

Washington, Saturday, May 1, 1948

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 144]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.390 *Orange Regulation 144—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933, 12 F. R. 7383), regulating the handling of oranges, grapefruit and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 3, 1948, and ending at 12:01 a. m., e. s. t., May 17, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida unless such oranges (a) grade U. S. Fancy, U. S. No. 1, U. S. No. 1 Bright, U. S. No. 1 Golden, U. S. No. 1 Bronze, or U. S. No. 1 Russett and (b) are of a size not larger than a size that will pack 126 oranges, packed in accordance with the

requirements of a standard pack, in a standard nailed box; or

(ii) Any container of oranges, except Temple oranges, grown in Regulation Area I unless such oranges grade U. S. Combination Grade and (a) at least sixty (60) percent, by count, of the total quantity of oranges in such container meets the requirements of the U. S. No. 1 grade, (b) each of the remainder of the oranges, in addition to meeting all other requirements of the U. S. No. 2 grade, meets all of the requirements of the U. S. Combination Grade for such oranges, and (c) such oranges are of a size not larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any oranges, except Temple oranges, grown in Regulation Area II unless such oranges (a) grade U. S. No. 2 Bright or U. S. Combination Grade and (b) are of a size not larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any oranges, except Temple oranges, grown in Regulation Area II unless such oranges grade U. S. No. 2 and (a) meet the additional requirements specified in the U. S. Combination Grade for such oranges, and (b) are of a size not larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," and "Regulation Area II" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bright," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russett," "U. S. Combination Grade," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for citrus fruits, as amended (12 F. R. 6277).

Shipments of Temple oranges grown in the State of Florida are subject to the provisions of Orange Regulation 138 (13

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F. R. 793). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of April 1948.

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

[F. R. Doc. 48-3934; Filed, Apr. 30, 1948; 9:02 a. m.]

[Lemon Reg. 271, Amdt. 1]
PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Order, as amended. The provisions in paragraph (b) (1) of § 953.378 (Lemon Regulation 271, 13 F. R. 2218), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 25, 1948, and ending at 12:01 a. m., P. s. t., May 2, 1948, is hereby fixed as follows:

- (i) District 1: 475 carloads.
- (ii) District 2: unlimited movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of April 1948.

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

[F. R. Doc. 48-3935; Filed, Apr. 30, 1948; 9:02 a. m.]

[Lemon Reg. 272]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.379 *Lemon Regulation 272—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions

of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 2, 1948, and ending at 12:01 a. m., P. s. t., May 9, 1948, is hereby fixed as follows:

- (i) District 1: 450 carloads.
- (ii) District 2: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 271 (13 F. R. 2218) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of April 1948.

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

[F. R. Doc. 48-3936; Filed, Apr. 30, 1948; 9:02 a. m.]

[Orange Reg. 228]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.374 *Orange Regulation 228—(a) Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the

RULES AND REGULATIONS

basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 2, 1948, and ending at 12:01 a. m., P. s. t., May 9, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, 400 carloads; (b) Prorate District No. 2, 200 carloads; (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 850 carloads; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of April 1948.

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

PRORATE BASE SCHEDULE

[12:01 a. m. May 2, 1948, to 12:01 a. m. May 9, 1948]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	3.1306
A. F. G. Porterville	2.2232
A. F. G. Sides	.0000

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Ivanhoe Coop. Association	0.4980
Doffmeyer, W. Todd	.5098
Elderwood Citrus Association	1.0212
Exeter Citrus Association	1.4514
Exeter Orange Growers Association	.3649
Hillside Packing Association, The	3.4179
Ivanhoe Mutual Orange Association	1.1066
Klink Citrus Association	4.1039
Lemon Cove Association	1.6407
Lindsay Citrus Growers Association	3.2922
Lindsay Coop. Citrus Association	2.2340
Lindsay District Orange Co.	1.5518
Lindsay Fruit Association	2.6556
Lindsay Orange Growers Association	.8495
Orange Cove Citrus Association	2.4333
Orange Cove Orange Growers Association	1.4675
Orange Packing Co.	1.8617
Orosi Foothill Citrus Association	1.3297
Paloma Citrus Fruit Association	.6913
Rocky Hill Citrus Association	2.6551
Sanger Citrus Association	2.0682
Sequoia Citrus Association	.9172
Stark Packing Corp.	4.9091
Visalia Citrus Association	1.5054
Waddell & Son	2.2305
Orland Orange Growers Association, Inc.	.0477
Baird-Neece Corp.	2.2708
Beattie Association, Agnes	.0000
Grand View Heights Citrus Association	4.7099
Magnolia Citrus Association	2.3513
Ridgegrove-Jasmine Citrus Association	1.1672
Sandlands Fruit Co.	1.2055
Strathmore Coop. Association	3.1616
Strathmore District Orange Association	2.1168
Strathmore Fruit Growers Association	1.9559
Strathmore Packing House Co.	1.1720
Sunflower Packing Association	2.4896
Sunland Packing House Co.	3.6138
Tule River Citrus Association	1.2345
Vandalia Packing Association	.1311
Exeter Groves Packing Co.	.2654
Kroells Brothers, Ltd.	1.6101
Lindsay Mutual Groves	2.0603
Martin Ranch	1.1572
Woodlake Packing House	1.2495
Anderson Packing Co., R. M.	.4390
Baker Brothers	1.0434
California Citrus Groves, Inc., Ltd.	2.8550
Chess Co., Meyer W.	.1409
Harding & Leggett	2.5797
Lo Bue Bros.	.3800
Marks, W. & M.	.2334
Randolph Marketing Co.	1.2487
Reimers, Don H.	.2326
Rooke Packing Co., Inc.	1.2372
Webb Packing Co., Inc.	.3006
Wollenman Packing Co.	1.5934
Woodlake Heights Packing Corp.	1.3223
Zaninovich Bros.	.3033

Prorate District No. 2

Total 100.0000

A. F. G. Alta Loma	.0642
A. F. G. Corona	.2315
A. F. G. Fullerton	.8510
A. F. G. Orange	.8518
A. F. G. Riverside	.1378
A. F. G. San Juan Capistrano	.9550
A. F. G. Santa Paula	.5704
Hazeltine Packing Co.	.4120
Placentia Pioneer Valencia Growers Association	.7400
Signal Fruit Association	.1645
Azusa Citrus Association	.4151
Azusa Orange Company, Inc.	.1409

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Damerel Allison Co.	0.9403
Glendora Mutual Orange Association	.3975
Irwindale Citrus Association	.3312
Puente Mutual Citrus Association	.2007
Valencia Heights Orchard Association	.4607
Covina Citrus Association	1.2708
Covina Orange Growers Association	.5364
Duarte-Monrovia Fruit Exchange	.2188
Glendora Citrus Association	.4284
Glendora Heights Orange & Lemon Association	.0657
La Verne Orange Association	.7486
Anaheim Citrus Fruit Association	1.3611
Anaheim Valencia Orange Association	1.4259
Eadington Fruit Co., Inc.	2.7619
Fullerton Mutual Orange Association	1.5084
La Habra Citrus Association	1.1846
Orange County Valencia Association	.8836
Orangethorpe Citrus Association	.9903
Placentia Coop. Orange Association	.8344
Yorba Linda Citrus Association, The	.6534
Alta Loma Heights Citrus Association	.1140
Citrus Fruit Growers	.1710
Etiwanda Citrus Fruit Association	.0451
Mountain View Fruit Association	.0175
Old Baldy Citrus Association	.1467
Rialto Heights Orange Association	.0707
Upland Citrus Association	.4241
Upland Heights Orange Growers	.1773
Consolidated Orange Growers	1.9445
Frances Citrus Association	1.2840
Garden Grove Citrus Association	1.5527
Goldenwest Citrus Association, The	1.6696
Irvine Valencia Growers	2.9119
Olive Heights Citrus Association	1.9963
Santa Ana-Tustin Mutual Citrus Association	1.1861
Santiago Orange Growers Association	4.4102
Tustin Hills Citrus Association	2.1584
Villa Park Orchards Association, The	1.7705
Bradford Bros., Inc.	.7305
Placentia Mutual Orange Association	2.0148
Placentia Orange Growers Association	2.5933
Call Ranch	.0850
Corona Citrus Association	.6162
Jameson Company	.0645
Orange Heights Orange Association	.4087
Crafton Orange Growers Association	.4605
E. Highlands Citrus Association	.1016
Fontana Citrus Association	.1333
Highland Fruit Growers Association	.0539
Redlands Heights Groves	.3145
Redlands Orangedale Association	.3573
Break & Son, Allen	.0596
Bryn Mawr Fruit Growers Association	.2625
Krinard Packing Co.	.3863
Mission Citrus Association	.1624
Redlands Coop. Fruit Association	.3932
Redlands Orange Growers Association	.2902
Redlands Select Groves	.3061
Rialto Citrus Association	.1896
Rialto Orange Co.	.1615
Southern Citrus Association	.1791
United Citrus Growers	.1695
Zilen Citrus Co.	.1085
Arlington Heights Citrus Co.	.1024

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Brown Estate, L. V. W.	0.1723
Gavilan Citrus Association	.1915
Hemet Mutual Groves	.1101
Highgrove Fruit Association	.0900
McDermont Fruit Co.	.2183
Monte Vista Citrus Association	.2281
National Orange Co.	.0472
Riverside Heights Orange Growers Association	.0891
Sierra Vista Packing Association	.0751
Victoria Avenue Citrus Association	.2500
Claremont Citrus Association	.2190
College Height Orange & Lemon Association	.2600
El Camino Citrus Association	.1059
Indian Hill Citrus Association	.2049
Pomona Fruit Growers Exchange	.5079
Walnut Fruit Growers Association	.5714
West Ontario Citrus Association	.4473
El Cajon Valley Citrus Association	.3012
Escondido Orange Association	2.9316
San Dimas Orange Growers Association	.5230
Ball & Tweedy Association	.7058
Canoga Citrus Association	.9995
N. Whittier Heights Growers Association	1.0110
San Fernando Fruit Growers Association	.5586
San Fernando Heights Orange Association	1.1186
Sierra Madre-Lamanda Citrus Association	.4545
Camarillo Citrus Association	1.4474
Fullmore Citrus Association	4.1015
Mupu Citrus Association	3.1934
Ojal Orange Association	1.0779
Piru Citrus Association	2.1431
Santa Paula Orange Association	1.2167
Tapo Citrus Association	1.3351
Limoneira Co.	.5837
East Whittier Citrus Association	.4294
El Ranchito Citrus Association	1.1468
Murphy Ranch Co.	.4985
Rivera Citrus Association	.4652
Whittier Citrus Association	.6893
Whittier Select Citrus Association	.3924
Bryn Mawr Mutual Orange Association	.1309
Chula Vista Mutual Lemon Association	.1324
Escondido Coop. Citrus Association	.3745
Euclid Avenue Orange Association	.5039
Fullerton Coop. Orange Association	.4856
Garden Grove Orange Coop., Inc.	.7369
Glendora Coop. Citrus Association	.0569
Golden Orange Groves, Inc.	.2649
Highland Mutual Groves	.0387
Index Mutual Association	.2511
La Verne Coop. Citrus Association	1.3225
Mentone Heights Association	.0847
Olive Hillside Groves	.5756
Orange Coop. Citrus Association	1.0640
Redlands Foothill Groves	.6554
Redlands Mutual Orange Association	.1829
Riverside Citrus Association	.0704
Ventura County Orange and Lemon Association	1.0034
Whittier Mutual Orange and Lemon Association	.1462
Banks Fruit Co.	.3090
Banks, L. M.	.5559
California Associated Groves	.0550
California Fruit Distributors	.4094
Cherokee Citrus Co., Inc.	.1784
Chess Co., Meyer W.	.2783
Escondido Avocada Growers	.0273
Evans Brothers Packing Co.	.2799
Granada Hills Packing Co.	.0336
Hill, Fred A.	.0852
Paramount Citrus Association, Inc.	.5793
Placentia Orchard Co.	.5404
San Antonio Orchard Co.	.4743

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Snyder & Sons Co., W. A.	0.5321
Stephens, T. F.	.1785
Sunny Hills Ranch, Inc.	.2864
Wall, E. T.	.1465
Yorba Orange Growers Association	.5648
ALL ORANGES OTHER THAN VALENCIA ORANGES	
Prorate District No. 2	
Total	100.0000
A. F. G. Alta Loma	.1570
A. F. G. Corona	.6258
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.6078
Hazeltine Packing Co.	.0000
Placentia Pioneer Valley Growers Association	.0000
Signal Fruit Association	1.0819
Azusa Citrus Association	.0000
Azusa Orange Company, Inc.	.1502
Damerel-Allison Co.	1.1979
Glendora Mutual Orange Association	.6469
Irwindale Citrus Association	.2904
Puente Mutual Citrus Association	.0000
Valencia Heights Orchard Association	.2471
Covina Citrus Association	.0000
Covina Orange Growers Association	.0000
Duarte-Monrovia Fruit Exchange	.0000
Glendora Citrus Association	.0000
Glendora Heights Orange and Lemon Association	.0000
Gold Buckle Association	4.1875
La Verne Orange Association	4.1134
Anahelm Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadington Fruit Company, Inc.	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Orange County Valencia Association	.0000
Orangethorpe Citrus Association	.0000
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association, The	.0000
Alta Loma Heights Citrus Association	.4543
Citrus Fruit Growers	1.1585
Cucamonga Citrus Association	.6476
Etiwanda Citrus Fruit Association	.2400
Mountain View Fruit Association	.1820
Old Baldy Citrus Association	.5546
Rialto Heights Orange Association	.4766
Upland Citrus Association	2.6752
Upland Heights Orange Growers	1.2397
Consolidated Orange Growers	.0000
Frances Citrus Association	.0042
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0000
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.0000
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, The	.0200
Bradford Brothers, Inc.	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Call Ranch	.8243
Corona Citrus Association	1.1168
Jameson Company	.4215
Orange Heights Orange Association	1.3594
Crafton Orange Growers Association	1.7509
E. Highlands Citrus Association	.5461

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Fontana Citrus Association	0.5722
Highlands Fruit Growers Association	.7353
Redlands Heights Groves	1.2310
Redlands Orangedale Association	1.6135
Break & Son, Allen	.3381
Bryn Mawr Fruit Growers Association	1.3237
Krinar Packing Co.	2.2024
Mission Citrus Association	.9089
Redlands Coop. Fruit Association	1.9947
Redlands Orange Growers Association	1.3894
Redlands Select Groves	.6041
Rialto Citrus Association	.6937
Rialto Orange Co.	.4096
Southern Citrus Association	1.1857
United Citrus Co.	.6950
Zilen Citrus Co.	.8250
Andrews Brothers of Calif.	.3289
Arlington Heights Citrus Co.	.6927
Brown Estate, L. V. W.	2.2420
Gavilan Citrus Association	2.0285
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.8348
McDermont Fruit Co.	2.3466
Monte Vista Citrus Association	1.3745
National Orange Co.	.9656
Riverside Heights Orange Growers Association	1.5158
Sierra Vista Packing Association	.9048
Victoria Avenue Citrus Association	3.2560
Claremont Citrus Association	1.3314
College Heights Orange and Lemon Association	1.3708
El Camino Citrus Association	.6482
Indian Hill Citrus Association	1.5867
Pomona Fruit Growers Exchange	2.2671
Walnut Fruit Growers Association	.5357
West Ontario Citrus Association	1.8136
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
San Dimas Orange Growers Association	1.2997
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Association	.0000
San Fernando Fruit Growers Association	.4054
San Fernando Heights Orange Association	.3991
Sierra Madre Lamanda Citrus Association	.0000
Camarillo Citrus Association	.0000
Fillmore Citrus Association	.0000
Ojal Orange Association	.0000
Piru Citrus Association	.0000
Santa Paula Orange Association	.0000
Tapo Citrus Association	.0000
E. Whittier Citrus Association	.0000
Whittier Citrus Association	.0000
Whittier Select Citrus Association	.0000
Anaheim Coop. Orange Association	.0000
Bryn Mawr Mutual Orange Association	.7164
Chula Vista Mutual Lemon Association	.0000
Escondido Coop. Citrus Association	.0000
Euclid Avenue Orange Association	2.6382
Foothill Citrus Union, Inc.	.1257
Fullerton Coop. Orange Association	.0000
Garden Grove Orange Coop., Inc.	.0000
Glendora Coop. Citrus Association	.0807
Golden Orange Groves, Inc.	.0000
Highland Mutual Groves	.3352
Index Mutual Association	.0051
La Verne Coop. Citrus Association	3.2670
Mentone Heights Association	1.0282
Olive Hillside Groves	.0000
Orange Coop. Citrus Association	.0000
Redlands Foothill Groves	2.8317

to deliver security ABC to a different broker, to receive security XYZ from that broker at about the same time, and to settle with the other broker—such settlement to be made either by paying the cost of security XYZ to the other broker and receiving from him the cost of security ABC, or by merely settling any difference between these amounts.

The Board expressed the view that the account becomes subject to the 90-day disqualification in § 220.4 (c) (8). In the instant case, unlike that described at 1940 Federal Reserve Bulletin 772, the security sold is not held in the account and is not to be deposited in it unconditionally. It is to be obtained only against the delivery to the other broker of the security which had been purchased. Hence payment can not be said to have been made prior to such delivery; the purchased security has been delivered out to a broker without previously having been paid for in full, and the account becomes subject to the 90-day disqualification. (Sec. 3 (a), (b), sec. 7 (a), (b), (c), (d), sec. 8 (a), sec. 17 (b), sec. 23 (a), 48 Stat. 881, 886, 888, 897, 901, sec. 8, 49 Stat. 1379; 15 U. S. C. 78c (a), (b), 78g (a), (b), (c), (d), 78h (a), 78q (b), 78w (a).)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-3851; Filed, Apr. 30, 1948; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES
Chapter 1—Bureau of Customs, Department of the Treasury

[T. D. 51904]

PART 6—AIR COMMERCE REGULATIONS
CHANGE IN NAME OF AIRPORT OF ENTRY; NOGALES MUNICIPAL AIRPORT, ARIZONA

APRIL 27, 1948.

The official name of the Nogales Municipal Airport, Nogales, Arizona, which was designated as an airport of entry by Treasury Decision 46764, dated November 29, 1933, has been changed to "Nogales International Airport."
Treasury Decision 46764 is hereby amended by substituting the name "Nogales International Airport" for the name

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON F. ANDERSON,
Secretary of Agriculture.
[F. R. Doc. 48-3864; Filed, Apr. 30, 1948; 8:51 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System
Subchapter A—Board of Governors of the Federal Reserve System

PART 220—CREDIT BY BROKERS, DEALERS, MEMBERS OF NATIONAL SECURITIES EXCHANGES

NINETY-DAY RULE IN SPECIAL CASH ACCOUNT
The following interpretation under this part relating to credit by brokers, dealers, and members of national securities exchanges was issued by the Board of Governors of the Federal Reserve System on April 23, 1948:

§ 220.105 *Ninety-day rule in special cash account.* Section 220.4 (c) (8) places a limitation on a special cash account if a security other than an exempted security has been purchased in the account and "without having been previously paid for in full by the customer * * * has been * * * delivered out to any broker or dealer." The limitation is that during the succeeding 90 days the customer may not purchase a security in the account other than an exempted security unless funds sufficient for the purpose are held in the account. In other words, the privilege of delayed payment in such an account is withdrawn during the 90-day period.

The Board recently considered a question as to whether the following situation makes an account subject to the 90-day disqualification: A customer purchases registered security ABC in a special cash account. The broker executes the order in good faith as a bona fide cash transaction, expecting to obtain full cash payment promptly. The next day, the customer sells registered security XYZ in the account, promising to deposit it promptly in the account. The proceeds of the sale are equal to or greater than the cost of security ABC. After both sale and purchase have been made, the customer requests the broker

reference "1" after the following listed items:

Food import class No.	Commerce import class No.
Linseed oil.....	2250.210
Flaxseed (linseed).....	2233.000
Linseed oil, and combinations and mixtures, in chief value of such oil.....	2254.000

This revision shall become effective upon publication in the FEDERAL REGISTER. (E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087; W. F. O. 63, 12 F. R. 459)

Issued this 28th day of April 1948.
[SEAL] RALPH S. TRIGG,
Administrator, Production and Marketing Administration.
[F. R. Doc. 48-3895; Filed, Apr. 30, 1948; 8:55 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter 1—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds
[B. A. I. Order 365, Amdt. 19]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

HORSES; BOOK OF RECORD RECOGNITION
Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the act of June 17, 1930 (45 Stat. 673; 19 U. S. C. sec. 1201, par. 1606), paragraph (b) of § 151.6, Chapter I, Title 9, Code of Federal Regulations (section 2, paragraph 2, regulation 2, B. A. I. Order 365), is amended, effective thirty days from the date of publication hereof in the FEDERAL REGISTER, by adding to the subdivision of said paragraph relating to horses the following breed and book of record:

Name of breed	Book of record	By whom published
Arabian.....	Arabian Section of the Canadian National Live Stock Record Stud and Herd Book.	Canadian National Live Stock Records, R. G. T. Hitchman, Director Ottawa, Canada.
(Sec. 201, par. 1606 (a), 46 Stat. 673; 19 U. S. C. 1201, par. 1606 (a).)	Done at Washington, D. C., this 28th day of April 1948.	

PRORATE BASE SCHEDULE—Continued
ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued	Prorate base (percent)
Handier	
Redlands Mutual Orange Association.....	1.0695
Ventura County Orange & Lemon Association.....	.4736
Whittier Mutual Orange & Lemon Association.....	.0000
Babji Juice Corp. of Calif.....	.2213
Banks Fruit Co.....	.0000
California Fruit Distributors.....	.0520
Cherokee Citrus Co., Inc.....	1.1933
Chess Company, Meyer W.....	.0000
Evans Brothers Packing Co.....	.7614
Gold Banner Association.....	2.3494
Granada Packing House.....	.0000
Hill, Fred A.....	.8356
Inland Fruit Dealers.....	.3005
Orange Belt Fruit Distributors.....	1.9815
Panno Fruit Co., Carlo.....	.0000
Paramount Citrus Association, Inc.....	.5773
Piacenta Orchards Co.....	.0000
San Antonio Orchards Co.....	1.4401
Snyder & Sons Co., W. A.....	.0000
Torn Ranch.....	.0688
Wall, E. T.....	2.1540
Western Fruit Growers, Inc., Reds.....	3.6157
Yorba Orange Growers Association.....	.0000

[F. R. Doc. 48-3933; Filed, Apr. 30, 1948; 9:01 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63-29]

PART 1596—FOOD IMPORTS
PARTIAL REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (12 F. R. 459), Appendix A to the order is hereby revised by adding the footnote

Name of breed	Book of record
Arabian.....	Arabian Section of the Canadian National Live Stock Record Stud and Herd Book.
(Sec. 201, par. 1606 (a), 46 Stat. 673; 19 U. S. C. 1201, par. 1606 (a).)	Done at Washington, D. C., this 28th day of April 1948.

"Nogales Municipal Airport" appearing therein.

Section 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12), is hereby amended by substituting the name "Nogales International Airport" for the name "Nogales Municipal Airport" opposite "Nogales, Arizona."

(Sec. 7 (b), 44 Stat. 572, sec. 611, 58 Stat. 714; 49 U. S. C., Sup., 177 (b))

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

[F. R. Doc. 48-3876; Filed, Apr. 30, 1948; 9:00 a. m.]

