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1946 SUPPLEMENT

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8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 17th day of November 1947.

For the Attorney General.

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

[F. R. Doc. 47-10318; Filed, Nov. 20, 1947; 8:48 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 502—MILITARY RESERVATIONS

MISCELLANEOUS AMENDMENTS

Part 502, Chapter V, 10 CFR is amended in the following respects:

1. Rescind paragraph (b) (2) of § 502.2 and substitute the following:

§ 502.2 Real estate; how acquired.

(b) Authority to acquire real estate.

(2) Acts authorizing Secretary of the Army to acquire real estate. The Secretary of the Army is authorized to acquire land, interest therein, or rights pertaining thereto needed for military purposes by purchase, condemnation, donation, or lease. See sec. 1, act August 1, 1888 (25 Stat. 357; 40 U. S. C. 257); act July 2, 1917 (40 Stat. 241, as amended by the act of April 11, 1918 (40 Stat. 518; 50 U. S. C. 171); sec. 1 act February 26, 1931 (46 Stat. 1421; 40 U. S. C. 258a); sec. 2, act August 12, 1935 (49 Stat. 611; 10 U. S. C. 1343b).

2. Rescind § 502.3 and substitute the following therefor:

§ 502.3 Functions of Chief of Engineers. (a) The Chief of Engineers, under the authority of the Secretary of the Army, is charged with the acquisition of all real estate and interests therein for the use of the Department of the Army, including the procurement of leases, permits, and the transfer of lands and interests therein from other Government departments and agencies (See 55 Stat. 787; 10 U. S. C. Sup. 181b), except:

(1) In those areas outside the continental limits of the United States where the theater commander has responsibility for such real estate activities.

(2) The acquisition of trespass rights.

(3) Such other exceptions as may be specifically authorized from time to time.

(b) The Chief of Engineers is responsible that acquisitions are accomplished in accordance with Department of the Army directives and that tracts are eliminated whenever this action will not decrease the general usefulness of the area for the purpose for which it is being acquired. Boundaries or priorities of acquisition will not be changed without the approval of the Chief of Engineers.

(c) To avoid any possibility of misunderstanding by property owners, and resultant embarrassment to the Department of the Army, under no circumstances will commitments be made, either

by negotiation or by the dissemination of information to the public, by any authority other than the Chief of Engineers.

3. Rescind § 502.4 and substitute the following:

§ 502.4 Leases and similar instruments—(a) Authority of certain commanders and others. (1) Oversea commanders reporting direct to the Department of the Army are charged with the direction of all work pertaining to real estate matters in occupation zones and in any location where temporary work is accomplished by troops under control of the oversea commander. The Chief of Engineers will provide technical advice and assist in technical inspections as requested by such oversea commander or as directed by the Department of the Army. Continental commanders having oversea areas under their jurisdiction are considered oversea commanders for those areas.

(2) Except in occupation zones the Chief of Engineers, under the authority of the Secretary of the Army, is responsible for the acquisition of all real property and interests therein.

(b) Authority of local officers. (1) The following classes of leases are authorized to be made by local commanders without approval by higher authority, when funds are available and the rental consideration conforms to the prevailing rate in the locality concerned: Leases for hire of camp sites, buildings, and grounds for troops; office and storage space for small detachments; garage space; and space for recruiting stations; provided the premises are to be occupied not longer than 3 months and the rental for the entire period of occupancy is \$500 or less.

(2) Leases in subparagraph (1) of this paragraph may be by informal written agreements, unless the rental for the period exceeds \$100, in which case execution on Standard Form 2 (Lease Between _____ and the United States of America) is preferable.

(i) Informal written agreements may be worded substantially as follows:

----- (Place) ----- (Date) ----- The undersigned hereby agrees to allow the use of premises ----- (Description of premises) ----- by ----- (Designation of detachment) ----- at a rental of \$----- per month, or proportionate part thereof, for the time of occupancy. ----- (Signature of property owner)

(ii) The following certificate should be indorsed on informal agreements:

I certify that I have this day entered into an informal agreement with ----- covering rental ----- (Name of property owner) -----, same being ----- (Description of premises) ----- required and absolutely necessary for the successful operation of my detachment. ----- (Name) ----- (Grade and organization) -----

----- 19 -----

(iii) Informal agreements will be executed in duplicate; one number to be furnished the property owner; and one number, with a true copy thereof, to be furnished the disbursing officer designated to pay the account. If more than one payment of rent will be involved only the true copy will be furnished the disbursing officer, and the remaining executed number will be forwarded to the division engineer, marked for transmittal to the General Accounting Officer, Army Audit Branch, 4300 Goodfellow Boulevard, St. Louis 20, Missouri.

(c) Authority of Chief of Engineers. Except as provided in paragraphs (a) and (b) of this section, all leases and similar instruments must be approved by the Chief of Engineers or his duly authorized representative.

[AR 100-61, 10 Oct. 1947] (R. S. 161 U. S. C.; 5 U. S. C. 22)

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

[F. R. Doc. 47-10265; Filed, Nov. 20, 1947; 8:54 a. m.]

Chapter VII—Personnel

PART 700—ARMY NURSES, DIETITIANS AND PHYSICAL THERAPY AIDES

APPLICATION DATE

Amend the last sentence of § 700.15 (e) (1) to read as follows:

§ 700.15 Appointment of female officers to the Army Nurse Corps and Women's Medical Specialist Corps, Regular Army. * * *

(e) Method of applying. (1) * * * Applications forwarded or postmarked after 30 November 1947, will be returned without action.

[WD Cir. 113, 1947, as amended by Dept. of the Army Cir. 22, 15 Oct. 1947] (40 Stat. 879, 41 Stat. 767, Pub. Law 36, 80th Cong., 10 U. S. C. 161-164)

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

[F. R. Doc. 47-10266; Filed, Nov. 20, 1947; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4968]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CLARK'S DRUGS & SUNDRIES, ETC.

§ 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure—Safety. In connection with the offering for sale, sale and distribution of male and female sex hormone preparations, under whatever designation sold, disseminating, etc., any advertisement thereof by means of the United States mails, or by any means in commerce, etc., which advertisement fails to reveal that the unsupervised use of

said preparations, or any other preparation of substantially similar composition, by persons not skilled in the diagnosis and treatment of hormone deficiency conditions, may result in serious injury to health; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Clark's Drugs & Sundries, etc., Docket 4968, October 23, 1947]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 23d day of October A. D. 1947.

In the Matter of M. A. Clemens, an Individual Formerly Trading and Doing Business as Clark's Drugs & Sundries, Clark's Drugs and Clark's.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision, and briefs in support of the complaint and in opposition thereto (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 the respondent, M. A. Clemens, individually and trading as Clark's Drugs & Sundries, Clark's Drugs, Clark's, M. A. Clemens, or under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of male and female sex hormone preparations, under whatever designation sold, do forthwith cease and desist from directly or indirectly disseminating, or causing to be disseminated, any advertisement thereof by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal that the unsupervised use of said preparations, or any other preparation of substantially similar composition, by persons not skilled in the diagnosis and treatment of hormone deficiency conditions, may result in serious injury to health.

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. 47-10276; Filed, Nov. 20, 1947; 8:58 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter C—Miscellaneous Excise Taxes [T. D. 5590]

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINE

REPEAL OF SPECIAL EXCISE PROVISIONS RELATING TO PHILIPPINES

1. Section 507, Title V, of the Philippine Trade Act of 1946 (Public Law 371—79th Congress), approved April 30, 1946, reads in part as follows:

SEC. 507. SPECIAL EXCISE PROVISIONS RELATING TO THE PHILIPPINES REPEALED.

(b) Sections 3340, 3341, and 3342 of the Internal Revenue Code are repealed, effective July 4, 1946.

2. For the reason that the law repeals the provisions of the Internal Revenue Code pursuant to which the original regulations or parts thereof are prescribed, and because these regulations are designed merely to revoke the provisions of the regulations which are not now applicable, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said Act. On and after July 4, 1946, the Philippines will be treated as a foreign country instead of a possession of the United States under these regulations.

3. Pursuant to the foregoing provisions of law and sections 2887, as amended, and 3176, Internal Revenue Code, and section 313 (i) of the Tariff Act of 1930, as amended, (19 USC, Sup. V, 1313 (i)), Regulations 28 (26 CFR, Part 176) are amended in these respects:

a. Effective as of July 4, 1946, § 176.5 is amended by striking out "the Philippine Islands," and the code citation "3341 (c), as amended,".

b. Effective as of July 4, 1946, § 176.69 is amended by striking out "the Philippine Islands," and the code citation "3341 (c), as amended,".

4. This Treasury decision is issued under the authority contained in sections 2887, as amended, and 3176, Internal Revenue Code, and section 313 (i) of the Tariff Act of 1930, as amended.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 13, 1947.

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

[F. R. Doc. 47-10263; Filed, Nov. 20, 1947; 8:55 a. m.]

[T. D. 5584]

PART 178—PRODUCTION, FORTIFICATION, TAX PAYMENT, ETC., OF WINE

REPEAL OF SPECIAL EXCISE PROVISIONS RELATING TO PHILIPPINES

1. Section 507, Title V, of the Philippine Trade Act of 1946 (Public Law 371—

79th Congress), approved April 30, 1946, reads in part as follows:

SEC. 507. SPECIAL EXCISE PROVISIONS RELATING TO THE PHILIPPINES REPEALED.

(b) Sections 3340, 3341, and 3342 of the Internal Revenue Code are repealed, effective July 4, 1946.

2. For the reason that the law repeals the provisions of the Internal Revenue Code pursuant to which the original regulations or parts thereof are prescribed, and because these regulations are designed merely to revoke the provisions of the regulations which are not now applicable, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act. On and after July 4, 1946, the Philippines will be treated as a foreign country instead of a possession of the United States under these regulations.

3. Pursuant to the foregoing provisions of law and section 3176, Internal Revenue Code, Regulations 7 (26 CFR, Part 178) are amended in these respects:

Effective as of July 4, 1946, § 178.283 is amended by striking out "Philippine Islands," in the title thereof, "the Philippine Islands," in the section, and the code citation "3341 (b)."

