. 2½ cans.
$4.95 per case of 24 No. 2 cans.
$7.26 per case of 48 No. 1½ cans.
$3.68 per case of 24 No. 1½ cans.

(2) Producer-packers' maximum prices for country cane syrup on sales directly to retail stores when the purchaser takes delivery at the plant or farm shall be as follows:

$5.93 per case of 6 No. 10 cans.
$6.21 per case of 12 No. 5 cans.
$6.49 per case of 24 No. 2½ cans.
$4.75 per case of 24 No. 2 cans.
$6.98 per case of 48 No. 1½ cans.
$3.55 per case of 24 No. 1½ cans.

(3) Producer-packers' maximum delivered prices for country cane syrup on sales directly to "domestic consumers" shall be as follows:

$6.99 per case of 6 No. 10 cans.
$7.31 per case of 12 No. 5 cans.
$7.63 per case of 24 No. 2½ cans.
$5.59 per case of 24 No. 2 cans.
$8.20 per case of 48 No. 1½ cans.
$4.16 per case of 24 No. 1½ cans.

"Domestic consumer" means a person who buys country cane syrup for personal use. The term does not include any industrial, commercial, governmental or institutional consumers.

(4) Producer-packers' maximum prices for country cane syrup on sales directly to "domestic consumers" when the purchaser takes delivery at the plant or farm, shall be as follows:

$6.67 per case of 6 No. 10 cans.
$6.99 per case of 12 No. 5 cans.
$7.31 per case of 24 No. 2½ cans.
$5.36 per case of 24 No. 2 cans.
$7.88 per case of 48 No. 1½ cans.
$4.01 per case of 24 No. 1½ cans.

This amendment shall become effective November 14, 1946.

Issued this 14th day of November 1946.

PAUL A. PORTER,
Administrator.

Approved: November 6, 1946.

N. E. DODD,
Acting Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 9 to Revised Maximum Price Regulation 291

The accompanying amendment to Revised Maximum Price Regulation 291 increases by 10¢ per Georgia gallon the maximum prices established by that regulation for sales of country cane syrup in barrels, with corresponding increases in prices for sales of country cane syrup in packages.

Section 3 of the Stabilization Act of 1942, as amended, sets forth the minimum requirements for maximum prices for agricultural commodities, each of which must be independently satisfied. These standards, in brief, are that the maximum price for an agricultural commodity must reflect (1) the parity price for the commodity, (2) the highest price received by producers between January 1, 1942 and September 15, 1942, and (3) increased labor and other costs incurred by producers since January 1, 1941. Because of the increase in parity for country cane syrup since the establishment of current maximum prices for this commodity, they no longer meet the first of the foregoing requirements, necessitating the increases effected by the accompanying amendment.

In the judgment of the Price Administrator the provisions of the accompanying amendment are found to be generally fair and equitable and to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, 9599, 9651 and 9697.

[F. R. Doc. 46-20467; Filed, Nov. 14, 1946; 11:07 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

[Instruction 1, Pub. Law 657, 79th Cong.]

PART 1—GENERAL PROVISIONS (APPENDIX)

DESIGNATION OF VETERANS' ADMINISTRATION CENTRAL ANTHORITY TO CONSIDER, ADJUST, AND SETTLE CLAIMS OF CONTRACTORS FOR LOSSES INCURRED BETWEEN SEPTEMBER 16, 1940, AND AUGUST 14, 1945

1. Public Law 657, 79th Congress, approved August 7, 1946, reads, in part, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where work, supplies, or services have been furnished between September 16, 1940, and August 14, 1945, under a contract or subcontract, for any department or agency of the Government which prior to the latter date was authorized to enter into contracts and amendments or modifications of contracts under section 201 of the First War Powers Act, 1941 (50 U. S. C., Supp. IV, app., sec. 611), such departments and agencies are hereby authorized in accordance with regulations to be prescribed by the President within sixty days after the date of approval of this act, to consider, adjust, and settle equitable claims of contractors, including subcontractors and materialmen performing work or furnished supplies or services to the contractor or another subcontractor, for losses (not including diminution of anticipated profits) incurred between September 16, 1940, and August 14, 1945, without fault or negligence on their part in the performance of such contracts or subcontracts. Settlement of such claims shall be made or approved in each case by the head of the department or agency concerned or by a central authority therein designated by such head.

2. The "regulations to be prescribed by the President" are set forth in Executive Order 9786, dated October 5, 1946 (11 F. R. 11553).

3. The Veterans' Administration "was authorized to enter into contracts and amendments or modifications of contracts under section 201 of the First War Powers Act, 1941 (50 U. S. C., Supp. IV, app., sec. 611)," and was a "war agency" within the meaning of that term as defined in paragraph 101.3 of Executive Order 9786.

4. The Assistant Administrator for Construction, Supply and Real Estate is hereby designated the central authority within the Veterans' Administration to consider, adjust, and settle all claims of contractors under Public Law 657, 79th Congress; to make or approve the settlement of any such claim in each case in which the Veterans' Administration is the war agency considering the claim; to grant in whole or in part, or to withhold, for the Veterans' Administration approval of that part of any proposed settlement, by any other agency considering the claim, which relates to contracts or subcontracts of the Veterans' Administration and to make any and all determinations and findings for the Veterans' Administration required by Public Law 657, 79th Congress, and Executive Order 9786, with respect to each caim. Any such approval, finding, or determination by the Assistant Administrator for Construction, Supply and Real Estate shall be final, subject only to right of appeal by the claimant to a Federal district court in accordance with the law cited above.

5. The Assistant Administrator for Construction, Supply and Real Estate will establish procedures consistent herewith and with Public Law 657, 79th Congress, and Executive Order 9786, affording to any and all claimants and their representatives sufficient opportunity to present their claims and to be heard in support thereof. The Assistant Administrator for Construction, Supply and Real Estate may designate personnel within his office to receive and consider each claim submitted and to make recommendations concerning the action to be taken thereon by the Assistant Administrator.

6. All claims for consideration under Public Law 657, 79th Congress, received in central office or any branch office or field station of Veterans' Administration will be forwarded immediately to the Assistant Administrator for Construction, Supply and Real Estate, central office, together with any information in possession of the receiving office bearing upon the claim. The receiving office will notify the claimant that his claim has been so forwarded and that all future correspondence or action relating to the claim should be directed to the Assistant Administrator for Construction, Supply and Real Estate. No employee of Veterans' Administration, other than the said Assistant Administrator and his designees, will make any statement for the Veterans' Administration, written or oral, or take any action in connection with any such claim except to transmit the claim and to inform the claimant of its transmittal as above provided. No employee of the Veterans' Administration shall, in any manner, or by any means, aid or assist in the prosecution

or support of any such claim against the United States (section 109 of Criminal Code; 18 U. S. C. 198).

(Pub. Law 657, 79th Cong.)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

OCTOBER 30, 1946.

[F. R. Doc. 46-20368; Filed, Nov. 14, 1946; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 9—THE PRIVACY AND SAFEGUARDING OF THE MAILS

INFORMATION NOT TO BE GIVEN

In § 9.2 *Information not to be given* (39 CFR), amend paragraphs (g) and (j) to read as follows:

(g) Except as provided in paragraph (e) of this section, a minimum charge of 25 cents payable in advance by cash, money order, or postal note, shall be made at all post offices for the correction of any mailing list bearing less than 25 names, and for any list of 25 names or more a charge of 1 cent for each name submitted (likewise payable in advance) shall be made, plus the postage for the return of such list. Furthermore, all lists submitted, whether for correction of address or elimination of duplicates, are to be considered mailing lists. At first-, second-, and third-class offices the amount received for mailing-list corrections shall be accounted for in the quarterly reports to the Comptroller under the heading "Miscellaneous receipts." At fourth-class offices, postmasters shall make no accounting of moneys so received, the proceeds received being payable to the employee performing the work.

(j) (1) Papers in the files of the department or records in post offices, or copies thereof, shall not be furnished on the application of persons, except in the discretion of the department in cases where a suit has been commenced and is pending involving the substance of the paper, document, or record itself, and then only upon the proper subpoena duces tecum issued by a court of record: *Provided,* That the Solicitor for the Post Office Department may, upon evidence satisfactory to him that the sanctity of the mail will not be violated, authorize copies of records covering the mailing or delivery of registered, insured, or collect-on-delivery mail to be furnished the sender or addressee, or the legal representative of either. In no case shall copies be furnished of the official bonds of officers connected with the service, except in case of suits relating to said bonds, or the execution thereof, or criminal prosecutions thereunder.

