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Washington, Wednesday, July 14, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9976

AMENDMENT OF EXECUTIVE ORDER NO. 9871 OF JULY 8, 1947, PRESCRIBING REGULATIONS GOVERNING THE GRANTING OF ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN OF THE ARMY, NAVY, MARINE CORPS, AND COAST GUARD, AND PER DIEM ALLOWANCES TO MEMBERS OF SUCH SERVICES AND COAST AND GEODETIC SURVEY AND PUBLIC HEALTH SERVICE ON DUTY OUTSIDE THE CONTINENTAL UNITED STATES OR IN ALASKA

By virtue of and pursuant to the authority vested in me by sections 10 and 12 of the Pay Readjustment Act of 1942, as amended (56 Stat. 363, 364; 60 Stat. 858; 37 U.S.C. 110, 112), and sections 208 (c) and 305 (a) of the National Security Act of 1947 (61 Stat. 504, 508), Executive Order No. 9871 of July 8, 1947, prescribing regulations governing the granting of allowances for quarters and subsistence to enlisted men of the Army, Navy, Marine Corps, and Coast Guard, and per diem allowances to members of such services and Coast and Geodetic Survey and Public Health Service on duty outside the continental United States or in Alaska, is hereby amended as follows:

1. The words "Air Force," are inserted after the word "Army," wherever such word occurs in the said order and in the title thereof.

2. Part I A 1, *General*, of the said order is amended to provide that the daily subsistence allowance therein authorized where government messing facilities are furnished shall be $1.50 instead of $1.20.

3. This order shall be effective as of July 1, 1948, and the said Executive Order No. 9871 as amended by this order shall continue in effect during the fiscal year ending June 30, 1949, unless sooner modified or revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 12, 1948.

[F. R. Doc. 48-6318; Filed, July 12, 1948; 5:13 p. m.]

TITLE 7—AGRICULTURE

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

[Fresh Pea Order 4]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.306 *Fresh Pea Order 4*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peas, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Congress: 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.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 15, 1948, and ending at 12:01 a. m., m. s. t., September 16, 1948, no handler shall handle any lot of fresh peas unless such lot meets the requirements of U. S. No. 1 grade (as defined in the U. S. Standards for Fresh Peas, issued April 25, 1942, effective June 1, 1942, and re-issued by the United States Department of Agri-

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

culture on July 19, 1946), and has a minimum pod length of three (3) inches.

(2) As used in this section, the terms "peas," "handlers," and "handle" shall have the same meaning as when used in the amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Cum. Supp. 910 et seq.)

Done at Washington, D. C., this 9th day of July 1948.

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

[F. R. Doc. 48-6269; Filed, July 13, 1948; 9:01 a. m.]

[Cauliflower Order 3]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.307 *Cauliflower Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh cauliflower, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements 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.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 15, 1948, and ending at 12:01 a. m., m. s. t., August 6, 1948, no handler shall handle any lot of fresh cauliflower except cauliflower that meets the requirements of U. S. No. 1 grade, or U. S. No. 1 Full Jacket Leaves, as such grade is defined in the U. S. Standards for Cauliflower, issued by the United States Department of Agriculture, effective May 27, 1948, and that meets the following specifications: (i) The size shall be fairly uniform and shall be that which will pack not more than 14 nor less than 11 heads in a crate having inside dimensions of 8½" x 17½" x 21⅝"; and (ii) Heads shall be packed at least fairly tight in the crate.

(2) As used in this section, the term "fairly uniform" means that the average diameters, exclusive of jacket leaves, of the several cauliflower heads contained in any crate of the inside dimensions mentioned above do not vary more than two (2) inches.

(3) As used in this section, the term "fairly tight" means that the cauliflower heads, when packed in a crate of the inside dimensions mentioned above, will have no more than a slight movement in such crate, but not so much that there will be any injury under ordinary handling conditions, and will not be loose enough to permit the addition of another head.

(4) As used in this section, the terms "cauliflower," "handler," and "handle" shall have the same meaning as when used in the amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Cum. Supp. 910 et seq.)

Done at Washington, D. C., this 9th day of July 1948.

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

[F. R. Doc. 48-6270; Filed, July 13, 1948; 9:01 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Production and Marketing Administration (Livestock Branch)

PART 203—AUTHORIZATIONS FOR INSPECTION OF LIVESTOCK

KANSAS LIVESTOCK ASSN.