4. This treasury decision is issued under the authority contained in section 3176, Internal Revenue Code.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 13, 1947.

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

[F. R. Doc. 47-10258; Filed, Nov. 20, 1947; 8:56 a. m.]

[T. D. 5589]

PART 180—LIQUORS AND ARTICLES FROM PUERTO RICO, VIRGIN ISLANDS, AND PHILIPPINE ISLANDS

REPEAL OF SPECIAL EXCISE PROVISIONS RELATING TO PHILIPPINES

1. Section 506, Title V, of the Philippine Trade Act of 1946 (Public Law 371—79th Congress), approved April 30, 1946, reads in part as follows:

SEC. 506. TERMINATION OF PAYMENTS INTO PHILIPPINE TREASURY

(b) Sections * * * 3343 of the Internal Revenue Code are repealed, effective July 4, 1946.

2. Section 507, Title V, of the said Philippine Trade Act of 1946 reads in part as follows:

SEC. 507. SPECIAL EXCISE PROVISIONS RELATING TO THE PHILIPPINES REPEALED.

(a) Section 2800 (a) (4) of the Internal Revenue Code is amended by amending the heading to read:

(4) *Alcoholic compounds from Puerto Rico and Virgin Islands.*

and by amending subparagraph (B) to read as follows:

(B) *Virgin Islands*. For provisions relating to tax on alcoholic compounds from the Virgin Islands, see section 3350.

(b) Sections 3340, 3341, and 3342 of the Internal Revenue Code are repealed, effective July 4, 1946.

3. For the reason that the law repeals the provisions of the Internal Revenue Code pursuant to which the original regulations or parts thereof are prescribed, and because these regulations are designed merely to revoke the provisions of the regulations which are not now applicable, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act. On and after July 4, 1946, the Philippines will be treated as a foreign country instead of a possession of the United States under these regulations.

4. Pursuant to the foregoing provisions of law and section 3176, Internal Revenue Code, Regulations 24 (26 CFR, Part 180) are amended, effective July 4, 1946, in these respects:

a. Section 180.1 is amended to read as follows:

§ 180.1 *Alcoholic products coming into the United States from Puerto Rico and the Virgin Islands*. The regulations in this part are prescribed pursuant to the provisions of law governing the collection of internal revenue taxes on alcoholic products coming into the United States from Puerto Rico and the Virgin Islands. (Secs. 3350, 3360, 4041, I. R. C.)

b. Section 180.2 is amended to read as follows:

§ 180.2 *Effective date*. The regulations in this part shall supersede all prior regulations relating to alcoholic products coming into the United States from Puerto Rico and the Virgin Islands to the extent that such prior regulations are inconsistent herewith. All prior regulations which are inconsistent herewith shall remain in force and effect for the assessment and collection of all such taxes and penalties, for the imposition of all penalties, civil and criminal, and for the enforcement of all forfeitures which have accrued thereunder. (Secs. 3350, 3360, 4041, I. R. C.)

c. Sections 180.146 to 180.179, inclusive (Subpart III) relating to products coming into the United States from the Philippine Islands are hereby revoked.

5. On and after July 4, 1946, all distilled spirits and wines imported into the United States from the Philippine Islands will be governed by Regulations 21 (26 CFR, Part 191).

6. This treasury decision is issued under the authority contained in section 3176, Internal Revenue Code.

[SEAL] GEO. J. SCHOENEMAN, Commissioner of Internal Revenue.

Approved: November 13, 1947.

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

[F. R. Doc. 47-10262; Filed, Nov. 20, 1947; 8:57 a. m.]

[T. D. 5588]

PART 181—STILLS AND DISTILLING APPARATUS

REPEAL OF SPECIAL EXCISE PROVISIONS RELATING TO PHILIPPINES

1. Section 507, Title V, of the Philippine Trade Act of 1946 (Public Law 371—79th Congress), approved April 30, 1946, reads in part as follows:

SEC. 507. SPECIAL EXCISE PROVISIONS RELATING TO THE PHILIPPINES REPEALED.

(b) Sections 3340, 3341, and 3342 of the Internal Revenue Code are repealed, effective July 4, 1946.

2. For the reason that the law repeals the provisions of the Internal Revenue Code pursuant to which the original regulations or parts thereof are prescribed, and because these regulations are designed merely to revoke the provisions of the regulations which are not now applicable, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act. On and after July 4, 1946, the Philippines will be treated as a foreign country instead of a possession of the United States under these regulations.

3. Pursuant to the foregoing provisions of law and section 3176, Internal Revenue Code, Regulations 23 (26 CFR, Part 181) are amended in these respects:

Effective as of July 4, 1946, § 181.18 is amended by striking out the words "and Philippine Islands" in the title thereof, the words "or to the Philippine Islands" in the section and the code citation "3341 (c)."

4. This Treasury decision is issued under the authority contained in section 3176, Internal Revenue Code.

[SEAL] GEO. J. SCHOENEMAN, Commissioner of Internal Revenue.

Approved: November 14, 1947.

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

[F. R. Doc. 47-10261; Filed, Nov. 20, 1947; 8:57 a. m.]

[T. D. 5583]

PART 182—INDUSTRIAL ALCOHOL

REPEAL OF SPECIAL EXCISE PROVISIONS RELATING TO PHILIPPINES

1. Section 507, Title V, of the Philippine Trade Act of 1946 (Public Law 371—79th Congress), approved April 30, 1946, reads in part as follows:

SEC. 507. SPECIAL EXCISE PROVISIONS RELATING TO THE PHILIPPINES REPEALED.

(a) Section 2800 (a) (4) of the Internal Revenue Code is amended by amending the heading to read:

(4) *Alcoholic compounds from Puerto Rico and Virgin Islands*.

and by amending subparagraph (B) to read as follows:

(B) *Virgin Islands*. For provisions relating to tax on alcoholic compounds from the Virgin Islands, see section 3350.

(b) Sections 3340, 3341, and 3342 of the Internal Revenue Code are repealed, effective July 4, 1946.

2. For the reason that the law repeals the provisions of the Internal Revenue Code pursuant to which the original regulations or parts thereof are prescribed, and because these regulations are designed merely to revoke the provisions of the regulations which are not now applicable, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act. On and after July 4, 1946, the Philippines will be treated as a foreign country instead of a possession of the United States under these regulations.

3. Pursuant to the foregoing provisions of law and section 3176, Internal Revenue Code, Regulations 3 (26 CFR, Part 182) are amended, effective as of July 4, 1946, in these respects:

a. Section 182.619 is amended by striking out "the Philippine Islands," and the code citation "3341 (b)."

b. Section 182.768 is amended by striking out "the Philippine Islands," and by striking out "(Secs. 3341 (b), 3361 (b), I. R. C., Supp.)" and inserting in lieu thereof "(Sec. 3361 (b), I. R. C., Supp.)"

c. Sections 182.970, 182.971, and 182.972 are hereby revoked.

4. On and after July 4, 1946, all alcohol, denatured alcohol, and products containing alcohol or denatured alcohol, imported into the United States from the Philippine Islands, will be subject to §§ 182.967, 182.968, and 182.969 of Regulations 3 (26 CFR, Part 182).

5. This treasury decision is issued under the authority contained in section 3176 of the Internal Revenue Code.

[SEAL] GEO. J. SCHOENEMAN, Commissioner of Internal Revenue.

Approved: November 13, 1947.

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

[F. R. Doc. 47-10257; Filed, Nov. 20, 1947; 8:56 a. m.]

[T. D. 5585]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

REPEAL OF SPECIAL EXCISE PROVISIONS RELATING TO PHILIPPINES

1. Section 507, Title V, of the Philippine Trade Act of 1946 (Public Law 371—79th Congress), approved April 30, 1946, reads in part as follows:

SEC. 507. SPECIAL EXCISE PROVISIONS RELATING TO THE PHILIPPINES REPEALED.

(b) Sections 3340, 3341, and 3342 of the Internal Revenue Code are repealed, effective July 4, 1946.

2. For the reason that the law repeals the provisions of the Internal Revenue Code pursuant to which the original regulations or parts thereof are prescribed, and because these regulations are de-

tions of Foreign Funds Control, see Part 138 of this title.

(R. S. 161; 5 U. S. C. 22)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-10322; Filed, Nov. 20, 1947;
8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 17—UTILITY RADIO SERVICE

POSTING OF OPERATOR LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of November 1947;

The Commission having before it a proposal to amend § 17.124 of Part 17 of the Commission's rules and regulations by means of minor changes in its language which will not alter the requirements of that section, but will clarify the intended meaning thereof; and

It appearing, that § 17.124 provides that the license or license verification

card (FCC Form 758F) of each operator of a land station in the Utility Radio Service shall be posted or made "conveniently available" at the place where he is on duty as an operator; and

It further appearing, that the words "conveniently available" may be the subject of some misunderstanding on the part of persons to whom the provisions of § 17.124 are applicable, and that clarification of the intended meaning of that section would be in the public interest and can be accomplished merely by changing the word "conveniently" to "immediately"; and

It further appearing, that the wording of § 17.124 to the effect that the license verification card may be "posted" may possibly be misleading in that this card is a small one intended to be kept in the personal possession of the operator, and that it would be in the public interest to make an appropriate change in the language used; and

It further appearing, that the proposed changes are of such a minor nature as to make unnecessary the public notice and procedure requirements of § 4 (a) of the Administrative Procedure Act, and because the proposed changes are beneficial to the public their effectiveness should not be delayed by the re-

quirements of section 4 (c) of the Administrative Procedure Act; and

It further appearing, that authority for the proposed changes are contained in section 303 (r) of the Communications Act of 1934, as amended.