(2) In cases of suits between postal employees and private parties or concerns, subpoena duces tecum calling for presentation of time records of employees shall be complied with: *Provided,* That the postal service is in no way involved in the litigation and that the performance of postal functions is not in issue.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] GAEL SULLIVAN,
Acting Postmaster General.

[F. R. Doc. 46-20336; Filed, Nov. 14, 1946; 8:45 a. m.]

Notices

DEPARTMENT OF JUSTICE.

Office of Alien Property.

[Vesting Order 7673]

N. MINAMI & CO., LTD.

In re: Drafts owned by and debt owing to N. Minami & Co., Ltd. F-39-476-C-3.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That N. Minami & Co., Ltd., the last known address of which is Kobe, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain draft, in the principal sum of $959.63, dated May 27, 1941, drawn by N. Minami & Co., Ltd., on Minami & Hori Importing Co., New York, New York, and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid draft,

b. That certain draft, in the principal sum of $817.03, dated May 16, 1941, drawn by N. Minami & Co., Ltd., on Minami & Hori Importing Co., New York, New York, and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid draft, and

c. That certain debt or other obligation owing to N. Minami & Co., Ltd., by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, in the amount of $1,310.00 as of December 31, 1945, arising out of a collection after closing account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20355; Filed, Nov. 14, 1946; 8:49 a. m.]

[Vesting Order 7677]

H. NISHIZAWA SHOTEN, LTD.

In re: Drafts owned by and debt owing to H. Nishizawa Shoten, Ltd. F-39-5089-C-1.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That H. Nishizawa Shoten, Ltd., the last known address of which is Bingo-machi, Osaka, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Certain drafts drawn by H. Nishizawa Shoten, Ltd., on Nogueria & Co., Brussels, Belgium, and presently in the custody of the Superintendent of Banks

of the State of New York, as Liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid drafts, and

b. That certain debt or other obligation owing to H. Nishizawa Shoten, Ltd., by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $583.51, as of December 31, 1945, arising out of a collection after closing account, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20357; Filed, Nov. 14, 1946; 8:48 a. m.]

[Vesting Order 7675]

MIYABE & SUYETAKA

In re: Debt owing to and drafts owned by Miyabe & Suyetaka.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Miyabe & Suyetaka, the last known address of which is Kobe, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Miyabe & Suyitaka, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $13,521.35, as of December 31, 1945, arising out of collection after closing accounts, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and,

b. Those certain drafts described in Exhibit A, attached hereto and by reference made a part hereof, drawn by Miyabe & Suyitaka on A. L. Tuska & Son Co., New York, New York, and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid drafts,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Principal sum of draft:	*Date of maturity of draft*
Yen 1,005.22	Feb. 20, 1942
Yen 1,292.55	Dec. 9, 1941
Yen 2,371.38	Feb. 6, 1942
Yen 364.86	Feb. 16, 1942
Yen 1,098.76	Feb. 16, 1942
Yen 4,738.96	Feb. 27, 1942
Yen 1,329.37	Mar. 10, 1942
Yen 1,218.29	Mar. 16, 1942
Yen 2,078.10	Mar. 16, 1942
$346.03	Mar. 16, 1942

[F. R. Doc. 46-20356; Filed, Nov. 14, 1946; 8:49 a. m.]

[Vesting Order 7679]

WILHELM PETERKA

In re: Debt owing to Wilhelm Peterka. F-28-6675-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Wilhelm Peterka, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Philadelphia Saving Fund Society, 1212 Market Street, Philadelphia, Pennsylvania, arising out of an unpaid depositor's check, number 260596, dated February 28, 1938, issued to the order of Wilhelm Peterka for the withdrawal of part of his account, number 2,118,279, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person 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);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20358; Filed, Nov. 14, 1946; 8:48 a. m.]

[Vesting Order 7682]

YOSIO SASAMOTO

In re: Debt owing to Yosio Sasamoto. F-39-5037-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Yosio Sasamoto, whose present whereabouts are unknown, is a subject of Japan, is believed to be a resident of Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yosio Sasamoto, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $1,493.36, as of December 31, 1945, arising out of an accepted account payable, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20359; Filed, Nov. 14, 1946; 8:48 a. m.]

[Vesting Order 7683]

SATO TRADING CO., LTD.

In re: Draft owned by and debt owing to Sato Trading Co., Ltd. F-39-1536-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Sato Trading Co., Ltd., the last known address of which is Yokohama, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain draft, in the principal sum of $45.71, dated May 9, 1941, drawn by Sato Trading Co., Ltd., on Leo Kau Importing Agency, Chicago, Illinois, and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid draft, and

b. That certain debt or other obligation owing to Sato Trading Co., Ltd., by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, in the amount of $255.00, as of December 31, 1945, arising out of a collection after closing account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20360; Filed, Nov. 14, 1946; 8:48 a. m.]

[Vesting Order 7687]

P. SURROCA

In re: Drafts owned by and debt owing to P. Surroca. F-39-5087-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

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

2. That the property described as follows:

a. That certain draft, in the principal sum of $118.17, drawn by P. Surroca on D. V. S. Souza, Managua, Nicaragua, and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Mitsui Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights in,

to and under, including particularly the right to possession of, the aforesaid draft,

b. Those certain drafts, drawn by P. Surroca on D. P. Surroca, San Jose, Costa Rica, and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Busines sand Property in New York of Mitsui Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid drafts, and

c. That certain debt or other obligation owing to P. Surroca, by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Mitsui Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $347.47, as of December 31, 1945, arising out of a collection after closing account, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20361; Filed, Nov. 14, 1946; 8:47 a. m.]

[Vesting Order 7690]

HARRO FREIHERR VON ZEPPELIN

In re: Bank account owned by Harro Freiherr von Zeppelin, also known as Harro Freiher von Zeppelin. F-28-737-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Harro Freiherr von Zeppelin, also known as Harro Freiher von Zeppelin, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Harro Frieherr von Zeppelin, also known as Harro Freiher von Zeppelin, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled Mr. Harro Freiherr von Zeppelin, maintained at the branch office of the aforesaid bank located at 1767 Broadway, New York, New York, and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20362; Filed, Nov. 14, 1946; 8:47 a. m.]

[Vesting Order 7691]

YASUDA & CO.

In re: Draft owned by and debt owing to Yasuda & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Yasuda & Co., the last known address of which is Nagoya, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain draft, dated March 8, 1939, drawn by Yasuda & Co., on Sres. Somex S. A., Mexico, D. F., and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, N. Y., together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid draft, and

b. That certain debt or other obligation owing to Yasuda & Co., by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Sumitomo Bank, Ltd., 80 Spring Street, New York, N. Y., in the amount of $1,397.01, as of December 31, 1945, arising out of a collection after closing account, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Prop-

erty Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-20363; Filed, Nov. 14, 1946; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

[P. & S. Docket No. 308]

MARKET AGENCIES AT UNION STOCK YARDS, SIOUX CITY, IOWA

NOTICE OF PETITION FOR MODIFICATION

The Market Agencies at Union Stock Yards, Sioux City, Iowa, are now operating under an order issued by the Judicial Officer on June 28, 1946 (5 A. D. 453).

By petition, the respondents now request that certain modifications of section F of the existing schedule (Tariff No. 14) be authorized. The proposed modifications, if authorized, would increase the charges for buying cattle for immediate slaughter other than bulls and calves from 50¢ per head to 60¢ per head: increase the carload minimum from $12.00 to $15.00, and increase the carload maximum from $15.00 to $18.00. Such increases in buying charges would produce additional revenue to the respondents and, therefore, notice is hereby given to the public of the filing of the petition.

All interested persons who desire to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within fifteen (15) days from the date of the publication of this notice.

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

Done at Washington, D. C., this 4th day of November 1946.

[SEAL] S. R. NEWELL,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 46-20346; Filed, Nov. 14, 1946; 8:45 a. m.]

[P. & S. Docket No. 5]

THE PEORIA UNION STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION

By an order entered on June 30, 1924, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture prescribed reasonable rates and charges to be observed by the respondent. This order was subsequently modified by a decree of the District Court of the United States for the Southern District of Illinois, Northern Division, dated November 8, 1926, and by orders of the Secretary of Agriculture dated July 1, 1927, June 2, 1938, March 14, 1945, and July 31, 1945. By supplemental order dated November 28, 1945, the respondent was ordered to publish and file amendments to its tariff, by which certain increases in the rates and charges were made. The order of November 28, 1945, provides that:

After November, 1946, the legally prescribed rates existing prior to the order of the Assistant to the War Food Administrator dated March 14, 1945 (4 A. D. 165) shall again be in effect as if this order had not been issued.