The Kansas Livestock Association, pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), has filed a written application with the Secretary of Agriculture for authority to act as an official livestock inspection agency with respect to livestock originating in the State of Kansas. It is found that the applicant is a duly organized livestock association of the State of Kansas, that branding and marking of livestock as a means of establishing ownership prevail by custom or statute in said State, that no other application of a similar nature has been filed with the Department of Agriculture, and that it is necessary to authorize the Kansas Livestock Association to charge and collect a reasonable and non-discriminatory fee at posted stockyards which are subject to the provisions of the act for the inspection of brands, marks, and other identifying characteristics of livestock originating in the State of Kansas for the purpose of determining the ownership of such livestock. Therefore, after consideration of such application and all data, views, and argument submitted as a result of the notice of proposed rule making in connection therewith, published in the FEDERAL REGISTER on June 19, 1948 (13 F. R. 3321), pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended, supra, the following authori-

zation is granted to become effective thirty days after publication in the FEDERAL REGISTER.

§ 203.13 *Kansas Livestock Association.* The Kansas Livestock Association is hereby authorized, with respect to livestock originating in the State of Kansas, to charge and collect, at those stockyards posted under the Packers and Stockyards Act, 1921, as amended, at which the said Kansas Livestock Association may register as a market agency to perform such inspection, reasonable and nondiscriminatory fees for the inspection of brands, marks, and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under the authority shall be collected by the market agency or person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said Kansas Livestock Association. Such inspection, charges, and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and regulations promulgated pursuant thereto. (42 Stat. 159, as amended; 7 U. S. C.; 181 et seq.)

Done at Washington, D. C., this 9th day of July 1948.

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

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-6227; Filed, July 13, 1948; 8:47 a. m.]

TITLE 10—ARMY

Chapter VIII—Supplies and Equipment

[Joint Procurement Regulations]

PART 801—GENERAL PROVISIONS

PART 805—CONTRACTS

MISCELLANEOUS AMENDMENTS

1. Rescind § 801.103 and substitute the following in lieu thereof:

§ 801.103 *Deviations from regulations.* Deviations from the requirements of Parts 801 to 811, inclusive, of this chapter by components of the Department of the Army shall be made only by and with the approval of the Chief, Current Procurement Branch, Logistics Division, General Staff, United States Army. Deviations from the requirements of Parts 801 to 811, inclusive, of this chapter by components of the Air Force shall be made only by and with the approval of the Deputy Chief of Staff, Matériel, United States Air Force. Any basic legal question involved in deviation from the requirements of Parts 801 to 811, inclusive, of this chapter by the Department of the Air Force will be referred, in the case of components of Headquarters, United States Air Force, directly to the General Counsel and, in the case of other components of the United States Air Force, to the Staff Judge Advocate, Air Matériel Command, for reference, if required or desirable, to the General Counsel. For this purpose and any other purpose involving policy having legal implications, direct communication is authorized between the Staff Judge Advocate, Air Matériel Command, and the General Counsel.

2. The second sentence of § 805.303–5 (b) which requires the forwarding of copies of delivery (or purchase) orders placed under Federal Supply Schedule contracts to the Bureau of Federal Supply is hereby rescinded.

[Joint Procurement Regulations, Nov. 1, 1947, as amended by JAAF Proc. Cir. 16 June 28, 1948] (Sec. 1 (a), (b), 54 Stat. 712, 55 Stat. 838; 41 U. S. C. prec. § 1 note, 50 U. S. C. App. 601–622; E. O. 9001, Dec. 21, 1941, 6 F. R. 6787)

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

[F. R. Doc. 48-6232; Filed, July 13, 1948; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

Subchapter D—Federal Credit Unions

REPEAL OF REGULATIONS GOVERNING FEDERAL CREDIT UNIONS

Resolved, that, effective July 29, 1948, the Corporation's rules and regulations (12 CFR, Chapter III) shall be amended by striking out all of Subchapter D thereof.

Further resolved, that under Part 306 of the Corporation's rules and regulations and the Administrative Procedure Act, notice of proposed rule making or public participation in the above amendment is unnecessary because Public Law 813, 80th Congress, 2d session, transfers the Administration of the Federal Credit Union Act from this Corporation to the Federal Security Agency, effective July 29, 1948, and all authority of this Corporation in respect to the administration of the Federal Credit Union Act will terminate on that date.

(Pub. Law 813, 80th Cong.)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 48-6233; Filed, July 13, 1948; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. OR–8]

PART 301—ORGANIZATION, DELEGATIONS OF AUTHORITY AND PUBLIC INFORMATION

DELEGATION OF AUTHORITY TO DIRECTOR OF ALASKA OFFICE TO REJECT TARIFFS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of July 1948.

This amendment provides a rule of agency organization and procedure. Notice and public procedure thereon are unnecessary and the amendment may be made effective immediately without prior notice.