[T. D. 51905]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES

1. Section 8.11 *Invoice to be for single shipment; extracts from invoices*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.11), is amended as follows:

a. Substitute the following for the second sentence of paragraph (a): "If by reason of accident or short shipment a portion of the quantity covered by one invoice fails to arrive, or if for any other reason only a portion of the quantity covered by one invoice is entered under one entry, an extract from the certified or commercial invoice used in connection with the first entry, covering the quantity to be entered under another entry, may be used in connection with the subsequent entry of any portion of the merchandise not cleared under the first entry."

b. Substitute the following for the first two sentences of paragraph (b):

(b) When portions of a single shipment requiring a certified or commercial invoice are entered at different ports, the importer may request the collector for the port where the invoice is on file or, if a certified extract or extracts of such invoice have been issued, the collector for the port where an extract was last issued, to prepare and certify an extract of the invoice or an extract of the extract of the invoice, as the case may be. The certified extract shall be transmitted by the collector for the port of certification to the collector for the port at which the certified extract is to be used. The certified extract shall show all the invoice data for all merchandise covered by the invoice or extract but not included in the entry made at the port of certification.

c. Substitute the following for paragraph (c):

(c) Bona fide installment shipments may be covered by one invoice in accordance with § 8.12 and any bona fide installment valued at not more than \$100 may be entered on an informal entry in accordance with § 8.51. The consolidation of separate shipments in one invoice or the splitting up of an importation into small lots, each valued at not more than \$100, to avoid certified invoice requirements shall not be permitted. (Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

d. Insert as a marginal reference opposite § 8.11 (a), Customs Regulations of 1943, the following: "T. D. 51077 (2)".

e. Insert as a marginal reference opposite § 8.11 (b), Customs Regulations of 1943, the following: "CIE 4/45 1/3/45".

2. Section 8.12 *Invoices for installment shipments arriving within a period of 7 days from contiguous territory; entry*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.12), as amended by T. D. 51560 (11 F. R. 13298), is further amended by deleting the words "from contiguous territory" from the heading.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: April 9, 1948.

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

[F. R. Doc. 48-3879; Filed, Apr. 30, 1948; 9:00 a. m.]

[T. D. 51906]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES OF LUMBER

T. D. 50498, as amended, providing for additional information on customs invoices of lumber (including sawed timber) further amended. Reference to requirements of T. D. 49643, as amended, inserted. Section 8.13 (i), Customs Regulations of 1943, as amended, further amended.

The additional information on customs invoices of lumber (including sawed timber) provided for in items (3) and (4) of T. D. 50498, as amended by T. D. 50555, concerning the quantity of lumber in board feet in dressed condition, and the sizes of the lumber after dressing, respectively, is no longer required. Therefore, T. D. 50498 is hereby further amended by deleting items (3) and (4), and T. D. 50555 is hereby revoked.

This amendment shall be effective as to invoices certified on and after January 1, 1948.

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

Section 8.13 (i), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (i)), as amended, is hereby further amended by deleting "50555, Jan. 19, 1942;" and "50833, March 18, 1943;" opposite the item "Lumber (including sawed lumber) planed or dressed on one or more sides"; by changing to a semicolon the period following the last date opposite said item and adding the number and date of this decision; by placing "Northern white pine (pinus strobus), Norway pine (pinus resinosa), and" preceding the item "Western white spruce lumber for which exemption is claimed from the import tax prescribed by the first sentence of Internal Revenue Code, sec. 3424 (a)"; by placing "49643 (8), June 29, 1938;" first in the list of Treasury decisions appearing opposite said last-mentioned item; and by changing to a semicolon the

period following the last date opposite said item and adding the number and date of this decision.

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

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: April 27, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-3877; Filed, Apr. 30, 1948; 9:00 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[No. 672]

PART 401—GENERAL

ASSIGNMENTS FOR SERVICES TO BE PERFORMED ON A FEE BASIS

APRIL 22, 1948.

Amending Part 401, Chapter IV, Title 24 of the Code of Federal Regulations.

Section 401.07-1 (12 F. R. 3858) is amended to read as follows:

§ 401.07-1 *To salaried employees of the U. S., etc.* Unless specially authorized in writing by the General Manager or, as to legal matters, by the General Counsel, assignments for services to be performed on a fee basis shall not be made to a person who is a full-time or part-time salaried employee of the United States, or any department or agency thereof, or any corporate agency or instrumentality of the United States having no capital stock, or all of whose capital stock (except any qualifying shares of directors or similar officers which may be otherwise owned) is beneficially owned directly or indirectly, by the United States. (Secs. 4 (a) (k), 48 Stat. 129, 132, 643, 647; sec. 3, 60 Stat. 238; 15 U. S. C. 1002, 12 U. S. C. and Sup. 1463; Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 48-3874; Filed, Apr. 30, 1948; 8:52 a. m.]

Chapter VIII—Office of Housing Expediter

[Rev. Rent Procedural Reg. 1, May 1, 1948]

PART 840—PROCEDURE

PROCEDURE FOR ADJUSTMENTS, APPEALS AND INTERPRETATIONS UNDER RENT REGULATIONS

Rent Procedural Regulation 1 is revised to read as follows:

Pursuant to the authority of the Housing and Rent Act of 1947 as amended, (Pub. Laws 129, 422 and 464, 80th Cong.) in order to provide for orderly procedures the following rules are prescribed for adjustments, administrative appeals and

¹ Referred to in this regulation as "Part".

interpretations under the rent regulations:

Sec.

840.1 Purpose of this part.

SUBPART A—LANDLORDS' PETITIONS; AND
TENANTS' APPLICATIONS

- 840.2 Landlord's right to file petition.
- 840.3 Method of filing, form and contents.
- 840.4 Joint petitions, consolidation.
- 840.5 Tenants' applications for decreases in maximum rents.
- 840.6 Investigation by the Area Rent Director.
- 840.7 Action by Area Rent Director on his own initiative.
- 840.8 Action by the Area Rent Director on petitions for adjustment or other relief.
- 840.9 Evidence not subject to landlord's control.
- 840.10 Oral testimony.
- Landlords' Applications for Review of Area Rent Director's Action*
- 840.11 Landlords' applications for review.
- 840.12 Action on applications for review.
- 840.13 Receipt of oral testimony.

SUBPART B—APPEALS TO THE HOUSING
EXPEDITER

General Provisions

- 840.14 Right to appeal.
- 840.15 Time and place of filing appeals.
- 840.16 Stay of landlord's obligation to refund.
- 840.17 Form of appeal.
- 840.18 Contents of appeals.
- 840.19 Assignment of docket number.
- 840.20 Appeal and evidential material not conforming to this part.
- 840.21 Joint appeals.
- 840.22 Consolidation of appeals.
- 840.23 Amendment of appeal and presentation of additional evidence.
- 840.24 Action by the Housing Expediter.
- 840.25 Basis for determination of appeal.
- 840.26 Affidavits or other written evidence in support of appeals.
- 840.27 Receipt of oral testimony in appeals.
- 840.28 Submission of brief.

Material in Support of the Regulation or Order

- 840.29 Incorporation of material into the record by the Housing Expediter.
- 840.30 Other written evidence in support of the regulation or order.
- 840.31 Receipt of oral testimony in support of the regulation or order.

Determination of Appeal

- 840.32 Opinion denying appeal in whole or in part.
- 840.33 Stay of landlord's obligation to refund.
- 840.34 Treatment of appeal as request for other relief.

SUBPART C—INTERPRETATIONS

- 840.35 Interpretations.
- 840.36 Requests for interpretations: form and contents.
- 840.37 Interpretation to be written: authorized officials.

SUBPART D—MISCELLANEOUS PROVISIONS AND
DEFINITIONS

- 840.38 Contemptuous conduct.
- 840.39 Continuance or adjournment of hearing.
- 840.40 Filing of notices, etc.
- 840.41 Service of papers.
- 840.42 Action by representative.
- 840.43 Certifying Officer: Office hours.
- 840.44 Confidential information, inspection of documents filed with Certifying Officer.
- 840.45 Appearance of employees and former employees.

Sec.

- 840.46 Definitions.
- 840.47 Amendment of this part.
- 840.48 Saving provisions.

AUTHORITY: §§ 840.1 to 840.48, inclusive, issued under Pub. Laws 129, 422 and 464, 80th Cong.

§ 840.1 *Purpose of this part.* It is the purpose of this part to prescribe and explain the procedure of the Office of the Housing Expediter, in making various kinds of determinations in connection with the establishment of maximum rents.

(a) Subpart A deals with petitions for adjustment and other relief provided for by the maximum rent regulations. An adjustment in maximum rent or any other relief can be granted only if the applicable maximum rent regulation contains specific provision for the adjustment or other relief sought.

(b) Subpart B deals with appeals. The nature and function of appeals are set forth in general in the introduction to Subpart B, preceding § 840.14.

(c) Subpart C explains the way in which interpretations of the meaning or effect of provisions of maximum rent regulations are given by officers or employees of the Office of the Housing Expediter.

(d) Subpart D contains miscellaneous provisions and definitions.

SUBPART A—LANDLORDS' PETITIONS; AND
TENANTS' APPLICATIONS

Introduction. Subpart A deals with administrative proceedings before the Area Rent Director and the Regional Housing Expediter. Local advisory boards, provided for by the Housing and Rent Act of 1947, as amended, are authorized to make recommendations to the Area Rent Director with respect to individual adjustment cases, and to the Housing Expediter with respect to certain other matters. Provisions governing the consideration of such recommendations are set forth in the act. Information concerning the organization of the local advisory board may be obtained from the area office.

§ 840.2 *Landlord's right to file petition.* A petition for adjustment or other relief may be filed by any landlord subject to any provision of a maximum rent regulation who requests such adjustment or relief pursuant to a provision of the maximum rent regulation authorizing such action.

§ 840.3 *Method of filing, form, and contents.* A petition for adjustment or other relief provided for by a maximum rent regulation shall be filed only with the Area Rent Director of the Office of the Housing Expediter, for the defense-rental area within which the housing accommodations involved are located. Petitions shall be filed upon forms prescribed by the Housing Expediter and pursuant to instructions stated on such forms and may be accompanied by affidavits or other documents setting forth the evidence upon which the petitioner relies in support of the facts alleged in his petition.

§ 840.4 *Joint petitions, consolidation.* Two or more landlords may file a joint

petition for adjustment or other relief where the grounds of the petition are common to all landlords joining therein. A joint petition shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one landlord. A landlord's petition may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. Whenever the Area Rent Director deems it necessary or appropriate, he may order the filing of separate petitions or he may consolidate separate petitions presenting common questions which can be determined expeditiously in one proceeding.

§ 840.5 *Tenant's application for decrease in maximum rent.* Tenant's application for decrease in maximum rent provided for by section 5 of the maximum rent regulations shall be filed with the Area Rent Director for the defense-rental area within which the housing accommodations involved are located. The application for decrease in maximum rent shall be filed on forms prescribed by the Housing Expediter. Action thereon shall be within the discretion of the Area Rent Director and the procedure shall be the same as in proceedings in the cases specified in § 840.7.

§ 840.6 *Investigation by the Area Rent Director.* Upon the commencement of a proceeding provided for by §§ 840.2, 840.5, 840.7 or § 840.8 (c), the Area Rent Director may make such investigation of the facts, hold such conferences, and require the filing of such reports, evidence in affidavit form or other material relevant to the proceeding, as he may deem necessary or appropriate for the proper disposition of the proceeding.

§ 840.7 *Action by the Area Rent Director on his own initiative.* In any case where the Area Rent Director pursuant to the provisions of a maximum rent regulation, deems it necessary or appropriate to enter an order on his own initiative, he shall, before taking such action, serve a notice upon the landlord of the housing accommodations involved stating the proposed action and the grounds therefor. The proceeding shall be deemed commenced on the date of issuance of such notice.

§ 840.8 *Action by the Area Rent Director on petitions for adjustment or other relief.* (a) Upon receipt of a petition for adjustment or other relief, and after due consideration, the Area Rent Director may either:

(1) Dismiss any petition which fails substantially to comply with the provisions of the applicable maximum rent regulation or of this part; or

(2) Grant or deny, in whole or in part, any petition which is properly pending before him; or

(3) Notice such petition for oral hearing to be held in accordance with § 840.10; or

(4) Provide an opportunity to present further evidence in affidavit form, in connection with such petition.

(b) An order entered by an Area Rent Director upon a petition for adjustment

or other relief, or an order entered by an Area Rent Director on his own initiative or upon remand, shall be effective and binding until changed by further order and shall be final subject only to application for review or appeal as provided in § 840.11 or § 840.14 and following. An order entered by an Area Rent Director may be revoked or modified at any time, *Provided, however*, Due notice of the intention so to revoke or modify was previously given to all persons subject to such order, except as provided in § 840.11 (a).

(c) Upon remand of a proceeding to the Area Rent Director by the Regional Housing Expediter pursuant to § 840.12 or by the Housing Expediter pursuant to § 840.24, the Area Rent Director shall proceed in accordance with the order of remand and at the conclusion of such proceedings shall issue an appropriate order. Review of an Area Rent Director's order issued after remand shall be only by appeal to the Housing Expediter pursuant to § 840.14.

§ 840.9 *Evidence not subject to landlord's control.* In any proceeding before an Area Rent Director, the landlord may file a statement in affidavit form setting forth in detail the nature and sources of any evidence not subject to his control, but subject to the control of the Housing Expediter, upon which the landlord believes he can rely in support of the facts alleged in his petition or objections. Such statement shall be accompanied by an application for assistance by way of interrogatories or otherwise, in obtaining documentary evidence or evidence of persons not subject to the control of the landlord, showing in every instance what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify them with sufficient particularity to enable them to be identified for purposes of production. Any such application for assistance must be directed to evidence subject to the control of the Housing Expediter.

§ 840.10 *Oral testimony*—(a) *Requests for oral hearing.* In most cases, evidence in proceedings before the Area Rent Director will be received only in written form. This procedure is most conducive to the fair and expeditious disposition of such proceedings. However, the Area Rent Director may, upon his own initiative, direct the receipt of oral testimony or the landlord may request that oral testimony be taken. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the proceeding. In the event that an oral hearing is ordered, notice thereof shall be served on the landlord not less than five (5) days prior to such hearing. The time and place of hearing shall be stated in the notice. A presiding officer shall be appointed by the Area Rent Director with all necessary powers to conduct the hearing. Any such oral hearing may be limited in such manner and to such extent

as is deemed appropriate to the expeditious determination of the proceeding.

(b) *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the appropriate defense-rental area office.

Landlord's Application for Review of Area Rent Director's Action

§ 840.11 *Landlord's application for review.* (a) Any landlord, except a landlord subject to an order issued pursuant to § 840.8 (c), whose petition for adjustment or other relief has been dismissed or denied in whole or in part by the Area Rent Director, or any landlord subject to an order entered by the Area Rent Director on his own initiative, may file with the Area Rent Director an application for review of such determination by the Regional Housing Expediter for the region in which the defense-rental area office is located: *Provided*, That any landlord subject to an order entered under section 5 (d) of any maximum rent regulation or subject to an order entered by the Area Rent Director under § 840.7, may either apply for review of such order as provided in this section, or may appeal any provision of such order as provided in § 840.14 and following of this part. An application for review shall be filed in triplicate upon forms prescribed by the Housing Expediter and pursuant to instructions stated on such forms. Upon the filing of an application for review or appeal with respect to such determination, the Area Rent Director shall forward the record of the proceedings, with respect to which such application for review is filed, to the appropriate Regional Housing Expediter, or, in the case of an appeal, to the Housing Expediter: *Provided, however*, That the Area Rent Director, within fifteen days after the filing of such application for review or appeal, may grant the relief requested therein, in whole or in part, by revoking or modifying his order upon reconsideration, without notice, except where such order has the effect of requiring the landlord to make a refund to the tenant pursuant to the rent regulations and the landlord has obtained a stay of his obligation to refund in accordance with the provisions of this part.

Within ten days after date of issuance of an order upon reconsideration by the Area Rent Director, the landlord shall file in the Area Rent Office a written statement electing either to withdraw or to continue in effect the pending application for review or appeal. If such statement is not filed within the time provided the application for review or appeal shall be dismissed.

(b) Applications for review may be filed within sixty (60) days after the date of issuance of the determination to be reviewed. An application for review which is not filed within the specified time ordinarily will be dismissed unless special circumstances are shown to justify a later filing.

(c) Where the effect of an Area Rent Director's order is to require a landlord to make a refund to the tenant in accordance with the provisions of section

4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments, section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for New York City Defense-Rental Area, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area, section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for Miami Defense-Rental Area, section 5 (b) (2) of the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area, or section 4 (c), 4 (e), (5) (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area, the obligation to refund shall be stayed if the landlord, within thirty (30) days after the date of issuance of said order, duly files an application for review together with a refund transmittal memorandum directed to the Regional Budget and Finance Officer on forms prescribed by the Housing Expediter, accompanied by a certified check or money order in the amount of the refund payable to the U. S. Treasurer, and such additional information and documents as may be required. The money so deposited shall be distributed pursuant to the order of the Regional Housing Expediter or in accordance with the final disposition of the proceedings.

§ 840.12 *Action on applications for review.* Upon the filing of an application for review in accordance with § 840.11 and after due consideration the Regional Housing Expediter may, by appropriate order, affirm, revoke, or modify, in whole or in part, the determination of the Area Rent Director sought to be reviewed, or, if considered necessary or appropriate, may remand the proceedings to the Area Rent Director for further action not inconsistent with the determination of the Regional Housing Expediter. In any case where an application for review does not conform in a substantial respect to the requirements of this part, the Regional Housing Expediter may dismiss such application. An order entered by a Regional Housing Expediter upon an application for review shall be effective and binding until changed by further order and shall be final subject only to appeal as provided in § 840.14 and following of this part. An order entered by a Regional Housing Expediter upon an application for review may be revoked or modified at any time, *Provided, however*, Due notice of the intention so to revoke or modify was previously given to the applicant.

If the effect of the order of the Area Rent Director is to require a refund of rent to the tenant under section 4 (c), 4 (e), 5 (b) (2) or 5 (c) (1) of the Controlled Housing Rent Regulation, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments, section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Con-

trolled Housing Rent Regulation for New York City Defense-Rental Area, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area, section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for Miami Defense-Rental Area, section 5 (b) (2) of the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area, or section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area, the modification or revocation of said order by the Regional Housing Expediter or by the Area Rent Director upon remand, as it affects the refund, shall be retroactive if a stay has been obtained pursuant to § 840.11.

§ 840.13 *Receipt of oral testimony.* (a) In most cases, evidence in application for review proceedings will be received only in written form. This procedure is most conducive to the fair and expeditious disposition of such proceedings. However, the person filing an application for review may request the receipt of oral testimony. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the application.

(b) In the event that the Regional Housing Expediter orders the receipt of oral testimony, notice shall be served on the person filing the application, not less than five (5) days prior to the receipt of such testimony, which notice shall state the time and place of the hearing and the name of the presiding officer designated by the Regional Housing Expediter.

(c) A stenographic report of any hearing of oral testimony shall be made, a copy of which shall be available during business hours in the appropriate Regional or Area Office.

SUBPART B—APPEALS TO THE HOUSING EXPEDITER

Introduction. Subpart B deals with "appeals" to the Housing Expediter. An appeal is the means provided for landlords to make formal objections to a maximum rent regulation or order.

The filing and determination of a proper appeal is ordinarily a prerequisite to obtaining judicial review of administrative determinations. At any time during the administrative consideration of an appeal directed solely to a regulation, the Housing Expediter may refer the appeal to the Area Rent Director for the area from which the appeal arises and request such Area Rent Director to make recommendation with respect to the disposition of the appeal.

General Provisions

§ 840.14 *Right to Appeal.* (a) Any landlord subject to any provision of a maximum rent regulation, or of an order issued by a Regional Housing Expediter under § 840.12 (except an order remanding to the Area Rent Director), or of an order entered by an Area Rent Director under section 5 (d) of any maximum

rent regulation, or of an order entered by an Area Rent Director under §§ 840.7 or 840.8 (c), may file an appeal in the manner set forth below.

(b) A landlord is subject to a provision of a maximum rent regulation or of an order only if such provision prohibits or requires action by him.

(c) Any appeal filed by a landlord not subject to the provision appealed from, or otherwise not in accordance with the requirements of this part, may be dismissed by the Housing Expediter.

§ 840.15 *Time and place of filing appeals.* (a) An appeal against the provisions of a maximum rent regulation may be filed at any time after the issuance thereof.

(b) Ordinarily there will be no reason why an appeal from an order affecting only an individual and issued under § 840.12 or of an order entered under section 5 (d) of any maximum rent regulation, or of an order entered by an Area Rent Director under §§ 840.7 or 840.8 (c), cannot be filed promptly after the issuance of such order. Accordingly, if an appeal is not filed within sixty (60) days after the date of issuance of such order the Housing Expediter ordinarily will regard the delay as unreasonable and will dismiss the appeal unless special circumstances are shown to justify the delay.

(c) Appeals shall be filed with the Certifying Officer, Office of the Housing Expediter, Washington 25, D. C. A copy of the appeal shall also be filed with the appropriate Regional Housing Expediter or Area Rent Director as provided in § 840.17; *Provided, however,* That an appeal directed solely against a regulation shall be filed with the Area Rent Director of the area out of which the appeal arises and the Area Rent Director shall, within twenty (20) days of such filing transmit the appeal to the Housing Expediter. The Area Rent Director may also transmit such pertinent data and materials as are available.

§ 840.16 *Stay of landlord's obligation to refund.* (a) Where the Area Rent Director has entered an order under § 840.7, the effect of which is to require a landlord to make a refund to a tenant in accordance with the provisions of section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses, and Other Establishments, section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for New York City Defense-Rental Area, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area, section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for Miami Defense-Rental Area, section 5 (b) (2) of the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments in the Miami Defense-Rental Area, or section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area, the obligation to re-

fund shall be stayed if the landlord within thirty (30) days after the date of issuance of said order, duly files an appeal from said order, together with a refund transmittal memorandum directed to the Regional Budget and Finance Officer on forms prescribed by the Housing Expediter accompanied by a certified check or money order in the amount of the refund payable to the United States Treasurer, and such additional information and documents as may be required. The money so deposited shall be distributed pursuant to the order of the Housing Expediter or in accordance with the final disposition of the proceedings.

(b) Compliance with that portion of an Area Rent Director's order issued under Section 840.8 (c) or of a Regional Housing Expediter's order which specifies the manner in which the money deposited pursuant to paragraph (a) of this section or § 840.11 (c) be distributed to a tenant, shall be stayed if the landlord, within thirty (30) days after the date of issuance of said order, duly files an appeal in the manner herein set forth. In such event, the money so deposited shall be distributed pursuant to the order of the Housing Expediter or in accordance with the final disposition of the proceedings.

(c) Compliance with that portion of an order, issued by the Housing Expediter upon the final determination of an appeal on the merits, which specifies the manner in which the money deposited pursuant to paragraph (a) of this section or § 840.11 (c) shall be distributed to a tenant, shall be stayed for a period of forty (40) days from the date of issuance of said order.

§ 840.17 *Form of appeal.* (a) There is no printed form for use in making an appeal. However, every appeal shall be clearly designated "appeal to the Housing Expediter" and shall contain upon the first page thereof (1) the full name and address of the person making the appeal and the name of the defense-rental area for which the maximum rent regulation or order appealed from was issued, (2) a statement whether the appeal is from a maximum rent regulation or order, (3) the date of issuance and the name or number of such maximum rent regulation or order, and (4) a statement that a copy of the appeal and all accompanying documents and briefs have been filed with the Regional Housing Expediter or the Area Rent Director where such action is required by paragraph (c) or (d) of this section.

(b) One original and three copies of the appeal and of all accompanying documents and briefs shall be filed either with the Certifying Officer, Office of the Housing Expediter, Washington 25, D. C., or as otherwise provided in § 840.15 (c).

(c) In cases where the appeal is from an order of a Regional Housing Expediter, an additional copy of the appeal, accompanying documents and briefs, shall be filed with the Regional Housing Expediter issuing the order being appealed.

(d) In cases where the appeal is from an order of an Area Rent Director and an application for review of that order has not been filed, an additional copy of

the appeal, accompanying documents and briefs, shall be filed with the Area Rent Director issuing the order being appealed.

(e) Each copy of the appeal, accompanying documents and briefs, shall be printed, typewritten, mimeographed or prepared by similar process and shall be plainly legible. Copies shall be double-spaced except that quotations shall be single-spaced and indented.