By a document filed on October 31, 1946, the respondent requests that the rates and charges prescribed in said order of November 28, 1945, be continued in effect until May 31, 1947, and modification of items 1, 2, and 3 of section 1 of respondent's present tariff which now provides as follows:

Item 1: Yardage charges including use of facilities, handling, one certified weighing and privilege of the market, will be collected on all livestock (or deadstock) sold through these yards at the following rate in cents per head:

	Received by railroad	Received other than by railroad
Cattle	35	35
Calves (300 lbs. and under)	20	20
Hogs	15	15
Sheep and goats	10	10
Horses and mules	35	35

Item 2. Charges will be collected on all livestock reweighed on the market (except livestock reweighed by dealers for the purpose of completing shipments for immediate slaughter) at the following rate in cents per head:

Cattle	18
Calves	10
Hogs	8
Sheep	5

Item 3. Charges will be collected on all livestock reweighed by dealers for the purpose of completing shipments for immediate slaughter at the following rate in cents per head:

Cattle	5
Calves	3
Hogs	2
Sheep	2

The respondent petitions to have the foregoing items in its present tariff amended to read as follows:

Item 1. Yardage charges including use of facilities, handling, weighing and privilege of the market, will be collected on all livestock (or deadstock) sold through these yards or resold by regular selling agencies at the following rate in cents per head:

(Rates same as in Item 1 of present tariff, stated above.)

Item 2. Charges will be collected on all livestock resold on the market (except as specified in Items 1 and 3 of this Section 1) at the following rate in cents per head:

(Rates same as in Item 2 of present tariff, stated above.)

Item 3. Charges subject to the right of this Company to demand full proof of the facts making this Item applicable will be collected on all livestock resold or reweighed for shipment off the market at the following rate in cents per head:

(Rates same as in Item 3 of present tariff, stated above.)

Effect of proposed modification. The effect of such proposed modifications, if granted, would be to increase the revenues of the respondent and, accordingly, it appears that public notice should be given to all interested persons of the request of the respondent so as to afford all interested persons, including patrons of the respondent, an opportunity to manifest their desire to be heard on the matter.

Therefore, notice is hereby given to the public and to all interested persons of the request of the respondent referred to above for the purpose of affording all interested persons an opportunity to be heard upon the matters covered in the petition for modification referred to above.

All persons who desire to be heard shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within fifteen (15) days from the date of the publication of this order.

Copies hereof shall be served on the respondent.

Done at Washington, D. C., this 8th day of November 1946.

[SEAL] S. R. NEWELL,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 46-20366; Filed, Nov. 14, 1946; 8:46 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F. R. 7125).

The special learner certificates issued to the following company under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See Regulations, Part 522, § 522.083.

Central Iowa Telephone Company, Buffalo Center, Iowa; effective November 1, 1946, expiring October 31, 1947.

Regulations, Part 522—Regulations Applicable to the Employment of Learners.

Puerto Rico Mills, Inc., Puerto de Tierra, Puerto Rico; full fashioned hosiery; forty-one (41) learners in the following operations:

a. (8 learners) legging, (4 learners) seaming, (2 learners) looping, (16 learners) topping, (3 learners) footing; at not less than 15 cents an hour for the first 480 hours, not less than 18¾ cents an hour for the second 480 hours, not less than 22½ cents an hour for the third 480 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period;

b. (1 learner) winding, (1 learner) final inspection, (1 learner) foot inspection, (1 learner) leg inspection, (4 learners) mending; at not less than 15 cents an hour for the first 360 hours, not less than 22½ cents an hour for the second 360 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period;

effective October 22, 1946, expiring December 31, 1946.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at New York, New York, this 7th day of November 1946.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 46-20345; Filed, Nov. 14, 1946; 8:49 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-806]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF APPLICATION

NOVEMBER 8, 1946.

Notice is hereby given that on November 1, 1946, Kansas-Nebraska Natural Gas Company, Inc., a Kansas corporation, with its principal place of business at Phillipsburg, Phillips County, Kansas, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, for authority to acquire from The Tri-County Gas Company, a Kansas corporation, substantially all of the physical properties of the latter, including, but not limited to, transmission and other pipe lines, distribution systems, and office building fixtures and equipment in the counties of Kearney, Scott, Finney and Lane in the State of Kansas, a gas purchase contract dated January 4, 1937, between The Fin-Ker Oil & Gas Production Company and The Tri-County Gas Company, and to operate the same following acquisition thereof.

Applicant will pay $250,000 plus interest at 5% per annum from August 1, 1946 for the above property which amount, together with cost of rehabilitating vendor's facilities will be paid out of the current funds.

The service proposed to be rendered by applicant is the distribution and sale of natural gas in and adjacent to the communities now served with natural gas by vendor and along lines proposed to be acquired. It is anticipated that the transmission lines may be used for the transportation of natural gas in interstate commerce. The gas reserves available to supply the markets proposed to be served by the acquisition are the reserves from which applicant now procures natural gas, with additional reserves to be dedicated under a gas purchase contract proposed to be made effective as of June 1, 1946, between The Fin-Ker Oil & Gas Production Company and applicant. It is estimated that the new reserves will be more than sufficient to meet the requirements resulting from the acquisition and will constitute substantial enlargement of the existing reserves of applicant available to its present customers. Applicant will operate the properties to be acquired as an integral part of its existing system.

Any interested State commission is requested to notify the Federal Power Commission whether the application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and further to specify whether it desires a conference, the creation of a board, or a joint or concurring hearing as defined in said rule and the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Kansas-Nebraska Natural Gas Company, Inc., should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure. The time and place of hearing herein will subsequently be duly given.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-20337; Filed, Nov. 14, 1946; 8:46 a. m.]

[Docket Nos. G-741, G-777]

KANSAS POWER AND LIGHT CO. AND NORTHERN NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

NOVEMBER 12, 1946.

In the Matter of The Kansas Power and Light Company, Docket No. G-741; Northern Natural Gas Company, Docket No. G-777.

Upon consideration of the following applications filed with the Federal Power Commission:

(a) Application filed on June 24, 1946, in Docket No. G-741 by the Kansas Power and Light Company, pursuant to section 7 (b) of the Natural Gas Act as amended, for authority to abandon and remove part of its utility system facilities hereinafter described subject to the jurisdiction of the Federal Power Commission:

(i) Disconnection of its connection with Kansas-Nebraska Natural Gas Company, located in the SW corner of section 8, township 1, range 2 West, Republic County, Kansas, and removal of meter setting;

(ii) Disconnection of connection with Cities Service Gas Company, near Hutchinson, Kansas, and removal of meter setting;

(iii) Disconnection of connection with Northern Natural Gas Company near Clifton Compressor Station, at Clifton, Kansas, and removal of meter setting;

(b) Application filed on September 6, 1946, in Docket No. G-777 by Northern Natural Gas Company, pursuant to section 7 of the Natural Gas Act, as amended, for authority as follows:

(i) Purchase and operate the following facilities:

(1) Thirteen 2-inch diameter branch lines varying in length from 1,006 to 38,185 feet running from Applicant's 26-inch natural gas transmission pipe line, together with appurtenant facilities, to and including metering stations at the communities of Miltonvale, Delphos, Tescott, Beverly, Holyrood, Lorraine, Claflin, Bushton, Macksville, Belpre, Greensburg, Ashland and Englewood, all in Kansas; the total length of such pipe being approximately 200,000 feet.

(2) A natural gas pipe line consisting of 25,725 feet of 3-inch pipe, 23,418 feet of 6-inch pipe, and 50,163 feet of 8-inch pipe known as the Coldwater-Protection, Kansas main branch line, extending easterly from a point of connection with Applicant's 24-inch natural gas transmission pipe line in Clark County, Kansas, to a point in Comanche County, Kansas, including a main branch line regulator station located adjacent to Applicant's metering station at the aforesaid point of connection, together with appurtenant facilities;

(3) A 2-inch pipe line approximately 24,200 feet in length extending southerly from a point of connection with the Coldwater-Protection main branch line in Comanche County, Kansas, to and including a metering station located at the terminus thereof near the corporate limits of Protection, Kansas, in Comanche County, Kansas, together with appurtenant facilities;

(4) A 2-inch pipe line approximately 15,631 feet in length extending southerly from a point of connection with East terminus of the Coldwater-Protection main branch line in Comanche County, Kansas, to and including a metering station located at the terminus thereof near the corporate limits of Coldwater, Kansas, in Comanche County, Kansas, together with appurtenant facilities;

(5) A main line metering station located near Applicant's 26-inch natural gas transmission pipe line in Barton County, Kansas, for measurement of natural gas delivered to Ellinwood, Kansas;