The Civil Aeronautics Board hereby amends § 301.2 (c) of the Economic Regulations (14 CFR 301.2 (c)) to read as follows, effective immediately:

§ 301.2 *Delegations of authority.*

* * *

(c) *Rejection of tariffs*—(1) *Air carrier and foreign air carrier tariffs; general.* The Director of the Economic Bureau is authorized to reject, on behalf of the Board, any tariff, supplement, or revised page which is filed by any air carrier other than an Alaskan Air Carrier, or by any foreign air carrier, and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, because it is not consistent with section 403 of the Civil Aeronautics Act or § 224.1 of the Economic Regulations, as amended from time to time.

(2) *Alaskan air carrier tariffs.* The Director of the Alaska Office is authorized to reject, on behalf of the Board, any tariff, supplement, or revised page which is filed by any Alaskan air carrier and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act, as amended, because it is not consistent with section 403 of the Civil Aeronautics Act or § 224.1 of the Economic Regulations, as amended from time to time and as specifically supplemented by § 202.2.

(3) *Limitations on authority.* In exercising the authority granted under subparagraphs (1) or (2) of this paragraph, the Director of the Economic Bureau and the Director of the Alaska Office, respectively, shall give notice of any such rejection in writing to the carrier or agent filing such tariff. The notice shall clearly state the reason or reasons for the rejection. When time will not permit receipt of notice by mail prior to the proposed effective date of the tariff publication so rejected, telegraphic notice shall also be given.

(Secs. 205 (a), 403 (a); 52 Stat. 984, 992; 49 U. S. C. 425, 483)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-6268; Filed, July 13, 1948; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51964]

PART 16—LIQUIDATION OF DUTIES

IMPORT TAXES ON SUGAR

Section 501 (b), Sugar Act of 1948 (Public Law No. 388, 80th Congress), published in T. D. 51803, amends section 3508, Internal Revenue Code, as amended, to extend the application of the import tax imposed on manufactured sugar and articles in chief value of manufactured sugar by section 3500, Internal Revenue Code, to the importation of

such merchandise during the period from July 1, 1948, to June 30, 1953.

All pertinent customs regulations are hereby extended to govern the assessment and collection of the import taxes imposed by section 3500 of the Internal Revenue Code during the said period. T. D. 51803 is supplemented to this extent.

Regulations with respect to refunds of the tax pursuant to the provisions of section 501 (b) will be promulgated in ample time to govern such future transactions.

The number of this decision shall be added as a marginal citation to section 16.15, Customs Regulations of 1943.

(R. S. 251, sec. 624, 46 Stat. 759, 53 Stat. 428, 429, as amended; 19 U. S. C. 66, 1624, 26 U. S. C. 3500, 3508)

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

Approved: June 30, 1948.

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

[F. R. Doc. 48-6238; Filed, July 13, 1948; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 51—CANNED VEGETABLES: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED GREEN BEANS AND CANNED WAX BEANS

Correction

In Federal Register Document 48-5977, appearing at page 3724 of the issue for Saturday, July 3, 1948, the following corrections have been made in the original document: In the middle column on page 3725 the reference to "paragraph (b)" in paragraph (b) of § 51.15 should read "paragraph (a)", and in the third column on page 3725 the reference to "paragraph (b)" in the repeated version of paragraph (b) of § 51.15 should read "paragraph (a)."

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

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

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215, 4023, 4369, 8723; 13 F. R. 436, 1087, 2475) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231, 4369, 8724; 13 F. R. 436, 439, 2475, 2950) are amended as indicated below:

1. Section 141.14 is amended to read:

§ 141.14 *Penicillin with vasoconstrictor*—(a) *Penicillin used in the packaged combination*—(1) *Potency.* Unless it is crystalline penicillin tablets, proceed as directed in § 141.1. If it is crystalline penicillin tablets, proceed as directed in § 141.21 (a).

(2) *Toxicity, moisture, pH, crystallinity, heat stability, penicillin G content.* Proceed as directed in §§ 141.4 and 141.5.

(3) *Microorganism count.* Proceed as directed in § 141.21 (b).

(b) *Dry mixture of penicillin with vasoconstrictor; potency, microorganism count, moisture.* Proceed as directed in §§ 141.1, 141.21 (b) and 141.5 (a).

2. Section 141.29 *Procaine penicillin for aqueous injection,* is amended by adding the following new paragraphs:

(d) *Pyrogens.* Proceed as directed in § 141.3.

(e) *Toxicity.* Proceed as directed in § 141.4, except inject 0.25 milliliter of a solution containing 4,000 units per milliliter.

(f) *pH.* Proceed as directed in § 141.5 (b), using a saturated solution.

3. In § 146.32 *Penicillin with vasoconstrictor,* etc., paragraph (a), *Standards of identity, strength, quality, and purity,* the first sentence is amended by inserting the words "or crystalline penicillin tablets" between the words "container of penicillin" and "and one immediate container."