It is ordered, That, effective immediately, § 17.124 of Part 17 of the Commission's rules and regulations is amended to read as follows:

§ 17.124 *Posting of operator licenses.* Each operator of a land station in the Utility Radio Service shall either post his license or make his license or license verification card (FCC Form 758F) immediately available at the place where he is on duty as operator; *Provided, however,* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession. (Sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r))

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10279; Filed, Nov. 20, 1947;
8:46 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7835, 7836, 7945, 7946]

ASSOCIATED BROADCASTERS, INC., ET AL.

NOTICE OF CONTINUANCE OF ORAL ARGUMENT

In re applications of Associated Broadcasters, Inc. (Assignor), Docket No. 7835, File No. B4-ALH-6; Evansville on Air (Assignee), File No. B4-AL-538; Associated Broadcasters, Inc. (Assignor), Docket No. 7836, File No. B4-ALH-6; Radio Indianapolis, Inc. (Assignee), File No. B4-AL-538; for assignment of license of WABW and WBBW; and Johnston Broadcasting Co., Birmingham, Alabama, Docket No. 7945, File No. B3-P-5016; Thomas N. Beach (WTNB), Birmingham, Alabama, Docket No. 7946, File No. B3-P-5332; for construction permits.

The Commission on October 21, 1947, on its own motion, continued the oral argument on the above-entitled matters, from October 29, 1947 to November 24, 1947.

Said oral argument will be heard by the Commission, in Room 6121, in the order indicated, beginning at 10:00 o'clock a. m.

Dated: October 21, 1947.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10299; Filed, Nov. 20, 1947;
8:47 a. m.]

[Docket Nos. 8153, 8154, 8499, 8532, 8533,
8541]

FRANCISCO RENTAL CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of O. E. Bohlen and O. L. Bohlen d/b as Francisco Rental Company, Victorville, California, Docket No. 8153, File No. BP-5556; Roy M. Ledford and Kenneth A. Johns d/b as Riverside Broadcasting Company, Riverside, California, Docket No. 8154, File No. BP-5807; Edward Lanelli and John C. Mead, d/b as Redlands Broadcasting Company, Inc., Redlands, California, Docket No. 8499, File No. BP-6099; C. M. Brown, Edward I. Hoffman, E. Allen Nutter, William R. Quinn, Edward J. Roberts, Louis P. Scherer and James B. Stone, a partnership d/b as Orange Empire Broadcasting Company, Redlands, California, Docket No. 8541, File No. BP-6322; James L. Mattly and Guy Marchetti, a partnership d/b as Marmat Radio Company, Bakersfield, California, Docket No. 8532, File No. BP-6184; J. E. Rodman (KERO), Bakersfield, California, Docket No. 8533, File No. BP-6335; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled applications of (1) Francisco Rental Company for construction permit for a new standard broadcast station to operate on 960 kc, 5 kw, daytime only at Victorville, California; (2) Riverside Broadcasting Com-

pany for construction permit for a new standard broadcast station to operate on 960 kc, 1 kw, daytime only, at Riverside, California; (3) Redlands Broadcasting Company for a construction permit for a new standard broadcast station to operate on 990 kc, 250 w power, daytime only, at Redlands, California; (4) Orange Empire Broadcasting Company for construction permit for a new standard broadcast station to operate on 990 kc, 1 kw, daytime only, at Redlands, California; (5) Marmat Radio Company for construction permit for a new standard broadcast station to operate on 960 kc, 1 kw, daytime only, at Bakersfield, California and (6) J. E. Rodman for construction permit to change frequency and power of Station KERO, Bakersfield, California from 1230 kc, 250 w power, unlimited time, to 970 kc, 5 kw, unlimited time, to change transmitter site, and to install a new transmitter and directional antenna for night use.

It appearing, that, the Commission on February 27, 1947, and August 28, 1947, and October 16, 1947, designated for hearing in a consolidated proceeding the above applications of Francisco Rental Company, Riverside Broadcasting Company, Redlands Broadcasting Company, and Orange Empire Broadcasting Company to be heard on March 10, 1948 at the offices of the Commission in Washington, D. C., and on October 16, 1947, designated for hearing in a separate consolidated proceeding the applications of Marmat Radio Company and J. E. Rodman, setting no date for the latter hearing;

RULES AND REGULATIONS

signed merely to revoke the provisions of the regulations which are not now applicable, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act. On and after July 4, 1946, the Philippines will be treated as a foreign country instead of a possession of the United States under these regulations.

3. Pursuant to the foregoing provisions of law and section 3176, Internal Revenue Code, Regulations 10 (26 CFR, Part 185) are amended, effective July 4, 1946, in these respects:

a. Section 185.409 is amended by striking out "the Philippine Islands," and the code citation "3341 (b)."

b. Section 185.412 is amended to read as follows:

§ 185.412 *General.* Any manufacturer who manufactures medicines, preparations, compositions, perfumeries, cosmetics, and cordials and other liquors, for export, at a duly constituted manufacturing bonded warehouse established in accordance with law, may withdraw distilled spirits in distillers' original packages from any internal revenue bonded warehouse, free of tax, for use in the manufacture of such products. The law provides that distilled spirits may be removed from internal revenue bonded warehouses without payment of tax and transported to bonded manufacturing warehouses, class 6, to be rectified, or reduced in proof and bottled, and exported or shipped to Puerto Rico. (Secs. 2891, 3177, 3178, I. R. C.; Sec. 6, 32 Stat. 55, 19 U. S. C. 152 (a))

(c) Section 185.413 is amended to read as follows:

§ 185.413 *Withdrawal of packages.* When any manufacturer, who is the proprietor of a customs manufacturing bonded warehouse, desires to remove distillers' original packages of distilled spirits to such warehouse from an internal revenue bonded warehouse, free of tax, for use in the manufacture of medicines, preparations, compositions, perfumeries, cosmetics, and cordials and other liquors, for export, or, in the case of spirits rectified or reduced in proof and bottled, for export or shipment to Puerto Rico, he shall execute application, Form 206, in triplicate, indicating thereon that the spirits are to be withdrawn for transfer to a customs manufacturing warehouse. The proprietor of the internal revenue bonded warehouse from which the spirits are to be removed shall execute request on Form 206 for regauge of the packages covered by the application. The provisions of §§ 185.315 to 185.411, inclusive, relating to the gauging, tax-payment of excess losses, stamping, and removal of distillers' original packages for exportation, shall so far as applicable apply to packages to be removed to customs manufacturing warehouses. (Sec. 2891 (a), I. R. C.)

4. This treasury decision is issued under the authority contained in section 3176, Internal Revenue Code.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 13, 1947.

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

[F. R. Doc. 47-10259; Filed, Nov. 20, 1947,
8:56 a. m.]

[T. D. 5587]

PART 191—IMPORTATION OF DISTILLED
SPIRITS AND WINES

REPEAL OF SPECIAL EXCISE PROVISIONS
RELATING TO PHILIPPINES

1. Section 507, Title V, of the Philippine Trade Act of 1946 (Public Law 371—79th Congress), approved April 30, 1946, reads in part as follows:

SEC. 507. SPECIAL EXCISE PROVISIONS RELATING TO THE PHILIPPINES REPEALED.

(b) Sections 3340, 3341, and 3342 of the Internal Revenue Code are repealed, effective July 4, 1946.

2. For the reason that the law repeals the provisions of the Internal Revenue Code pursuant to which the original regulations or parts thereof are prescribed, and because these regulations are designed merely to revoke the provisions of the regulations which are not now applicable, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act. On and after July 4, 1946, the Philippines will be treated as a foreign country instead of a possession of the United States under these regulations.

3. Pursuant to the foregoing provisions of law and section 3176, Internal Revenue Code, Regulations 21 (26 CFR, Part 191) are amended in this respect:

Effective as of July 4, 1946, § 191.1 is amended by striking out "Philippine Islands."

4. This Treasury decision is issued under the authority contained in section 3176, Internal Revenue Code.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 13, 1947.

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

[F. R. Doc. 47-10323; Filed, Nov. 20, 1947;
8:47 a. m.]

[T. D. 5586]

PART 192—FERMENTED MALT LIQUORS

REPEAL OF SPECIAL EXCISE PROVISIONS
RELATING TO PHILIPPINES

1. Section 507, Title V, of the Philippine Trade Act of 1946 (Public Law 371—

79th Congress), approved April 30, 1946, reads in part as follows:

SEC. 507. SPECIAL EXCISE PROVISIONS RELATING TO THE PHILIPPINES REPEALED.

(b) Sections 3340, 3341, and 3342 of the Internal Revenue Code are repealed, effective July 4, 1946.

2. For the reason that the law repeals the provisions of the Internal Revenue Code pursuant to which the original regulations or parts thereof are prescribed, and because these regulations are designed merely to revoke the provisions of the regulations which are not now applicable, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act. On and after July 4, 1946, the Philippines will be treated as a foreign country instead of a possession of the United States under these regulations.

3. Pursuant to the foregoing provisions of law and section 3176, Internal Revenue Code, Regulations 18 (26 CFR, Part 192) are amended in this respect:

Effective as of July 4, 1946, § 192.192 is amended by striking out "the Philippine Islands."

4. This Treasury decision is issued under the authority contained in section 3176, Internal Revenue Code.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 13, 1947.

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

[F. R. Doc. 47-10260; Filed, Nov. 20, 1947;
8:57 a. m.]

TITLE 31—MONEY AND
FINANCE: TREASURY

Subtitle A—Office of the Secretary
of the Treasury

PART 1—OFFICE OF THE SECRETARY, AND
BUREAUS, DIVISIONS, AND OFFICES PER-
FORMING CHIEFLY STAFF AND SERVICE
FUNCTIONS

OFFICE OF INTERNATIONAL FINANCE

Paragraph (a) of § 1.12 (12 F. R. 5460) is amended to read as follows:

§ 1.12 *Office of International Finance.*
(a) The Office of International Finance was established by Treasury Department Order No. 86, July 10, 1947, which abolished the Division of Monetary Research and transferred to the Office of International Finance Foreign Funds Control and the functions, duties, and personnel of the Division of Monetary Research. The Office is headed by a Director, who is appointed by and reports directly to the Secretary. There is a Deputy Director who assists the Director in discharging his responsibilities and duties. For description of the organization and func-

It is ordered, That, the above proceedings be, and they are hereby, consolidated to be heard in a single proceeding on March 10, 1948 at the offices of the Commission in Washington, D. C., upon the issues heretofore stated in the Commission's orders of February 27, 1947, August 28, 1947 and October 16, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10300; Filed, Nov. 20, 1947;
8:47 a. m.]