(6) Taps off the Beverly branch pipe line, the Claflin branch line, the Delphos branch line, and the Tescott branch pipe line, together with appurtenant facilities in Clay County, Kansas, for servicing six rural customers;

(7) Twelve meters tapped off the Holyrood branch line for servicing twelve drilling and pumping customers;

(ii) Abandon and remove the following facilities:

(1) A metering station located on the Marysville, Kansas, branch line near the intersection of said line with Applicant's 24-inch natural gas transmission pipe line in Washington County, Kansas, together with appurtenant facilities;

(2) A regulator station located on the Washington, Kansas, branch line, near the intersection of said line with Applicant's 24-inch natural gas transmission pipe line in Washington County, Kansas, together with appurtenant facilities;

(3) A metering station located on the Greensburg, Kansas, branch line, near the intersection of said line with Applicant's 24-inch natural gas transmission pipe line in Kiowa County, Kansas, together with appurtenant facilities, to be moved to the southern end of the pipe line near the corporate limits of Greensburg, Kansas, in Kiowa County, Kansas;

(4) A metering station located on the Coldwater-Protection, Kansas, main branch line near the intersection of said line and Applicant's 24-inch natural gas transmission pipe line in Clark County, Kansas, together with appurtenant facilities;

(5) A metering station located on the Ashland, Kansas, branch line, near the intersection of said line with Applicant's 26-inch natural gas transmission pipe line in Clark County, Kansas, together with appurtenant facilities;

(iii) Abandon the delivery of natural gas to the communities supplied by the Marysville branch line consisting of Hanover, Washington County, Kansas; Marysville, Home, Beattie, Axtell, Frankfort, Irving, Blue Rapids and Waterville, all in Marshall County, Kansas; Baileyville and Seneca, both in Nemaha County, Kansas; the community of Washington, Washington County, Kansas, supplied by the Washington branch line; the communities of Haddam and Morrowville, Washington County, Kansas, served by the Haddam branch line; and the communities of Barnes, Greenleaf, Linn, all in Washington County, Kansas, served by the Barnes branch line;

It appears to the Commission that—

Good cause exists for consolidating the above proceeding for the purposes of hearing;

The Commission orders that:

(A) The above-entitled proceedings be and they are hereby consolidated for the purposes of hearing;

(B) A public hearing in these proceedings be held commencing November 29, 1946 at 10:00 a. m. (c. s. t.) in the chamber of the City Council, 26th Floor, City Hall, 11th and Oak Streets, Kansas City, Missouri;

(C) Interested State Commissions may participate in said hearing as provided in the Commission's rules of practice and procedure.

By the Commission.

[SEAL] C. W. SMITH, *Acting Secretary.*

[F. R. Doc. 46-20369; Filed; Nov. 14, 1946; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 396, Special Permit 59]

RECONSIGNMENT OF PERISHABLES AT CHICAGO, ILL.

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 Chicago, Illinois, November 4, 1946, by Carlo Pawno Fruit Co., of cars ART 15124, SFRD 32702, SFRD 8371, MDT 18288, BREX 74506, SFRD 35852, now on the A., T. & S. F. RR., to Carlo Pawno Fruit Co., New York, N. Y. (Erie).

The waybill 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 4th day of November 1946.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 46-20339; Filed, Nov. 14, 1946; 8:50 a. m.]

[S. O. 396, Special Permit 60]

RECONSIGNMENT OF ONIONS AT HARTFORD, CONN.

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 Hartford, Conn., November 5, 1946, by J. C. Sewell Produce Co., of car MDT 20293, onions, now on the N. Y., N. H. & H. RR., to Wm. M. Flenstein & Co., New York, N. Y.

The waybill 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 5th day of November 1946.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 46-20340; Filed, Nov. 14, 1946; 8:50 a. m.]

[S. O. 396, Special Permit 61]

RECONSIGNMENT OF POTATOES AT COLUMBUS, OHIO

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 Columbus, Ohio, November 6, 1946, by Wesco Foods of car IC 58843, potatoes, now on the B&O RR to Cincinnati, O. (PRR).

The waybill 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 6th day of November 1946.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 46-20341; Filed, Nov. 14, 1946; 8:50 a. m.]

[S. O. 396, Special Permit 62]

RECONSIGNMENT OF PERISHABLES AT DENVER OR PUEBLO, COLO.

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 Denver or Pueblo, Colorado, of any car on hand at 7:00 a. m., November 7, 1946, or arriving prior to 7:00 a. m., November 10, 1946.

This permit shall become effective at 7:00 a. m., November 7, 1946, and it shall expire at 7:00 a. m., November 10, 1946, after which the order shall again apply.

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 6th day of November 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-20342; Filed, Nov. 14, 1946; 8:50 a. m.]

[S. O. 396, Special Permit 63]

RECONSIGNMENT OF PERISHABLES AT CINCINNATI, OHIO

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 Cincinnati, Ohio, Nov. 7 or 8, 1946, by Florida Citrus Exchange of car NWX 1096, now on the Sou. Ry. to Florida Citrus Exchange, Danville, Ill. (B/4).

The waybill 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 7th day of November 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-20343; Filed, Nov. 14, 1946; 8:50 a. m.]

[S. O. 396, Special Permit 64]

RECONSIGNMENT OF PERISHABLES AT CHATTANOOGA, TENN.

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 Chattanooga, Tenn., Nov. 7 or 8, 1946, by Florida Citrus Exchange of car PFE 76192, now on the NC&StL RR to Johnston Brokerage Co., Paducah, Ky. (NCStL-IC).

The waybill 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 7th day of November 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-20344; Filed, Nov. 14, 1946; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-54, 70-559, 59-50]

NORTHERN STATES POWER CO. ET AL.

ORDER TERMINATING EXISTENCE AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of November 1946.

In the matter of Northern States Power Company (Delaware), File No. 54-54; and Northern States Power Company (Minnesota), File No. 70-559; and Northern States Power Company (Delaware) and each of its subsidiaries, File No. 59-50.

Northern States Power Company (Delaware), (hereinafter called the Delaware Company) a registered holding company, and its subsidiary, Northern States Power Company (Minnesota), (hereinafter called the Minnesota Company) also a registered holding company, having filed a plan, applications, declarations and amendments thereto for the liquidation of Delaware, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and with respect to other transactions to be performed in connection with such plan under other applicable sections of the act, and the Commission having instituted proceedings under sections 11 (b) (2), 15 (f) and 20 (a) of the act with respect to the entire holding company system and the two actions having been consolidated;

The Commission having issued its findings and opinion of April 26, 1945, its memorandum opinion of October 12, 1945, and its order of October 31, 1945, approving said plan as amended;

The Commission having applied to the District Court of the United States for the District of Minnesota for the enforcement of said plan as amended and objections having been filed to said application for enforcement; and said District Court having postponed hearings on said plan pending further consideration by the Commission of suggested changes in such plan or new plans;

The Commission having ordered the reopening of the record and the reconvening of hearings and public hearings having been held, briefs having been filed, and oral argument having been heard on suggestions for changes in said plan or any other plans; the Commission having considered the record in the matter and having made and filed its findings and opinion herein;

It is ordered, Pursuant to the applicable provisions of the act that our order of October 31, 1945, in this matter be and hereby is vacated, subject to such further orders and reservations of jurisdiction hereinafter set forth;

It is further ordered, Pursuant to section 11 (b) (2) of the act that the continued existence of Northern States Power Company (Delaware) shall be terminated;

It is further ordered, That Northern States Power Company (Delaware) shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation and dissolution of Northern States Power Company (Delaware) and the termination of its existence in a manner consistent with the provisions of the said act;

The Delaware Company having requested that the Commission's order with respect to any transfers of Minnesota Company common stock, shall conform with sections 371 (a), (b), (c) and (f) and section 1808 (f) of the Internal Revenue Code as amended,

It is further ordered and recited, That the Delaware Company and the Minnesota Company shall effect as of December 31, 1943, the discharge of the open account indebtedness due to the Minnesota Company in the amount of $7,530,852.08, by the assignment to the Minnesota Company of certain claims filed by the Delaware Company for the refund of Federal income taxes in the amount of $73,632.08, and by the surrender by the Delaware Company of 481,111 shares, without par value, of the common stock of the Minnesota Company for a credit of $7,457,220.00, in full settlement of such open account indebtedness; and that the Minnesota Company shall annually retain $445,207.00 in its earned surplus account over a period of 16¾ years from April 1, 1942, until a total of $7,457,220.00 has accumulated therein, which retained earned surplus will not at any time be available for dividends on any class of its stock. The excess of the amount of stated capital of such shares, being $3,367,777.50, over the amount at which they are to be accepted by the Minne-

sota Company, is to be initially credited to Paid-in Surplus and subsequently transferred to the stated value of the common stock. The above transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

It is further ordered, That the Minnesota Company shall effect certain accounting adjustments as of December 31, 1943, and reduce the stated value of its capital stock and effect a transfer from Paid-in Surplus to the Reserve for Depreciation, more specifically as follows:

(1) The transfer by the Minnesota Company of the "Reserve for possible adjustment of intangibles" in the amount of $3,398,908.57 to Paid-in Surplus.