In § 146.32, paragraph (a) is further amended by changing the fourth sentence thereof to read: "The penicillin used conforms either to the requirements of § 146.39 (a) for crystalline penicillin tablets, except the limitation on penicillin K content, or to the requirements of § 146.24 (a), except the limitation on penicillin K content, and except subparagraphs (2), (4), and (7) of § 146.24 (a), but its content of viable microorganisms is not more than 50 per gram."

In § 146.32, paragraph (d) *Requests for certification; samples,* subparagraph (2) (i) is amended to read:

(i) The penicillin included in the packaged combination and the penicillin used in making the batch of the dry mixture of penicillin with vasoconstrictor; potency, microorganism count, toxicity, moisture, pH, crystallinity and heat stability, if it is crystalline penicillin, and the penicillin G content, if it is crystalline penicillin G.

In § 146.32, paragraph (d), subparagraph (3) (i) is amended to read:

(i) The pencillin for inclusion in the packaged combination of penicillin with vasoconstrictor; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers and not more than 100 immediate containers, if it is not crystalline penicillin, and not less than 40 immediate containers or tablets and not more than 100 immediate containers or tablets, if it is crystalline penicillin, collected by taking single immediate containers or tablets at such intervals throughout the entire time of packaging or tableting the batch that the quantities packaged or tableted during the intervals are approximately equal.

In § 146.32, paragraph (e) *Fees,* subparagraph (e) (1) is amended by inserting the words "or tablets" between the words "immediate container" and "submitted in accordance" in lines 2 and 3.

4. In § 146.47 *Procaine penicillin for aqueous injection,* paragraph (a) is amended to read:

(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin for aqueous injection is a dry mixture of procaine penicillin and one or more suitable and harmless suspending or dispersing agents. It is so purified and dried that:

(1) It is sterile;

(2) Its moisture content is not more than 4.2 percent;

(3) It is nonpyrogenic;

(4) It is nontoxic; and

(5) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The procaine penicillin used conforms to the requirements of § 146.44 (a). Each other substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

In § 146.47, paragraph (d) *Requests for certification; samples,* subparagraph (2) (i) is amended to read:

(i) The batch; potency, sterility, moisture, pyrogens, toxicity, pH; and

In § 146.47, paragraph (d), subparagraph (2) (ii) is amended to read:

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is procaine penicillin G) and the penicillin G content if it is procaine penicillin G.

In § 146.47, paragraph (d), subparagraph (3) (i) is amended by changing the figure "8" to "10" and the figure "15" to "17."

In § 146.47, paragraph (d), subparagraph (3) (ii) is amended by changing the figure "10" to "3".

This order, which provides for packaging crystalline penicillin tablets with packages of aqueous solution of a vasoconstrictor and for amending the standards for procaine penicillin for aqueous injection shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay packaging crystalline penicillin tablets with packages of aqueous solution of a vasoconstrictor and to amend the standards for procaine penicillin for aqueous injection.

(Sec. 3, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 8, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-6230; Filed, July 13, 1948; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Secretary of Defense

[Transfer Order 17]

ORDER TRANSFERRING FUNCTIONS PERTAINING TO DETAIL OF MILITARY PERSONNEL TO CERTAIN DUTIES FROM DEPARTMENT OF ARMY TO DEPARTMENT OF AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947 (Act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force, insofar as they pertain to the Department of the Air Force or the United States Air Force or their property and personnel, all functions, powers and duties relating to the detail of military personnel which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the following laws, parts of laws and Executive orders:

a. Act of May 19, 1926, c. 334, (44 Stat. 565), as amended by the act of May 14, 1935, c. 109 (49 Stat. 218), and the act of October 1, 1942, c. 571 (56 Stat. 763), and Proc. No. 2695, July 4, 1946 (11 F. R. 7517; 60 Stat. 1352; 10 U. S. C. 540).

b. Executive Order 9630, Part II, sec. 9, September 27, 1945 (10 F. R. 12245).

c. Act of June 26, 1946, c. 500, sec. 5 (60 Stat. 315; 50 APP USCA 1864).

2. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

3. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

4. This order shall be effective as of 12:00 noon, July 6, 1948.

JAMES FORRESTAL,
Secretary of Defense.

JULY 6, 1948.

[F. R. Doc. 48-6214; Filed, July 13, 1948; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—MONEY-ORDER SYSTEM

INTERNATIONAL MONEY-ORDER SERVICE; COUNTRIES TO WHICH SERVICE IS AVAILABLE

In § 17.55 *Exchange offices,* (13 F. R. 1169), make the following changes:

Amend paragraph (c) (1) (i) by removing, after Denmark, and Netherlands, in the list of countries therein contained, the reference to footnote 1 (Money-order business temporarily suspended.)