[Docket Nos. 8196, 8599]

L. W. ANDREWS, INC. AND GATE CITY CO.
ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of L. W. Andrews, Inc., Davenport, Iowa, Docket No. 8599, File No. BP-6316; The Gate City Company, Keokuk, Iowa, Docket No. 8196, File No. BP-5858; for construction permits.

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled applications of L. W. Andrews, Inc. and The Gate City Company for construction permits for new standard broadcast stations to operate on 1580 kc, 250 w, daytime only, and 1580 kc, 1 kw, daytime only, respectively, at Davenport, Iowa, and Keokuk, Iowa, respectively;

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

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations.

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

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

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

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and,

if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10301; Filed, Nov. 20, 1947;
8:47 a. m.]

KSDJ, SAN DIEGO, CALIF.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE¹

The Commission hereby gives notice that on September 29, 1947 there was filed with it an application (BAL-652, which was amended November 6, 1947, for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KSDJ, San Diego, California from Clinton D. McKinnon to McKinnon Publications, Inc. The proposal to assign the license arises out of a contract between the above named parties of September 16, 1947 which was amended October 27, 1947 under which contract as amended the station, its properties, equipment and facilities would be sold by the former to the latter, which would assume all liabilities of the station, the purchase price to be the sum of amounts expended in equipment, fixtures and appurtenances together with the cost of organization and operation of the station to the time the transfer becomes effective, estimated at \$275,000. The amount is to be determined by an audit at that time. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 6, 1947 that starting on said date notice of the filing of the application would be inserted in the "San Diego Daily Journal", a newspaper of general circulation at San Diego, California in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 6, 1947 within which time other persons desiring to apply for the facilities involved may do so

¹ § 1.321, Part I, Rules of Practice and Procedure.

upon the same terms and conditions as set forth in the above described contract.

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

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

[F. R. Doc. 47-10302; Filed, Nov. 20, 1947,
8:47 a. m.]

[Docket No. 7484]

EUGENE BROADCASTERS, INC.
ORDER CONTINUING HEARING

In re application of Eugene Broadcasters, Inc., Eugene, Oregon, Docket No. 7484, File No. BP-4259; for construction permit.

The Commission having under consideration a petition filed October 29, 1947, by Eugene Broadcasters, Inc., Eugene, Oregon, requesting in part that the Commission continue the hearing on the above-entitled application now scheduled to be held at Washington, D. C., on November 14, 1947, to a later date to be determined by the Commission;

It is ordered, This 7th day of November 1947, that the petition be, and it is hereby, granted to the extent that it requests a continuance of the said hearing; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Thursday, December 18, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10282; Filed, Nov. 20, 1947;
8:46 a. m.]

[Docket Nos. 8021, 8022, 8193, 8590, 8603]

BEER AND KOEHL ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Robert M. Beer and Edgar Koehl, a partnership, d/b as Beer and Koehl, Ashland, Ohio, Docket No. 8193, File No. BP-5851; The Mount Vernon Broadcasting Company, Mount Vernon, Ohio, Docket No. 8021, File No. BP-5329; Mound Broadcasting Corporation, Newark, Ohio, Docket No. 8022, File No. BP-5486; William A. Hunt and Lyle P. Lee, a partnership, d/b as The Zanesville Broadcasting Company, Zanesville, Ohio, Docket No. 8590, File No. BP-6355; Marietta Broadcasting Company, Parkersburg, West Virginia, Docket No. 8603, File No. BP-6196; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled application of Marietta Broadcasting Company for construction permit for a new standard broadcast station to operate on 1340 kc,

250 w power, unlimited time, at Parkersburg, West Virginia;

It appearing, that the Commission on December 19, 1946, designated for hearing in a consolidated proceeding the above-entitled applications of The Mount Vernon Broadcasting Company and Mound Broadcasting Corporation for construction permits for new standard broadcast stations to operate on 1340 kc, 250 w, unlimited time, at Mount Vernon, Ohio, and Newark, Ohio, on March 6, 1947, designated for hearing in that consolidated proceeding the above-entitled application of Beer and Koehl for construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Ashland, Ohio, and on October 30, 1947, designated for hearing in the above consolidated proceeding the application of Zanesville Broadcasting Company for construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Zanesville, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Marietta Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding at the time and place previously designated by order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

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

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

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WHAR, Clarksburg, West Virginia, WCMI Ashland, Kentucky, WMON, Montgomery, West Virginia and WSTV, Steubenville, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Ashland Broadcasting Corporation (BP-4422, D-7365) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

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

8. To determine the overlap, if any, that will exist between the service areas of the proposed station of applicant Marietta Broadcasting Company and of stations WCHS, Charleston, West Virginia and WMDA, Marietta, Ohio, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That Mountain State Broadcasting Company, The Ashland Broadcasting Company, Inc., Fayette Associates, Inc., and The Valley Broadcasting Company, licensees of stations WHAR, WCMI, WMON and WSTV, respectively, be, and they are hereby, made parties to these proceedings;

It is further ordered, That, the Commission's orders of December 19, 1946 and March 6, 1947, and October 30, 1947, designating for hearing in a consolidated proceeding the applications of Beer and Koehl, The Mount Vernon Broadcasting Company, Mound Broadcasting Corporation and The Zanesville Broadcasting Company, be, and they are hereby, amended to include the application of Marietta Broadcasting Company (BP-6196).

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10289; Filed, Nov. 20, 1947;
8:47 a. m.]

[Docket Nos. 8129, 8130, 8405, 8566]

HARRY WILLARD LINDER ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harry Willard Linder, St. Cloud, Minnesota, Docket No. 8129, File No. BP-5650; Granite City Broadcasting Company, St. Cloud, Minnesota, Docket No. 8130, File No. BP-5678; Community Broadcasting Company, St. Cloud, Minnesota, Docket No. 8405, File No. BP-6027; St. Cloud Broadcasting Company, St. Cloud, Minnesota, Docket No. 8566, File No. BP-6296; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled application of St. Cloud Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 w power, unlimited time, at St. Cloud, Minnesota;

It appearing, that the Commission on February 20 and June 11, 1947, designated for hearing in a consolidated proceeding the applications of Harry Willard Linder (File No. BP-5650, Docket No. 8129); Max H. Lavine (File No. BP-5678, Docket No. 8130) and Community Broadcasting Company (File No. BP-6027, Docket No. 8405) each requesting a construction permit for a new standard broadcast station to operate on 1240

kc, with 250 w power, unlimited time, at St. Cloud, Minnesota;

It further appearing, that said Harry Willard Linder is a stockholder in St. Cloud Broadcasting Company, that he has evidenced an intent to request dismissal of his individual application, and that the filing of these two applications appears to be in conflict with §§ 1.362 and 1.364 of the Commission's rules;

It is ordered, That the said application of Harry Willard Linder (File No. BP-5650, Docket No. 8129) be, and it is hereby, dismissed without prejudice on the Commission's own motion; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of St. Cloud Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding on January 14, 1948, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

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

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

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

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

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

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

8. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KWLM at Wilmar, Minnesota, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That the orders of the Commission dated February 20 and June 11, 1947, designating the above-entitled applications of Harry Willard Linder, Max H. Lavine and Community

Broadcasting Company for hearing in a consolidated proceeding be, and they are hereby, amended to include the said application of St. Cloud Broadcasting Company and to delete the said application of Harry Willard Linder.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10285; Filed, Nov. 20, 1947;
8:47 a. m.]

[Docket Nos. 8222-8225]

NIAGARA BROADCASTING SYSTEM ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Gordon P. Brown, tr/as Niagara Broadcasting System, Niagara Falls, New York, Docket No. 8222, File No. BP-5760; Concord Broadcasting Corporation, Niagara Falls, New York, Docket No. 8223, File No. BP-5825; Lockport Union-Sun and Journal, Inc., Lockport, New York, Docket No. 8224, File No. BP-5880; Great Lakes System, Inc., Buffalo, New York, Docket No. 8225, File No. BP-5891; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled application of Lockport Union-Sun and Journal, Inc., requesting construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Lockport, New York;

It appearing, that the Commission on March 12, 1947, designated for hearing in a consolidated proceeding the above-entitled applications of Lockport Union-Sun and Journal, Inc., for construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Lockport, New York; Niagara Broadcasting System and Concord Broadcasting System, each requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Buffalo, New York, but subsequently accepted an amendment to the application of Lockport Union-Sun and Journal, Inc., and removed said application from the hearing docket; and

It further appearing, that applicant Lockport Union-Sun and Journal, Inc., has now re-amended its application to again specify the frequency 1340 kc;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application, Lockport Union-Sun and Journal, Inc., be, and it is hereby, designated for hearing in the above consolidated proceeding at the time and place previously designated by order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, direc-

tors and stockholders to construct and operate the proposed station.

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

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

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

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

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

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10291; Filed, Nov. 20, 1947;
8:48 a. m.]

[Docket No. 8460]

RADIO LAKEWOOD, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Lakewood, Inc., Lakewood, Ohio, Docket No. 8460, File No. BP-5949; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 13th day of November 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1380 kc, with 500 w power, daytime only, using a directional antenna, at Lakewood, Ohio;

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

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, direc-

tors and stockholders to construct and operate the proposed station.

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

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

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

5. To determine whether the operation of the proposed station would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Canadian station CKPC, Brantford, Ontario, and, if so, the nature and extent thereof.

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

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

It is further ordered, That the WFMJ Broadcasting Company, licensee of station WFMJ, Youngstown, Ohio, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10284; Filed, Nov. 20, 1947;
8:47 a. m.]