(2) The establishment by the Minnesota Company of a "Reserve for possible adjustment of utility plant accounts and other balance sheet accounts" in the amount of $29,500,000 by a charge to Earned Surplus.

(3) The restatement of the remaining 3,518,889 shares of the Minnesota Company's common stock, without par value, represented by the stated value of $82,542,780.00 into stock having an aggregate stated value of $49,297,368.00, and the credit to Paid-in Surplus of $33,245,412.00, representing the difference between the present stated value of the remaining shares of the Minnesota Company's common stock and the restatement of the stated value of such stock.

(4) The transfer by the Minnesota Company of the deficit in Earned Surplus of $28,305,538.11 to Paid-in Surplus.

(5) The transfer by the Minnesota Company of an amount of $4,989,007.47 from Paid-in Surplus to the Reserve for Depreciation;

It is further ordered, That jurisdiction be and it is hereby reserved:

(1) To take such further action as may be necessary or appropriate in the proceedings pursuant to sections 11 (b), 15 (f) and 20 (a) of the act with respect to the Minnesota Company and each of the subsidiary companies; and

(2) To pass upon any charges to the "Reserve for possible adjustment of utility plant accounts and other balance sheet accounts" and any other charges to the Paid-in Surplus.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-20334; Filed, Nov. 14, 1946; 8:46 a. m.]

HENRY LEACH

ORDER PERMITTING WITHDRAWAL OF REGISTRATION AND DISCONTINUING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of November A. D. 1946.

In the matter of Henry Leach, 391 Fulton Street, Brooklyn, New York.

The Commission having instituted proceedings under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Henry Leach as a broker and dealer should be revoked;

A hearing having been held after appropriate notice, and said respondent having requested permission to withdraw his registration;

The Commission having been duly advised and having this day issued its findings and opinion;

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that withdrawal of said registration be and it hereby is permitted to become effective forthwith, and that the proceeding under section 15 (b) of the act be and it hereby is discontinued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-20333; Filed, Nov. 14, 1946; 8:46 a. m.]

R. C. JOHNSON CO.

ORDER REVOKING REGISTRATION WITHOUT PREJUDICE TO RIGHT TO MOVE TO REOPEN PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of November A. D. 1946.

In the matter of Robert Charles Johnson doing business as R. C. Johnson Co., 683 E. 38th Street, Brooklyn, New York.

Proceedings having been instituted to determine whether or not the registration of Robert Charles Johnson, doing business as R. C. Johnson Co., as broker and dealer should be revoked, pursuant to section 15 (b) of the Securities Exchange Act of 1934;

A hearing having been held after appropriate notice and the Commission having this day filed its findings and opinion, on the basis of said findings and opinion;

It is ordered, That effective November 8, 1946, the registration of Robert Charles Johnson, doing business as R. C. Johnson Co., be and it hereby is revoked, without prejudice to the right of Robert Charles Johnson, doing business as R. C. Johnson Co., to move to reopen these proceedings and set aside said revocation upon a proper showing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-20332; Filed, Nov. 14, 1946; 8:47 a. m.]

D. HEFFLER CO.

ORDER REVOKING REGISTRATION WITHOUT PREJUDICE TO RIGHT TO MOVE TO REOPEN PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of November A. D. 1946.

In the matter of David Heffler doing business as D. Heffler Co., 4613 Clarendon Road, Brooklyn, New York.

Proceedings having been instituted to determine whether or not the registration of David Heffler, doing business as D. Heffler Co., as broker and dealer should be revoked, pursuant to section 15 (b) of the Securities Exchange Act of 1934;

A hearing having been held after appropriate notice and the Commission having this day filed its findings and opinion, on the basis of said findings and opinion;

It is ordered, That effective November 8, 1946, the registration of David Heffler, doing business as D. Heffler Co., be and it hereby is revoked, without prejudice to the right of David Heffler, doing business as D. Heffler Co., to move to reopen these proceedings and set aside such revocation upon a proper showing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-20331; Filed, Nov. 14, 1946; 8:47 a. m.]

[File Nos. 54-98, 59-87]

WASHINGTON RAILWAY AND ELECTRIC CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING ON AMENDED PLAN AND ORDER OF CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of November 1946.

In the matter of Washington Railway and Electric Company, File No. 54-98. Washington Railway and Electric Company, the Washington and Rockville Railway Company of Montgomery County, and their subsidiary companies and the North American Company, File No. 59-87.

I. Notice is hereby given that Washington Railway and Electric Company, a registered holding company and a subsidiary of The North American Company, also a registered holding company, filed on August 30, 1946 pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, (hereinafter referred to as the "act"), an Amended Plan, amending its original section 11 (e) plan filed on June 14, 1944 (File No. 54-98). The company represents in its application that the Amended Plan is for the purpose of complying with the provisions of section 11 (b) of the act and the Commission's order of April 14, 1942, issued pursuant to the provisions of said section 11 (b) (1) of the act against The North American Company and its subsidiary companies.

Washington Railway owns all of the capital stock of The Washington and Rockville Railway Company of Montgomery County (Rockville Railway), a registered holding company, all of the common stock of the Potomac Electric Power Company (Potomac Electric), an operating electric utility company, and 50% (120,000 shares) of the capital stock of Capital Transit Company, an operating street railway and bus company which owns all of the common stock of Montgomery Bus Lines, Incorporated, and of The Glen Echo Park Company.

Washington Railway, directly and through the Rockville Railway, also owns all of the capital stocks of Braddock Light & Power Company, Incorporated, (Braddock) an operating electric utility, and of Great Falls Power Company (Great Falls), which owns some 1,050 acres of undeveloped land at the Great Falls of the Potomac River, originally acquired as a potential hydro-electric development.

All interested persons are referred to the said Amended Plan which is on file in the office of this Commission for a statement of the provisions therein proposed which may be summarized as follows:

1. Washington Railway proposes to redeem its 1¾% Bank Loan Notes, due January 31, 1947, in the principal amount of $3,500,000, with funds to be provided therefor from the sale of shares of capital stock of Capital Transit Company owned by Washington Railway, as set forth in Item 10 below.

2. Washington Railway proposes to cause Potomac Electric to call for redemption all of its outstanding preferred stock consisting of 6% Cumulative Preferred stock of the aggregate par value of $2,000,000 and 5½% Cumulative Preferred stock, series of 1927, of the aggregate par value of $5,000,000, with funds to be provided for such redemption as set forth in Item 11 below.

3. Washington Railway proposes to cause Potomac Electric to be recapitalized by increasing its authorized capital stock from $30,000,000 to $75,000,000 consisting of 400,000 shares of preferred stock of the par value of $50 per share and 5,500,000 shares of common stock of the par value of $10 per share. As part of the recapitalization of Potomac Electric, its capital would be increased to $33,225,000 by the transfer of the necessary sum from surplus to capital.

4. Washington Railway proposes to cause Potomac Electric to issue, as the initial series of its preferred stock, 225,000 shares of 3.60% Preferred Stock, par value $50 per share. Dividends upon the initial series of new preferred stock would be cumulative and such stock would be redeemable at the option of the company at a redemption price (plus accrued dividends) to be determined by adding 3% of the par value of such stock to the initial public offering price of 140,000 shares of such stock sold at competitive bidding in connection with the redemption of the presently outstanding preferred stock of Potomac Electric as set forth in item 11 below. The initial series of new preferred stock would not be entitled to vote except upon default in the payment of dividends. The holders of said shares would be entitled to receive upon any voluntary liquidation the redemption price for such shares of preferred stock and upon any involuntary liquidation the par value thereof, plus in each case, accrued dividends thereon.

5. Washington Railway proposes to cause Potomac Electric to convert the 90,000 shares of its presently outstanding common stock, par value $100 per share, into 85,000 shares of the initial series of 3.60% Cumulative Preferred stock, of Potomac Electric, having a par value of $50 per share and 2,897,500 shares of common stock of Potomac Electric having a par value of $10 per share, all of which shares of stock would be fully paid and non-assessable.