(R. S. 161, 396, 398, 4027, 4028, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372, 39 U. S. C. 711, 712)

WALTER MYERS,
Acting Postmaster General.

[F. R. Doc. 48-6220; Filed, July 13, 1948; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

INTERNATIONAL REPLY COUPONS

In § 127.14, *International reply coupons,* of Subpart A, (13 F. R. 899), make the following change:

Amend paragraph (a) by adding the following as the last sentence: "When sold, reply coupons must be legibly postmarked in the circle at the left side of the front."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

WALTER MYERS,
Acting Postmaster General.

[F. R. Doc. 48-6219; Filed, July 13, 1948; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MONEY-ORDER SERVICE RESUMED TO DENMARK AND NETHERLANDS

In Part 127, Title 39, Code of Federal Regulations (13 F. R. 892), make the following changes:

1. In § 127.240 *Denmark* (13 F. R. 964), amend paragraph (a) (4) to read as follows:

(4) *Money-order service.* Yes. See § 17.55 (c) of this chapter. However, Denmark does not issue money orders for payment in this country.

2. In § 127.307 *Netherlands* (13 F. R. 1011), amend paragraph (a) (3) to read as follows:

(3) *Money-order service.* Yes. See § 17.55 (c) of this chapter.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

WALTER MYERS,
Acting Postmaster General.

[F. R. Doc. 48-6218; Filed, July 13, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 552, Amdt. 2]

PART 95—CAR SERVICE

CONTROL TIDEWATER COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of July A. D. 1948.

Upon further consideration of Revised Order No. 552 (12 F. R. 5670), as amended (12 F. R. 6926), and good cause appearing therefor: *It is ordered,* That:

Section 95.552 *Control tidewater coal; appointment of agent,* of Service Order No. 552, as amended be, and it is hereby further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Appointment of agent to control movement of tidewater coal.* J. B. Sinclair, Joint Manager of the Anthracite Tidewater Emergency Bureau and Northern Tidewater Bituminous Emergency Bureau, 143 Liberty Street, New York, N. Y., is hereby designated and appointed agent of the Interstate Commerce Commission and, subject to the direction and supervision of the Director, Bureau of Service, vested with authority to control the use of railroad cars for transporting coal and coke, all kinds, to be transshipped by vessels at New York, New Jersey, Delaware, Pennsylvania and Maryland ports or to be stored in yards shown in Trunk Line Tariff Bureau Tariff No. 139-D, I. C. C. No. A-859, or in Trunk Line Tariff Bureau Tariff No. 138-C, I. C. C. No. A-858, supplements thereto or reissues thereof.

It is further ordered, That this amendment shall become effective at 12:01 p. m., July 7, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-6231; Filed, July 13, 1948; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 961]

HANDLING OF MILK IN PHILADELPHIA, PA., MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 12 F. R. 4904), a public hearing was held June 7, 1948 at Philadelphia, Pennsylvania pursuant to a notice issued May 21, 1948 (13 F. R. 2824) on proposed amendments to the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Philadelphia marketing area.

The only issue presented at the hearing was whether the price for Class I milk of 4 percent butterfat content delivered at the city should be at least $5.90 per hundredweight during July, August and September 1948, and $6.30 per hundredweight for October, November, and December 1948.

A notice of recommended decision and opportunity to file written exceptions with respect to the recommended findings and conclusions on that issue was filed on June 21, 1948 and published in the FEDERAL REGISTER June 24, 1948 (13 F. R. 3463).

Exceptions have been filed to that recommended decision on behalf of the Milk Distributors Association of the Philadelphia Area, Inc. and were considered in arriving at the findings and conclusions contained herein. To the extent that the findings and conclusions set forth in this decision are at variance with any exceptions pertaining thereto, such exceptions are overruled. The specific exception to prices under the present provisions of the order is discussed in the findings and conclusions.

Findings and conclusions. Upon the basis of the evidence introduced at the hearing, the following findings and conclusions on the material issue decided herein are hereby made:

The price for Class I milk of 4 percent butterfat content delivered at the city should be at least $5.90 per hundredweight during August and September 1948, and $6.30 per hundredweight for October, November, and December 1948.

The record indicates that for several years the supply of milk from regular producers has been insufficient to meet the fluid milk needs of the Philadelphia market in the months of shortest milk production. Prospects of another short milk supply in the fall of 1948 are indicated by a lower level of deliveries per day per producer, a reduction in the number of milk cows in States comprising the Philadelphia milkshed, and lower total deliveries, compared with a year ago.