[Docket Nos. 8507, 8508]

ST. ANDREW BAY BROADCASTING CO. AND BAY COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of The St. Andrew Bay Broadcasting Co., Panama City, Florida, Docket No. 8507, File No. BP-6170; Edward G. Holmes and E. L. Duke, a partnership d/b as Bay County Broadcasting Company, Panama City, Florida, Docket No. 8508, File No. BP-6254; for construction permits.

The Commission having under consideration the above-entitled applications for construction permits, which are presently scheduled to be heard in a consolidated proceeding on November 17 and 18, 1947, at Panama City, Florida;

It appearing, that the public interest, convenience and necessity would be served by continuing the said hearing to December 11, and 12, 1947, and that

counsel for the above-entitled parties have consented to such continuance;

It is ordered, This 10th day of November, 1947, on the Commission's own motion, that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, December 11, and Friday, December 12, 1947, at Panama City, Florida.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10283; Filed, Nov. 20, 1947;
8:46 a. m.]

[Docket No. 8545]

ENGLEWOOD RADIO AND RECORDING CO.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Englewood Radio and Recording Company, Englewood, Colorado, Docket No. 8545, File No. BP-6220; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Englewood, Colorado;

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

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

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

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

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

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

6. To determine whether the installation and operation of the proposed sta-

tion would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Pueblo Radio Company, Inc., permittee of station KDZA, Pueblo, Colorado, and Elmer G. Beehler, licensee of station KGEK, Sterling, Colorado, be, and they are hereby made parties to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10287; Filed, Nov. 20, 1947;
8:47 a. m.]

[Docket No. 8559]

NORTHERN VIRGINIA BROADCASTERS, INC.

CORRECTED ORDER TO SHOW CAUSE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1947.

It appearing, that beginning on or about April 14, 1947, and continuing through this date, the Northern Virginia Broadcasters, Inc., licensee of Station WARL, has been broadcasting a radio quiz show which may briefly be described as follows:

A question is asked over Radio Station WARL and the answer to the question is also broadcast immediately thereafter. After the answer is broadcast, a name is selected by chance from the telephone directory and the person thus selected is called on the telephone and asked the same question which has been broadcast and answered. If the person called can answer the question, he receives a cash prize. If he cannot answer the question, he receives no prize. A substantial number of questions asked call for such detailed and little known information that it is virtually impossible in most instances for even extremely well-read people possessing an exceptionally wide range of information to know the exact answer unless they were listening to the questions and answers on Station WARL.

It further appearing, that the broadcasting of the program described above may constitute the broadcasting of information concerning a lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, within the meaning of section 316 of the Communications Act.

It is ordered, That pursuant to sections 312 (a), 316, and 403 of the Communications Act of 1934, as amended, the Northern Virginia Broadcasters, Inc. appear at a hearing on the 21st day of November 1947, to show cause why the broadcasting of the program in question does not constitute a violation of section 316 of the Communications Act.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10280; Filed, Nov. 20, 1947;
8:46 a. m.]

[Docket No. 8582]

WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of The Western Union Telegraph Company; new charges for foreign contract press service.

The Commission, having under consideration a motion, filed November 12, 1947, by The Western Union Telegraph Company, for a 30 day postponement of the date for hearing herein;

It is ordered, This 13th day of November 1947, that the hearing in this proceeding now scheduled for November 17, 1947, is continued to December 16, 1947, at the same time and place as heretofore designated.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10281; Filed, Nov. 20, 1947;
8:46 a. m.]

[Docket Nos. 8597, 8598]

CONTINENTAL BROADCASTING CORP. AND
INTERMOUNTAIN BROADCASTING CO.
(KVER)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Continental Broadcasting Corporation, Albuquerque, New Mexico, Docket No. 8597, File No. BP-6290; Intermountain Broadcasting Company, (KVER), Albuquerque, New Mexico, Docket No. 8598, File No. BP-6365; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled applications of Intermountain Broadcasting Company, to change the frequency of Station KVER, Albuquerque, New Mexico, from 1490 kc, 250 w, unlimited time to 1340 kc, 250 w, unlimited time, and of Continental Broadcasting Corporation for construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Albuquerque, New Mexico:

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

1. To determine the legal, technical, financial, and other qualifications of the applicant, Continental Broadcasting Corporation, its officers, directors and stockholders and members to construct and operate the proposed station and the technical, financial and other qualifications of Intermountain Broadcasting Company, Inc., to construct and operate station KVER as proposed.

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

other broadcast service available to those areas and populations.

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

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

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

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

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10290; Filed, Nov. 20, 1947;
8:48 a. m.]

[Docket No. 8600]

THREE RIVERS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Harold A. Clark, general partner and Helen J. Reid, limited partner, d/b as Three Rivers Broadcasting Company, Kennewick, Washington, Docket No. 8600, File No. BP-6250; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1450 kc, 250 w power, unlimited time, at Kennewick, Washington;

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

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

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

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

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

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

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

It is further ordered, That, Edward J. Jansen, Jessica L. Langston, C. V. Zaser and Bernice Brownlaw, a partnership d/b as Columbia Basin Broadcasters, licensee of Station KSEM, Moses Lake, Washington, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10288; Filed, Nov. 20, 1947;
8:47 a. m.]

[Docket Nos. 8605, 8606]

RADIO ANTHRACITE, INC. (WMAC), AND
SUSQUEHANNA BROADCASTING CO. (WSBA)

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Anthracite, Inc. (WMAC), Pottstown, Pennsylvania, Docket No. 8605, File No. BMP-3230; for modification of construction permit. Susquehanna Broadcasting Company (WSBA), York, Pennsylvania, Docket No. 8606, File No. BP-6080; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled applications of Radio Anthracite, Inc., to change frequency and hours of operation of station WMAC from 1370 kc, 1 kw, daytime only to 1420 kc, 1 kw, using a directional antenna at night, unlimited time, and of Susquehanna Broadcasting Company to change frequency, power and hours of operation of station WSBA from 900 kc,

1 kw, daytime only, to 1420 kc, 5 kw, using a directional antenna at night, unlimited;

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

1. To determine the technical, financial and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate stations WMAC and WSBA as proposed.

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

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

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

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

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

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10293; Filed, Nov. 20, 1947;
8:48 a. m.]

[Docket Nos. 8607, 8608]

HOPEWELL BROADCASTING CO., INC., AND
RUSSELL G. EVERSOLE

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Hopewell Broadcasting Company, Inc., Hopewell, Virginia, Docket No. 8607, File No. BP-6287; Russell G. Eversole, Petersburg, Virginia, Docket No. 8608, File No. BP-6295; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled applications of Hopewell Broadcasting Company, Inc., and Russell G. Eversole for construction permits for new standard broadcast stations to operate on 1340 kc, 250 w power, unlimited time, at Hopewell, Virginia and Petersburg, Virginia, respectively;

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

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

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

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

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

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

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

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10292; Filed, Nov. 20, 1947;
8:48 a. m.]

[Docket Nos. 8609, 8610]

ALMA BROADCASTING CO., INC., AND GRINER-DILLON BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Alma Broadcasting Company, Inc., Alma, Michigan,

Docket No. 8609, File No. BP-6180; Griner-Dillon Broadcasting Co., Bay City, Michigan, Docket No. 8610, File No. BP-6378; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled applications of Alma Broadcasting Company, Inc., and Griner-Dillon Broadcasting Co., requesting construction permits for new standard broadcast stations to operate on 1280 kc, 1 kw, daytime only and 1280 kc, 500 w, daytime only, respectively, at Alma, Michigan and Bay City, Michigan, respectively;

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

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

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

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

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

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

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

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10294; Filed, Nov. 20, 1947;
8:48 a. m.]

[Docket Nos. 8611, 8612]

WILLIAM M. GLEISS AND EVANS RADIO CO.
ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of William M. Gleiss, Sparta, Wisconsin, Docket No. 8611, File No. BP-6303; Evans Radio Company, Stevens Point, Wisconsin, Docket No. 8612, File No. BP-6394; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled applications of William M. Gleiss and Evans Radio Company for construction permits for new standard broadcast stations to operate on 990 kc, 250 w power, daytime only, at the locations above indicated.

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

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

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

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

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

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

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

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10295; Filed, Nov. 20, 1947;
8:48 a. m.]

[Docket Nos. 8613, 8614]

ELECTRONICS CORP. OF PUERTO RICO
(WECW) AND SOUTHERN PUERTO RICO
BROADCASTING CORP.ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Electronics Corporation of Puerto Rico (WECW), Mayaguez, Puerto Rico, File No. BP-6357, Docket No. 8614; Southern Puerto Rico Broadcasting Corporation, Ponce, Puerto Rico, File No. BP-5683, Docket No. 8613; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled applications of Electronics Corporation of Puerto Rico to change power and frequency of Station WECW, Mayaguez, Puerto Rico from 1490 kc, 250 w, unlimited time, to 1300 kc, 1 kw, unlimited time and of Southern Puerto Rico Broadcasting Corporation for construction permit for a new standard broadcast station to operate on 1300 kc, 1 kw, unlimited time at Ponce, Puerto Rico;

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

1. To determine the legal, technical, financial, and other qualifications of Southern Puerto Rico Broadcasting Corporation, its officers, directors and stockholders, to construct and operate the proposed station and the technical, financial, and other qualifications of the applicant Electronics Corporation of Puerto Rico to construct and operate station WECW as proposed.

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

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

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

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

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

7. To determine whether the operation of the proposed station and of station WECW as proposed would be in compliance with the terms of the North American Regional Broadcasting Agreement and more particularly whether prohibitive interference would be caused to station CMJM Avila (Camaguey) Cuba by either the operation of the proposed station or station WECW as proposed.

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

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 47-10296; Filed, Nov. 20, 1947;
8:49 a. m.]