§ 840.18 *Contents of appeals*—(a) *What each appeal must contain.* Every appeal shall set forth the following:

(1) The name and the post office address of the person filing the appeal, the manner in which such person is subject to the provision of the maximum rent regulation or order appealed from, and the location, by post office address or otherwise, of all housing accommodations involved in the appeal;

(2) The name and post office address of any person filing the appeal on behalf of the landlord and the name and post office address of the person to whom all communications from the Office of the Housing Expediter, relating to the appeal shall be sent;

(3) A complete identification of the provision or provisions appealed from, citing the number of the maximum rent regulation or order, the section or sections thereof to which objection is made, and the date of issuance thereof;

(4) A clear and concise statement of all objections raised by the person filing the appeal against the provision or provisions appealed from, each such objection to be separately stated and numbered;

(5) A clear and concise statement of all facts alleged in support of each objection;

(6) A statement of the relief requested and, if modification of a provision of the maximum rent regulation is sought, a statement of the specific changes which the landlord seeks to have made in the provision;

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

§ 840.19 *Assignment of docket number.* Upon receipt of an appeal it shall be assigned a docket number, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the information specified in § 840.17.

§ 840.20 *Appeal and evidential material not conforming to this part.* In any case where an appeal or evidential material does not conform in a substantial respect to this part the Housing Expediter may dismiss such appeal or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the appeal.

§ 840.21 *Joint appeals.* Two or more landlords may file a joint appeal. Joint appeals shall be filed and determined in accordance with the rules governing the filing and determination of appeals filed severally. A joint appeal shall be verified in accordance with § 840.18 (a) (7) by each person joining in the appeal. A joint appeal may be filed only where at least one ground is common to all persons joining in it. Whenever the Housing Expediter deems it to be necessary or appropriate for the disposition of joint appeals, he may treat such joint appeals as several, and, in any event, he may require the filing of relevant materials by each person joining therein.

§ 840.22 *Consolidation of appeals.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more appeals the Housing Expediter may consolidate such appeals.

§ 840.23 *Amendment of appeal and presentation of additional evidence.* In general, all of the objections upon which a person making the appeal intends to rely in the appeal proceedings must be clearly stated in the appeal when it is filed and all of the evidence which such person wishes to offer in support of the appeal must be filed at the same time. Exceptions to this rule are stated in §§ 840.26 (b) and 840.27 relating to evidence not subject to the landlord's control and the submission of oral testimony. A landlord may, however, be granted permission to amend his appeal so as to state additional objections or to present further evidence in connection therewith upon a showing of reasonable excuse for failure to present such objections or evidence at the time the appeal was first filed. The permission will be granted only if, in the judgment of the Housing Expediter, it will not unduly delay the completion of the proceedings on the appeal.

§ 840.24 *Action by the Housing Expediter.* (a) Within a reasonable time after the filing of any appeal in accordance with this part, the Housing Expediter shall:

(1) Grant or deny such appeal in whole or in part or if considered necessary or appropriate, remand the proceedings to the Area Rent Director for further action not inconsistent with the determination of the Housing Expediter;

(2) Notice such appeal for hearing or oral testimony in accordance with § 840.27 or § 840.31;

(3) Provide an opportunity to present further evidence in connection with such appeal. Within a reasonable time after the presentation of such further evidence the Housing Expediter may notice such appeal for hearing or oral testimony in accordance with subparagraph (2) of this paragraph, include additional material in the record of the proceedings on the appeal in accordance with §§ 840.29 and 840.30, or take such other action as may be appropriate to the disposition of the appeal.

(b) Notice of any such action taken by the Housing Expediter shall be served upon the landlord.

(c) Where the Housing Expediter has ordered a hearing on an appeal or has

provided an opportunity for the presentation of further evidence in connection therewith he shall within a reasonable time after the completion of such hearing or the presentation of such evidence, upon due consideration, grant or deny such appeal, in whole or in part.

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

(1) The designation of the defense-rental area, the rent declaration, and the maximum rent regulation involved;

(2) The appeal and evidential material properly filed with the Certifying Officer, in accordance with §§ 840.17 and 840.26;

(3) If the appeal is against an order, the evidence and all documents in proceedings had in connection therewith. Such material need not be filed by the landlord;

(4) Materials incorporated into the record of the proceedings under §§ 840.29 and 840.30;

(5) Oral testimony taken in accordance with §§ 840.27 and 840.31;

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

(b) *Facts of which the Housing Expediter has taken official notice.* The above-listed documents may contain statements of economic data and other facts of which the Housing Expediter has taken official notice, including facts found by him as a result of reports filed and studies and investigations made.

(c) *Briefs and arguments.* Briefs and oral arguments submitted or presented in accordance with this part are, of course, considered in the determination of an appeal. They are, however, not a part of the record of the proceedings.

§ 840.26 *Affidavits or other written evidence in support of appeals.* Every person filing an appeal shall file together with his appeal the following:

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

(b) A statement by the person filing the appeal in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, but subject to the control of the Housing Expediter, upon which the landlord believes he can rely in support of the facts alleged in his appeal. Such statement shall be accompanied by an application for assistance by way of interrogatories, or otherwise, in obtaining the documentary evidence or evidence of persons not subject to the control of the person filing the appeal, showing in every instance what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall

specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify them with sufficient particularity to enable them to be identified for purposes of production. Any such application for assistance must be directed to evidence subject to the control of the Housing Expediter.

§ 840.27 *Receipt of oral testimony in appeals.* (a) In most cases, evidence in appeal proceedings will be received only in written form. This procedure is most conducive to the fair and expeditious disposition of appeals. However, the person filing an appeal may request the receipt of oral testimony. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the appeal.

(b) In the event that the Housing Expediter orders the receipt of oral testimony, notice shall be served on the person filing the appeal, not less than five (5) days prior to the receipt of such testimony, which notice shall state the time and place of the hearing and the name of the presiding officer designated by the Housing Expediter.

(c) A stenographic report of any hearing of oral testimony shall be made, a copy of which shall be available during business hours in the Office of the Certifying Officer.

§ 840.28 *Submission of brief.* The person filing an appeal may file with his appeal a brief in support of his objections. An original and three (3) copies of such brief shall be separately submitted.

Material in Support of the Regulation or Order

§ 840.29 *Incorporation of material into the record by the Housing Expediter.* The Housing Expediter shall incorporate into the record of the proceedings on an appeal such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the appeal is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the person filing the appeal and he shall be given a reasonable opportunity to present further evidence.

§ 840.30 *Other written evidence in support of the regulation or order.* (a) Any person affected by the provisions of a maximum rent regulation, or of an order issued thereunder, may at any time after the issuance of such regulation or order submit to the Housing Expediter a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum rent regulation or order in question, and may be accompanied by affidavits, and other data in written form. Each such supporting statement shall conform to the requirements of § 840.26 (a).

(b) In the event that an appeal has been, or is subsequently, filed against a

provision of a maximum rent regulation of order in support of which a statement has been submitted, the Housing Expediter may include such statement in the record of the proceedings taken in connection with such appeal. If such supporting statement is incorporated into the record and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the person filing the appeal, and he shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 840.31 *Receipt of oral testimony in support of the regulation or order.* Ordinarily, material in support of the maximum rent regulation or order appealed from, like material in support of appeals, will be received in the appeal proceeding only in written form. Where, however, the Housing Expediter is satisfied that the receipt of oral testimony is necessary to the fair and expeditious disposition of the appeal, he may, on his own motion, direct such testimony to be received. In that event, the oral testimony will be taken in the manner provided in § 840.27.

Determination of Appeal

§ 840.32 *Opinion denying appeal in whole or in part.* (a) In the event that the Housing Expediter denies any appeal in whole or in part, the person who filed the appeal shall be informed of any economic data or other facts of which he takes official notice and the grounds upon which such decision is based. Any order entered in such appeal proceedings shall be effective from the date of its issuance unless otherwise provided in such order or in this part.

(b) Upon remand of the proceeding to the Area Rent Director, the Housing Expediter shall set forth the reasons for such action and shall issue an appropriate order.

§ 840.33 *Stay of landlord's obligation to refund.* Where the effect of the order of the Area Rent Director or Regional Housing Expediter is to require a refund of rent to the tenant under section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments, section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for New York City Defense-Rental Area, section 5 (b) (2) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area, section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for Miami Defense-Rental Area, section 5 (b) (2) of the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments in the Miami Defense-Rental Area, or section 4 (c), 4 (e), 5 (b) (2), or 5 (c) (1) of the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area, the modification or revocation of said order by the Housing Expediter or by the Area Rent Director upon remand, as it affects the refund shall be retroactive if a stay has been obtained pursuant to § 840.16.

§ 840.34 *Treatment of appeal as request for other relief.* Any appeal filed from a provision of a maximum rent regulation may, in the discretion of the Housing Expediter, be treated not only as an appeal but also as a request for other relief pursuant to the regulation appealed from, when the facts produced in connection with the appeal justify such treatment.

SUBPART C—INTERPRETATIONS

§ 840.35 *Interpretations.* An interpretation given by the House Expediter or an officer of the Office of the Housing Expediter, with respect to any provision of the act or any maximum rent regulation or order thereunder, will be regarded as official only if such interpretation was requested and issued in accordance with §§ 840.36 and 840.37. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is given unless issued as an interpretation of general applicability.

§ 840.36 *Requests for interpretations: Form and contents.* Any person desiring an official interpretation of the Housing and Rent Act of 1947, as amended, or of any maximum rent regulation or order thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as practicable, state the names and post office addresses of the persons and the location of the housing accommodations involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall state the official or office to which his previous request was addressed. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

§ 840.37 *Interpretation to be written: Authorized officials.* Official interpretations shall be given only in writing. Interpretations involving individual cases shall be signed by the Housing Expediter, or by one of the following officers of the Office of the Housing Expediter: the general counsel, assistant general counsel, any regional attorney, and any chief rent attorney for a defense-rental area office. Interpretations of general applicability shall be signed only by the Housing Expediter, the general counsel or the assistant general counsel.

SUBPART D—MISCELLANEOUS PROVISIONS AND DEFINITIONS

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

§ 840.39 *Continuance or adjournment of hearing.* Any hearing may be continued or adjourned to a later date or a different place by announcement at the hearing by the person who presides.

§ 840.40 *Filing of notices, etc.* All notices, reports, registration statements, leases, registrations of leases, reports of

decontrol and other documents which a landlord is required to file, pursuant to the provisions of any maximum rent regulation or this part, shall be filed with the appropriate defense-rental area office or other specifically designated office, and shall be deemed filed on the date received by said office: *Provided*, That any such notice, report, registration statement, lease, registration of lease, report of decontrol or other document properly addressed to and received by the appropriate office shall be deemed filed on the date of the postmark: *Provided further*, That when the last day for filing falls on a Saturday, Sunday or legal holiday, the document may be physically filed at the appropriate office on the next business day.

§ 840.41 *Service of papers.* Notices, orders, and other process and papers may be served personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served, or by mail, or by telegraph. When service is made personally or by leaving a copy at the residence or principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service. When service is by unregistered mail, an affidavit that the document has been mailed shall be proof of service. In any proceeding under §§ 840.7 or 840.8 (c), or in any proceeding to revoke or modify an order, any notice, order or other process or paper directed to the person named as landlord on the registration statement filed pursuant to section 7 of the applicable maximum rent regulation at the mailing address given thereon, or, where a notice of change of identity has been filed pursuant to section 7, to the person named as landlord and at the address given in the notice of change in identity most recently theretofore filed shall constitute notice to the person who is then the landlord.

§ 840.42 *Action by representative.* Any action which by this part is required of, or permitted to be taken by, a landlord may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord has authorized to represent him. Such authority shall be given by written power of attorney where the action is in connection with an application for review or an appeal. In such cases the power of attorney, signed by the landlord, shall be filed at the time action on his behalf is taken.

§ 840.43 *Certifying Officer; Office hours.* The Office of the Certifying Officer, Office of the Housing Expediter, Washington 25, D. C., shall be open on week days, except Saturdays from 9 a. m. to 5 p. m. and shall be closed on Saturdays. Any person desiring to file any papers, or to inspect any documents filed with such office at any time other than the regular office hours stated, may file a written application with the Certifying Officer, requesting permission therefor.

§ 840.44 *Confidential information, inspection of documents filed with Certifying Officer.* Appeals and all papers filed in connection therewith are public records, open to inspection in the Office of the Certifying Officer upon such reasonable conditions as the Certifying Officer may prescribe. Except as provided above, confidential information filed with the Office of the Housing Expediter, will not be disclosed, unless in the judgment of the Housing Expediter the disclosure thereof is in the public interest.

§ 840.45 *Appearance of employees and former employees.* Appearance of Office of the Housing Expediter employees and former employees thereof and of any predecessor agency in a representative capacity before the Office of the Housing Expediter shall be governed by any provision relating thereto promulgated by the Housing Expediter.

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

(a) "Act" means the Housing and Rent Act of 1947, as amended (Pub. Laws 129, 422 and 464, 80th Cong.)

(b) "Date of issuance" with respect to a maximum rent regulation, means the date on which such maximum rent regulation was or is filed with the Division of the Federal Register.

(c) "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), as amended.

(d) "Housing Expediter" means the Housing Expediter or the Area Rent Director or such person or persons as the Housing Expediter may appoint or designate to carry out any of the duties delegated to him by the Act.

(e) "Maximum rent regulation" means any regulation establishing a maximum rent.

(f) "Maximum rent" means the maximum rent established by any rent regulation or order for the use of housing accommodations within any defense-rental area.

(g) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(h) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing, and who is subject to any provision of a maximum rent regulation or order.

(i) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(j) "Appeal" means the request for review of a maximum rent regulation or an order issued by the Area Rent Director or the Regional Housing Expediter and which request is filed with the Housing Expediter pursuant to this part.

(k) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(l) "Defense-rental area" means any area or any part of any area designated under the provisions of the Emergency Price Control Act of 1942, as amended, prior to March 1, 1947, in which maximum rents were being regulated under such act on that date.

(m) "Area Rent Director" means the person designated by the Housing Expediter as director of any defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Area Rent Director by the Housing Expediter.

(n) "Regional Housing Expediter" means the person designated by the Housing Expediter as administrator of any regional office established by the Office of the Housing Expediter, or such person or persons as may be designated to carry out any of the duties delegated to the Regional Housing Expediter by the Housing Expediter.

§ 840.47 *Amendment of this part.* Any provision of this part may be amended or revoked by the Housing Expediter at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.

§ 840.48 *Saving provisions.* (a) Where, in any proceeding other than a proceeding on a certificate relating to eviction, an application for review or protest was filed on or before June 30, 1947, all administrative consideration thereon, to the extent appropriate, shall be governed by the provisions of Revised Procedural Regulation 3 as amended (12 FR 1143), rather than this Revised Rent Procedural Regulation 1, and for that purpose, Revised Procedural Regulation 3 as amended is hereby reissued and remains in effect until otherwise ordered. Where no request for administrative review was filed prior to July 1, 1947, the provisions of this part shall be applicable to any such review, except as provided in subparagraph (c) of this paragraph.

(b) Insofar as offenses committed, or rights or liabilities incurred on or prior to June 30, 1947, are concerned, Revised Procedural Regulation 3, as amended, promulgated by the Office of Temporary Controls, Office of Price Administration, shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense arising under the Emergency Price Control Act of 1942, as amended.

(c) Rent Procedural Regulation 1 as unrevised and in effect prior to May 1, 1948, shall remain in full force and effect for the purpose of according adminis-

trative review by the Regional Housing Expediter or Housing Expediter of orders entered by an Area Rent Director rejecting leases or rejecting reports of or applications for decontrol.

This Revised Rent Procedural Regulation 1 shall become effective May 1, 1948.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of May 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-3937; Filed, Apr. 30, 1948;
9:37 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 23—REVOLVING CATTLE POOL

LOANS TO 4-H CLUB MEMBERS

Part 23 is amended by addition of the following new paragraph to § 23.20:

(s) *Loans to 4-H Club members.* Indian boys and girls enrolled in 4-H club work may receive loans of cattle for use in connection with their club projects, in numbers and under such conditions as the Commissioner or his authorized representative may approve.

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

Dated: April 27, 1948.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 48-3853; Filed, Apr. 30, 1948;
8:51 a. m.]

TITLE 29—LABOR

Chapter IV—Child Labor Branch, Department of Labor

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH AND WELL-BEING

LOGGING OCCUPATIONS AND OCCUPATIONS IN OPERATION OF ANY SAWMILL, LATH MILL, SHINGLE MILL, OR COOPERAGE STOCK MILL AND POWER-DRIVEN WOOD-WORKING MACHINES

For the purpose of clarifying the application of § 422.4 *Logging occupations and occupations in operation of any sawmill, lath mill, shingle mill, or cooperage stock mill* and § 422.5 *Occupations involved in the operation of power-driven wood-working machines* to specific occupations, the attached list is hereby issued, in accordance with the provisions of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001). This list is merely illustrative, and is not intended to be an exhaustive interpretation of the terms of these sections.

(Sec. 3, 60 Stat. 238; 5 U. S. C. 1002)

Signed at Washington, D. C., this 26th day of April 1948.

DAVID A. MORSE,
Acting Secretary of Labor.

OCCUPATIONS CHART APPLYING TO HAZARDOUS- OCCUPATIONS ORDERS NOS. 4 AND 5

The Fair Labor Standards Act of 1938 establishes a basic minimum age of 16 years for employment and provides that this minimum age shall be raised to 18 in occupations found and declared particularly hazardous in accordance with the terms of the act.

Hazardous-Occupations Order No. 4 declares that all occupations in logging and in the operation of any sawmill, lath mill,

shingle mill, or cooperage-stock mill, with certain specific exceptions, are particularly hazardous. This order applies to all work in connection with logging, including work in connection with the logging of saw timber, pulpwood, excelsior wood, chemical wood, fence posts, cordwood, or similar products, with a few occupations specifically excepted. It also applies to all work in the sawmill building and to all work about the sawmill except for a few specific occupations outside the sawmill building.

Hazardous-Occupations Order No. 5 declares that occupations involving the operation of power-driven woodworking machines and off-bearing from certain machines are particularly hazardous. This applies to the operation of power-driven woodworking machines in the planing-mill department or other remanufacturing department of a sawmill, also to the operation of power-driven woodworking machines wherever found.

This chart has been prepared to spell out the application of Hazardous-Occupations Orders Nos. 4 and 5 in terms of the specific occupations usually found in industries the orders cover. It lists in separate columns occupations permitted for 16- and 17-year-old minors and occupations not permitted for minors of these ages. All of the occupations enumerated will not be found in all establishments and in some establishments additional occupations not listed may be found. The chart lists occupations, in the usually accepted sense, as found in large establishments. It is not intended that it be used for interpreting Orders Nos. 4 and 5 as applied to unusual conditions or to occupations not specifically described in the chart. In case of occupations not listed, or in case of doubt about any occupation, information as to whether the employment of minors under 18 is permitted should be obtained from the Washington office of the Wage and Hour and Public Contracts Divisions, from the Divisions' regional offices in Boston, New York, Philadelphia, Birmingham, Cleveland, Chicago, Kansas City, Dallas, and San Francisco, or from the North Carolina State Department of Labor, Raleigh, North Carolina.

The chart is based on Order No. 4 as revised February 2, 1948, and on Order No. 5, as amended October 31, 1945.

HAZARDOUS-OCCUPATIONS ORDER NO. 4

LOGGING OCCUPATIONS

Type of work	Occupation permitted for 16- and 17-year-old persons	Occupation not permitted for 16- and 17-year-old persons
I. Logging engineering.....	(a) Timber cruising (estimating amount of timber in a tract; map making, etc.). (b) In surveying parties as transit man, rod man, chain man, etc.	
II. Construction and repair or maintenance of railroads, roads, or flumes.	(a) Repair or maintenance work (not construction work) as done by section hands, grade and track crews, laborers, swamper, carpenters, and all other jobs except those listed in opposite column (see (a)).	(a) Any work that involves the construction of railroads, roads, or flumes, and any work that involves the felling or bucking of timber, the collecting or transporting of logs, the operation of power-driven machinery, the handling or use of explosives, and work on trestles. (b) Faller (cuts down the tree). (c) Bucker (cuts tree into log length). (d) Scaler (measures the amount of lumber in the log). (e) Swamper (laborer, cuts brush, etc.). (f) Limber (cuts limbs from fallen trees). (g) Saw filer (keeps saws and axes filed and ground).
III. Felling and bucking trees in the woods.....	None.....	
IV. Skidding or yarding logs into place for loading on trucks or train: A. Power skidding.....	None.....	(a) Rigging slinger (installs equipment for yarding, helps yard logs). (b) Chokesetter (places choker (wire sling) about log to be moved, attaches sling to cable). (c) Chaser (removes the sling after log has been moved). (d) Whistle punk (transmits signals to yarder engineer for starting and stopping yarder engines). (e) Hook tender (foreman of yarding crew). (f) Sniper (rounds off ends of log to be moved). (g) Yarder engineer or skidder leverman (operates the yarder engine used to move logs). (h) Swamper (laborer, cuts away brush, etc.). (i) Fireman (fires the boiler on yarder engine).
B. Tractor skidding.....	None.....	(a) Tractor operator or cat skinner—(operates tractors used to move logs). (b) Chokesetter (places choker about log to be moved). (c) Tongs hooker (places tongs on log when tongs are used instead of slings). (d) Swamper (laborer who clears away brush and helps make landing for logs). (e) Loader (loads logs for transportation). (f) Swamper (laborer who clears away brush and helps make landing for logs). (g) Log snaker (drives animals used in skidding logs).
C. Animal skidding.....	None.....	

HAZARDOUS-OCCUPATIONS ORDER No. 4—Continued

LOGGING OCCUPATIONS—continued

Type of work	Occupation permitted for 16- and 17-year-old persons	Occupation not permitted for 16- and 17-year-old persons
V. Loading logs on truck or train for transportation.	None.....	(a) Tongs hooker or loader (places tongs or hooks on log to be loaded). (b) Loader engineer or jammer operator (operates loading engine). (c) Top loader (foreman of loading crew). (d) Fireman (fires the boiler on loader).
VI. Transportation of logs by truck, train or water.	None.....	(a) Train crew (engineer, fireman, brakeman). (b) Truck driver. (c) Boom-crewman (crew which transports logs by water). (d) Unloader (unloads truck or train). (e) Teamster (drives animals when used for hauling logs). (f) Scaler (measures number of board feet in logs on truck).
VII. Construction, operation, repair, or maintenance of living and administrative quarters of logging camps.	(a) Cook. (b) Cook house crews. (c) Carpenters. (d) Other camp work.	
VIII. Maintenance or repairs of equipment.....	(a) Any work done in the maintenance or repair shop, except the operation of power-driven woodworking machines (blacksmith, mechanic, carpenter, etc.).	(a) Any maintenance or repair work on equipment in the woods.
IX. Peeling of fence posts, pulpwood, chemical wood, excelsior wood, cord-wood, or similar products.	(a) Peeler, barker, rosser (removes bark from logs) when work is not done in conjunction with and at the same time and place as other jobs declared hazardous.	(a) Peeling when done in conjunction with and at the same time and place as jobs declared hazardous.
X. Miscellaneous work in connection with logging.	(a) Fire patrolman and fire lookout (watch for fires, build fire trails and telephone lines, collect and burn brush). (b) Stableman, hostler (in charge of stables). (c) Office work.	(a) Fire watch (stationed near the logging operation, while work is in progress, to watch for sparks from rigging and machinery).