The principal reason for declining milk production appears to be the lag in milk price advances relative to the increasing cost of essential items that dairy farmers must buy. Prices of dairy feed and hay, and wages of farm labor, which are important cost items in milk production, have increased substantially in the past year. Estimated total costs average about 17 percent higher in recent months than a year earlier. Average prices received by producers rose about 9 percent, based on a comparison of January through March 1948 with the same months a year earlier.

Emphasis has been given to a seasonal pattern of milk pricing in the hope of encouraging more producers to produce more fall milk. Announcement of the proposed seasonal changes in prices is expected to give farmers assurance that prices will rise during the third and fourth calendar quarters of the year, unless substantial changes take place in supply or demand factors. This assurance should encourage producers to continue a program of seasonal adjustment of milk supply.

Although sales of fluid milk in the Philadelphia area during the first four months of 1948 were about two percent under sales in the corresponding months last year, it does not appear that there is a downward trend at this time. Several items of Class I sales show substantial increases. Regular Grade B sales showed the greatest decline but sales of Grade B, Vitamin D milk increased enough to offset more than half of the drop in regular Grade B sales.

General demand factors indicate a continued high level of demand for consumer goods. Wages of factory workers in Philadelphia, as shown in the record, were more favorable in relation to average retail food costs during March 1948 than they were at this time last year. Purchases at department stores continue at a high rate.

Both producers and handlers stressed the need for establishing the recommended minimum prices in order to at least maintain the present level of milk supply in this market. They maintained that prices announced and currently being paid in surrounding markets are expected to induce producers to leave the Philadelphia market unless comparable prices are established for this market.

Handlers asked that the proposed amendment to establish floor prices for the last six months of 1948 be modified so that the order price could not rise above the proposed floor prices. Such modification would require the elimination or suspension of the provision in the order which provides that the Class I price shall be $5.96 in the months of July through March each year if the average of the highest daily prices for 92-score butter sold wholesale at New York as reported by the United States Department of Agriculture for the preceding month is 82 cents or over. The effect of the suspension of this provision would be a possible reduction of 6 cents per hundredweight in the prices established for the months of July, August and September, or such part of this period in which the proposed amendment is effective. No evidence in this record indicates justification for reducing the prices as determined under the present provisions of the order. Moreover, in the 12-month period ending with May 1948, at those times when the butter price has averaged above 82 cents (4 times) the butterfat differential has averaged 11 cents, whereas the average butterfat differential for the other 8 months was 9.4 cents. During July, August and September, all milk delivered by producers has been one and two points under 4 percent butterfat. A higher butterfat differential therefore reduces the producer's net price during these months and it also reduces the handler's cost of Class I milk which also averages less than 4 percent butterfat. The present provision in the order tends to offset the reduction in price which is brought about by the higher butterfat differential.

Handlers contended in their exceptions that since producers requested a minimum price of $5.90 per hundredweight for the months of July, August and September 1948, the Class I price under the order should therefore not exceed $5.90 per hundredweight for any of these months. As pointed out heretofore, if the Class I price should exceed $5.90 per hundredweight during any of these months, this would happen through the operation of the present provisions of the order. The record did not show that prices provided under the present provisions of the order should be reduced. The request for such reduction of the Class I price is therefore denied.

To effectuate the purposes of the act, it is necessary that the proposed amendment be made effective as soon as possible. In view of the time required for conducting a referendum to determine producers' approval of the proposed order, and the time required for issuance of the order, it appears that August 1, 1948 is the earliest practicable date for making the proposed amendment effective. The proposed amendment set forth in the recommended decision has therefore been modified to apply only to the

months of August through December 1948.

General. (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C. this 9th day of July 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area*

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held upon a certain proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

In § 961.4 (a) (1) delete the proviso *"And provided further,* That the price shall be at least $5.56 for each month until but not including March 1947" and substitute: *"And provided further,* That the price shall be at least $5.90 for each of the months of August and September 1948, and at least $6.30 for each of the months of October, November, and December 1948."

[F. R. Doc. 48-6271; Filed, July 13, 1948; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 2]

EXEMPTION OF NEW DRUGS FOR INVESTIGATIONAL USE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Federal Security Administrator, in accordance with the provisions of section 505 (i) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1052; 21 U. S. C. 355 (i)) and of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003 (1946 ed.)), hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Federal Security Agency, Room 3346, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., within a period of thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, upon the Administrator's proposal to amend the regulations exempting certain new drugs intended solely for investigational use (21 CFR, Cum. Supp., 2.114), to read as follows:

§ 2.114 *New drugs; exemptions from section 505 (a) of the act.* (a) Except as provided by paragraph (b) a shipment or other delivery of a new drug shall be exempt from the operation of section 505 (a) of the act if all of the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by Federal law to investigational use."