[Docket No. 8615]

UNITED BROADCASTING SYSTEM
ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Daniel M. Sheridan, Alex J. Rothschild, Walter A. Emerson, Alexander Haagen, Earl L. Patrick, and Edward Lannelli, a partnership d/b as United Broadcasting System, Van Nuys, California, Docket No. 8615, File No. BP-6243; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of November 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 610 kc, 500 w power, daytime only, at Van Nuys, California together with a petition filed by Earle C. Anthony, Inc., licensee of Station KFI, Los Angeles, California requesting that the above-entitled application be designated for hearing on the ground that a grant of same would cause objectionable interference to the areas now served by Station KFI;

It is ordered, That, the aforesaid petition of Earle C. Anthony, Inc., be, and it is hereby, granted;

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

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

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

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

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

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

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

It is further ordered, That, Earle C. Anthony, Inc. and Airfan Radio Corporation, Ltd. licensees of Stations KFI and KFSD respectively, be and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 47-10286; Filed, Nov. 20, 1947;
8:47 a. m.]GRAND RAPIDS BROADCASTING CORP., STA-
TION WFRS, GRAND RAPIDS, MICH.NOTICE CONCERNING PROPOSED TRANSFER OF
CONTROL¹

The Commission hereby gives notice that on September 18, 1947 there was filed with it an application (BTC-579) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Grand Rapids Broadcasting Corporation, licensee of FM station WFRS, arising chiefly out of the sale by the corporation of 303 shares of common \$100 par value voting stock at par for consideration of \$30,300 of which \$24,500 has been deposited with the company, \$400 has been rendered in services and the remaining \$5,400 will be paid upon demand by the company and the sale by one of the stockholders (Gordon A. Thorpe) of 30 of said shares also at par for a consideration of \$3,000 to be paid in cash. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant that starting on October 16, 1947 notice of the filing of the applica-

¹ § 1.321, Part I, Rules of Practice and Procedure.

tion would be inserted in "The Grand Rapids Herald" a newspaper of general circulation at Grand Rapids, Michigan in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 12, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

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

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

[F. R. Doc. 47-10297; Filed, Nov. 20, 1947;
8:49 a. m.]

VOICE OF TALLADEGA, INC., STATION WHTB,
TALLADEGA, ALA.

NOTICE CONCERNING PROPOSED TRANSFER OF
CONTROL¹

The Commission hereby gives notice that on September 26, 1947 there was filed with it an application (BTC-580) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Voice of Talladega, Inc. (WHTB), Talladega, Alabama, from Harry Held and D. Harry Riddle to Melvin Hutson. The proposal to transfer control arises out of a contract of March 1, 1947 under which the above parties agreed to sell their 60% holdings in said company to the purchaser for \$16,500. Of this amount \$2,000 has been paid in cash and the remaining \$14,500 will be paid within 45 days after approval of the transfer. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 6, 1947 that starting on November 12, 1947 notice of the filing of the application would be inserted in the "Talladega Daily Home", a newspaper of general circulation at Talladega, Alabama in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 12, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

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

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

[F. R. Doc. 47-10298; Filed, Nov. 20, 1947;
8:49 a. m.]

¹ § 1.321, Part I, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket Nos. G-796, G-889]

SOUTHERN NATURAL GAS CO. AND EAST
TENNESSEE NATURAL GAS CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

Upon consideration of (1) the statements of exceptions filed by Southern Natural Gas Company on October 6, 1947, and by Commission Staff Counsel on October 2, 1947, to the Presiding Examiner's Decision at Docket No. G-796; and (2) the petition to reopen the proceedings and Statement of exemptions filed by Southern Natural Gas Company on October 29, 1947, to the Presiding Examiner's Decision at Docket No. G-889, and the reply of East Tennessee Natural Gas Company thereto as filed on November 12, 1947;

The Commission finds that: Good cause exists for hearing oral argument on the issues raised by the aforesaid statements of exceptions and petition to reopen proceedings and the reply thereto.

The Commission, therefore, orders that: Oral argument be had before the Commission on December 1, 1947, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., on the issues raised by the aforesaid statements of exceptions and petition to reopen proceedings and the reply thereto.

Date of issuance: November 18, 1947.

By the Commission.

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

[F. R. Doc. 47-10278; Filed, Nov. 20, 1947;
8:58 a. m.]

[Docket No. G-934]

CITIES SERVICE GAS CO.

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

NOVEMBER 17, 1947.

Notice is hereby given that, on November 10, 1947, the Federal Power Commission issued its order entered November 10, 1947, issuing certificate of public convenience and necessity, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10253; Filed, Nov. 20, 1947;
8:50 a. m.]

[Docket No. G-937]

CITIES SERVICE GAS CO.

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

NOVEMBER 17, 1947.

Notice is hereby given that, on November 17, 1947, the Federal Power Commission issued its order entered November 13, 1947, issuing certificate of public

convenience and necessity, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10254; Filed, Nov. 20, 1947;
8:50 a. m.]

[Docket No. G-949]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CER-
TIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

NOVEMBER 17, 1947.

Notice is hereby given that, on November 17, 1947, the Federal Power Commission issued its order entered November 13, 1947, issuing certificate of public convenience and necessity, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10255; Filed, Nov. 20, 1947;
8:50 a. m.]

[Docket No. G-952]

UNITED GAS PIPE LINE CO.

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

NOVEMBER 17, 1947.

Notice is hereby given that, on November 10, 1947, the Federal Power Commission issued its order entered November 10, 1947, issuing certificate of public convenience and necessity, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10256; Filed, Nov. 20, 1947;
8:54 a. m.]

INTERSTATE COMMERCE
COMMISSION

[S. O. 396, Special Permit 348]

RECONSIGNMENT OF LETTUCE AT DETROIT,
MICH.

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 Detroit, Mich., November 14, 1947, by J. B. Doyle Co., of car BREX 75509, lettuce, now on the Wabash to J. C. Martz, Philadelphia, Pa. (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 14th day of November 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10274; Filed, Nov. 20, 1947;
8:57 a. m.]

[S. O. 787, Special Permit 3]

**DELIVERY OF CARS TO M. DUNN & Co.,
DETROIT, MICH.**

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 787 (12 F. R. 7361), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 787 insofar as it applies to the turn-over and delivery to M. Dunn & Co., Detroit, Mich., the following cars consigned to E. A. Anderson, PFE 62981, PFE 27446, PFE 91249, and PFE 14001, now on hand Detroit Central Produce Terminal, NYC RR delivery, also permit NYC RR accept for delivery Detroit to M. Dunn & Co. CP 288838 and CP 288833 now held by Canadian Pacific Railway at Windsor, Canada.

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 13th day of November 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10275; Filed, Nov. 20, 1947;
8:57 a. m.]

[S. O. 792]

UNLOADING OF COAL AT CONFLUENCE, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of November A. D. 1947.

It appearing, that 2 cars containing coal at Confluence, Pa., on the Baltimore and Ohio Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) Coal at Confluence, Pa., be unloaded. The Baltimore and Ohio Rail-

road Company, its agents or employees, shall unload immediately B&O 636461 and C&I 3704 containing coal now on hand at Confluence, Pa., loaded by C. P. Fleetwood.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., November 19, 1947, and continuing until the actual unloading of said car or cars is completed.

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

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

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

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-10273; Filed, Nov. 20, 1947;
8:55 a. m.]

**SECURITIES AND EXCHANGE
COMMISSION**

[File No. 70-1595]

GEORGIA POWER CO.

**ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE**

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa. on the 14th day of November 1947.

Georgia Power Company ("Georgia Power"), a public utility subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, with respect to the transactions summarized below:

Georgia Power proposes (1) to reduce the amount stated as capital with respect to its outstanding 2,500,000 shares of no par value common stock from \$55,000,000

to \$37,000,000, without reducing the number of shares, and to transfer the amount of the reduction (\$18,000,000) to the Capital Surplus Account and (2) to dispose of the amount of capital surplus so created by making the following charges to Capital Surplus Accounts:

(a) \$14,115,573.10 to eliminate a portion of the amount in Account 100.6, Electric and Gas Property in Process of Reclassification (the remainder of such Account 100.6 to be charged to earned surplus to the extent of the balance of such earned surplus at June 30, 1947 (\$7,352,727.51));

(b) \$2,330,946.78 to be transferred to the Reserve for Depreciation; and

(c) \$1,553,480.12 to be transferred to a Special Property Reserve available for possible further plant account adjustments.

The declaration indicates that the proposed transactions are in conformity with orders of the Georgia Public Service Commission dated September 18, 1947, and October 23, 1947, and with an order of the Federal Power Commission dated September 18, 1947.

Georgia Power has consented to the inclusion in this order of a condition, restricting common stock dividends, substantially in the form set forth hereinbelow.

Said declaration having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective:

It is hereby ordered, That, pursuant to Rule U-23, said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional condition:

That so long as any shares of the \$6 Preferred Stock or the \$5 Preferred Stock of Georgia Power Company (hereinafter referred to as "the Company") are outstanding, the payment of dividends on the Company's common stock (other than dividends payable in common stock) and the making of any distribution of assets to holders of common stock by purchase of shares or otherwise (each of such actions being herein embraced within the term "payment of common stock dividends") shall be subject to the following limitations (except as such payments may be approved or permitted by subsequent order of this Commission or any successor thereto):

(a) If and so long as the ratio of the aggregate of the par value of, or stated capital represented by, the outstanding shares of common stock (including pre-

miums on the common stock but excluding premiums on the preferred stock) and of the surplus of the Company to the total capitalization and surplus of the Company at the end of a period of 12 consecutive calendar months within the 14 calendar months immediately preceding the calendar month in which the proposed payment of common stock dividends is to be made (which period is hereinafter referred to as the "base period"), adjusted to reflect the proposed payment of common stock dividends (which ratio is hereinafter referred to as the "capitalization ratio"), is less than 20%, then the payment of common stock dividends, including the proposed payment, during the 12 calendar month period ending with and including the calendar month in which the proposed payment is to be made shall not exceed 50% of the net income of the Company available for the payment of dividends on the common stock during the base period;

(b) If and so long as the capitalization ratio is 20% or more but not less than 25%, then the payment of common stock dividends, including the proposed payment, during the calendar month in which the proposed payment is to be made shall not exceed 75% of the net income of the Company available for the payment of dividends on the common stock during the base period;

(c) Except to the extent permitted under paragraphs (a) and (b) above, the Company shall not make any payment of common stock dividends which would reduce the capitalization ratio to less than 25%.