6. Washington Railway proposes:

(a) To retire the 85,000 shares of its own 5% Cumulative, Non-callable Preferred stock, par value $100 per share, by delivering to the holders thereof, for each share of such stock, (i) one share of the new 3.60% Cumulative Preferred stock, par value $50 per share, of Potomac Electric, (ii) three and one-half (3½) shares of the new Common stock of Potomac Electric, par value $10 per share, and (iii) cash representing the amount of dividends accrued on the 5% Cumulative Preferred stock of Washington Railway, to the effective date of said Amended Plan, less the amount of the dividends accrued to that date on the proposed 3.60% Cumulative Preferred stock of Potomac Electric. No fractional shares of Common stock of Potomac Electric would be issued and delivered to the holders of the 5% Cumulative Preferred Stock of Washington Railway but, in lieu thereof, there would be issued and delivered non-dividend bearing, non-voting scrip certificates entitling the holders thereof, in combination with other holders of scrip certificates, to receive for a period of 5 years full shares of Common stock of Potomac Electric in exchange therefor. At the expiration of said period, such certificates would be void.

(b) To retire the 65,000 outstanding shares of Common Stock of Washington Railway, par value $100 per share, by issuing and delivering to the holders thereof, for each share of such stock, forty (40) shares of the new Common Stock of Potomac Electric, of the par value of $10 per share. No dividends upon the Common Stock of Washington Railway would be declared after the Amended Plan should be declared effective. Certain shares of the outstanding 65,000 shares of Common Stock of Washington Railway have been or may be made the basis of the issuance of Participating Units. Each Participating Unit of Washington Railway represents 1/40 interest in a share of Common Stock of Washington Railway, and would be accorded the same treatment as though it were 1/40 of a share of Common Stock in that company. Holders of the presently outstanding securities of Washington Railway would be required to surrender their securities to receive the new securities provided for under the Amended Plan.

7. Washington Railway proposes to transfer its holdings, and cause the Rockville Railway to transfer all of the latter company's holdings of the capital stock of Braddock to Potomac Electric upon the payment of $632,500 cash to Washington Railway.

8. Washington Railway proposes to cause the transfer of the real property of Great Falls to Potomac Electric in fulfillment of existing contractual obligations to that company.

9. Washington Railway proposes to cause Rockville Railway and Great Falls to dissolve and in connection therewith, to acquire all of the remaining assets of these companies and assume all of their liabilities.

10. Washington Railway, in order to obtain funds for the redemption of its outstanding 1¾% Bank Loan Notes, due January 31, 1947, in the principal amount of $3,500,000, proposes to sell all of the 120,000 shares of Capital Transit Company owned by Washington Railway and to apply the proceeds from such sale to the extent necessary to redeem said Bank Loan Notes.

11. Potomac Electric, in order to provide itself with sufficient funds for the redemption of its presently outstanding 6% and 5½% Cumulative Preferred stocks and for the purchase of the capital stock of Braddock, aggregating $8,122,500, proposes to make temporary borrowings, pending the consummation of the contemplated financing by the issue and sale at competitive bidding of 140,000 shares of its new 3.60% Cumulative Preferred Stock, at a public offering which would include an exchange offer to holders of its preferred stocks to be redeemed. Other funds for this purpose will be provided from cash on hand and to be received from Washington Railway upon that company's dissolution.

12. Washington Railway proposes to pay all transfer taxes (if any are payable) resulting from transfers of stocks to holders of record of its stocks and to holders of record of the Participating Units (but not to their assignees) under the Amended Plan.

13. Washington Railway, after the plan is declared effective, proposes to transfer all of its remaining assets to Potomac Electric, which company would assume all liabilities of Washington Railway. The plan states that all matured liabilities of Washington Railway would then have been paid so that only contingent liabilities of Washington Railway, including those which it would have assumed of Rockville Railway and Great Falls, would be involved in such assumption of liabilities by Potomac Electric. The plan further states that there are no known contingent liabilities of said companies.

14. Washington Railway, upon completion of the above transactions, would then dissolve.

The plan states that if this Commission should approve it, Washington Railway will request this Commission to apply to a United States District Court pursuant to sections 11 (e) and 18 (f) of said act to enforce and carry out its terms and provisions of the plan.

II. The Commission, pursuant to sections 11 (a), 18 (a) and 18 (b) of the act, having examined the corporate structure of the holding company system of Washington Railway and its direct and indirect subsidiary companies, the relationship between the companies, and the character of their interests and properties, to determine the extent to which the corporate structure of such companies may be simplified, unnecessary complexities therein eliminated, and said examination having disclosed data establishing or tending to establish the following:

1. That Washington Railway is a registered holding company, organized in 1891 by Special Act of Congress. It is

exclusively a holding company and is part of the holding company system of The North American Company, also a registered holding company, which latter company owns 79.74% of Washington Railway's Common Stock (represented in part by Participating Units), constituting 34.55% of the voting stock. It has no full time employees and the only function performed by it is the receipt of dividends from its subsidiaries and the disbursements of such dividend income, less corporate expenses and interest on its indebtedness, to its security holders. Its operating expenses for the twelve months' period ending December 31, 1945 amounted to $190,630.

2. The system of Washington Railway as shown in the following Table I, consists of that company, one holding company subsidiary, two public-utility subsidiaries and four non-utility subsidiaries.

TABLE I

Companies	Per-cent of voting control	Type of business
The North American Co.	--------	Holding company.
Washington Railway & Electric Co.	34.55	Do.
Potomac Electric Power Co.	100.00	Electric utility.
Capital Transit Co.	50.00	Traction company.
Montgomery Bus Lines, Inc.	100.00	Bus company.
The Glen Echo Park Co.	100.00	Amusement park.
The Washington & Rockville Railway Co. of Montgomery County	100.00	Holding company.
Great Falls Power Co.	[1] 66.67	Land company.
Braddock Light & Power Co., Inc.	[1] 72.20	Electric company.

[1] The balance is owned by The Washington & Rockville Railway Co.

3. The presently issued and outstanding securities of Washington Railway consist of 85,000 shares of 5% Cumulative Preferred Stock of the par value of $100 per share, 65,000 shares of common stock of the par value of $100 per share and 1¾% Bank Loan notes in the principal amount of $3,500,000 due January 31, 1947.

The major portion of its income (slightly in excess of 90%) is derived from dividends on the Common Stock of Potomac Electric. The bulk of its remaining income is derived from Capital Transit Company.

4. Rockville Railway is a sub-holding company, all of whose securities are owned by Washington Railway. Its assets, other than current items, consist of 19,250 shares (27.8% of the Capital Stock of Braddock, and 1,666 shares (33.3%) of the Capital Stock of Great Falls. This company's function, like that of its parent, is confined to the receipt of dividend income and the distribution thereof, after corporate expenses, interest and taxes.

5. As shown by the foregoing Table I, Washington Railway directly owns 72.20% of the capital stock of Braddock, the balance of the stock being owned by Rockville Railway which latter company is 100% owned by Washington Railway. Prior to June 18, 1946, Potomac Electric was prohibited from acquiring or purchasing shares of capital stock of Braddock by virtue of the provisions of section 216 of Title 29 of the Code of Laws of the District of Columbia, which prohibited corporations organized under the laws of the District of Columbia from using any of their funds for the purchase of any stock in any other corporation. By Special Act of Congress, approved June 18, 1946, such restriction was specifically removed in so far as it related to the acquisition and purchase by Potomac Electric of shares of capital stock of Braddock.

6. On April 14, 1942, the Commission issued its findings and opinion and order (11 S. E. C. 194 (1942)) in proceedings (File No. 59-10) instituted pursuant to section 11 (b) (1) of the act against The North American Company and its subsidiary companies, directing Washington Railway to divest itself of the ownership, control and holding of securities issued and properties owned, controlled or operated by Great Falls, Capital Transit Company, Montgomery Bus Lines, Incorporated, and The Glen Echo Park Company, and also directing Rockville Railway to divest itself of the securities issued and properties owned, controlled or operated by Great Falls.