(2) Such shipment or delivery is made only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety of such drug.

(3) The person who introduced such shipment or delivery into interstate commerce prior to the introduction obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply when such shipment or delivery is made to an agency of the Government of the United States (including the National Research Council), or of any State or municipality, whose official functions involve investigations of drugs.

(4) Such person keeps the statement referred to in subparagraph (3) of this paragraph, and complete records showing the date, quantity, and batch or code mark (if any), of each such shipment and delivery.

(5) Such person makes all records and statements referred to in subparagraphs (3) and (4) of this paragraph available

for inspection upon the request of any officer or employee of the Agency at any reasonable hour until three years after the introduction of such shipment or delivery into interstate commerce.

(b) A shipment or other delivery of a new drug which is being imported or offered for import into the United States shall be exempt from the operation of section 505 (a) of the act if all of the following conditions are complied with:

(1) The foreign exporter maintains an agent residing in the United States who is the importer of all such shipments or deliveries.

(2) Such drug bears the statement prescribed by paragraph (a) (1) of this section, and such agent disposes of such drug only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety of such drug.

(3) Such agent, prior to importing each such shipment or delivery, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply to any shipment or delivery or part thereof disposed of by such agent to an agency of the Government of the United States (including the National Research Council), or of any State or municipality, whose official functions involve investigations of drugs.

(4) Such agent keeps the statement referred to in subparagraph (3) of this paragraph, and complete records showing the date, quantity, and batch or code marks (if any), of each such shipment and delivery and the disposition thereof.

(5) Such agent makes all statements and records referred to in subparagraphs (3) and (4) of this paragraph available for inspection upon the request of any officer or employee of the Agency at any reasonable hour until three years after disposition by such agent of the lot of such drug to which such statement and records relate.

(c) An exemption under paragraph (b) of this section shall become void ab initio if the exempted shipment or delivery or any part thereof is disposed of otherwise than as provided by subparagraph (2) of such paragraph.

(d) An exemption under paragraph (a) or (b) of this section shall become void ab initio if any record or statement required by such paragraph to be kept and made available for inspection is not kept or made available as so required.

(e) An exemption under paragraph (a) or (b) of this section shall expire with respect to any exempted shipment or delivery or part thereof which is used otherwise than in accordance with the signed statement referred to in such paragraphs.

(f) No exemption under paragraph (b) of this section shall apply to any shipment or delivery of which such agent is importer if such agent, within three years prior to the offering of such shipment or delivery for import, has caused an exemption to become void as provided by paragraph (c) or (d) of this section.

Dated: July 7, 1948.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 48-6221; Filed, July 13, 1948; 8:47 a. m.]

RAILROAD RETIREMENT BOARD

[20 CFR, Ch. II]

[R. R. B. Jurisdictional Docket No. 2-2A]

STATUS OF JOINT AGENTS, MERCHANT AGENTS, BRANCH AGENTS AND CERTAIN OTHER INDIVIDUALS PERFORMING EXPRESS WORK, AND DEMAND OF RAILWAY EXPRESS AGENCY, INC., FOR REFUND OF CONTRIBUTIONS BASED ON COMPENSATION OF SUCH INDIVIDUALS

NOTICE OF HEARING

For the purpose of determining whether joint agents, merchant agents, branch agents and certain other individuals performing express work should be classified as employees under the Railroad Retirement Acts of 1935 and 1937 (45 U. S. C. 215–228s) and the Railroad Unemployment Insurance Act (45 U. S. C. 351–367), and whether the Railway Express Agency, Incorporated, is entitled to a refund of contributions under the Railroad Unemployment Insurance Act, based on the compensation of such individuals, a hearing will be held under section 10 (b) 4 of the Railroad Retirement Act of 1937 and section 5 (c) of the Railroad Unemployment Insurance Act, as amended. The hearing will be held on Tuesday, August 10, 1948, at 10:00 a. m., Central Daylight Saving Time, in Room No. 1230, 844 North Rush Street, Chicago, Illinois, before Mr. Omer M. Funk, as the Examiner appointed by the Board.[1]

All parties properly interested may participate in the hearing and will be afforded an opportunity to present evidence and to make arguments before the examiner.

The hearing will be held upon the following questions:

(a) Are joint agents, merchant agents, branch agents, and certain other individuals performing express work, to be classified as employees under the Railroad Unemployment Insurance Act, and is the Railway Express Agency, Incorporated, entitled to a refund of contributions, under the act, based on the compensation of such individuals?

(b) Are joint agents, merchant agents, branch agents, and certain other individuals performing express work, to be classified as employees under the Railroad Retirement Acts of 1935 and 1937?