SAWMILL OCCUPATIONS¹

I. Log pond and log storage yard.....	None.....	(a) Pondman (poles logs into the log slip for moving to log deck). (b) Drag-saw operator (cuts long logs in half). (c) Yardman (rolls logs to log deck). (d) Scaler (measures logs on log deck and rolls log into position for the head saw). (e) Block setter (operates mechanism controlling thickness of the cut of head saw). (f) Tail sawyer (removes boards and refuse at rear of head saw). (g) Edger man (operates the edger saw that cuts off bark from side of boards). (h) Edger line-up man or edger spotter (lines up boards for edger man). (i) Edger off-bearer (separates good boards from scrap at rear of edger). (j) Slasher man (operates slasher saw cutting up waste lumber). (k) Trimmer man (operates trimmer saw that cuts lumber to length). (l) Trimmer spotter (lines up boards for trimmer saw). (m) Gang sawyer (operates gang saw that saws large lumber into smaller boards). (n) Gang loader (lines up lumber for the gang sawyer). (o) Gang-saw taylor (removes lumber at rear of gang saw). (p) Resaw operator (operates a saw for resawing boards). (q) Resaw line-up (lines up lumber for resaw operator). (r) Resaw taylor (removes lumber at rear of resaw). (s) Hog feeder (operates hog mill to grind up scrap lumber). (t) Clean-up man (sweeps sawdust and refuse into refuse conveyors). (u) Saw-filer (sharpens saws in the filing room).
II. In the sawmill building.....	None.....	(a) Grade, tallyman, and puller on the green chain and all other work on the green chain. (b) Lumber stacker, unstacker, loader, and unloader (stacks lumber or lumber products, unstacks lumber, loads or unloads cars). (c) Crane operator (operates a crane for handling lumber). (d) Crane hooker (hooks lumber on the crane for moving). (e) Jitney operator, truck driver, carrier operator (operates a lumber carrier or lumber truck for moving lumber). (a) Handling and shipping of laths and shingles. (b) Stock picker (lath mill, picks pieces from conveyor for making into laths). (c) Boltorman (lath mill, operates a small gang saw). (d) Lath-feeder (lath mill, operates lath machines). (e) Lath tier (ties laths into bundles). (f) Shingle packer (shingle mill, packs shingles into bundles). (g) Cut-off sawyer (shingle mill, cuts logs into shingle lengths). (h) Knee bolter (shingle mill, cuts shingle bolts in quarters). (i) Block piler (shingle mill, piles blocks for shingle sawyer). (j) Shingle sawyer (shingle mill, operates shingle saw). (k) Splitter (cooperage-stock mill, splits bolts of cooperage stock). (l) Knee bolter, head turner, equalizer operator, cut-off sawyer, jointer operator, matcher operator, stove-saw operator, etc. (cooperage-stock mill, operate machines of various kinds). (m) Off-bearers, gluers, etc. (cooperage-stock mill, off-bearing from machines and other hand work).
III. On the green or dry chain, the dry kiln and in the lumberyard.	(a) Grader, tallyman, and puller on dry chain or on dry drop sorter (grader grades and marks lumber on dry chain, tallyman records the amount of each grade of lumber, puller pulls lumber from chain). (b) Shipping clerk, tallyman, orderman, and other clerical work in yards or shipping sheds. (c) Clean-up in yard (cleans up refuse, etc., in lumberyard).	(a) Grade, tallyman, and puller on the green chain and all other work on the green chain. (b) Lumber stacker, unstacker, loader, and unloader (stacks lumber or lumber products, unstacks lumber, loads or unloads cars). (c) Crane operator (operates a crane for handling lumber). (d) Crane hooker (hooks lumber on the crane for moving). (e) Jitney operator, truck driver, carrier operator (operates a lumber carrier or lumber truck for moving lumber).
IV. In a lath mill, shingle mill, or cooperage-stock mill.	(a) Handling and shipping of cooperage stock in yards or storage sheds, except operating or assisting in the operation of power-driven equipment.	(a) Handling and shipping of laths and shingles. (b) Stock picker (lath mill, picks pieces from conveyor for making into laths). (c) Boltorman (lath mill, operates a small gang saw). (d) Lath-feeder (lath mill, operates lath machines). (e) Lath tier (ties laths into bundles). (f) Shingle packer (shingle mill, packs shingles into bundles). (g) Cut-off sawyer (shingle mill, cuts logs into shingle lengths). (h) Knee bolter (shingle mill, cuts shingle bolts in quarters). (i) Block piler (shingle mill, piles blocks for shingle sawyer). (j) Shingle sawyer (shingle mill, operates shingle saw). (k) Splitter (cooperage-stock mill, splits bolts of cooperage stock). (l) Knee bolter, head turner, equalizer operator, cut-off sawyer, jointer operator, matcher operator, stove-saw operator, etc. (cooperage-stock mill, operate machines of various kinds). (m) Off-bearers, gluers, etc. (cooperage-stock mill, off-bearing from machines and other hand work).
V. Miscellaneous work about a sawmill.....	(a) Any work done in the repair or maintenance shop, except the operation of power-driven woodworking machines (mechanics, blacksmiths, etc.). (b) Office work.	(a) Millwright and maintenance work in the sawmill. (b) Work in the boiler house or powerhouse. (c) Work in the sawdust storage bins.

¹ None of these sawmill occupations are permitted in portable sawmills, that is in sawmills that are readily dismantled and moved from one tract of timber to another. Order No. 4 refers to a portable sawmill as one in which the lumberyard is used only for the temporary storage of green lumber and in connection with which no office or repair or maintenance shop is ordinarily maintained. Further, none of these occupations are permitted in permanent sawmills when the work entails entering the sawmill building.

RULES AND REGULATIONS

HAZARDOUS-OCCUPATIONS ORDER No. 5

WOODWORKING OCCUPATIONS

Type of work	Occupation permitted for 16- and 17-year-old persons	Occupation not permitted for 16- and 17-year-old persons
I. In the planing mill, box factory, or other remanufacturing department.	(a) Off-bearing or tailing from: <ol style="list-style-type: none"> (1) Band saws. (2) Circular saws when the material is conveyed away from the saw table by some mechanical means such as an expulsion roller (cleat saw), moving belt, or gravity chute. (3) Planers, molders, or other surfacing machines. (4) Sanding machines. (5) Nailing or wire-stitching machines. (6) Presses, such as glue presses and box-board squeezers. (b) Placing material on a moving chain or in a hopper or slide for automatic feeding of special machines as used in box factories: <ol style="list-style-type: none"> (1) Band resaw with a chain feed. (2) Automatic nailing machine with hopper, belt, or chain feed. (3) Automatic wire-stitching machines with hopper or chain feed. (4) Box-board squeezers (Linderman machines with chain feed). (c) Operation of any woodworking machine by apprentice patternmakers, cabinet makers, airplane-model makers, ship joiners, and moldloftsmen (see Order No. 5 for conditions of apprenticeship). (d) Carrying or moving materials from one machine to another (hike-away). (e) Arranging materials for another person to feed into machine (table-up). (f) Work in preparation for shipment (tying-up, bundling, wrapping, etc.). (g) Handling or shipping of lumber products. (h) Operating machines or tools that are not woodworking machines such as: <ol style="list-style-type: none"> (1) Screw driver. (2) Wood-polishing machines. (3) Machines for tightening bolts. 	(a) Operating or assisting the operator to feed: <ol style="list-style-type: none"> (1) Band saws. (2) Circular saws (table saws, swing saws, portable saws, etc.). (3) Surfacing machines (planers, shapers, jointers, molders, matchers, stickers, panel raisers, tenoners, etc.). (4) Lathes. (5) Drills, boring machines, mortisers. (6) Sanding machines (belt sanders, disc sanders, drum sanders, cone sanders, etc.). (7) Nailing and stapling machines, wire stitchers, berry box machines. (8) Veneer presses, other pressing machines. (b) Off-bearing or tailing from: <ol style="list-style-type: none"> (1) Circular saws, when the material is not conveyed away from the saw table by some mechanical means such as an expulsion roller, moving belt, or gravity chute. (c) Setting-up, adjusting, repairing, oiling, or cleaning machines.
II. In the manufacturing of veneer.....	(a) Work about the soaking pit. (b) Off-bearing from: <ol style="list-style-type: none"> (1) Veneer lathe. (2) Guillotine clipper when material is conveyed away from the point of operation by moving belt or gravity chute. (3) Other machines as listed under planing mill, etc. (c) Operating or assisting to operate: <ol style="list-style-type: none"> (1) Veneer-taping machine. (2) Glue spreader. (3) Veneer drier. (d) Carrying or moving material from one machine to another or otherwise handling or shipping veneer.	(a) Operating or assisting the operator to feed: <ol style="list-style-type: none"> (1) Veneer lathe. (2) Veneer clipper. (3) Veneer press. (4) Any other woodworking machine as given under planing mill, etc. (b) Off-bearing from a guillotine-action veneer clipper when material is not conveyed away from the point of operation by moving belt or gravity chute. (c) Setting-up, adjusting, repairing, oiling, or cleaning machines.

[F. R. Doc. 48-3894; Filed, Apr. 30, 1948; 9:02 a. m.]

Chapter V—Wage and Hour Division,
Department of LaborPART 607—JEWELRY MANUFACTURING
INDUSTRY, MINIMUM WAGE ORDERS

MISCELLANEOUS AMENDMENTS

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp. 1001), notice was published in the FEDERAL REGISTER on April 8, 1948 (13 F. R. 1918, 1919), of my purpose to amend the regulations contained in this part so as to permit the employment of home workers in the Jewelry Manufacturing Industry, of American Indians on the Navajo, Pueblo, and Hopi Indian Reservations, while engaged in producing genuine hand-fashioned jewelry, if they are employed in conformity with the conditions hereinafter set forth; interested persons having been given an opportunity to submit, within 15 days from the date of said publication, all data, views or arguments touching upon the proposed amendment; and,

No objections to the proposed amendment having been filed, and the time for filing same having now expired.

Now therefore, by virtue of the authority vested in me by the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U. S. C. 201 et seq.), I, Wm. R. McComb, Administrator of the Wage and Hour Division United States Department of Labor, do hereby amend the regulations contained in this part in the following particulars:

1. Section 607.3 is amended by adding a new paragraph at the end thereof, reading as follows:

Nothing herein contained shall be construed to prohibit the employment, as home workers, of American Indians residing on the Navajo, Pueblo, and Hopi Indian Reservations, in the States of Arizona and New Mexico while engaged in producing genuine hand-fashioned jewelry if employed in conformity with the conditions set forth in § 607.112 of the regulations issued hereunder.

2. Section 607.101 is amended by adding a new paragraph to be designated (d), reading as follows:

§ 607.101 *Definition.* * * *

(d) The term "hand-fashioned jewelry" as used in § 607.112, means articles of jewelry commonly known as genuine Navajo, Pueblo, Hopi, or Zuni hand-made jewelry which in all elements of design, fashioning and ornamentation are handmade by methods and with the help of only such devices as permit the maker to determine the shape and design of each individual product.

Provided, That, silver used in the making of such jewelry shall be of at least nine hundred fineness, and that turquoise and other stones used shall be genuine stones, uncolored, and untreated by artificial means;

And provided, further, That power machinery is permitted in the production

of findings, in the cutting and polishing of stones, in the buffing and polishing of completed products, and in incidental functions. Equipment specifically prohibited shall include hand presses, foot presses, drop hammers, and similar equipment;

And provided, further, That solder may be of less silver content than nine hundred;

And provided, further, That findings may be mechanically made of any metal by Indians or others;

And provided, further, That turquoise and other stones may be cut and polished by Indians or others without restriction as to methods or equipment used.

3. Adding a new section to be designated as § 607.112, reading as follows:

§ 607.112 *Employment of American Indians on the Navajo, Pueblo, and Hopi Indian Reservations.* Nothing contained in the regulations in this part shall be construed to prohibit the employment, as home workers, of American Indians residing on the Navajo, Pueblo, and Hopi Indian Reservations, who are engaged in producing genuine hand-fashioned jewelry on the Indian reservations mentioned, provided the employment of such home worker is in conformity with the following conditions:

(a) That each employer of one or more Indian home workers engaged in

making hand-fashioned jewelry on these Indian reservations, shall submit in duplicate to the regional office of the Wage and Hour Division for the region in which his place of business is located, on April 1, August 1, and December 1 of each year, the name and address of each employee engaged by him during the preceding four-month period in making hand-fashioned jewelry on Indian reservations.

(b) That wages at a rate of not less than 40 cents an hour shall be paid by every employer to each of his home work employees, except as subminimum employment has been provided for by special certificates issued by the Wage and Hour Division pursuant to regulations adopted under section 14 of the Fair Labor Standards Act. All hours worked in excess of 40 in any workweek shall be compensated for at one and one-half times the regular rate of pay.

(c) That each employer of one or more Indian home workers engaged in making hand-fashioned jewelry on these Indian reservations shall file copies of his piece rates in duplicate with the regional office of the Wage and Hour Division for the region in which his place of business is located on April 1, August 1, and December 1 of each year, and

(d) That each employer of one or more industrial home workers engaged in making hand-fashioned jewelry on these Indian reservations shall keep, maintain and have available for inspection by the Administrator or his authorized representative at any time, records and reports showing with respect to each of his home workers engaged in making hand-fashioned jewelry on these Indian reservations, the following information:

- (1) Name of the home worker,
- (2) Address of the home worker,
- (3) Age of the home worker and date of birth, if under 19 years of age,
- (4) Description of work performed,
- (5) Amount of cash wage payments made to the home workers for each pay period,
- (6) Date of such payment,
- (7) A schedule of piece rates paid.

Which records shall be kept by each employer for each of his Indian home workers engaged in making hand-fashioned jewelry on Indian reservations, as provided in this section, in lieu of the records required under §§ 516.2 and 516.11 of this chapter:

Provided, however, That nothing in this order shall relieve an employer from maintaining the records required by § 516.1 (b) of this chapter (29 CFR, Part 516).

4. Present § 607.112 is amended by changing its designation to § 607.113. (52 Stat. 1060; 29 U. S. C. 201 et seq.)

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

Signed at Washington, D. C., this 27th day of April 1948.

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

[F. R. Doc. 48-3893; Filed, Apr. 30, 1948; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

ORDER OF REVOCATION (CFR CERTAIN PETROLEUM PRODUCTS)

It is hereby ordered, That, effective immediately, the order entitled "Order Modifying Validity of Certain Petroleum Products Export Licenses," dated February 20, 1948 (13 F. R. 861) is hereby revoked.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321, Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: April 26, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-3875; Filed, Apr. 30, 1948; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

SAN JUAN HARBOR, PUERTO RICO

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), anchorage grounds are hereby established in San Juan Harbor, Puerto Rico, and § 202.110 relating thereto is prescribed as follows:

§ 202.110 *San Juan Harbor, P. R.—*
(a) *The anchorage grounds—*(1) *Anchorage D.* That part of San Antonio Channel eastward of longitude 66°05'45" west.

(2) *Anchorage E.* An area bounded as follows: Beginning at the intersection of the east line of the San Juan Harbor turning basin with the south line of San Antonio Channel, said point of beginning bearing 337°18' true, 32 yards, from Isla Grande Light; thence along said east line of the turning basin 204°23' true, 457 yards, to the north limit line of the west non-instrument approach zone to the San Juan Air Terminal; thence along said north limit line 268°21' true, 508 yards; thence 24°23' true, 457 yards; thence 88°21' true, 508 yards, to the point of beginning.

(3) *Anchorage F.* An area bounded as follows: Beginning at the southwest corner of the San Juan Harbor turning basin, said point of beginning bearing 180° true, 1,058 yards, from Puntilla Point Daybeacon, and 227° true, 1,700 yards, from Isla Grande Light; thence along the west line of the turning basin 330°13' true, 339 yards, to the south limit line of the west non-instrument approach zone to the San Juan Air Terminal; thence along said south limit line

77°32' true, 419 yards; thence 150°13' true, 456 yards, to the south line of the turning basin; thence along said south line 271°23' true, 467 yards, to the point of beginning.

(b) *The regulations.* (1) Anchorage D shall be a yacht, schooner, and small craft anchorage.

(2) Anchorage E shall be a general anchorage. Vessels awaiting customs or quarantine shall use this anchorage. No vessel shall remain in this anchorage more than 12 hours without a permit from the U. S. Coast Guard Captain of the Port.

(3) Anchorage F shall be a restricted anchorage. No vessel shall anchor in this anchorage without a permit from the U. S. Coast Guard Captain of the Port. [Regs. Apr. 9, 1948, CE 800.2121 (San Juan Harbor, P. R.)—ENGWR] (38 Stat. 1053; 33 U. S. C. 471)

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

[F. R. Doc. 48-3849; Filed, Apr. 30, 1948; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 775]

PART 95—CAR SERVICE

DEMURRAGE ON RAILROAD FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of April A. D. 1948.

It appearing, that railroad freight cars are being delayed unduly in loading and unloading, or while held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, or forwarding directions, causing a shortage of equipment and impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency requiring immediate action exists in all sections of the country: It is ordered, that:

§ 95.775 *Demurrage on railroad freight cars—*(a) *Cars not subject to an average agreement.* After the expiration of free time when detention of cars occurs, for which charges are or may be lawfully provided by tariffs, the demurrage charges on railroad freight cars not included in an average agreement, held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading or unloading shall be \$3.30 per car per day or a fraction thereof for the first two (2) days; and \$5.50 per car per day or a fraction thereof for each succeeding day.

(b) *Cars subject to an average agreement.* After the expiration of free time when detention of cars occurs, for which charges are or may be lawfully provided by tariffs, the demurrage charges on railroad freight cars, included in an average agreement, held for orders, bill of lading,

payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading or unloading shall be \$3.30 per car per day or a fraction thereof for the first two (2) days; and \$5.50 per car per day or a fraction thereof for each succeeding day. The \$3.30 per day debit charges may be offset or reduced by accrued credits as provided in applicable demurrage tariffs; *Provided, however,* That the \$5.50 per day charges may not be offset or reduced, except on run-around cars.

(c) *Application.* (1) The provisions of this section shall apply to intrastate and interstate traffic as well as foreign traffic, subject to the following exceptions:

Exceptions: Import, export, coastwise (including Great Lakes) or intercoastal bulk freight (including vessel fuel coal and coke) or explosives traffic, during the period such traffic is held in cars at ports for transfer to vessels is not subject to this section. Bulk freight means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

(2) *Description of cars subject to this section.* This section shall apply to all freight cars subject to published demurrage charges on file with the Interstate Commerce Commission or State Commissions, except freight cars not suitable for interchange when such cars are used in intra-plant or interplant service.

(3) *Service orders.* The provisions of this section shall not be construed to alter the provisions of Service Order No. 70 (8 F. R. 8515) as amended (8 F. R. 8515), 11 F. R. 8451; 12 F. R. 8032, 8025, or Service Order No. 135 (8 F. R. 9569) as amended (8 F. R. 10941; 11 F. R. 8451; 11077; 12 F. R. 840, 4001). The provisions of this section shall not apply to detention of refrigerator cars utilized in accordance with the provisions of Sixth Revised Service Order No. 104 (12 F. R. 8297), as amended (13 F. R. 62, 272).

(4) *Run-around cars.* Allowance for run-arounds attributable to railroad errors or failures in switching, on cars subject to average agreement, shall not be made except on cars held beyond the first two debit days. Those two debits may be offset by accrued credits.

(d) *Effective date.* This section shall become effective at 7:00 a. m., May 1, 1948, and the provisions of this section shall apply to cars held on or after the effective date hereof.

(e) *Expiration date.* This section shall expire at 7:00 a. m., October 1, 1948, unless otherwise modified, changed, suspended or annulled by order of the Commission.

(f) *Tariff provisions suspended.* (1) Except as provided in subparagraph (2) of this paragraph the operation of all rules, regulations, or charges, insofar as they conflict with the provisions of this section, is hereby suspended.

(2) This section shall not change Demurrage Rule 8 of Agent B. T. Jones' Tariff I. C. C. No. 3963 as amended or as reissued or similar rules in other tariffs, relating to adjusting, canceling, or re-

funding demurrage charges arising from the unusual conditions or circumstances described in the said Rule 8 or similar rules in other tariffs.

(g) *Announcement of suspension.* Each railroad, or its agent, shall publish, file and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the conflicting provisions therein, and establishing the substituted provisions set forth herein.

It is further ordered, that this order shall vacate and supersede Service Order No. 775 (12 F. R. 6784) as amended (12 F. R. 7059, 8349; 13 F. R. 63, 220, 273, 295, 525, 1581) on the effective date hereof; a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-3872; Filed, Apr. 30, 1948;
8:50 a. m.]

[Rev. S. O. 776]

PART 95—CAR SERVICE

CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of April A. D. 1948.

It appearing, that demurrage charges are not being assessed for detention to railroad freight cars used for transporting commodities intraterminal by the State Belt Railroad of California; that cars are being delayed unduly, resulting in a diminution of utilization of such cars; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

§ 95.776 *Car demurrage on State Belt Railroad of California*—(a) *Demurrage charges to be applied on railroad freight cars engaged in intraterminal transportation.* (1) The State Belt Railroad of California shall apply the demurrage charges shown in subparagraph (2) of this paragraph to any railroad freight car used for transporting any commodity to, from, or between industries, plants, or piers located at points or places named in Districts A and/or B as described in Item No. 15 of Tariff I. C. C. No. 5 of the State Belt Railroad operated by the State of California, or reissues thereof.

(2) After the expiration of forty-eight (48) hours free time after a railroad

freight car is first placed for loading and until shipping instructions covering such car are tendered to said carrier's agent and/or after forty-eight (48) hours free time after a railroad freight car is first placed for unloading and until such car is unloaded and released, the demurrage charges shall be \$3.30 per car per day or a fraction thereof for the first two (2) days; and \$5.50 per car per day or a fraction thereof for each succeeding day.

(3) After a railroad freight car is loaded and released for movement by the tender of shipping instructions to said carrier's agent, if the car is not actually placed for unloading for any reason within forty-eight (48) hours after such car is released for movement, but is held by the carrier short of place of delivery for unloading, such car will be considered as constructively placed at the expiration of the said forty-eight (48) hours and demurrage time shall be computed from the expiration of the said forty-eight (48) hours until said car is unloaded and released.

(b) *Application.* (1) The provisions of this section shall apply to intrastate as well as interstate traffic.

(2) Description of cars subject to this section. This section shall apply to all freight cars subject to published demurrage charges on file with the Interstate Commerce Commission or State Commissions, except freight cars not suitable for interchange when such cars are used in intra-plant or interplant service.

(c) *Effective date.* This section shall become effective at 7:00 a. m., May 1, 1948, and the provisions of this section shall apply to cars held on or after the effective date hereof.

(d) *Expiration date.* This section shall expire at 7:00 a. m., October 1, 1948, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered that this order shall vacate and supersede Service Order No. 776 (12 F. R. 6766) as amended (13 F. R. 600) on the effective date hereof; that a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; 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; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-3870; Filed, Apr. 30, 1948;
8:49 a. m.]

[S. O. 781, Amtd. 1]

PART 95—CAR SERVICE

RECONSIGNMENT OF HAY RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of April A. D. 1948.

Upon further consideration of Service Order No. 781 (12 F. R. 6912), and good cause appearing therefor: It is ordered, That:

Section 95.781 *Reconsignment of hay restricted*, of Service Order No. 781, is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., October 15, 1948, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., April 30, 1948; that a copy of this amendment be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of all 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; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. F. BARTEL,
Secretary.

[F. R. Doc. 48-3871; Filed, Apr. 30, 1948; 8:50 a. m.]

TITLE 50—WILDLIFE

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

PART 01—ORGANIZATION AND PROCEDURE

LEASES FOR SPACE

1. The following paragraphs are added to § 01.51, *Director* (11 F. R. 177A-209):

(i) To enter into leases for space in real estate outside the District of Columbia irrespective of the amount involved, unless the Secretary by written order published in the FEDERAL REGISTER specifically prescribes otherwise; to modify, renew, or terminate any such lease; and to redelegate such authority to subordinate officials and employees of the Service (43 CFR 4.102; 12 F. R. 6291).

(j) To enter into agreements for the acquisition of lands or of interests in land whenever such lands or interests in land are to be acquired for administration through the Fish and Wildlife Service pursuant to any act of Congress (43 CFR 4.561; 13 F. R. 1236).

2. The following paragraph is added to § 01.60, *Delegations of authority by Director* (12 F. R. 5820):

(b) *Leases of space in real estate.* The officials and employees designated in this section are authorized to enter into leases for space outside the District of Columbia, limited to the amounts indicated in each case, in conformity with

applicable regulations, statutory requirements, and order of the Secretary No. 2360 (43 CFR 4.102; 12 F. R. 6291), and subject to the availability of funds. The officials and employees so authorized may with respect to any existing or future such lease, modify, renew, or terminate the same if such action is legally permissible or authorized. All other delegations or redelegations relating to the same subject matter have been revoked.