For the purpose of the foregoing condition the terms "net income of the Company available for the payment of dividends on the common stock," "total capitalization" and "surplus" shall have the meanings set forth in the declaration, as amended, filed by Georgia Power Company under the Public Utility Holding Company Act of 1935 with respect to the proposed transaction (File No. 70-1595).

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10270; Filed, Nov. 20, 1947;
8:55 a. m.]

[File No 70-1651]

SOUTHERN NATURAL GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 14th day of November A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Southern Natural Gas Company ("Southern"), a registered holding company and a subsidiary of Federal Water and Gas Corporation, also a registered holding company. The applicant has designated section 10 of the act as being applicable to the proposed transactions.

No. 228—3

Notice is further given that any interested person may, not later than November 24, 1947, 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 application, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after November 24, 1947, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

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

Southern proposes to purchase from time to time prior to December 31, 1948, any or all of a maximum of 26,937 shares of common stock, par value \$2.00 per share, of Birmingham Gas Company, representing all of such stock presently outstanding in the hands of the public. Of the 273,057 shares of common stock of Birmingham Gas Company presently issued and outstanding, Southern owns 246,119.13 shares, or approximately 90.13%. Southern states that such purchases are to be made through brokers in the open market at prices current at the time of purchase, or, in cases where stock is offered for sale by the holders thereof, direct from such stockholders at prices approximately equal to quotations in the over-the-counter market at the time of purchase.

The applicant states that the proposed purchases of additional common stock of Birmingham Gas Company are desirable in order to eliminate the small minority interest presently outstanding, which, in turn, among other things, will facilitate the contemplated merger or consolidation of Birmingham Gas Company with Alabama Gas Company, another utility subsidiary company of Southern.

Southern requests that the Commission's order granting the application be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10269; Filed, Nov. 20, 1947;
8:55 a. m.]

[File No. 70-1657]

NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 14th day of November 1947.

The North American Company ("North American"), a registered hold-

ing company, having filed a declaration and amendments thereto pursuant to sections 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-23, U-43, U-44 and U-46 of the general rules and regulations promulgated thereunder regarding the following proposed transactions:

North American proposes to distribute on December 22, 1947, in partial liquidation, to its holders of common stock of record as of November 26, 1947, shares of the common stock of Wisconsin Electric Power Company ("Wisconsin Electric") having a par value of \$10 per share, owned by North American, and shares of the common stock of Potomac Electric Power Company ("Potomac"), having a par value of \$10 per share, owned by North American. The rate of distribution proposed is 19¼ shares of Wisconsin Electric common stock and 21 shares of Potomac common stock for each 100 shares of North American common stock held. No certificates will be issued for fractions of shares of stock of Wisconsin Electric or of Potomac, but, in lieu thereof, cash will be paid (1) with respect to such number of shares as would be entitled to less than a full share of Wisconsin Electric at the rate of \$19.75 per share of Wisconsin Electric, this rate being based on the approximate market price of such stock at the close of the market on October 23, 1947, such payment being equivalent to \$3.801875 per share on shares of North American common stock not entitled to a full share of Wisconsin Electric, and (2) with respect to such number of shares as would be entitled to less than a full share of Potomac at the rate of \$17 per share of Potomac, this rate being based on the approximate market price of such stock at the close of the market on October 23, 1947, such payment being equivalent to \$3.57 per share on shares of North American common stock not entitled to a full share of Potomac. North American estimates that the transactions above-mentioned will involve the distribution of approximately 1,624,787 shares of common stock of Wisconsin Electric and approximately \$502,509.22 in cash in lieu of fractions of such stock and the distribution of approximately 1,784,305 shares of common stock of Potomac and approximately \$271,089.82 in cash in lieu of fractions of such stock.

In connection with the said distributions, North American proposes to charge to Capital Surplus amounts aggregating the respective carrying values of the shares of Wisconsin Electric and Potomac common stock to be distributed and the cash to be paid in lieu of fractional shares, together with the expenses of such distributions. North American estimates the carrying value of the shares of Wisconsin Electric common stock to be distributed at approximately \$20,112,-198.23, and the carrying value of the shares of Potomac common stock to be distributed at approximately \$9,128,631.-85. North American further proposes that sufficient Capital Surplus for such purposes will be provided by the restoration to Capital Surplus of the remaining balance in its Reserve for Contingencies originally provided from Capital Surplus

NOTICES

[File No. 70-1666]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 14th day of November 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Power & Light Company ("Delaware"), a registered holding company and public utility company. Declarant designates section 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than November 25, 1947, 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 25, 1947, said declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

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

Delaware proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, \$10,000,000 principal amount of First Mortgage and Collateral Trust Bonds ...% Series, due December 1, 1977, to be issued under and secured by the company's mortgage and deed of trust to the New York Trust Company, dated as of October 1, 1943, as supplemented, and a proposed supplemental indenture to be dated December 1, 1947. The rights and preference of the new bonds to be issued will be substantially identical with those of the presently outstanding First Mortgage and Collateral Trust Bonds 3% Series due 1973 except with respect to the interest rate, maturity date and the redemption price thereof, and except that the Supplemental Indenture will provide for a sinking and improvement fund of 1% per annum of the aggregate principal amount of new bonds authenticated and delivered. The invitations for bids will specify that the amount to be received by the Company shall not be less than 100% nor more than 102.75% of the principal amount thereof (plus accrued interest), and that the interest rate shall be a multiple of one-eighth of one percent.

Declarant states that the proceeds to be derived from the sale of the new bonds will be used by the company to provide in part the funds required for its contemplated construction program, and to

provide funds for the purchase from time to time of securities of the company's subsidiaries to enable such subsidiaries to finance their construction requirements. The company estimates that its system will be required to expend upwards of \$30,000,000 for additional generating, transmission and distribution facilities during the next five years, of which over half will be required during 1948 and 1949.

Delaware has requested the Commission to issue its order permitting the declaration to become effective on or before November 28, 1947.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10268; Filed, Nov. 20, 1947;
8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 9947]

WENDEL SARTER

In re: Estate of Wendel Sarter also known as Wendel Sartar, deceased. File D-28-11724; E. T. sec. 15949.

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

1. That Magdalena Nab, Maria Berresswill (called Marie Berresswill in the Will), George Peter, husband of Barbara Peter (called Barbara Barbier in the Will), deceased sister of testator, Erna Kohler, daughter of Barbara Peter (called Barbara Barbier in the Will), deceased sister of testator, Anna Schrody, Julia Gimber, Ludwig Schehl, Paul Schehl and Karl Schehl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Wendel Sarter, also known as Wendel Sartar, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ludwig Sarter, as executor, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

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

All determinations and all action required by law, including appropriate consultation and certification, having been

and by a transfer from Earned Surplus to Capital Surplus, to the extent necessary.

Said declaration having been filed on October 24, 1947 and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and amendments thereto having been filed on November 6, 1947, and November 14, 1947, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

Declarant having stated that no commission, other than this Commission, has jurisdiction over the proposed transactions; and

Declarant having requested that the Commission's order permitting such declaration to become effective conform to the requirements of Supplement R of Chapter I and section 1808 (f) of Chapter II of the Internal Revenue Code, as amended, in so far as such sections are applicable; and

The declarant having requested that the Commission enter an order permitting said declaration to become effective on or before November 14, 1947 and that such order become effective forthwith; and

The Commission observing no basis for adverse findings under the applicable sections of the act and the rules thereunder with respect to the proposed transactions and deeming it appropriate in the public interest and in the interests of investors and consumers to permit said declaration, as amended, to become effective forthwith, and deeming it appropriate to grant the request that the order herein conform to certain requirements of the Internal Revenue Code, as amended:

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

It is further ordered and recited and the Commission finds, That the proposed disposition of December 22, 1947, of the shares of Wisconsin Electric common stock (out of Certificate Nos. PR 572, TMR 119, TMR 428, TD 163, TYR 1, TYR 3 and TYR 4) and of the shares of Potomac common stock (out of Certificate Nos. TWCO 1, TWCO 3 to 13, inclusive, TNCU 6, TWCU 79 to 89, inclusive, TWCU 91, TWCU 92, TWCU 100, TWCU 103 to 105, inclusive, TNCU 19, and TNCU 20) by North American through the transfer and distribution of such shares to its stockholders, all as authorized or permitted by this order, are necessary or appropriate to the integration or simplification of the holding company system of which North American is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10267; Filed, Nov. 20, 1947;
8:55 a. m.]

made and taken, and, it being deemed necessary in the national interest,

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

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

Executed at Washington, D. C., on October 7, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10303; Filed, Nov. 20, 1947;
8:46 a. m.]

[Vesting Order 9986]

MARGARET H. J. LAMPE

In re: Trust under the will of Margaret H. J. Lampe, deceased. File D-28-1570-G-1; E. T. sec. 423.

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

1. That Ilse Blanke and Bernhard Blanke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Margaret H. J. Lampe, deceased, 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 aforementioned nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10304; Filed, Nov. 20, 1947;
8:46 a. m.]

[Vesting Order 9989]

BERNARDINE ROTH

In re: Estate of Bernardine Roth, deceased. File No. D-28-11967; E. T. sec. 16147.

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

1. That Franz Roth, Johann Roth, Emma Weber, Elisabeth Brett, Franz Seifert and Alois Seifert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by Karl P. Mueller as Executor, acting under the judicial supervision of the Surrogate's Court, County of Erie, State of New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10305; Filed, Nov. 20, 1947;
8:46 a. m.]

[Vesting Order 9991]

FRANK SPANGENBERG

In re: Estate of Frank Spangenberg, deceased. File No. D-28-11798; E. T. sec. 16008.

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

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

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

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

4. That such property is in the process of administration by the Honorable Robert R. Troyer, County Judge, as depository, acting under the judicial supervision of the County Court of Douglas County, Nebraska;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10306; Filed, Nov. 20, 1947;
8:46 a. m.]