III. The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act, and is fair and equitable to the persons affected by such plan; and the Commission deeming it appropriate that the hearings in the proceedings pursuant to section 11 (e) of the act should be reconvened and that a hearing be held upon said Amended Plan; and

It being the duty of the Commission, pursuant to section 11 (b) (2) of the act, to require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of such holding company system; and

It tentatively appearing to the Commission that the continued existence of Washington Railway and of Rockville Railway unduly and unnecessarily complicates the structure of each of the holding company systems of which each of such companies is a part; and

It therefore appearing to the Commission in the public interest and the interest of investors and consumers that proceedings be instituted and notice be given for the purpose of determining what action if any should be ordered under section 11 (b) (2); that such proceedings pursuant to section 11 (b) (2) are related to and contain common questions of law and fact with the proceedings on the Amended Plan filed by Washington Railway; that the evidence heretofore taken in these proceedings pursuant to section 11 (e) should be considered in connection with said Amended Plan and with the proceedings hereby instituted pursuant to section 11 (b) (2), subject to the right of any interested person to object to the consideration of such evidence for good cause shown, and to supplement such evidence as may be appropriate; and that, accordingly, the aforesaid proceedings under section 11 (e) and the proceedings hereby instituted may properly be consolidated as hereinafter provided;

Wherefore, it is ordered, That the proceedings pursuant to section 11 (e) of the act, be and the same are hereby reconvened; that proceedings under section 11 (b) (2) of the act be and hereby are instituted with respect to Washington Railway and Rockville Railway; that such proceedings are consolidated with the proceedings relating to the Amended Plan filed under section 11 (e) of said act; and that a hearing in such consolidated proceedings under the applicable provisions of the act and the rules and regulations promulgated thereunder shall be held on the 11th day of December, 1946, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That at said hearing there will be considered the following matters and questions:

1. Whether the Amended Plan is necessary to effectuate the provisions of section 11 of the act and is fair and equitable to the persons affected thereby; and is in compliance with the Commission's order of April 14, 1942 with respect to The North American Company and its subsidiary companies, and, if not, in what respect should said Amended Plan be modified, altered, changed or amended;

2. Whether the treatment proposed to be accorded the holders of Preferred Stock and Common Stock of Washington Railway under the provisions of said Amended Plan is fair and equitable, taking into consideration the respective rights of said stockholders as between the two classes thereof, as prescribed in the applicable laws, certificates, resolutions, or other documents executed in connection with the creation of such stock;

3. Whether the proposed increase of the authorized capital stock of Potomac Electric to $75,000,000 par value is excessive; and consistent with the public interest and the interests of investors, in view of the fact that it is proposed at this time not to issue securities exceeding $33,225,000 in amount;

4. Whether the proposed capitalization by Potomac Electric of its surplus under the provisions of the Amended Plan can be approved under the applicable statutory standards of the act prior to the ultimate determination of the issues involved in the decision, dated July 22, 1944, of the Public Utilities Commission of the District of Columbia;

5. Whether the proposed reclassification by Potomac Electric of its 90,000 shares of presently outstanding Common Stock, par value $100 per share, held by Washington Railway, into 85,000 shares of 3.60% Preferred Stock, par value $50 per share and 2,897,500 shares of Com-

mon Stock, par value $10 per share, of Potomac Electric and the issuance of such new stocks by Potomac Electric to Washington Railway meet the applicable standards of the Public Utility Holding Company Act of 1935;

6. Whether the acquisition by Potomac Electric of all the capital stock of Braddock and of the real property of Great Falls complies with all of the provisions of section 10 of the Public Utility Holding Company Act of 1935;

7. Whether the proposed accounting entries reflecting the disposition by Washington Railway of its investment in Capital Transit Company and reflecting the receipt by Washington Railway of the reclassified stocks of Potomac Electric are to be made in accordance with accepted accounting principles and the requirements of the Uniform System of Accounts for Public Utility Holding Companies, and whether the proposed accounting entries reflecting the transfer by Potomac Electric of $24,225,000 of earned surplus to its capital stock accounts are to be made in accordance with sound accounting principles and in conformity with the requirements of the act;

8. Whether the provisions with respect to the proposed scrip certificates are fair and equitable;

9. Whether the Amended Plan should be modified to include a provision regarding the severance of any interlocking relationship now existing between the directorates of The North American Company and its associate companies and Potomac Electric and Braddock;

10. Whether the continued existence of Washington Railway or of Rockville Railway or of both such companies unduly or unnecessarily complicates the structure of each of the holding company systems of which they are members.

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

It is further ordered, That any interested representative, agency, authority, or instrumentality of the United States, or any interested State, State Commission, State securities commission, municipality or other political subdivision of a State, shall become a party to these proceedings upon the filing of a written notice of appearance herein, as provided in Rule XVII of the Commission's revised rules of practice. Any other interested person desiring to be heard in connection with these proceedings may be granted leave to be heard in accordance with said Rule XVII, and for that purpose shall file with the Secretary of the Commission, not later than two days prior to the date hereinbefore fixed for the commencement of said hearing, his request or application for that purpose. Such request shall set forth the nature of the applicant's interest in the proceedings, his reasons for requesting leave to be heard, and shall also set forth applicant's position with respect to the allegations hereinbefore set forth and with respect to the issues herein. Any such person desiring to be heard who wishes to raise additional issues not otherwise set forth herein, shall state such additional issues so proposed to be raised in his application, unless for good cause shown he is permitted thereafter to raise such issues.

It is further ordered, That notice of the institution of these proceedings and of the aforesaid consolidated hearing is hereby given to Washington Railway and Electric Company, The North American Company, Potomac Electric Power Company, The Washington and Rockville Railway Company of Montgomery County, Capital Transit Company, Braddock Light & Power Company, Incorporated, Great Falls Power Company, Montgomery Bus Lines, Incorporated, and The Glen Echo Park Company, all of which companies are hereby named respondents herein; to the Public Utilities Commission of the District of Columbia, The Public Service Commission of Maryland, and The State Corporation Commission of Virginia; to all parties who have previously participated in any phase of these proceedings, including specifically the Attorney General, Department of Justice, Washington, D. C.; the Administrator, Federal Works Agency, Washington, D. C.; The Commissioner of Public Buildings, Washington, D. C.; The Director of Procurement, United States Treasury Department, Washington, D. C.; the People's Counsel for the District of Columbia, Washington, D. C.; National Savings and Trust Company, Washington, D. C.; American Security & Trust Company, Washington, D. C.; Union Trust Company, Washington, D. C.; and Alexander Brown & Sons, Baltimore, Maryland; such notice to each of the foregoing to be given by registered mail; and that notice is also given to the foregoing and to all other persons by publication of this order in the FEDERAL REGISTER and in a general release of this Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act.

It is further ordered, That Washington Railway and Electric Company shall give notice of this hearing to each of the holders of its capital stock (Preferred Stock and Common Stock), in so far as the identity of such holders is known or available to the Company, by mailing to each of such holders a copy of this notice and order at least fifteen days prior to the date of said hearing. Said communication to the stockholders shall also state that if any such stockholder has not received a copy of the Amended Plan, one will be mailed to him by the Company upon request.

By the Commission.

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

[F. R. Doc. 46-20328; Filed, Nov. 14, 1946; 8:48 a. m.]

[File No. 70-1395]

MINNEAPOLIS GAS LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of November A. D. 1946.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Minneapolis Gas Light Company ("Minneapolis"), a public utility subsidiary of Community Gas and Power Company and American Gas and Power Company, both registered holding companies. Minneapolis designates sections 6 (a) and 15 (f) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 21, 1946, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after November 21, 1946, said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

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

1. The elimination from the plant account of Minneapolis of an appraisal write-up designated as the Elmes property appraisal and recorded on the books in 1930, by credits to utility plant account in the amount of $8,556,402 and to reserve for depreciation in the amount of $1,761,312 and a corresponding charge against the capital surplus account;

2. The transfer of $2,000,000 from utility plant account to utility plant adjustments account in order to reflect the difference between the book cost of Minneapolis' property (after elimination of the Elmes appraisal write-up) and the original cost thereof as estimated by the firm of Jay Samuel Hartt;

3. The setting up of a reserve for utility plant adjustment in the amount of $2,000,000 with a corresponding charge against the earned surplus account;

4. The setting up of a reserve for cumulative overage equal to the excess of actual net earnings over the earnings allowable under the terms of the franchise with the City of Minneapolis in the amount of $561,967 as of January 1, 1946, plus the amount of $4,162 for the period January 1 to September 30, 1946, with a corresponding charge against the earned surplus account;

5. The reduction of the outstanding common capital stock of Minneapolis from $2,200,000 to $352,000 by reducing the stated value of each of the 44,000 shares outstanding from $50 per share to $8 per share, and the creation of capital surplus in the amount of $1,848,000; and

6. The elimination of the resulting deficit in the earned surplus account of $1,816,378 by charging it against the capital surplus created by the reduction of the stated value of the common stock.

Minneapolis states that the proposed accounting entries are in furtherance of the provisions of the plan of simplification and integration of Community Gas and Power Company and American Gas and Power Company, et al., File No. 54-68. Such entries would be made as of January 1, 1946.

Minneapolis also states that its proposals are subject to the approval of the City Council of the City of Minneapolis, Minnesota, and that when such approval is obtained a certified copy of any findings, orders or certificates of the City Council evidencing such approval will be filed by amendment.