(1) *Headquarters organization.* Chief Division of Administration, and Chief, Branch of Finance and Procurement, unlimited as to amount; and Purchasing Officer, Branch of Finance and Procurement, \$10,000.00.

(2) *Regional offices.* Region 1, Regional Director, Assistant Regional Director, Administrative Officer, and Assistant Administrative Officer; Regions 2 to 5 inclusive, Regional Director, Assistant Regional Director, and Administrative Officer; and Region 6, Regional Director, and Administrative Officer, \$10,000.00.

(3) *Other field offices.* Administrator, and Administrative Officer, Philippine Fishery Program, Manila, Luzon, Republic of the Philippines, \$10,000.00. (Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. Sup. 1002, 1011)

[SEAL]

ALBERT M. DAY,
Director.

APRIL 23, 1948.

[F. R. Doc. 48-3918; Filed, Apr. 30, 1948; 9:05 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 802]

SUGARCANE PRICES AND WAGE RATES; FLORIDA

NOTICE OF HEARING; DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 922), notice is hereby given that a public hearing will be held at Clewiston, Florida, in the High School Auditorium, on May 15, 1948, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in Florida in the production, cultivation, or harvesting of sugarcane during the period from July 1, 1948 to June 30, 1949, on farms with respect to which applications for payments under said act are made, and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1948 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under the said act.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

George A. Dice, Ward S. Stevenson and A. R. DeFelice are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Issued this 28th day of April 1948.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-3865; Filed, Apr. 30, 1948; 8:52 a. m.]

[7 CFR, Ch. IX]

[Docket No. AO-194]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILLINOIS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR,

Supps., 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Memorial Hall Auditorium, Rockford, Illinois, beginning at 10:00 a. m., c. d. t., May 18, 1948.

This public hearing is for the purpose of receiving evidence with respect to a proposed marketing agreement and order regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area, the provisions of which are hereinafter set forth, and any modifications thereof. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order and any modifications thereof. The provisions of the proposals for a marketing agreement and order heretofore filed with the undersigned, are as follows:

Marketing Agreement and Order Proposed by the Midwest Dairymen's Company, Rockford, Illinois, and the Stephenson County Pure Milk Association, Freeport, Illinois.

SECTION 1. *Definitions.* The following terms mean:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Mar-

keting Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in sections 5 and 8.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(f) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(g) "Rockford-Freeport, marketing area," hereinafter called the "marketing area," means all territory within Winnebago and Stephenson Counties, all in the State of Illinois.

(h) "Route" means a delivery (including at a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

(i) "Approved plant" means a milk processing or distributing plant from which a route is operated wholly or partially within the marketing area; *Provided*, That the milk so delivered complies with the Grade "A" quality requirements of the milk ordinance of any municipality in the marketing area, or the Grade A milk and Grade A milk products law of the State of Illinois.

(j) "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

(k) "Handler" means:

(1) A person who operates an approved plant;

(2) A person who operates an unapproved plant from which a route is operated wholly or partially within the marketing area; or

(3) A cooperative association with respect to:

(i) Milk caused to be delivered from producers' farms to a plant, described under (1) of this paragraph, for which such association is authorized to receive payment; or

(ii) Milk of producers caused to be diverted on its account to an unapproved plant.

(1) "Producer" means any person, except a producer-handler, whose milk complies with the Grade A quality requirements of the milk ordinance of any of the municipalities in the marketing area or of the Grade A milk and Grade A milk products law of the State of Illinois, which is received at an approved

plant or which is diverted by a cooperative association pursuant to (k) (3) (ii) of this section.

(It is also proposed that consideration be given a modification of this definition to include all dairy farmers, whose milk is delivered to a handler as defined herein, with appropriate class price adjustments for grade and quality.)

(m) "Producer milk" means milk produced by one or more producers under the conditions set forth in (l) of this section.

(n) "Other source milk" means skim milk or butterfat, except that in producer milk.

(o) "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

SEC. 2. Market administrator—(a) Designation. The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

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

(4) To recommend amendments to the Secretary.

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

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(4) Pay, out of the funds provided by section 9:

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation, and;

(iii) All other expenses, except those incurred under section 10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to section 3 or (ii) payments pursuant to sections 8, 9, 10, or 11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who have authorized such cooperative association to receive payments for them to each handler to whom the cooperative association sells milk. For the purpose of this report the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

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

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class pursuant to section 5, and

(ii) On or before the 11th day after the end of such delivery period, the uniform price computed, pursuant to section 7, and the butterfat differential computed pursuant to section 8, and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

SEC. 3. Reports, records, and facilities—(a) Delivery period reports of receipts and utilization. On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such delivery period of (i) producer milk, (ii) skim milk and butterfat in any form from any other handler, and (iii) other source milk; and the sources thereof;

(2) The product pounds of milk products received from any nonhandler and disposed of in the same form;

(3) The utilization of all receipts required to be reported under (1) and (2) of this paragraph; and

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

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and such manner as the market administrator may prescribe.

(2) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show (i) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions and charges involved in the payments referred to in (ii) of this subparagraph.

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

(1) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(2) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(3) Payments to producers and cooperative associations; and

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

SEC. 4. Classification.—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in (d) and (e) of this section, the skim milk and butterfat described in (a) of this section shall be classified by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat;

(i) Disposed of in fluid form as milk, skim milk, buttermilk, or flavored milk or flavored milk drink; and

(ii) Not specifically accounted for as any item included under (i) of this subparagraph or as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as

(i) Cream or as any mixture containing cream and milk, or skim milk (not

including ice cream mix) containing not less than 6 percent of butterfat, and

(ii) Eggnog.

(3) Class III milk shall be all skim milk and butterfat.

(i) Used to produce a milk product other than any of those specified in (1) (i) or in (2) of this paragraph;

(ii) In actual plant shrinkage of producer milk computed pursuant to (c) of this section, but not in excess of 2 percent thereof; and

(iii) In actual plant shrinkage of other source milk computed pursuant to (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

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

(2) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to (1) of this paragraph between producer milk and other source milk after deducting receipts from other handlers.

(d) *Responsibility of handlers and reclassification of milk.*

(1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to (g) (1) (ii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization;

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(3) As Class I milk if transferred or diverted in the form of milk or skim milk, and as Class II milk if so disposed of in the form of cream, to an unapproved plant unless, except as provided in (4) of this paragraph;

(i) The handler claims another class on the basis of a utilization mutually in-

dicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transaction occurred;

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

(iii) Such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in (b) of this section; and

(4) As Class I milk if transferred or diverted in the form of milk or skim milk, and as Class II milk if so disposed of in the form of cream, to an unapproved plant located 25 miles or more from the marketing area, by shortest highway distance as determined by the market administrator.

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

(g) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(i) Subtract plant shrinkage of skim milk in producer milk pursuant to (c) (2) of this section from the total pounds of skim milk in Class III milk;

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available use, the pounds of skim milk in other source milk;

(iii) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to (e) of this section;

(iv) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to (i) of this subparagraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with lowest-priced available use.

(2) Allocate classified butterfat to producer milk according to the method prescribed in (1) of this paragraph for skim milk.

(3) Determine the weighted average butterfat test of the remaining Class I milk, Class II milk, and Class III milk computed pursuant to (1) and (2) of this paragraph.

PROPOSED RULE MAKING

SEC. 5. Minimum prices—(a) Basic formula price to be used in determining class prices. The basic formula price per hundredweight of milk to be used in determining the class prices provided by this section shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator pursuant to (1), (2), or (3) of this paragraph, computed to the nearest cent.

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

Present Operator and Location

Borden Co., Black Creek, Wis.
 Borden Co., Greenville, Wis.
 Borden Co., Mt. Pleasant, Mich.
 Borden Co., New London, Wis.
 Borden Co., Orfordville, Wis.
 Carnation Co., Berlin, Wis.
 Carnation Co., Jefferson, Wis.
 Carnation Co., Chilton, Wis.
 Carnation Co., Richland Center, Wis.
 Carnation Co., Oconomowoc, Wis.
 Carnation Co., Sparta, Mich.
 Pet Milk Co., Belleville, Wis.
 Pet Milk Co., Coopersville, Mich.
 Pet Milk Co., Hudson, Mich.
 Pet Milk Co., New Glarus, Wis.
 Pet Milk Co., Wayland, Mich.
 White House Milk Co., Manitowoc, Wis.
 White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus values pursuant to (i) and (ii) of this subparagraph:

(1) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department during the delivery period, subtract two cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry skim milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago area as published by the Department during the delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chi-

cago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

(b) *Class I milk prices.* Subject to the provisions of (e) and (f) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class I milk, shall be the basic formula price for the preceding delivery period determined pursuant to (a) of this section, plus the following:

Delivery period:	Amount
April, May, and June.....	\$0.50
August, September, October, November.....	.90
All other months.....	.70

(c) *Class II milk prices.* Subject to the provisions of (e) and (f) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class II milk, shall be the basic formula price determined pursuant to (a) of this section, plus the following:

Delivery period:	Amount
April, May and June.....	\$0.30
August, September, October, November.....	.50
All other months.....	.40

(d) *Class III milk prices.* Subject to the provisions of (e) and (f) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class III milk, shall be the same as the basic formula price.

(e) *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified producer milk is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(1) Class I milk: Multiply by 1.40 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department for the previous delivery period and divide the result by 10.

(2) Class II milk: Multiply by 1.30 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department for the previous delivery period and divide the result by 10.

(3) Class III milk: Multiply by 1.20 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department during the delivery period and divide the result by 10.

(f) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other pur-

pose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

SEC. 6. Application of provisions—(a) Producer-handlers. Sections 4, 5, 7, 8, 9, and 10 shall not apply to a producer-handler.

(b) *Handlers subject to other federal orders.* In the case of any handler who the Secretary determines, disposes of a greater portion of his milk as Class I milk and Class II milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except as follows:

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

(2) If the price which such handler is required to pay, under the other federal order, to which he is subject, for skim milk and butterfat which would be classified as Class I milk and Class II milk under this order is less than the price provided pursuant to section 5 of this order, such handler shall pay to the market administrator for deposit into the producer settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk or Class II milk disposed of in this marketing area) on amount equal to the difference between the value of such milk as computed pursuant to section 5 of this order and its value as determined pursuant to the other order to which he is subject.

(c) *Computation of obligation to the producer settlement fund for handlers operating unapproved plants from which Class I milk or Class II milk is disposed of in the marketing area.* For each delivery period the obligation to the producer settlement fund for each handler (except a producer-handler) who operates an unapproved plant out of which a route is operated which extends into the marketing area shall be an amount computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk and Class II milk the amounts disposed of within such delivery period on each

route, and subtracting therefrom an amount computed by multiplying such volumes of skim milk and butterfat by prices actually paid to farmers for such skim milk or butterfat.

Sec. 7. Determination of uniform prices—(a) Computation of value of milk. The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Provided*, That if a handler, after subtracting other source milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to section 3 (a), has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to section 4 (g) (1) (iv) and (2) by the applicable class prices.

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

(1) Combine into one total the values computed pursuant to (a) of this section for all handlers who made the reports prescribed by section 3; except those in default of the payments prescribed in section 8 for the preceding delivery period;

(2) Add an amount representing one-half the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to section 8 (e);

(3) Subtract, if the weighted average butterfat test of producer milk represented by the values included under (1) of this paragraph is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which its weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to section 8 (b), and multiplying the resulting figure by the total hundredweight of such milk;

(4) Divide the resulting amount by the total hundredweight of producer milk represented by the values included in (1) of this paragraph; and

(5) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under (4) of this paragraph.

(It is also proposed that consideration be given to alternative provisions which would provide for the payment by each handler to all producers or associations of producers delivering milk to such handler of uniform prices based upon the uses made of such milk by the handler.)

(c) Notification of handlers. On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing:

(1) The amount and value of his milk in each class and the totals thereof;

(2) The applicable minimum class prices and uniform prices;

(3) The amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to section 8 (d) and (e); and

(4) The amount to be paid by each handler pursuant to sections 8, 9, 10, and 11.

SEC. 8. Payment for milk—(a) Time and method of payment. Each handler shall make payments as follows:

(1) On or before the 12th day after the end of each delivery period, to each producer, except a producer for whom payment is received from the handler by a cooperative association pursuant to (2) of this paragraph, at not less than the uniform price for such delivery period pursuant to section 7 (b) adjusted by the producer butterfat differential pursuant to (b) of this section, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to (e) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 11th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such cooperative association during such delivery period, not less than the value of such milk computed at the minimum class price provided by section 5. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, and Class III milk, as determined pursuant to section 4 (g).

(b) Producer butterfat differential. In making payments pursuant to paragraph (a) (1) of this section there shall be added to, or subtracted from, the uniform price for milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter in Chicago, as reported by the Department for the delivery period, by 1.20, dividing by 10, and rounding to the nearest tenth of a cent.

(c) Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section.

(d) Payments to the producer-settlement fund. On or before the 10th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to section 7 (b) adjusted by the butterfat differential provided by (b) of this section: *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, that cooperative association, in turn, shall pay to the market administrator, on or before the 10th day after the end of each delivery period the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to section 7 (b) adjusted by the butterfat differential provided by (b) of this section.

(e) Payments out of the producer-settlement fund. On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to section 7 (b) adjusted by the butterfat differential provided by (b) of this section, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (d) of this section, sections 9, 10, and 11; *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the market administrator shall pay, on or before the 11th day after the end of each delivery period, to such cooperative association the amount by which the utilization value of such milk is less than its value computed at the uniform price pursuant to section 7 (b) adjusted by the butterfat differential provided by (b) of this section: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

SEC. 9. Expense of administration. As his pro rata share of the expense incurred pursuant to section 2 (c) (4) each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and from sources other than producers or other handlers.

SEC. 10. Marketing services—(a) Deductions. Except as set forth in (b) of this section each handler for each delivery period shall deduct 5¢ per hundredweight or such lesser amount as may be prescribed by the Secretary from the payments made to each producer pursuant to section 8, and shall pay such

PROPOSED RULE MAKING

deductions to the market administrator on or before the 12th day after the end of such delivery period. Such monies shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information. Such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in (a) of this section, each handler shall make, in lieu of the deduction specified in (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay every such deduction to the cooperative association rendering such services.

SEC. 11. Adjustments of accounts—

(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in monies due:

(1) The market administrator from such handler,

(2) Such handler from the market administrator, or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) *Interest on overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to sections 8, 9, 10, or (a) of this section shall bear interest at the rate of one-half or one percent per month, such interest to accrue on the 1st day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

SEC. 12. *Effective time, suspension, or termination—*(a) *Effective time.* The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(d) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market ad-

ministrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

SEC. 13. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

SEC. 14. *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1844, United States Department of Agriculture, South Building, Washington 25, D. C., or may be there inspected.

Dated: April 29, 1948, at Washington, D. C.

[SEAL]

S. R. NEWELL,
Assistant Administrator.

[F. R. Doc. 48-3921; Filed, Apr. 30, 1948; 9:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 48-24]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489), and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authorities cited with specific items below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

BUOYANT CUSHIONS, STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, and 2 not carrying passengers for hire.

Approval No. 160.007/65/0, standard kapok buoyant cushion, U. S. C. G. Specification 160.007, manufactured by the Wawasee Boat Company, Syracuse, Ind.

Approval No. 160.007/66/0, standard kapok buoyant cushion, U. S. C. G. specification 160.007, manufactured by Gordon-Edwards Co., Inc., 121 Northeast 9th Street, Miami 36, Fla.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, and 2 not carrying passengers for hire.

Approval No. 160.008/378/1, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, plastic film cover, plastic straps, heat-sealed seams, specification dated 24 March 1948, manufactured by the Watertight Slide Fastener Corp., 15 Whitehall Street, New York 4, N. Y. (This approval modifies Approval No. 160.008/378/0 published in the FEDERAL REGISTER of October 31, 1947.)

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8)

SAFETY VALVES

Approval No. 162.001/84/0, Model No. WTN-L, Lonergan pop safety valve, cast

steel body and bonnet, enclosed spring, single lifting lever, flanged inlet and outlet, Dwg. No. B-1640-S dated 15 March 1948, approved for sizes 1½", 2", 2½", 3", 3½", and 4" diameters, maximum working pressure 250 p. s. i., maximum temperature 450° F., manufactured by J. E. Lonergan Co., 211 Race Street, Philadelphia 6, Pa.

(R. S. 4417a, 4418, 4426, 4433, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 1333, 50 U. S. C. 1275, 46 CFR 52.14-2)

BOILERS, HEATING

Approval No. 162.003/61/0, Model 8150, Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwg. Nos. H-110, revised 29 March 1948, H-110-D, revised 29 March 1948, and H-110-E dated 25 March 1948, approved for sizes 3824, 3830, 5730, and 5736, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

(R. S. 4417a, 4418, 4426, 4433, 4434, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 412, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

Dated: April 23, 1948.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 48-3878; Filed, Apr. 30, 1948;
9:00 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2139711]

MINNESOTA

RESTORATION ORDER NO. 1242 UNDER
FEDERAL POWER ACT

APRIL 21, 1948.

Pursuant to the determination of the Federal Power Commission (DA-7, Minnesota) and in accordance with 43 CFR 4.275 (a) (16) (Department Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

The land hereinafter described which was reserved for Power Site Reserve No. 185 by Executive Order of May 16, 1911, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818), and subject to the stipulation that if and when the lands are required in whole or in part for purposes of power development, any structures or improvements placed thereon which shall be found to obstruct or interfere with such development shall, without expense to the United States or its licensees, be removed or relocated insofar as may be necessary to eliminate interference with power development.

At 10:00 a. m. on June 23, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 23, 1948, to September 22, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 4, 1948, to June 23, 1948, inclusive, such veterans

and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 23, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 23, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from September 4, 1948, to September 23, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 23, 1948, shall be treated as simultaneously filed.

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

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

The lands affected by this order are described as follows:

FOURTH PRINCIPAL MERIDIAN

T. 62 N., R. 21 W., sec. 1, W $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described contains 80 acres. Available data indicate that this land is generally level to gently rolling in character and lies in the valley of the Little Fork River.

THOS. C. HAVELL,
Assistant Director.

[F. R. Doc. 48-3852; Filed, Apr. 30, 1948;
8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7490, 8341, 8867-8869]

KSAL, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of KSAL, Incorporated (KSAL), Salina, Kansas, Docket

No. 7490, File No. BP-4364; Radio Broadcasters, Incorporated (KRKD), Los Angeles, California, Docket No. 8341, File No. BML-1242 (CP); KFJI Broadcasters (KFJI), Klamath Falls, Oregon, Docket No. 8867, File No. BP-4573; Gila Broadcasting Company, Coolidge, Arizona, Docket No. 8868, File No. BP-4677; Mosby's Incorporated, Great Falls, Montana, Docket No. 8869, File No. BP-5481; for construction permits.

The Commission having under consideration a petition filed April 19, 1948, by KFJI Broadcasters (KFJI), Klamath Falls, Oregon, requesting a 15-day continuance of the hearing now scheduled for May 3, 1948, at Washington, D. C., on its above-entitled applications for construction permit;

It is ordered, This 23rd day of April 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Tuesday, June 1, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3891; Filed, Apr. 30, 1948;
8:54 a. m.]

[Docket No. 8056]

MISSOURI BROADCASTING CORP. (WIL)

ORDER CONTINUING HEARING

In re applications of Missouri Broadcasting Corporation (WIL), St. Louis, Missouri, Docket No. 8056, File No. BP-5606, for construction permit.

Whereas, the above-entitled application is scheduled for further hearing on April 26, 1948, at Washington, D. C., and

Whereas, the above-entitled applicant filed on April 22, 1948, a petition for leave to amend the said application, and for reconsideration and grant of the application, if amended; and

Whereas, the said petition cannot be considered by the Commission before April 26, 1948, and a grant of the petition would obviate the necessity of a hearing;

It is ordered, This 23d day of April 1948, that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, May 26, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3890; Filed, Apr. 30, 1948;
8:54 a. m.]

[Docket No. 8254]

MT. PLEASANT BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Winston O. Ward, tr/as Mt. Pleasant Broadcasting Company, Mt. Pleasant, Texas, Docket No. 8254, File No. BP-5439; for construction permit.

Whereas, the above-entitled application of Winston O. Ward, tr/as Mt. Pleas-

ant Broadcasting Company, Mt. Pleasant, Texas, is scheduled to be heard at Washington, D. C., on April 21, 1948; and

Whereas, the said applicant filed on February 5, 1948, a petition requesting reconsideration and grant without hearing of the above-entitled application; and

Whereas, the public interest, convenience, and necessity would be served by a continuance of the hearing on the above-entitled application until the Commission has had an opportunity to act on the said petition for reconsideration and grant without hearing;

It is ordered, This 20th day of April 1948, that the said hearing be, and it is hereby, continued to 10:00 a. m., Wednesday, May 12, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3882; Filed, Apr. 30, 1948; 8:53 a. m.]

[Docket No. 8342]

PEKIN BROADCASTING CO., INC. (WSIV)

ORDER CONTINUING HEARING

In re application of Pekin Broadcasting Company, Inc. (WSIV), Pekin, Illinois, Docket No. 8342, File No. BMP-2561, for construction permit.

The Commission having under consideration a petition filed April 20, 1948, by Pekin Broadcasting Company, Incorporated (WSIV), Pekin, Illinois, requesting a continuance of the hearing now scheduled for April 27, 1948, at Washington, D. C., on its above-entitled application for construction permit;

It is ordered, This 23d day of April 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Friday, June 25, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3889; Filed, Apr. 30, 1948; 8:54 a. m.]

[Docket No. 8349]

McCLATCHY BROADCASTING CO. (KERN)

ORDER CONTINUING HEARING

In re application of McClatchy Broadcasting Company (KERN), Bakersfield, California, Docket No. 8349, File No. BP-5974, for construction permit.

The Commission having under consideration a petition filed April 8, 1948, by McClatchy Broadcasting Company (KERN), Bakersfield, California, requesting a continuance for approximately sixty days of the hearing on its above-entitled application for construction permit, now scheduled for April 20, 1948, at Washington, D. C.;

It is ordered, This 16th day of April 1948, that the petition be, and it is hereby, granted; and that the said hear-

ing be, and it is hereby, continued to 10:00 a. m., Monday, June 21, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3880; Filed, Apr. 30, 1948; 8:52 a. m.]

[Docket No. 8409]

PARISH BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Parish Broadcasting Corporation, Minden, Louisiana, Docket No. 8409, File No. BP-5749, for construction permit.

The Commission having under consideration a petition filed April 20, 1948, by Parish Broadcasting Corporation, Minden, Louisiana, requesting a continuance of the hearing now scheduled for April 27, 1948, at Washington, D. C., on its above-entitled application for construction permit;

It is ordered, this 23d day of April 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Thursday, June 3, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3886; Filed, Apr. 30, 1948; 8:53 a. m.]

[Docket No. 8474]

BERT WILLIAMSON

ORDER CONTINUING HEARING

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

Whereas, the above-entitled application is scheduled to be heard at Washington, D. C., on April 21, 1948; and

Whereas, there is pending before the Commission a petition for reconsideration and grant filed April 12, 1948, by the above-entitled applicant; and the said petition will not be acted upon by the Commission for at least a month from the presently scheduled hearing date, because of the volume of other business pending before the Commission;

It is ordered, This 19th day of April 1948, that the said hearing be, and it is hereby, continued to 10:00 a. m., Friday, May 21, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3881; Filed, Apr. 30, 1948; 8:52 a. m.]

[Docket No. 8563]

JOURNAL REVIEW

ORDER CONTINUING HEARING

In re application of H. Foster Fudge, Gladys C. Fudge, W. Addington Vance

and Martha F. Vance, a partnership d/b as Journal Review, Crawfordsville, Indiana, Docket No. 8563, File No. BP-6329, for construction permit.