[Vesting Order 9992]

WILLIAM VACH

In re: Estate of William Vach, deceased. D-28-9180; E. T. sec. 11884.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Vach, Paul Vach, Ben Vach, Fred Vach, Emmy Vach, Victoria Vach, Louise Vach, Mata Vach, Pauline Vach, Clementine Vach and Irma Vach, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by James J. McLaughlin and Clemmie Springett, as co-executors, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10307; Filed, Nov. 20, 1947; 8:46 a. m.]

[Vesting Order 10024]

ROBERTINA DOHRMANN

In re: Estate of Robertina Dohrmann, deceased. File No. D-28-12030; E. T. sec. 16208.

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

1. That Selma Nowicki, Margarete Nowicki, and Walter Nowicki, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subpara-

graph 1 hereof, and each of them, in and to the estate of Robertina Dohrmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Emma Boeker, as executrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10308; Filed, Nov. 20, 1947; 8:46 a. m.]

[Vesting Order 10025]

PAULINE EDELMAIER

In re: Estate of Pauline Edelmaier, deceased. File D-28-11271; E. T. sec. 15625.

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

1. That Sophie Sybold and Wilhelm Edelmaier, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

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

3. That such property is in the process of administration by William B. Sweeney, as administrator, d. b. n. c. t. a., acting under the judicial supervision of the Probate Court of the Town of Johnston, of the County of Providence, Rhode Island;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10309; Filed, Nov. 20, 1947; 8:46 a. m.]

[Vesting Order 10027]

ANNA R. GENG

In re: Estate of Anna R. Geng, deceased. File No. D-28-10619; E. T. sec. 16078.

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

1. That Paul Geng, Hedwig Schulz, Ernst Schulz, Erich Bartels, Berta Bartels, Amalie Clusche, Bruno Hass and George Hass, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

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

4. That such property is in the process of administration by J. P. Morgan, administrator de bonis non, acting under the judicial supervision of the Probate Court of Mahoning County, Ohio;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of

kin, legatees and distributees of Hedwig Schulz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10310; Filed, Nov. 20, 1947;
8:46 a. m.]

[Vesting Order 10028]

LOUISA F. A. JOHNSON

In re: Estate of Louisa F. A. Johnson, deceased. File No. D-28-11905; E. T. sec. 16089.

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

1. That Martha Staesche Bohn, Amanda Staesche, and Clara Deusterhoff, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Louisa F. A. Johnson, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany);

3. That such property is in the process of administration by Charles W. Weeks, as executor and trustee, acting under the judicial supervision of the Essex County Orphans' Court, State of New Jersey; and it is hereby determined:

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

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

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

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

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

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10311; Filed, Nov. 20, 1947;
8:47 a. m.]

[Vesting Order 10031]

ALPHONSE J. STEPHANI

In re: Estate of Alphonse J. Stephani, deceased. File D-28-4255.

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

1. That Emma G. von Glaubitz and Johannes Freidrich Stephani, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Frankfurter Bank, Frankfurt a/Main, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany which has, or since the effective date of Executive Order 8389, as amended, has had, its principal place of business in Germany and is a national of a designated enemy country (Germany);

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

4. That such property is in the process of administration by the County Treasurer of Clinton County, New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of Clinton County, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10312; Filed, Nov. 20, 1947;
8:47 a. m.]

[Vesting Order 10052]

HOKICHI INOUE

In re: Bonds and stock certificate owned by Hokichi Inouye.

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

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

2. That the property described as follows:

a. Five (5) Imperial Japanese bonds bearing numbers 021259, 093008, 182389, 026589 and 021257, presently in the custody of the Attorney General of the United States in account number 39-200,005, together with any and all rights thereunder and thereto, and

b. One (1) certificate for fifty (50) shares of capital stock of Mitsubishi Shoji Kaisha, Ltd., Tokyo, Japan, bearing number 594, presently in the custody of the Attorney General of the United States in account number 39-200,005, together with any and all rights thereunder and thereto,

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

and it is hereby determined:

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

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

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

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

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

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10313; Filed, Nov. 20, 1947;
8:47 a. m.]

[Vesting Order 10069]

SHIGezo TAKIZAWA AND PAUL GRUNDMAN

In re: Stock owned by Shigezo Takizawa and Paul Grundman. F-39-934-D-4; F-28-955-D-3; F-28-955-D-4.

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

1. That Shigezo Takizawa, whose last known address is Bessho, Urewa, Saitama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That Paul Grundman, whose last known address is Zoerbig, Kreis Bitterfeld, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Ten (10) shares of \$5.00 par value common capital stock of Bendix Aviation Corporation, 401 Bendix Drive, South Bend 20, Indiana, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NO178923, registered in the name of Shigezo Takizawa, together with all declared and unpaid dividends thereon,

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, Shigezo Takizawa, the aforesaid national of a designated enemy country (Japan);

4. That the property described as follows:

b. Thirty-five (35) shares of \$5.00 par value Common capital stock of Bendix Aviation Corporation, 401 Bendix Drive, South Bend 20, Indiana, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NY010938 for fifteen (15) shares and NY015420 for twenty (20) shares, registered in the name of Paul Grundman, together with all declared and unpaid dividends thereon, and

c. Fifty (50) shares of \$15.00 par value common capital stock of Shell Union Oil Corporation, 50 West 50th Street, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NY045383 registered in the name of Paul Grundman, together with all declared and unpaid dividends thereon,

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 evi-

dence of ownership or control by, Paul Grundman, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

6. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10314; Filed, Nov. 20, 1947;
8:47 a. m.]

[Vesting Order 10088]

AUGUST FUCHS

In re: Real property owned by August Fuchs.

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

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

2. That the property described as follows: Real property, situated in the County of Stillwater, State of Montana, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

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

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy country, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

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

EXHIBIT A

Parcel 1. Lots numbered Sixteen (16), Seventeen (17), and Eighteen (18) in Block numbered One (1), in the Town of Absarokee, County of Stillwater, State of Montana, according to the plat now on file and of record in the Office of the County Clerk and Recorder of Stillwater County.

Parcel 2. (a) The Northeast Quarter of the Southwest Quarter and the West Half of the Southeast Quarter of Section Thirty-one in Township Three South, and Lot Two of Section Six in Township Four South, all in Range Nineteen East.

(b) The Southwest Quarter of the Southwest Quarter of Section Twelve in Township Four South of Range Eighteen East of the Montana principle Meridian in Montana, together with all water and ditch interests.

(c) A right of way, passage, not to exceed Twenty feet over the following tract of land, to wit: A road running through the Quarter Section, adjoining on the West and the same to connect the tract of land described in "b" above, and the Public Highway.

[F. R. Doc. 47-10315; Filed, Nov. 20, 1947;
8:47 a. m.]

[Vesting Order CE 418]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN OHIO, MICHIGAN, AND WISCONSIN COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are de-

termined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

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

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Parish Church, St. Servais.....	Belgium.....	<i>Item 1</i> Trust under the will of Edna F. Stacey, deceased. Probate Court, Hamilton County, Ohio.	\$5
Marie Louise de Holling.....	do.....	<i>Item 2</i> Same.....	25
Marie Henriette de Holling.....	do.....	<i>Item 3</i> Same.....	25
Heirs at law, names unknown, of Baroness Amelia de Holling.....	do.....	<i>Item 4</i> Same.....	5
Jozefa Candlewska or Jennie Betkowski.....	Poland.....	<i>Item 5</i> Estate of Klemens Betkowski, deceased. Probate Court, County of Macomb, Mount Clemens, Mich.	63
Mrs. Marie Ostry.....	Austria.....	<i>Item 6</i> Estate of Herbert M. Ostry, deceased. County Court of Milwaukee County, Wis.	76
John Kozak.....	do.....	<i>Item 7</i> Estate of Denis Kozak, deceased. Probate Court, Wayne County, Mich. File No. 327-101.	19
Walter Kozak.....	do.....	<i>Item 8</i> Same.....	19
Alex Kozak.....	do.....	<i>Item 9</i> Same.....	19
Jurko Kozak.....	do.....	<i>Item 10</i> Same.....	19
Carl Mayer.....	do.....	<i>Item 11</i> Estate of Joe Mayer, deceased. Probate Court, Cuyahoga County, Ohio.	34
Gisa Mayer.....	do.....	<i>Item 12</i> Same.....	34

[F. R. Doc. 47-10316; Filed, Nov. 20, 1947; 8:48 a. m.]

ELLA MILLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number and Property

Ella Miller, Long Island City, New York, 5136, property described in Vesting Order No. 201 dated October 2, 1942, relating to United States Letters Patent No. 2,174,881.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10321; Filed, Nov. 20, 1947; 8:49 a. m.]

PUISEUX, BOULANGER ET CIE., SOCIETE EN COMMANDITE PAR ACTIONS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number and Property

Puiseux, Boulanger et Cie., Societe en Commandite par Actions (formerly known as Michelin et Cie.), 4870 and 6929, property described in Vesting Order No. 667 (8 F. R. 4995, April 17, 1943), relating to the following property: United States Letters Patent Re-issue No. 19,969, and United States Letters Patent Nos. 2,122,736; 2,120,063; 2,136,038; 2,138,136; 2,143,694; 2,181,475; 2,192,572; 2,214,319; 2,240,542; 2,248,059; 1,972,678; 1,996,140; 2,018,598.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10320; Filed, Nov. 20, 1947; 8:49 a. m.]

[Return Order 58]

STAATSBEDRIJF DER POSTERIJEN TELEGRAFIE EN TELEFONIE

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

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

Claimant and Claim Number, Notice of Intention to Return Published, and Property

Staatsbedrijf der Posterijen Telegrafie en Telefonie, 12 Kortenaerkade, The Hague, Netherlands, Claim No. 6427, September 20, 1947, (12 Fed. Reg. 6317); property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent No. 2,279,353.

This return shall not be deemed to include the rights of any licenses under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10319; Filed, Nov. 20, 1947; 8:49 a. m.]