Minneapolis requests that the Commission take appropriate action to accelerate the issuance of the order permitting said declaration to become effective.

By the Commission.

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

[F. R. Doc. 46-20327; Filed, Nov. 14, 1946; 8:49 a. m.]

[File No. 7-930]

PERFECT CIRCLE CORP.

ORDER ESTABLISHING EQUALITY OF STOCK VALUES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of November A. D. 1946.

Continuation of unlisted trading privileges on the New York Curb Exchange in Common Stock, without par value, of The Perfect Circle Company having been permitted by action of this Commission pursuant to section 12 (f) (1) of the Securities Exchange Act of 1934;

The Commission having been advised that changes will be effected in such security other than those specified in paragraph (a) of Rule X-12F-2, resulting from the exchange of such security for the Common Stock, $2.00 par value, of the Perfect Circle Corporation, and the Exchange having filed with the Commission an application for a determination that the security after such changes will be substantially equivalent to the security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

It is ordered, pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) promulgated thereunder, That the Common Stock, $2.00 par value, of the Perfect Circle Corporation will be substantially equivalent to the Common Stock, without par value, of The Perfect Circle Company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

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

[F. R. Doc. 46-20330; Filed, Nov. 14, 1946; 8:47 a. m.]

[File No. 70-1359]

NORTHERN STATES POWER CO. AND INTERSTATE LIGHT AND POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of November 1946.

Notice is hereby given that a declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Northern States Power Company, a Minnesota corporation, (Northern States) and Interstate Light and Power Company, a Wisconsin corporation, (Interstate); and

Notice is further given that any interested person may not later than November 18, 1946, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest, 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 after November 21, 1946 said declaration and application as filed, or as amended, may be permitted to become effective and be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

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

Interstate and Northern States desire to reorganize and revise the capital structure of Interstate. To accomplish such result, Interstate proposes to amend its Articles of Incorporation to increase its authorized capital stock from $250,000 to $550,000 consisting of 5,500 shares of capital stock of the par value of $100 each, and to issue $350,000 principal amount of First Mortgage Bonds, due October 1, 1975, bearing interest at the rate of 4%, to be secured by a Supplemental Deed of Trust to the Harris Trust and Savings Bank, as Trustee.

Northern States, which owns all of the outstanding securities of Interstate, will consent to such action by Interstate and will surrender for cancellation $966,000 principal amount of First Mortgage 6% Bonds, due on demand, in exchange for $350,000 principal amount of New First Mortgage Bonds 4%, due October 1, 1975, and 3,350 additional shares of Interstate capital stock. In connection with such exchange, Northern States will waive all right to interest past due and unpaid ($455,635.45 at June 30, 1946) owed by Interstate to it on the First Mortgage 6% Bonds now outstanding.

The capitalization and surplus of Interstate per books as of June 30, 1946, and pro forma reflecting the proposed transactions appear below:

	Per books—June 30, 1946		Pro forma	
	Amount	Per-cent	Amount	Per-cent
Funded debt:				
First mortgage 6% bonds due on demand	$966,000	163.4		
First mortgage 4% bonds due Oct. 1, 1975			$350,000	34.2
Common stock and surplus:				
Common stock, $100 par value, 2,500 shares authorized, 2,150 shares outstanding	215,000	36.3		
Common stock, $100 par value 5,500 shares authorized and issued			550,000	53.7
Surplus:				
Earned	(589,669)	(99.7)		
Capital			123,998	12.1
Total common stock and surplus	(374,669)	(63.4)	673,998	65.8
Total capitalization and surplus	591,331	100.0	1,023,998	100.0

( ) Denotes red figures.

The above-described plan for the reorganization and recapitalization of Interstate has been approved by the Public Service Commission of Wisconsin by its Certificate of Authority dated June 17, 1946.

Northern States and Interstate have requested the Commission to enter an order approving such transactions without a hearing and to make such order conform to the requirements of sections 371 (d) and 1808 (f) of the Internal Revenue Code.

By the Commission.

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

[F. R. Doc. 46-20329; Filed, Nov. 14, 1946; 8:47 a. m.]

[File Nos. 54-75, 59-8, 59-20]

COMMONWEALTH AND SOUTHERN CORP. (DEL.) ET AL.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of November A. D. 1946.

In the matter of The Commonwealth & Southern Corporation (Delaware), Respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware), and Its Subsidiary Companies, Respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75.

The Commission having by order dated October 4, 1946 granted and permitted to become effective an application and declaration filed by The Commonwealth & Southern Corporation, a registered holding company, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, regarding its proposed expenditure of not more than $5,000,000 to purchase in the open market, or otherwise, shares of its outstanding $6 cumulative preferred stock; and jurisdiction having been reserved over the legal fees of counsel in connection with the proposed transaction; and

Winthrop, Stimson, Putnam & Roberts, counsel for the company, having filed a statement with respect to services performed in connection with the proposed transaction, and it appearing that the fee of such counsel, in the amount of $1,500, is not unreasonable, and that jurisdiction over such matter should be released:

It is ordered, That jurisdiction heretofore reserved over the payment of legal fees of counsel in connection with the above transaction be, and hereby is, released.

By the Commission.

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

[F. R. Doc. 46-20325; Filed, Nov. 14, 1946; 8:49 a. m.]

[File No. 70-1397]

BIRMINGHAM ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held in its office in the City of Philadelphia, Pa., on the 7th day of November A. D. 1946.

Notice is hereby given that Birmingham Electric Company ("Birmingham"), a utility subsidiary of Electric Bond and Share Company, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Applicant-declarant has designated sections 6 (a), 6 (b) and 12 (c) of the act and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transactions.

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

Birmingham proposes to issue 64,000 shares of 4.20% new preferred stock (cumulative) having a par value of $100 per share. It proposes to offer one share of such new preferred stock plus cash in exchange for each share of its presently outstanding 40,000 shares of $7 preferred stock and $6 preferred stock and to sell, pursuant to the competitive bidding requirements of Rule U-50, the shares of new preferred stock not required for exchanges. All shares of the presently outstanding $7 and $6 preferred stocks not tendered in exchange will be called at the redemption price of $110. The amount of cash per share to be offered in connection with the exchange will be the difference between $110 plus accrued and unpaid dividends and the price per share received by the company for the shares of the new preferred stock to be sold. The offer of exchange is contingent on not less than 75% of the presently outstanding preferred stocks being offered for exchange with the right in Birmingham, if less than such amount is so tendered, to withdraw the exchange offer and, at its option, to sell the entire issue of new preferred stock and redeem the outstanding preferred stocks for cash.

In connection with the exchanges, the company proposes to pay members of the National Association of Security Dealers in the State of Alabama 50¢ per share for effecting exchanges by residents of the State of Alabama with a minimum compensation of $2.50 per stockholder and a maximum compensation of $50 per stockholder.

Birmingham also proposes to issue and sell privately $2,500,000 principal amount of 2%, 10 year serial notes payable in semi-annual installments.

Birmingham proposes to use the proceeds from the sale of the new preferred stock not required for exchange purposes and from the sale of serial notes (a) for redemption, at $110 per share plus accrued and unpaid dividends, of such shares of its outstanding preferred stocks as are not exchanged for new preferred stock and (b) for necessary property additions to its electric distribution and transportation systems.

Birmingham states that the issue and sale of the new 4.20% preferred stock and the issue and sale of the serial notes will be expressly authorized by the Public Service Commission of the State of Alabama, in which State Birmingham is organized and doing business.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration and that said application-declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission.

It is ordered, Pursuant to sections 7 and 18 of the act, That a hearing on said application-declaration be held on November 21, 1946, at 10:00 a. m., e. s. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

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

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration, and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the exchange and sale with respect to the preferred stock and the issue and sale of the serial notes are solely for the purpose of financing the business of Birmingham and have been expressly authorized by the State Commission of the State in which Birmingham is authorized and doing business.

(2) Whether the terms and conditions of the issue or sale of the securities of Birmingham are detrimental to the public interest or the interest of investors and consumers.

(3) Whether, generally, the terms and conditions of the proposed exchange offer affecting the preferred stock of Birmingham are fair and reasonable and in the public interest and in the interest of investors and consumers.

(4) Whether the proposed accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles.

(5) Whether the fees, commissions or other remunerations to be paid in connection with the proposed transactions are reasonable.

(6) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereto.

(7) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before November 19, 1946, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to the Alabama Public Service Commission and on the applicant-declarant herein; and that notice of said hearing be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 46-20326; Filed, Nov. 14, 1946; 8:49 a. m.]