The Commission having under consideration a joint petition filed April 21, 1948, by Tri-City Broadcasting Corporation (WLBC), Muncie, Indiana, Joliet Broadcasting Company (WJOL), Joliet, Illinois, and Commodore Broadcasting, Inc. (WSOY), Decatur, Illinois, requesting a continuance for four weeks of the hearing now scheduled for April 27, 1948, on the above-entitled application of H. Foster Fudge, Gladys C. Fudge, W. Addington Vance and Martha F. Vance, a partnership d/b as Journal Review, Crawfordsville, Indiana;

It is ordered, This 23d day of April 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Thursday, May 27, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3888; Filed, Apr. 30, 1948; 8:54 a. m.]

[Docket No. 8688]

PORTORICAN, AMERICAN BROADCASTING CO., INC. (WPAB)

ORDER CONTINUING HEARING

In re application of Portorican American Broadcasting Company, Inc. (WPAB), Ponce, Puerto Rico, Docket No. 8688, File No. BR-1082, for renewal of license.

The Commission having under consideration a petition filed April 15, 1948, by Portorican American Broadcasting Company, Inc. (WPAB), Ponce, Puerto Rico, requesting a thirty-day continuance of the hearing now scheduled for May 5, 1948, at Washington, D. C., on its above-entitled application for renewal of license;

It is ordered, This 23d day of April 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Monday, June 7, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3884; Filed, Apr. 30, 1948; 8:58 a. m.]

[Docket No. 8710]

EMPORIA BROADCASTING CO., INC. (KTSW)

ORDER CONTINUING HEARING

In the matter of Emporia Broadcasting Company, Inc. (KTSW), Emporia, Kansas, Docket No. 8710.

The Commission having under consideration a petition filed April 20, 1948, by Emporia Broadcasting Company, Incorporated (KTSW), Emporia, Kansas, requesting a continuance of the hearing

now scheduled for April 26, 1948, at Washington, D. C., in a proceeding on an order to show cause whether petitioner has violated certain provisions of the Communications Act of 1934, as amended, and the Commission's rules and regulations, issued December 30, 1947;

It is ordered, This 23d day of April 1948, that the petition be, and it is hereby, granted; and that the said hearing in the above-entitled matter be, and it is hereby continued to 10:00 a. m., Thursday, June 24, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3887; Filed, Apr. 30, 1948; 8:53 a. m.]

[Docket No. 8769]

RADIO SALES CORP.

ORDER CONTINUING HEARING

In re application of Radio Sales Corporation, Seattle, Washington, Docket No. 8769, File No. BMPCT-169, for extension of completion date for construction permit for television broadcast station KRSC-TV, Seattle, Washington.

The Commission having under consideration a petition filed April 15, 1948, by Radio Sales Corporation, Seattle, Washington, requesting a thirty-day continuance of the hearing now scheduled for April 28, 1948, on its above-entitled application;

It is ordered, This 23d day of April 1948, that the petition be, and it is hereby, granted; and that the hearing be, and it is hereby, continued to 10:00 a. m., Tuesday, June 1, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3883; Filed, Apr. 30, 1948; 8:53 a. m.]

[Docket No. 8776]

ASSOCIATED BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re application of The Associated Broadcasters, Inc., San Francisco, California, Docket No. 8776, File No. BMPCT-147, for extension of completion date for construction permit for television broadcast station KWIS, San Francisco, California.

The Commission having under consideration a petition filed April 14, 1948, by The Associated Broadcasters, Inc., San Francisco, California, requesting a continuance from April 26, 1948, to May 10, 1948, of the hearing now scheduled on its above-entitled application at Washington, D. C.;

It is ordered, This 23d day of April 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00

a. m., Monday, May 10, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-3885; Filed, Apr. 30, 1948; 8:53 a. m.]

SOUTHERN RADIO AND TELEVISION EQUIPMENT CO. AND TELEVISION STATION WTVJ, MIAMI, FLA.

NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL¹

The Commission hereby gives notice that on April 19, 1948 there was filed with it an application (BTC-636) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Southern Radio and Television Equipment Company permittee of Television Station WTVJ, Miami, Florida from Robert G. Venn, Edward N. Claughton and Edward J. Nelson to Wolfson-Meyer Theatre Enterprises, Inc., Mitchell Wolfson, Sidney Meyer, Frances Wolfson and Zenia Meyer. The proposal to transfer control arises out of a contract of March 1, 1948 and amendment to the articles of incorporation of the company pursuant to which the company's present capitalization of 50 shares of common \$10 par value stock would be replaced by 1,000 shares of Class A par value \$9.50 a share and 330 shares of Class B \$1.00 par value, each having voting rights. Of the 50 shares previously outstanding 33 shares were owned by Robert G. Venn, 16 shares by Edward N. Claughton and one share by Edward J. Nelson. This stock would be cancelled and the consideration paid therefor returned. The 1,000 shares of Class A voting stock would be issued to and paid for by Wolfson-Meyer Theatre Enterprises, Inc. The 330 shares of B stock would be issued as follows:

	Shares of Class B Stock
Mitchell Wolfson.....	35
Robert G. Venn.....	200
Sidney Meyer.....	35
Frances Wolfson.....	30
Zenia Meyer.....	30

The holder of the Class A stock would loan the company \$200,000 maturing in 20 years. 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 April 19, 1948, that starting on April 20, 1948, notice of the filing of the application would be inserted in the Miami Daily News, a newspaper of general circulation at Miami, Florida, 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

¹Section 1.321, Part 1, Rules of Practice and Procedure.

days from April 20, 1948, 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. 48-3892; Filed, Apr. 30, 1948; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1014]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed March 22, 1948, by Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on April 27, 1948 (13 F. R. 2273-74).

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held commencing on May 11, 1948, 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., concerning the matters involved and the issues presented by such application, and other pleadings filed herein.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: April 28, 1948.

By the Commission.

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

[F. R. Doc. 48-3850; Filed, Apr. 30, 1948; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 790, Special Directive 60]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On April 22, 1948, The Cuyahoga Valley Railway Company has certified that it has on that date a total supply of three cars of fuel coal, and that it is imme-

diately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Baltimore and Ohio Railroad Company is directed:

(1) To furnish daily to The Baltimore and Ohio Railroad Company Dawson mine two cars for the loading of Cuyahoga Valley Railway Company fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing on cars furnished for loading under the provisions of this directive unless billed for The Cuyahoga Valley Railway Company fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 22d day of April A. D. 1948.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-3867; Filed, Apr. 30, 1948; 8:49 a. m.]

[S. O. 790, Special Directive 61]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On April 22, 1948, the Reading Company certified that they have on that date in storage and in cars a total supply of 12 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Baltimore and Ohio Railroad Company is directed:

(1) To furnish weekly to the mines listed in Appendix A cars for the loading of Reading Company fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for the Reading Company fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this directive and to indicate with respect to each mine how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 22d day of April A. D. 1948.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A

Name of mine:	Cars required weekly
Chieftan	10
Corbett	20
Dawson	
Wendel 2	
Wendel 4	85
Laura Lee	
Pigott	
Lewis	
Donna	7
Eagle 2	
Bailey 3	
Renwick	
Penn 1	10
McWhorter	
Daft	
Half-way	
Eliza	7
Galloway	25
Glen Cambria	15
Hope 2	10
Katherine	
Alpha	
Carter	
Cain	50
Gregory	
Pepper	
Other Sitnek Fuel Co. mines	
Lawbar	25
Haywood	
McCandlish	20
Consol. 25	
Consol. 50-A	
Ehlen 2	38
Winchester 4	
Meadowbrook	
Righter	15
Roberta	7
Smith 4	10
Woodford	20
Century	
Tuckahoe	
Volga	
Gum Mountain	25
Lona	
Lawbar	

[F. R. Doc. 48-3868; Filed, Apr. 30, 1948; 8:49 a. m.]

[S. O. 790, Special Directive 62]

MONONGAHELA RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On April 22, 1948, the Reading Company certified that they have on that date in storage and in cars a total supply of 12 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Monongahela Railway Company is directed:

(1) To furnish weekly to the mines listed below cars for the loading of the Reading Company fuel coal from its total available supply of cars suitable for the transportation of coal:

Mine:	Cars required weekly
Byrne	5
Louise	
Bunker	25
Brook	
National	10
Rosedale	
Mon strip	50

(2) That such cars furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for the Reading Company fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Monongahela Railway Company and notice of this directive shall be given to the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 22d day of April A. D. 1948.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-3869; Filed, Apr. 30, 1948; 8:49 a. m.]

[Nos. 29555, 29556, MC-C-542, MC-C-543]

PICK-UP AND DELIVERY SERVICES AND CHARGES ON SMALL SHIPMENTS BY RAILROADS AND MOTOR CARRIERS

NOTICE OF HEARING

APRIL 22, 1948.

In re: Pick-up and Delivery Services by Railroads, No. 29555; Pick-up and Delivery Services by Motor Carriers, No. MC-C-542; Charges on Small Shipments

by Railroads, No. 29556; Charges on Small Shipments by Motor Carriers, No. MC-C-543.

The above-entitled proceedings are assigned for further hearing at the office of the Commission, Washington, D. C., at 9:30 a. m., United States standard time, June 2, 1948, before Commissioners John L. Rogers, and J. Haden Alldredge, and Examiners C. E. Stiles, H. G. Cummings, S. A. Aplin, G. B. Vandiver, L. J. Kassel, and E. L. Boisseree. It is expected that the members of the state commissions who have been designated to serve in these proceedings under the cooperative plan will sit with the commissioners and examiners of the Interstate Commerce Commission.

At this further hearing evidence will be presented by members of the Commission's staff, the nature of which is indicated by the proposed testimony and exhibits transmitted herewith.¹

For the sole purpose of receiving the cost evidence outlined in the testimony and exhibits above mentioned the four proceedings will be set for hearing upon a common record and this part of the evidence will be received first. Cross examination will follow immediately.

Upon conclusion of the hearing upon the common record there will be an informal discussion relating to a contemplated further hearing at which motor carrier cost evidence will be received. Motor carrier respondents will be expected to state when their cost evidence will be ready for presentation, and if possible, arrangements for a further hearing to receive such evidence will be made.

Immediately thereafter and without further notice separate hearings will continue in Nos. 29555 and MC-C-542, the Pick-up and Delivery cases, before Commissioner Rogers and Examiners Stiles, Aplin and Boisseree; and in Nos. 29556 and MC-C-543, the Small Shipments cases, before Commissioner Alldredge, and Examiners Cummings, Vandiver, and Kassel.

In Nos. 29555 and MC-C-542, the procedure in the separate further hearing will be as follows: Witness Plank will be available for any further cross examination that may be required. Any person desiring to conduct such cross examination is requested to notify the Commission not later than five days prior to the date of the further hearing, giving an estimate of the time that will be required. The hearing will then be adjourned until further notice.

In Nos. 29556 and MC-C-543, the procedure in the separate further hearing will be as follows:

1. Testimony and exhibits relating to matters other than cost, as shown by the enclosures transmitted herewith, will be presented by members of the Commission's staff. In addition the exhibit distributed by mail subsequent to the first hearing, entitled "Restatement of Certain Tables in Exhibit No. 5, and Supplementary Information to Exhibit No. 5" will be offered in evidence. Cross examination relating to such evidence will follow immediately.

¹ Service of the proposed testimony and exhibits is made only upon those who entered appearances at the previous hearings.

2. Cross examination, if any, relating to evidence presented at the previous hearing will then be completed. Any party desiring to conduct such cross examination is requested to notify the Commission not later than five days prior to the date of the further hearing, giving name of witness and estimate of time that will be required.

3. Evidence will then be received on behalf of any party to these proceedings relating to any of the issues. Unless otherwise directed at the hearing the railroad respondents will proceed first, followed by motor carriers, and then shippers. In this connection attention is directed to the outline of evidence distributed at the prehearing conference, and the statement made by the presiding Commissioner, page 6, wherein it is said:

The evidence to be offered by the Bureau's representatives is not to be considered as exclusive. The Commission desires and expects that the parties to the proceeding will present any evidence deemed to be pertinent and valuable.

Insofar as item 3 is concerned, the Commission must rely mainly upon the practical experience of those actually engaged in the business of transportation. They will be expected to come forward with proposals designed to effectuate the ends indicated in the outline.

For the purpose of accomplishing the objectives stated above cooperative committees representing railroads, motor carriers and shippers were designated by these respective groups. More than a year and a half has now elapsed since the appointment of these committees and their proposals should be ready for presentation at the further hearing designated in this notice.

The procedure outlined in this notice is subject to change if a need is shown.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-3866; Filed, Apr. 30, 1948;
8:48 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Rev. Special Allocation Order ODT R-3,
Revocation]

SUPPLY OF TANK CARS FOR TRANSPORTATION OF KEROSENE AND FUEL OIL

Pursuant to Executive Orders 8989, as amended, 9729, as amended, and 9919, *It is hereby ordered*, That Special Allocation Order ODT R-3, Revised (13 F. R. 739), relating to the allocation of tank cars for the transportation of emergency shipments of kerosene and fuel oils, be, and it is hereby, revoked effective April 29, 1948.

(E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 27th day of April 1948.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 48-3873; Filed, Apr. 30, 1948;
8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-168, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

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

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of April A. D. 1948.

In the matter of Electric Bond and Share Company, American Power & Light Company, File No. 54-168; in the matter of Electric Bond and Share Company, American Power & Light Company, et al., File No. 59-12.

I. Notice is hereby given that on April 8, 1948, American Power & Light Company ("American"), a registered holding company, and its parent company, Electric Bond and Share Company ("Bond and Share"), also a registered holding company, filed a joint application with this Commission, pursuant to section 11 (e) of the act, for approval of a joint plan for distribution of American's assets, reclassification of its stock, and for the compromise and settlement of certain claims, stated to be for compliance with subsection (b) of section 11 of the Public Utility Holding Company Act of 1935 ("act").

In general, the plan proposes the distribution, directly or indirectly, by American to its preferred and common stockholders of all of its assets. The plan, as filed, does not contain a specific allocation of American's assets to American's \$6 preferred, \$5 preferred, and common stockholders for the stated reason that American and Bond and Share have not been able to agree on proposed percentages of participation as between American's common stock and American's preferred stocks.

It is proposed that after completion of the direct and cross examination of the executives of American's subsidiaries who, in the proceeding before the Commission relating to the plan, are to testify as to the properties and earnings of the respective subsidiaries, American and Bond and Share will endeavor to agree on the specific percentage allocations to the common stock and preferred stocks. If they so agree, the plan will be amended jointly by American and Bond and Share to provide for specific allocations to each class of security holders on the agreed basis. If they do not so agree, American and Bond and Share will file separate amendments stating proposed specific allocations to the \$6 preferred stock, the \$5 preferred stock, and the common stock. In such latter event American will propose that such specific allocations be based on an allocation of 16% of assets to the common stock and 84% to the preferred stocks. Bond and Share will propose that such specific allocations be based on an allocation of 21% to the common stock and 79% to the preferred stocks.

The plan proposes the direct distribution by American of its holdings of the common stocks of its subsidiaries, except the common stocks of Pacific Power &

Light Company ("Pacific"), Portland Gas & Coke Company ("Portland"), The Washington Water Power Company ("Washington"), and Washington Irrigation & Development Company.

It is proposed that American's preferred and common stocks be reclassified into a new class of capital stock and distributed to its present preferred and common stockholders concurrently with the distribution of the common stocks of subsidiaries. Following the Effective Date of the plan American, in the event Washington should not acquire Pacific's common stock as presently proposed and as hereinafter described, would apply to this Commission for a modification of the order for its dissolution so as to permit it to remain in existence as a holding company for Pacific and Washington. American's interest in Washington Irrigation & Development Company would be contributed to Washington. American's interest in Portland would be disposed of within one year, unless such period is extended by this Commission, from the date of consummation of that company's proposed recapitalization.

It is stated that the plan may be amended to provide for American's dissolution and the distribution of the common stock of Washington should Washington be permitted to acquire the common stock of Pacific as above referred to.

In the application for approval of the new plan it is stated that plans of American and/or Bond and Share filed, respectively, in November 1943, and September 1946, are withdrawn, and approval of such withdrawals is requested.

The plan also provides for settlement and discharge of various claims as between American and certain present or former subsidiaries of American and Bond and Share and its wholly owned subsidiaries.

American is a corporation organized under the laws of the State of Maine having its principal business offices in New York, New York. American is solely a holding company and is a subsidiary of Bond and Share, a corporation organized under the laws of the State of New York, which is also a holding company and which has its principal business offices in New York, New York.

At March 31, 1948, American's capitalization was as follows:¹

	Number of shares outstanding	Stated value
Preferred stock (\$6), cumulative, no par.....	793,581.2	\$79,300,926.00
\$5 preferred stock, cumulative, no par.....	978,444	97,844,400.00
Common stock, no par...	\$3,008,511.54	37,434,351.29

¹ Including scrip equivalent to 18.2 shares.

² Excluding 5,301 shares reacquired and including scrip equivalent to 1,403.54 shares.

At March 31, 1948, undeclared accumulated dividends amounted to \$34,579,507.73 (\$43.575 a share) on the Preferred Stock (\$6) ("6 preferred stock") and \$35,529,747.75 (\$36.3125 a share) on the \$5 preferred stock.

At March 31, 1948, Bond and Share owned 51,840 shares of American's \$5

³ Retirement of American's funded debt was completed in 1945.

preferred stock (approximately 2.9% of the total number of shares of preferred stocks of American outstanding) and 937,221 shares of American's common stock (approximately 31.15% of American's outstanding common stock). These holdings give Bond and Share approximately 20.7% of the voting power in American.

On March 31, 1948, American's assets consisted principally of its holdings of common stocks of subsidiaries as follows:

Subsidiary	Number of shares of common stock	Percent of outstanding common stock
Florida Power & Light Co.....	2,100,000	100
Kansas Gas & Electric Co.....	1,600,000	100
Minnesota Power & Light Co. Superior Water, Light & Power Co. ²	550,000	84.6
The Montana Power Co.....	311,000	100
Pacific Power & Light Co.....	\$2,475,605	99.7
Portland Gas & Coke Co.....	500,000	100
Texas Utilities Co.....	\$311,130	100
Dallas Power & Light Co. ⁴	4,000,000	100
Texas Electric Service Co. ⁴	\$240,169	91.3
Texas Power & Light Co. ⁴	1,705,000	100
Washington Irrigation & Development Co. ⁴	2,600,000	100
The Washington Water Power Co.....	\$3,000	100
	\$2,540,460	99.9

¹ American has filed an application with this Commission with respect to the proposed sale of 250,000 shares of this stock.

² Minnesota Power & Light Co. owns the common stock of this company.

³ Including a few directors' shares which are under option to the parent company at not more than \$5 per share.

⁴ Texas Utilities Co. owns the common stock of this company in the amount shown.

⁵ Texas Utilities Co. is committed to purchase its pro rata portion of an issue of 68,250 shares of additional common stock of this company.

All interested persons are referred to said joint plan which is on file in the office of this Commission for a full statement of the transactions therein proposed, which may more particularly be summarized as follows:

II. 1. *Distribution of common stock of subsidiaries to American's security holders.* On and after the effective date the holders of certificates for shares of \$6 preferred stock, \$5 preferred stock and common stock of American will, upon the surrender of such certificates to a Distribution Agent, be entitled to receive a certain number of shares of common stock of each of the Distributable Companies (Florida Power & Light Company, Kansas Gas and Electric Company, Minnesota Power & Light Company, The Montana Power Company, and Texas Utilities Company, also sometimes referred to herein as "Distributable Common Stocks"). The specific number of shares of Distributable Common Stock to which each share of each class of security will be entitled will be determined in accordance with percentages which may be agreed upon by American and Bond and Share as described above or, in the absence of an agreement, American will propose that such specific allocations be based upon an allocation to the common stock as a class of 16% and to the Preferred Stocks as a class of 84% of such Distributable Common Stocks, and Bond and Share will propose that such specific allocations be based upon an allocation to the common stock as a class of 21% and to the Preferred Stocks as a class of 79%.

2. *Distribution of reclassified capital stock of American.* On and after the effective date of the plan and concurrently with the distribution described in paragraph 1 hereof and upon surrender of their certificates, the \$6 and \$5 preferred stockholders, and the common stockholders of American will be entitled to receive shares of the reclassified capital stock of American on the same percentage allocation basis as determined for the distribution of the Distributable Common Stocks as described in paragraph 1 hereof.

3. *Provision for amendment to provide for distribution of common stock of The Washington Water Power Company and for American's dissolution.* In the event necessary authorizations are obtained (from State and Federal Agencies having jurisdiction) for the proposed acquisition by Washington, as a contribution from American, of the common stock of Pacific, it is provided that the plan may be amended to add the common stock of Washington to the assets of American to be distributed directly to American's stockholders as set out in paragraph 1 hereof. In such event the plan would be further amended to provide for the dissolution of American.

4. *Common stocks and other assets for which American's reclassified capital stock will be distributed.* It is proposed that in the event the contribution of Pacific's common stock to Washington shall not be made American will, following the effective date of the plan, apply for a modification of this Commission's order for American's dissolution so as to permit American to continue in existence to hold the common stocks of Pacific and Washington. On the effective date of the plan, American would contribute all of its interest in Washington Irrigation & Development Company to Washington. American's preferred and common stocks would be reclassified into a new class of capital stock and such new stock, representing American's interest in Pacific, Portland, and Washington, and such remaining assets as American might then have, would be distributed to American's present preferred and common stockholders.

5. *Dividends.* A holder of shares of American's \$6 preferred stock will be entitled to receive cash at the rate of \$6 per annum for the period from the date of the last dividend payment up to the effective date of the plan. A holder of American's \$5 preferred stock will be entitled to receive cash at the rate of \$5 per annum for the period from the date of the last dividend payment up to the effective date of the plan. Dividends declared on the Distributable Common Stocks and on the reclassified capital stock of American payable to holders on record dates on or after the effective date of the plan but prior to distribution of such stocks will be payable to the stockholders of American to whom such distributable common and reclassified capital stocks are allocated under the plan (after surrender of their certificates for American's present stocks). There will be deducted from such dividends on Distributable Common Stocks that portion of American's Federal income taxes, if

any, payable by American or the Distribution Agent on account of the receipt of such dividends by the Distribution Agent.

6. *Fractional interests.* No certificates for fractional shares of Distributable Common Stocks will be issued in respect of fractional interests. If a surrendering holder entitled to a fractional interest does not give instructions to the Distribution Agent to purchase an additional fractional interest sufficient to entitle him to one additional share, the Distribution Agent will sell for the holder's account the remaining fractional interest to which the holder is entitled.

No certificates for fractional shares of American's new capital stock will be issued in respect of fractional interests. In lieu thereof, these fractional interests will be dealt with in the same manner as is provided above with respect to fractional interests in shares of Distributable Common Stocks.

7. *Time limitations.* Under the plan, shares of the present stock of American must be surrendered within two years from the effective date of the plan in order to entitle the surrendering holder to shares of Distributable Common Stocks or the right to purchase additional shares of Distributable Common Stocks by reason of fractional interests. Upon the expiration of two years from the effective date, the Distribution Agent will sell all of the remaining shares of Distributable Common Stocks and hold the proceeds (less Federal income taxes, if any, payable by American or the Distribution Agent on account of such sales) for payment of such net proceeds to holders of certificates of the present stocks of American who surrender such shares within five years from the effective date of the plan. Upon expiration of five years following the effective date, the holders of certificates for shares of the present stock of American which have not theretofore been surrendered to the Distribution Agent shall cease to have any right to receive any distribution or payment under the plan and the net proceeds from the sale of Distributable Common Stocks will be delivered to American: *Provided*, That if American shall theretofore have been dissolved, then such cash will be delivered to the person or persons appointed to administer American's affairs in dissolution. Shares of the new capital stock of American for which certificates of the present stock of American have not been surrendered within five years will be cancelled.

8. *Amendment of American's certificate of organization and by-laws.* The provisions of American's Certificates of Organization and By-Laws will be amended in the manner provided in the Revised Statutes of Maine, Chapter 49, section 73, as amended by the Public Laws of 1945, to conform to the plan and to provide for simplification and reduction of American's powers, for cumulative voting of its new capital stock and for limited preemptive rights to the holders of such stock. The amendments will also provide that the consideration received by American from the issuance and sale of any additional shares of new

capital stock without par value shall be entered in the capital stock account of American.

9. *Disposition of securities by bond and share.* Within one year after the effective date (unless the Commission shall extend such time) Bond and Share will sell, distribute, or otherwise dispose of, in such manner as the Commission may permit, (a) all certificates for shares of American's present stock owned by Bond and Share which Bond and Share will not have surrendered under the plan to the Distribution Agent, and (b) all of the shares of Distributable Common Stocks and of the new capital stock of American deliverable to Bond and Share in respect of the certificates for shares of American's present stock which Bond and Share shall have surrendered under the plan to the Distribution Agent.

10. *Payment of fees and expenses.* The payment of expenses incurred by American in connection with the plan or proceedings with respect to the plan will be subject to the approval of the Commission. American will also pay such allowances for fees and expenses incurred in connection with the plan or proceedings with respect to the plan as the Commission may approve: *Provided*, That, if American seeks judicial review of any such allowance so approved, the obligation to make such payment will be subject to the determination made in the review proceeding.

11. *Claims settlement.* The plan proposes the compromise, settlement and discharge of any and all claims as between Bond and Share, its wholly-owned subsidiaries, American, and certain present and former subsidiaries of American, and as between their various security holders, as such; through the contribution by Bond and Share to American of \$2,500,000 in cash. Thereupon American will make capital contributions to certain of its subsidiaries in the amounts enumerated in the plan. The plan also petitions, in the event the plan is approved, that the Commission approve the payment of not exceeding \$194,135 by American to certain plaintiffs, their attorneys, and their accountants, for the full settlement and satisfaction of claims on account of services rendered in connection with claims proposed to be compromised and settled as described above.

12. *Effective date.* The "effective date" of the plan will be a date as soon as practicable following the entry by a United States District Court of an order approving and enforcing the plan and will be specifically fixed in a written notice delivered by American to this Commission.

The Commission is requested in the event it approves the plan to apply to an appropriate district court of the United States for its enforcement.

The plan states that its consummation is subject to the receipt from the United States Treasury Department of a closing agreement or ruling as to the tax consequences to American, to the holders of its stocks, and to Bond and Share of the transactions necessary to carry out the plan, which agreement or ruling shall be satisfactory to American and to Bond and Share. Bond and Share and Ameri-

can request that any order of the Commission approving the plan recite that the relevant transactions of the plan are necessary or appropriate to the integration or simplification of the holding company system of which American is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act within the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

The carrying out of the provisions of the plan relating to the settlement and discharge of claims, as may be approved by order of this Commission and the decree of the Court, is subject to the reservation that such action will, in the opinion of counsel for Bond and Share and American, have the effect of settling and discharging the various claims and counterclaims as provided in the plan.

While application for approval of the plan is pending or while the plan is being carried out, American reserves the right to dispose of any securities or other assets, or take any other action, in a manner consistent with the provisions of the plan and other applicable provisions of law.

III. The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby, and it appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to the plan filed by American and Bond and Share to afford all interested persons an opportunity to be heard with respect thereto; and

It further appearing to the Commission that the respective records in the following proceedings: (a) With respect to the proposed reclassification of American's preferred and common stocks into one class of capital stock (File No. 70-815); (b) with respect to American's plan of September 1946 (File No. 54-149); and (c) with respect to the proposed contribution by American to The Washington Water Power Company of the common stock of Pacific Power & Light Company (File No. 70-1573), contain facts and data pertinent to the present proceeding and should be incorporated in and deemed a part of the record in these proceedings (File No. 54-168), subject, however, to the qualifications hereinafter set forth; and it further appearing that the proceedings directed to the dissolution of American (File No. 59-12) also contains facts and data pertinent to the present proceedings, and that the issues in said proceeding involve common questions of law and fact with this proceeding and should be consolidated with the record of this proceeding (File No. 54-168);

It is ordered, That the proceedings entitled "Electric Bond and Share Company et al., File No. 59-12" be and the same hereby are consolidated with these proceedings (File No. 54-168), and that all evidence adduced in said proceedings,

and also in the proceedings under File Nos. 70-815, 54-149 and 70-1573 shall be incorporated in and be deemed a part of the record in the proceedings in File No. 54-168, without prejudice, however, to the right of the Commission, upon its own motion or upon the motion of any interested party, to strike such portions of the record in the prior proceedings as may be deemed irrelevant to the issues raised with respect to the proposed plan, and to the right of any interested person, upon proper showing, to supplement the evidence therein and to recall witnesses therein for further examination;

It is further ordered. That a hearing be held on May 25, 1948, at 10:00 a. m., e. s. t., (or, if daylight saving time shall then be in effect in the District of Columbia, at 10:00 a. m., eastern daylight saving time), at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such hearing consideration will be given to the plan herein and to what action should be taken by American to meet the provisions of the Commission's order directing the dissolution of American.

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

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the plan and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the aforementioned plan as submitted or as modified is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and is in conformity with the requirements of the Commission's order of August 22, 1942.

2. Whether the distributions to the holders of American's \$5 and \$6 preferred stocks and common stock to be proposed in the plan are fair and equitable or whether such distributions should be modified in any manner.

3. Whether the acquisitions and security issues proposed in the plan and incident thereto meet the requirements of the applicable provisions of the act, particularly sections 7, 10 and 12 thereof, or whether it is necessary to impose any terms and conditions with respect to said proposed acquisitions and security issues.

4. Whether the amounts proposed to be paid by Bond and Share to American and by American to its subsidiaries by way of compromise and settlement of the claims described in the plan are fair and reasonable, and whether in other respects the treatment of the interests of Bond and Share, as compared with those of other security holders, is fair and equitable.

5. Whether the accounting entries in connection with the proposed transac-

tions are appropriate and in accordance with sound accounting principles.

6. Whether the Commission should approve the amount of the proposed payments to be made by American to the plaintiffs or their attorneys or their accountants in the legal proceedings specifically enumerated in the plan by way of reimbursement of disbursements or allowances for legal, accounting or other services.

7. Whether the plan as submitted, or any modification thereof approved or required by the Commission, should be approved pursuant to the provisions of section 11 (d) of the act, so as to permit the Commission of its own motion, and irrespective of any request therefor on part of American or Bond and Share to apply to a court for the enforcement of such plan or plans pursuant to the provisions of section 11 (d).

8. Generally whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and the Rules thereunder, and whether any modifications should be required to be made therein, and whether any terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered. That jurisdiction be reserved to separate, either for hearing in whole or in part, or for disposition in whole or in part, any of the issues, questions, matters or plans herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly and expeditious disposition of the matters involved in accordance with the standards of the act.

It is further ordered. That notice of this hearing be given by registered mail to Bond and Share, American, Florida Power & Light Company, Kansas Gas and Electric Company, Minnesota Power & Light Company, Superior Water, Light and Power Company, The Montana Power Company, Pacific Power & Light Company, Portland Gas & Coke Company, Texas Utilities Company, Dallas Power & Light Company, Texas Electric Service Company, Texas Power & Light Company, Washington Irrigation & Development Company, The Washington Water Power Company, to all persons previously granted intervention or participation in the proceedings herein, and to the attorneys of record in the court proceedings specifically enumerated in the plan involving claims of the kind sought to be compromised, settled, and discharged by said plan; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene or participate herein, shall file with the Secretary of the Commission on

or before May 20, 1948 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered. That the application of Bond and Share and American to withdraw the plans filed, respectively, in November 1943 (File No. 70-815) and September 1946 (File No. 54-149), be, and it hereby is, granted and that such plans be, and hereby are, deemed withdrawn.

It is further ordered. That American shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order for hearing at least 15 days prior to the date set for the hearing.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-3855; Filed, Apr. 30, 1948;
8:46 a. m.]

[File No. 7-1032]

VIRGINIA ELECTRIC AND POWER CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of April A. D. 1948.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, Without Par Value, of Virginia Electric and Power Company, 7th and Franklin Streets, Richmond 9, Virginia.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 2,938,425 shares outstanding, 560,703 shares are owned by 3,634 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 184 transactions involving 25,960 shares from August 29, 1947 to October 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered. Pursuant to section 12 (f) (2) of the Securities Ex-

change Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, Without Par Value, of Virginia Electric and Power Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-3860; Filed, Apr. 30, 1948;
8:47 a. m.]

[File No. 31-558]

CITIES SERVICE REFINING CORP.

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 26th day of April A. D. 1948.

Cities Service Refining Corporation, a subsidiary of Cities Service Company, a registered holding company, having filed an application requesting an order pursuant to section 2 (a) (3) (A) of the Public Utility Holding Company Act of 1935 declaring it not to be an electric utility company; and

The Commission finding that Cities Service Refining Corporation is primarily engaged in one or more businesses other than the business of an electric utility company within the meaning of the Public Utility Holding Company Act of 1935, that its only sales of electric energy are to neighboring industrial consumers, that the revenues derived from such sales represented, in 1947, less than 1/2 of 1% of the applicant's total revenue, and that by reason of the small amount of electric energy sold it is not necessary in the public interest or for the protection of investors or consumers that such company be considered an electric utility company:

It is ordered, That Cities Service Refining Corporation be, and hereby is, declared not to be an electric utility company within the meaning of section 2 (a) (3) of the Public Utility Holding Company Act of 1935, subject to the condition that the applicant file with this Commission on or before March 31st of each year a statement showing for the preceding calendar year the total KWH generated, number of KWH sold, the number of consumers and whether any electric energy is sold for resale, the total gross revenues of the company and the total gross revenues obtained from the sale of electric energy.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-3854; Filed, Apr. 30, 1948;
8:46 a. m.]

[File Nos. 54-75, 54-152, 59-8, 59-20]

GULF POWER CO.

SUPPLEMENTAL ORDER AUTHORIZING AND PERMITTING CERTAIN TRANSACTIONS

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

No. 86—5

office in the city of Washington, D. C. on the 26th day of April 1948.

The Commission having issued an order dated August 1, 1947 pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("the act") concerning The Commonwealth & Southern Corporation and its subsidiary companies in the above proceeding which requires, among other things, that The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and The Southern Company ("Southern"), a registered holding company and a subsidiary of Commonwealth, shall cease to own, operate, control or have any interest, direct or indirect, in the gas properties and business of Gulf Power Company ("Gulf"), a direct subsidiary company of Southern; and

Gulf having filed on March 19, 1948, pursuant to Rule U-44 (c) of the rules and regulations promulgated under the act, a notice of intention to sell all of its gas utility properties and business in Pensacola, Florida and environs to the City of Pensacola for \$1,750,000 cash (subject to closing adjustments) pursuant to the terms of an agreement dated as of February 12, 1948, said Notice of Intention and a copy of said agreement, together with the exhibits thereto, being contained in File No. 70-1782; and

The Commission not having deemed it appropriate to give notice to Gulf under said Rule U-44 (c) that a declaration should be filed with respect to the proposed transaction; and

Gulf having requested that the Commission issue an order containing the recitals, itemizations and specifications required by sub-division (f) of section 371 of the Internal Revenue Code:

It is hereby ordered and recited and the Commission finds, that the following transactions are appropriate steps in conformity with this Commission's order dated August 1, 1947, pursuant to section 11 (b) (1) of the act, in the above entitled proceedings and are necessary or appropriate to the integration or simplification of the holding company system of which Gulf is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of said act, and are hereby authorized and permitted:

(a) The sale by Gulf to the City of Pensacola, Florida, for an amount estimated by said Company to approximate \$1,900,000 (exclusive of earnings to the date of transfer as provided in paragraph 4 of said agreement) of the gas properties and business of Gulf as more fully described in Exhibit A to said agreement of February 12, 1948, which by this reference is incorporated herein and made a part hereof, including the following:

(i) Four regulator stations, together with the land on which located;

(ii) One 200 M. C. F. gas holder and adjoining building and the land on which located;

(iii) A small storeroom and work shop and the land on which located;

(iv) Two agreements for rights of way of The St. Louis-San Francisco Railroad Company;

(v) Seven trucks, one passenger automobile and 4-wheel trailer, and miscellaneous tools, instruments and work equipment;

(vi) All other property comprising Gulf's gas system in the City of Pensacola and its environs (including the communities of Warrington and Navy Point) in Escambia County, Florida, including the apparatus, tanks, miscellaneous piping and equipment, mains, service meters, connections, and other property, real, personal and mixed, used, occupied or enjoyed in connection with such gas system, together with all contracts of Gulf for the purchase of gas for resale and all rights of way, easements, permits, privileges and rights so far as and only as they relate to the constructions, maintenance or operation of said gas system through, over or upon any property or any public streets or highways, parks or bridges within or without the City of Pensacola, in Escambia County, Florida;

(vii) Materials and supplies relating to any of the foregoing, including gas merchandise and gas merchandise repair parts on hand at the date of conveyance;

all as more fully provided and described in said agreement dated as of February 12, 1948 and in Exhibit A thereto.

(b) The expenditure by Gulf of said proceeds of such sale (estimated to amount to approximately \$1,900,000 as above stated), or an amount equal thereto, together with other funds, within 24 months of said sale, for the acquisition of property which will constitute additions to the electric properties of Gulf now owned by it, including any part of the properties to be acquired by the acquisition, installation or construction of (a) a second 22,500 kw steam electric generating unit, and auxiliary and incidental equipment, at said Company's steam electric generating plant at Pensacola, Florida, (b) a 110 kv transmission line between Brentwood and Bayou Chico, Florida, and incidental substation, (c) its so-called Glendale Road substation at DeFuniak Springs, Florida, (d) a warehouse and service building at Pensacola, Florida, (e) a capacity increase in its power supply system in the Gulf beach area between Pensacola and Panama City, Florida, (f) new business extensions and (g) other plant additions referred to in the estimate of electric plant additions for the two years 1948 and 1949 filed by Gulf with this Commission as Exhibit 2 to its notice of intention to sell, which exhibit by this reference is hereby incorporated herein and made a part hereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-3856; Filed, Apr. 30, 1948;
8:47 a. m.]

[File No. 70-1773]

PUBLIC SERVICE CORP. OF NEW JERSEY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 26th day of April 1948.

Public Service Corporation of New Jersey ("Public Service"), a registered hold-

ing company, having filed a declaration, as amended, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transaction:

Public Service has heretofore filed a plan of reorganization which has been approved by this Commission and ordered enforced by the United States District Court for the District of New Jersey. Said plan provided, inter alia, for the sale or other disposition of Public Service's interests in its gas utility subsidiary, County Gas Company. Pursuant to said plan, Public Service has publicly invited bids for the purchase of all of its holdings of securities of County Gas Company, consisting of 7,460 shares of the common stock of said company representing 86.48% of such stock outstanding. In response to such invitation, Public Service received the following bids:

Bidder	Price	
	Aggregate	Per share
James S. Abrams, Jr., New York	\$126,820.00	\$17.00
Dwight C. Baum, Los Angeles, Calif.	111,900.00	15.00
Max L. Heine, New York	82,507.60	11.06
Integrity Management Co., Philadelphia, Pa.	82,060.00	11.00

Public Service has accepted the bid of James S. Abrams, Jr., acting for and on behalf of himself and certain other parties and proposes to sell such stock to said purchaser at the price set forth above. The purchaser states that the stock is to be held for investment, and that he intends to offer to purchase any shares of such stock not held by Public Service at the same price per share as set forth above.

Public Service has requested that our order contain findings that the proposed transaction is necessary or appropriate to effectuate the provisions of section 11 (b) and in respect thereof contain the specifications and recitals required by section 1808 (f) of the Internal Revenue code.

Such declaration, as amended, having been duly 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 hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, as amended, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration, as amended, be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest date possible:

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 the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

It is further ordered, That the sale by Public Service of 7,460 shares of Common Stock of County Gas Company for \$126,820, proposed as aforesaid, is authorized, approved, and required; that said sale is necessary or appropriate to the integration or simplification of the holding company system of which said corporations are members and is necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935; that such sale shall be consummated within thirty days after the effective date of this order; and that this order is issued under the authority of subsection (e) of section 11 of the Public Utility Holding Company Act of 1935 to effectuate the provisions of subsection (b) of section 11 of said act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-3858; Filed, Apr. 30, 1948;
8:47 a. m.]

[File No. 70-1812]

NEW JERSEY POWER & LIGHT 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 Washington, D. C., on the 26th day of April 1948.

New Jersey Power & Light Company ("New Jersey"), an electric utility subsidiary of General Public Utilities Corporation, a registered holding company, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transaction:

Declarant proposes to issue and sell to commercial banks, for cash at the principal amount, its unsecured promissory notes in the aggregate principal amount of \$500,000 which will bear interest at the rate of 2% per annum and will mature not later than six months from the date of issuance. The proceeds of the sale of the notes are to be used to carry on the company's construction program pending permanent financing.

Such declaration having been duly 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 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 that no adverse findings are necessary with respect to the declaration and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest date possible:

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 the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-3857; Filed, Apr. 30, 1948;
8:47 a. m.]

[File No. 70-1819]

MISSISSIPPI POWER & LIGHT CO. AND ELECTRIC POWER & LIGHT CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of April A. D. 1948.

Notice is hereby given that Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Electric's utility subsidiary, Mississippi Power & Light Company ("Mississippi"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (a), 7, 9 (a), 10, 12 (c), and 12 (f) of the act and Rule U-43 thereunder as applicable to the proposed transactions which are summarized as follows:

Mississippi has outstanding 950,000 shares of common stock, without par value, stated value \$9,500,000, all of which are owned by Electric. Mississippi proposes to issue and sell to Electric, and Electric proposes to acquire, an aggregate of 400,000 additional shares of the common stock of Mississippi for a cash consideration of \$4,000,000. The additional stock is to be acquired and paid for by Electric in such amounts within a period of ninety days from the date of issuance of the order herein as Electric shall specify in writing to Mississippi. The application-declaration states that the proceeds from the proposed sale of common stock will be used for the construction of new facilities and the extension and improvement of present facilities.

The application-declaration states that no state commission or agency has jurisdiction to authorize or approve the proposed transaction, and that it is believed that there will be no compliance with sections 6 and 7 of the act since the issue and sale of securities are solely for the purpose of financing the business of Mississippi.

The application-declaration requests that the Commission's order herein be issued as promptly as may be practicable and that it become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than May 10, 1948, 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 in-

terest, and the issues of fact or law raised by said application-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 as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 10, 1948 at 5:30 p. m., e. s. t., said application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-3859; Filed, Apr. 30, 1948;
8:47 a. m.]

[File No. 812-545]

ATLAS CORP. AND CONSOLIDATED VULTEE
AIRCRAFT CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of April A. D. 1948.

Notice is hereby given that Atlas Corporation, a Delaware corporation (hereinafter called "Atlas"), has filed an application pursuant to section 2 (a) (9) of the Investment Company Act of 1940 for an order of the Commission determining that Atlas controls Consolidated Vultee Aircraft Corporation, a Delaware corporation (hereinafter called "Consolidated").

Atlas is a closed-end, nondiversified, management investment company and is registered as such under the Investment Company Act. Consolidated is engaged principally in the design, manufacture and sale of military and commercial aircraft. Consolidated is an affiliated person of Atlas, as such term is defined in the Investment Company Act, by virtue of the fact that Atlas owns 131,900 shares, or approximately 11.4 percent, of a total of 1,159,849 shares of common stock of Consolidated presently outstanding.¹

Atlas proposes to lend substantial sums of money to Consolidated. Section 17 (a) (3) of the Investment Company Act prohibits a registered investment company from lending money to an affiliated person of such registered investment company unless the affiliated person is controlled by the registered investment company or the Commission by order pursuant to section 17 (b) of the Investment Company Act exempts the proposed loans from the prohibition contained in section 17 (a) of the act. The instant application for an order determining that Atlas controls Consolidated is made with a view of bringing the proposed loans

within the exception.² The facts alleged in the application are these.

Atlas is the largest stockholder in Consolidated. The next five largest stockholders of record (all brokers) hold 80,483, 13,800, 12,760, 11,506 and 11,000 shares of common stock respectively. Nine of a total of seventeen directors of Consolidated are nominees of Atlas and two of such nominees are also directors of Atlas. Mr. Floyd B. Odlum, the President and a director of Atlas is chairman of the board of Consolidated.

If this application is granted, it is expected that Atlas will advance to Consolidated such funds as may be required by Consolidated for its operating purposes pending a refunding of its bank loans. It is not expected, however, that such advances will exceed the sum of \$3,500,000. It is anticipated that advances so made by Atlas will be evidenced by unsecured promissory notes of Consolidated bearing interest at the rate of 3½% per annum and maturing 90 days from the dates thereof or upon the effectiveness of a registration statement relating to an offering of shares of common stock by Consolidated to provide additional capital. The offering of its shares is a condition of the refunding of the bank loans. It is expected that such advances will be repaid by Consolidated with funds borrowed from the banks under a credit agreement, which funds it is believed will be available to Consolidated under such agreement upon the effectiveness of such registration statement.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transaction and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after April 30, 1948, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than April 30, 1948, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission,

¹ Section 2 (a) (9) of the act provides that a person who does not own more than 25 percent of the voting securities of a company shall not be presumed to control such company. However, section 2 (a) (9) further provides that any such presumption may be rebutted but shall continue until a determination to the contrary is made by the Commission by order either on its own motion or on application of an interested person.

425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-3861; Filed, Apr. 30, 1948;
8:48 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.

[Return Order 113]

STANDARD OIL COMPANY OF CALIFORNIA

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,¹

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 No., Notice of Intention To Return Published, and Property

Standard Oil Co. of California, San Francisco, Calif., Claim No. A-379; March 18, 1948 (13 F. R. 1417); Property described in Vesting Order No. 673 (8 F. R. 5027, April 17, 1943), relating to United States Letters Patent No. 1,869,231.

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

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 27, 1948.

For the Attorney General.

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

[F. R. Doc. 48-3905; Filed, Apr. 30, 1948;
8:56 a. m.]

[Vesting Order 7812, Amdt.]

HENRY MORY

In re: Mortgages on real property and claim owned by Henry Mory, also known as Henry Morey, Heinrich Mory and as Heinrich Morey.

Vesting Order 7812, dated October 10, 1946, is hereby amended as follows and not otherwise:

By deleting subparagraph 2-a of said Vesting Order 7812, and substituting therefor the following:

a. A mortgage executed on May 25, 1910, by Louise E. Burton to Sarah R. Pierce, and recorded on May 27, 1910, in the Office of the Register of New York

¹ See section 2 (a) (3) of the act.

² Filed as part of the original document.

County, New York, in Liber 48, Section 12, of Mortgages, at Page 412; which mortgage was assigned by I. Whitson Valentine and James Irving Baylis, as Executors of the Estate of Sarah R. Pierce, deceased, to Henry Morey, by assignment recorded on October 27, 1922, in the Office of the Register of Bronx County, New York, in Liber 642 of Mortgages, at Page 175, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations.

All other provisions of said Vesting Order 7812 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 26, 1948.

For the Attorney General.

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

[F. R. Doc. 48-3900; Filed, Apr. 30, 1948;
8:55 a. m.]

[Vesting Order 11004]

GOTTFRIED HAGER ET AL.

In re: Stock owned by Gottfried Hager and others and voting trust certificates owned by Frau Stadtpfarrer Barner and others. F-28-46-D-1.

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

1. That the persons whose names and last known addresses are set forth in Exhibit A, attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the firm whose name and last known address is set forth below:

Druckerei und Appretur, Brombach, A. G., Brombach bei Loerrach (Baden), Germany.

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

3. That the property described as follows: One hundred (100) shares of \$1.00 par value common stock of American Electric Securities Corporation, 20 Pine Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed below, registered in the names of the persons listed below in the

amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Gottfried Hager.....	472	50
Felix Neher.....	CO 202	50

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, Gottfried Hager and Felix Neher, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: All rights and interest in and under a Voting Trust Agreement dated November 1, 1928, and terminated on November 1, 1938, for \$1.00 par value common stock of American Electric Securities Corporation, 20 Pine Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by Voting Trust Certificates for Common Stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the names of the persons and in the amounts appearing opposite each such Voting Trust Certificate number, and all rights to receive common stock of the American Electric Securities Corporation together with any and 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, Frau Stadtpfarrer Barner, Druckerei und Appretur Brombach A. G., Dr. Ernst Fraas, Herrn Direktor A. Freude, Frau Marie Gaugler, Frau Grete Hailer, Karl Hornig, Fritz Jungaberle, Direktor Alfred Kappus, Herrn Prokurist Karl Knoll, Herrn Direktor Chr. Kress, Direktor Fritz Lorenz, Emil Luttenberger, Joseph Mayer, Kaufmann, J. Minovsky, Prokurist Waldemar Moeller, Monsieur Felix Neher, Frau S. Reinau, Witwe, Professor Dr. Alfred Schmid, Muehlebesitzer Carl Schmid, Dr. Georg Schmueckle, Dr. Richard Theurer, Frau Luise Wagner, Frau Helene Weiss, Herrn Dr. Werner, Dr. Joseph Wolf, Frau Paula Wolff-Stoehr and Paul Wolfart, the aforesaid nationals of a designated enemy country (Germany);

5. That the property described as follows: Ten thousand, and seventy-five (10,075) shares of \$1.00 par value Participating Preferred Stock of American Electric Securities Corporation, 20 Pine Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered as set forth in Exhibit C, attached hereto and by reference made a part hereof, registered in the names of the persons and in the amounts appearing opposite each certificate number listed in Exhibit C, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eugen Beck, Druckerei und Appretur Brombach A. G., Dr. Ernst Fraas, Frau Eugenie Frisch-Haemmerle, Hermann Gaenslen, Frau Marie Gaugler, Frau Grete Hailer, Fritz Jungaberle, Mathilde Koenigs-Jacobs, Josef Krell, Emil Luttenberger, Felix Noher, Mademoiselle Magdalena Reinau, Madame Veuve S. Reinau, Fabrikant Wilhelm Reutter and Frau Luise Wagner, the aforesaid nationals of a designated enemy country (Germany);

6. That the property described as follows: Two thousand, three hundred (2,300) shares of \$1.00 par value capital stock of Basin Montana Tunnel Company, 1 East 57th Street, New York 22, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed below, registered in the names of the persons and in the amounts appearing opposite each certificate number as follows:

Registered owner	Certificate No.	Number of shares
Felix Neher.....	13452	1,000
Fritz Jungaberle.....	14523	200
	13541	1,100

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, Felix Neher and Fritz Jungaberle, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that the persons referred to 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).

8. 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 March 31, 1948.

For the Attorney General.

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

EXHIBIT A

Name	Address	OAP file No.	Name	Address	OAP file No.
Gottfried Hager	17 Schultheissweg Weil A/Rhein (BD), Germany	F-28-23697-D-1.	Prof. Dr. Alfred Schmid	Finkenstr 13, Berlin-Dahlem, Germany.	F-28-11060-D-1.
Felix Neher	Warthausen Bei Biberbach, Wurttemberg, Germany.	F-28-64-D-1; D-2.	Carl Schmid	Wendlingen, Oberamt Esslingen, Wurttemberg, Germany.	F-28-11061-D-1.
Frau Stadtpfarrer Barner	Baslerstr, Loerrach (Baden), Germany.	F-28-23698-D-1.	Dr. Georg Schmueckle	Taubenheimstr 12, Stuttgart-Cannstatt, Germany.	F-28-23715-D-1.
Dr. Ernst Fraas	c/o Bankhaus Joseph Frisch, Konigstrasse 19A, Stuttgart, Germany.	F-28-50-D-1.	Dr. Richard Theurer	Lenzhalde 67, Stuttgart, Germany.	F-28-23716-D-1.
Herrn Direktor A. Freude	Brombach (Baden) Germany.	F-28-23699-D-1.	Frau Luise Wagner	Panoramastr 5, Stuttgart, Germany.	F-28-23718-D-1.
Frau Marie Gaugler	Ehrenhalde 4, Stuttgart, Germany.	F-28-23700-D-1.	Frau Helene Weiss	Trossingen, Wurttemberg, Germany.	F-28-23719-D-1.
Frau Grete Haller	Eduard Pfeifferstr. 124, Stuttgart, Germany.	F-28-23701-D-1.	Herrn Dr. Werner	Koenigstr. 27, Fellbach bei Stuttgart, Germany.	F-28-23720-D-1.
Karl Hornig	Aldingerstr 19, Ludwigsburg, Germany.	F-28-23702-D-1.	Dr. Joseph Wolf	Stetten Bei Hechingen, Germany.	F-28-23721-D-1.
Fritz Jungaberle	Pforzheim (Baden), Germany.	F-28-56-D-1; D-2.	Frau Paula Wolff-Stoehr	Haagen, Amt Loerrach (Baden), Germany.	F-28-23722-D-1.
Direktor Alfred Kappus	Stuttgart-Cannstatt, Ludwigstr., Germany.	F-28-23703-D-1.	Paul Wolfart	38 Elisabethenstrasse, Stuttgart, Germany.	F-28-23623-D-1.
Herrn Prokurist Karl Knoll	Brombach, Amt Loerrach (Baden), Germany.	F-28-23704-D-1.	Eugen Beck	Hohenheimerstrasse 67, Stuttgart, Germany.	F-28-23724-D-1.
Herrn Direktor Chr. Kress	Holzhausenstr. 57, Frankfurt, M., Germany.	F-28-23705-D-1.	Frau Eugenie Frisch-Haemmerle	Hoelderlinstr 37, Stuttgart, Germany.	F-28-23728-D-1.
Direktor Fritz Lorenz	Brombach, Amt Loerrach (Baden), Germany.	F-28-23706-D-1.	Hermann Gaenslen	Karlstrasse 3, Metzingen, Wurttemberg, Germany.	F-28-23729-D-1.
Emil Luttenberger	92 Schlosstrasse, Stuttgart, Germany.	F-28-23707-D-1.	Mathilde Koenigs-Jacobs	Weiderstrasse 25, Konstanz, Germany.	F-28-23733-D-1.
Joseph Mayer	Burladingen, Hohenzollern, Germany.	F-28-23708-D-1.	Josef Krell	Itzing Bei Monheim Schwaben, Germany.	F-28-23734-D-1.
J. Minovsky	Tubingerstr 17, Stuttgart, Germany.	F-28-23709-D-1.	Magdalena Reinau	Grenzach Bei Loerrach, Germany.	F-28-23737-D-1.
Prokurist Waldemar Moeller	Herrenstr 29, Loerrach (Baden), Germany.	F-28-23710-D-1.	Fabrikant Wilhelm Reutter	Am Kraeherwald 150, Stuttgart, Germany.	F-28-23739-D-1.
Frau S. Reinau	Grenzach bei Loerrach, Germany.	F-28-23714-D-1.			

EXHIBIT B

Voting trust certificate No.	Registered owner	Number of shares	Voting trust certificate No.	Registered owner	Number of shares
191	Frau Stadtpfarrer Barner	25	174	Prokurist Waldemar Moeller	25
153	Druckerei und Appretur, Brombach A. G.	100	305	Monsieur Felix Neher	50
386	Dr. Ernst Fraas	150	129	Frau S. Reinau, Witwe	50
209	Herrn Direktor A. Freude	50	294	Prof. Dr. Alfred Schmid	100
173	Frau Marie Gaugler	25	141	Muehlebesitzer Carl Schmid	65
171	Frau Grete Haller	120	389	Dr. Georg Schmueckle	25
169	Karl Hornig	50	402	Dr. Richard Theurer	50
123	Fritz Jungaberle	60	213	Frau Luise Wagner	50
152	Direktor Alfred Kappus	50	219	Frau Helene Weiss	125
235	Herrn Prokurist Karl Knoll	50	168	Herrn Dr. Werner	50
216	Herrn Direktor Chr. Kress	25	155	Dr. Joseph Wolf	100
94	Direktor Fritz Lorenz	50	214	Frau Paula Wolff-Stoehr	25
78	Emil Luttenberger	25	96	Paul Wolfart	30
144		25	154		50
379	Joseph Mayer, Kaufman	100	210		20
176	J. Minovsky	35			

EXHIBIT C

Certificate No.	Registered owner	Number of shares	Certificate No.	Registered owner	Number of shares	
NPO 16	Eugen Beck	75	NB 371	Frau Marie Gaugler	100	
NP 419		100	PO 256	Frau Grete Haller	125	
NP 420		100	NPB 151	Fritz Jungaberle	1,000	
NP 421		100	NPB 152		500	
NP 422		100	NPB 114		300	
NP 423		100	NPB 109		500	
NP 424		100	NPB 110	250		
NP 425		100	P 351	Mathilde Koenigs-Jacobs	500	
NP 426		100	PO 823	250		
NP 427		Druckerei und Appretur, Brombach A. G.	100	PO 300	Josef Krell	50
NP 428			100	NP 373	100	
NP 429			100	NP 374	Emil Luttenberger	100
NP 430			100	NP 375	100	
NP 431			100	P 111	Felix Neher	500
NP 432			100	P 112	500	
NP 433			100	NP 1104	100	
NP 434			100	NPO 660	Mademoiselle Magdalena Reinau	75
NP 435			100	NP 1101	100	
NP 1090			100	NP 1102	Madame Veuve S. Reinau	100
NP 1001		Dr. Ernst Fraas	100	NPB 234	Fabrikant Wilhelm Reutter	225
NP 1002	100		NP 389	Frau Luise Wagner	100	
NP 1003	100		NP 390		100	
NP 1004	100		NP 391		100	
NP 1005	100		NP 034		75	
NP 1006	100		NP 466		100	
NP 1007	100		NP 467		100	
NP 1008	100		NP 468		100	
NP 1009	100		NP 469		100	
MPB 88	Frau Eugenie Frisch-Haemmerle		200		NP 470	100
NP 1201		100				
NP 1202		100				
NPO 732	Hermann Gaenslen	80				
NP 1196		100				
NP 1197		100				
NP 1198		100				
NP 1199		100				
NP 1200		100				

[Dissolution Order 76]

TAIYO TRADING Co., Inc.

Whereas, by Vesting Order No. 147, dated September 17, 1942 (7 F. R. 8567, October 23, 1942), Vesting Order No. 387, dated November 19, 1942 (7 F. R. 9800, November 25, 1942), and Supplemental Vesting Order No. 4160, dated September 22, 1944 (9 F. R. 11913, September 29, 1944) there were vested 854 of the 1198 issued and outstanding shares of \$50 par value capital stock of Taiyo Trading Company, Inc., a New York corporation; and

Whereas, the remaining 344 shares of issued and outstanding capital stock are owned by citizens of the United States, to wit: Toshio Hirati, 265 shares; I. W. Hirati, 5 shares; and Henry Urash, 74 shares; and

Whereas, Taiyo Trading Company, Inc., has been substantially liquidated.

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except the contingent claim, amounting to \$15,166.67, plus interest, asserted by The 119 Fifth Avenue, Inc., against Taiyo Trading Company, Inc., for alleged non-payment of rent which claim is now pending before the Appellate Division of the Supreme Court of the State of New York; and except such claim, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and

2. Finding that a reserve of \$27,000.00 will be sufficient to discharge such liability, if any, as may be established in the above-mentioned pending litigation between Taiyo Trading Company, Incorporated, and The 119 Fifth Avenue, Inc., and to meet any further expenses in the continued liquidation of the corporation; and

3. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York:

hereby orders that the officers and directors of Taiyo Trading Company, Inc. (to wit: Martin S. Watts, President and Director; Francis J. Carmody, Secretary and Director; Robert Kramer, Treasurer and Director; L. M. Reed, Stanley B. Reid and Kenneth P. Thompson, Directors, and their successors, or any of them) continue the proceedings for the dissolution of Taiyo Trading Company, Inc.; and further orders that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then set aside the amount of \$27,000.00 as a reserve to discharge such liability, if any, as may be established in the litigation now pending before the Appellate Division of the Supreme Court of the State of New York between Taiyo Trading Company, Inc. and The 119 Fifth Avenue, Inc. involving the alleged non-payment of rent by Taiyo Trading Company, Inc.; and they shall apply the said fund or any part thereof to the satisfaction of any final judgment that may be rendered against Taiyo Trading Company, Inc. in said litigation and to meet further expenses in the continued liquidation of the corporation; and

(d) They shall then pay to the Attorney General of the United States the amount of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation; and

(e) They shall then pay over and distribute from the assets of the corporation a partial liquidating dividend of \$55.00 per share on each share of the outstanding stock of the corporation to:

(1) The shareholders of the corporation, other than the Attorney General, in proportion to their respective interest as shareholders (less any amount due by them respectively to the corporation), upon execution by such shareholders and an acceptable surety company of a bond in favor of the Attorney General of the United States, the corporation and its officers and directors, guaranteeing contribution by such stockholders, up to an amount not exceeding the dividends paid to them, to payment of any unknown claims against the corporation which may arise after distribution to said stockholders; and

(2) The Attorney General of the United States in proportion to his interest as shareholder; and

(f) Any liquid assets of the corporation remaining after compliance with the provisions of the foregoing paragraphs (a), (b), (c), (d) and (e), and after payment of all known liabilities at that time, shall then be paid over and distributed to the stockholders of the corporation in accordance with the procedure set forth in (e) hereof.

(g) Any assets then remaining, shall be held subject to the further order or authorization of the Attorney General, his delegate or supervisor; and

further orders, that nothing herein set forth shall be construed as prejudicing the right under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further*, That any such claim against said corporation shall be filed with or presented to the

Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Taiyo Trading Company, Inc. pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 27th day of April 1948.

For the Attorney General.

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

[F. R. Doc. 48-3902; Filed, Apr. 30, 1948; 8:55 a. m.]

[Vesting Order CE 371, Amdt.]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Vesting Order No. CE-371, dated March 4, 1947, is hereby amended as follows and not otherwise:

By deleting the words appearing in Column I of Item 48 in Exhibit A of said Vesting Order No. CE-371 and substituting therefor the following: Pietro Bullentini and Feliciano Bullentini.

All other provisions of said Vesting Order No. CE-371 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 26, 1948.

For the Attorney General.

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

[F. R. Doc. 48-3901; Filed, Apr. 30, 1948; 8:55 a. m.]

MATAHIKO MAEKAWA ET AL.

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 the Treasury of the United States, Washington, D. C., subject to any increase or decrease resulting from the administration of such property prior to return and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property	Claimant	Claim No.	Property
Yoshio Mizumoto, Waianae, Oahu, T. H.	7300	\$13. 19	Gizaemon Takahashi, 1023 Desha Lane, Honolulu, T. H.	7348	\$665. 12
Shizuo Murabayashi or Fujiko Murabayashi, 932 A. Hausten St., Honolulu 36, T. H.	7301	729. 40	Makoto Takeyama, 982 A Robello Lane, Honolulu, T. H.	7350	45. 77
Kaoru Murakami or Mitsue Murakami, 967 A-1 Akepo Lane, Honolulu, T. H.	7302	508. 56	Kana Tamanaha, Box 201, Waipahu, Oahu, T. H.	7351	2, 728. 03
Yaroku Murashige, 1419 Auld Lane, Honolulu, T. H.	7303	25. 97	Setuko Tamara, P. O. Box FF, Kekaha, Kauai, T. H.	7352	154. 87
Sekyo Nakano or Takeshi Nakano, Post Office Box 205, Waipahu, Oahu, T. H.	7306	190. 34	Nofu Tamara, P. O. Box 134, Wainanae, Oahu, T. H.	7353	201. 05
Tome Nishimura or Kumakichi Nishimura, 515 Koula St., Honolulu, T. H.	7308	66. 31	Morio Tanahara, 526 Kunawai Lane, Honolulu 9, T. H.	7354	101. 60
Toyotaru Nitta, 1263 Elm St., Honolulu, T. H.	7310	115. 81	Sadaji Tanaka, 472 N. Kukui St., Honolulu 22, T. H.	7358	79. 40
Katsuzo Noda, 926 11th Ave., Honolulu, T. H.	7311	50. 90	Yone Tanaka, 3348 Kaunaoa St., Honolulu, T. H.	7360	14. 74
Y. Ohta, 1329 Lusitana St., Honolulu 39, T. H.	7313	119. 93	Kijiro Tanigawa, 529 Libby St., Honolulu 35, T. H.	7362	5. 18
Yone Okabayashi, Post Office Box 73, Captain Cook, T. H.	7314	101. 83	Hidekichi Terada or Yoto Terada (h. & w.), 155 Kawallani St., Hilo, Hawaii, T. H.	7365	3, 057. 83
Yoshito Okada, Post Office Box 166, Wahiawa, Oahu, T. H.	7315	143. 25	Mamu Teraoka, 566 Keawe St., Honolulu 13, T. H.	7366	500. 75
Kokichi Okudara, 1924 Kam IV Rd., Honolulu, T. H.	7317	218. 40	Kisaburo Teraoka, 566 Keawe St., Honolulu 13, T. H.	7367	21. 29
Mr. Kiyoto Okumura, 1618 Liliha St., Honolulu, T. H.	7318	319. 59	Sadasuke Terasaki, 3319-A Maunaloa Ave., Honolulu, T. H.	7368	114. 33
Mr. Takayo Ono, 1442-A Makuna Pl., Honolulu 31, T. H.	7319	905. 20	Isamu Tokumoto, 64 Kuahiwi Ave., Post Office Box 131, Wahiawa, Oahu, T. H.	7369	10. 60
Mr. Ryozo Otoguro or Chiyo Otoguro, 523 Kaiwila St., Honolulu 35, T. H.	7321	1, 342. 76	Yoshi Tokushige or Hana Tokushige, Post Office Box 13, Heala, Oahu, T. H.	7370	260. 60
Mr. Takashi Saito, 812-A Lopez Lane, Honolulu, T. H.	7322	1, 433. 51	Mrs. Misa Toma, Kurtistonn, T. H.	7371	1, 073. 81
Yasu Saito, 45 Mamane Lane, Honolulu, T. H.	7323	122. 15	Kameji Torikawa, 1325-B Kalani St., Honolulu, T. H.	7372	5, 742. 35
Hama Yamasaki, Ewa, Oahu, T. H.	7324	1, 010. 88	Yukito Torikawa, 1325-B Kalani St., Honolulu, T. H.	7373	1, 178. 04
Jirokichi Sakai, 1318 Keala Dr., Honolulu 29, T. H.	7325	490. 10	Katsu Tsuchitori, 4104 Ahina Pl., Post Office Box 1377, Honolulu 7, T. H.	7374	688. 02
Some Sakai or Sumae Sakai, 3167 Pahoa Ave., Honolulu 41, T. H.	7326	1, 241. 16	Moshiichi Tsuda, 2844 S. King St., Honolulu, T. H.	7376	505. 27
Geneshichi Sasaki, Pump 3, Waiialua, Oahu, T. H.	7327	711. 20	Tokuichi Tsuji, 2106 Aullii St., Honolulu, T. H.	7377	111. 78
Ichitaro Sakamoto, 869 Kawaihae St., Honolulu 42, T. H.	7328	70. 92	Tazo Uota, 522 Libby St., Honolulu, T. H.	7378	204. 99
Toju Sakamoto, 1629 Kahai St., Honolulu 12, T. H.	7329	152. 06	Matsuyoshi Urada or Tsutaye Urada, 961-G-1 Akepo Lane, Honolulu 51, T. H.	7379	23. 24
Shojiro Sakimoto or Sugi Sakimoto, Alea Middle Camp No. 28, Alea Oahu, T. H.	7330	600. 00	Tsutaye Urada, 961-G-1 Akepo Lane, Honolulu 51, T. H.	7380	100. 41
Shigeto Sakimoto or Sugi Sakimoto, Alea Middle Camp No. 28, Alea Oahu, T. H.	7331	100. 00	Kame Ueyehara, 808 Punahou Extension, Honolulu, T. H.	7381	1, 607. 52
Tsugio Sakimoto or Sugi Sakimoto, Alea Middle Camp No. 28, Alea Oahu, T. H.	7332	175. 00	Masso Ueyehara, 4631-A Kabala Ave., Honolulu, T. H.	7382	5. 00
Satoyo Okumura or Kiyote Okumura, 1618 Liliha St., Honolulu, T. H.	7333	3, 008. 93	Niehi Uyekii, Post Office Box 114, Paia, Maui, T. H.	7383	830. 68
Mitsuo Shimazu or Saku Shimazu, 623 L. South Beretania, Honolulu 53, T. H.	7335	1, 471. 29	Fujiyo Ushijima, 2457-C South Beretania St., Honolulu, T. H.	7385	928. 36
Fujiko Shimoda or Atsuo Shimoda, 3316-A Hinano St., Honolulu 40, T. H.	7336	164. 83	Keichi Watanabe, 1939 Dole St., Honolulu, T. H.	7386	10. 49
Sozoro Shinkawa, 2356 Waolani Ave., Honolulu, T. H.	7338	213. 29	Asa Watanabe, Kahuku, Oahu, T. H.	7387	584. 69
Haruyo Shioi, 1905 Nalo St., Honolulu 29, T. H.	7339	801. 20	Sadajiro Watanabe, 820 Lopez Lane, Honolulu, T. H.	7389	260. 87
Saburo Shiroma, 8902 Karanionooe Hwy., Honolulu 49, T. H.	7340	1, 650. 87	Saburo Yamada, Post Office Box 1375, Honolulu, T. H.	7391	106. 38
Masaji Suenagor Kaku Suenaga, 889 N. King St., Honolulu, T. H.	7342	2, 553. 29	Shunichi Yamada, 1452 Kalani St., Honolulu, T. H.	7392	30. 50
Mr. Tamotsu Sugiyama or Tome Sugiyama, 750-B Waiakamilo Rd., Honolulu, T. H.	7343	1, 515. 38	Eisaburo Yamamoto, 922-E-2 Austin Lane, Honolulu 7, T. H.	7393	2, 607. 30
Tome Sugiyama, 750-B Waiakamilo Rd., Honolulu, T. H.	7344	10. 84	Misaburo Yamamoto, 1216 B Desha Lane, Honolulu 18, T. H.	7394	424. 33
			Kameyo Yamamura, Ewa, Oahu, T. H.	7395	50. 07
			Sakuyo Yamuchi, C/o Box 171, Waiialua, Oahu, T. H.	7396	350. 78
			Maka Yamuchi, C/o Box 547, Waiialua, Oahu, T. H.	7397	328. 24
			Sankichi Yamafuji, a/k/a S. Yamafuji, 3224 Sierra Dr., Honolulu, T. H.	7398	98. 70
			Mrs. Riyo Yanehiro, 513 Winant St., Honolulu, T. H., or Mrs. Lillian K. Sasaki, formerly Ayako Yanehiro, 1160 B. Pinkham St., Honolulu, T. H.	7399	960. 13

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 27, 1948.

For the Attorney General.

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

[F. R. Doc. 48-3903; Filed, Apr. 30, 1948; 8:56 a. m.]

[Return Order 112]

AUGUSTE LEHMER SCHULZE ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,¹

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Auguste Lehmer Schulze, William Lehmer and Marie Lehmer Heerde, Claim No. 5915; March 18, 1948 (13 F. R. 1418); \$2,167.14 in the Treasury of the United States, in equal shares of \$722.38.

Appropriate documents and papers effectuating this order will issue.

¹ Filed as part of the original document.

Executed at Washington, D. C., on April 27, 1948.

For the Attorney General.

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

[F. R. Doc. 48-3904; Filed, Apr. 30, 1948; 8:56 a. m.]

[Vesting Order 11093]

BETTY H. KIRCHNER

In re: Stock owned by Betty H. Kirchner, also known as Betty Meiller, and as Mrs. Betty Meiller Kirchner. F-28-13208-A-1.

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

1. That Betty H. Kirchner, also known as Betty Meiller, and as Mrs. Betty Meiller Kirchner, whose last known address is Herzbergstrasse 5, Frankfurt A/M Heddernheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of old common stock of Cities Service Company, 60 Wall Street, New York, New York, evidenced by a certificate numbered VL 212162, dated August 27, 1929, registered in the name of Betty Meiller, together with all declared and unpaid dividends thereon, and any and all rights to exchange for present common stock,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

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

[F. R. Doc. 48-3843; Filed, April 29, 1948; 8:47 a. m.]