The hearing will be held in accordance with the provisions of § 319.96 of the regulations under the Railroad Unemployment Insurance Act (13 F. R. 3115–3116), and §§ 250.7 through 250.15 of the regulations under the Railroad Retirement Act of 1937 (4 F. R. 1499–1501).

OMER M. FUNK,
Examiner.

JULY 9, 1948.

[F. R. Doc. 48-6286; Filed, July 13, 1948; 9:30 a. m.]

[1] Board Order 48-229, June 23, 1948.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 240]

SOLICITATION OF PROXIES

NOTICE OF PROPOSAL TO REVISE

Notice is hereby given that the Securities and Exchange Commission has under consideration proposals for the amendment of § 240.14 (Regulation X-14) under section 14 (a) of the Securities Exchange Act of 1934, as follows:

1. At various places in Regulation X-14 reference is made to the "last fiscal year" of the issuer. In order to indicate more clearly the fiscal year to which these references relate, it is proposed to insert in Rule X-14A-1 a definition of the term "last fiscal year" reading as follows:

§ 240.14a-1 *Definitions.* * * *

Last fiscal year. The term "last fiscal year" of the issuer means the last full fiscal year of the issuer ending prior to the date of the meeting for which proxies are to be solicited.

2. Rule X-14A-4 sets forth the requirements with respect to the form of proxies solicited under Regulation X-14. It is proposed to amend the rule in the following respects. In order to simplify the form of proxy, certain statements heretofore required in the form of proxy, may, in the future, be set forth in the proxy statement. A provision of the amended rule would provide that the form of proxy shall contain no recommendations as to the choice to be made by security holders, although such recommendations may, of course, be set forth in the proxy statement. A further provision of the amended rule would provide that no proxy may confer authority to vote at any annual meeting other than the one following the solicitation. The purpose of this provision is to prevent the premature solicitation of proxies and the use of proxies solicited on the basis of out-of-date information. A further amendment to the rule would require the proxy statement to provide that the shares covered by the proxy will be represented at the meeting and will be voted in accordance with any specifications of choice made in the proxy. This provision would merely make explicit what is presently deemed to be implicit in the language of the rule. The text of the proposed rule is as follows:

§ 240.14a-4 *Requirements as to proxy.* (a) The form of proxy shall identify clearly and impartially each matter or group of related matters intended to be acted upon, whether proposed by the management or by security holders.

(b) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each such matter or group of related matters, other than elections to office. A proxy may confer discretionary authority with respect to matters to which a choice is not specified provided the proxy statement states in bold face type how it is intended to vote the shares represented by the proxy in each such case. The form of proxy shall contain no recommendation with respect to any such matter.

(c) A proxy may confer discretionary authority with respect to other matters which may properly come before the meeting, provided the persons on whose behalf the solicitation is made are not aware at the time the solicitation is made that any such other matters are to be presented for action at the meeting and if a specific statement to that effect is made in the proxy statement.

(d) No proxy shall confer authority (1) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (2) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders.

(e) The proxy statement shall provide that the shares represented by the proxy will be voted and that where the person solicited specifies a choice with respect to any matter to be acted upon, other than elections to office, the shares will be voted in accordance with the specifications so made.

3. Rule X-14A-8 requires the management to include in its proxy material proposals seasonably submitted by security holders which are proper subjects for action by security holders. In order to relieve the management of harassment in cases where such proposals are submitted for the purpose of achieving personal ends rather than for the common good of the issuer and its security holders, it is proposed to amend the rules so as to permit the omission of a security holder's proposal in certain specified cases. The proposed amendments would also permit the omission of a proposal where substantially the same proposal was submitted to a vote of security holders at a previous annual meeting or at a subsequent special meeting and received less than three percent of the total votes cast. The purpose of this latter provision is to relieve the management of the necessity of including proposals which have been previously submitted to security holders without evoking any substantial security holder interest therein.

The proposed amendments would be effected by deleting paragraph (c) of the rule and inserting in lieu thereof two new paragraphs (c) and (d) reading as follows:

§ 240.14a-8 *Proposals of security holders.* * * *

(c) Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under the following circumstances:

(1) If it clearly appears that the proposal is submitted by the security holders primarily for the purpose of enforcing a personal claim or of redressing a personal grievance against the issuer or its management, or

(2) If within the past two years the management has at the security holder's request included a proposal in its proxy statement and form of proxy relating to a meeting of security holders held within such period and such security holder has failed without good cause to attend the meeting and present the proposal for action, or

(3) If substantially the same proposal was submitted to the security holders for action at the last annual meeting of security holders or at any special meeting held subsequent thereto and received less than three percent of the total number of votes cast in regard to the proposal.

(d) Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than the date preliminary copies of the proxy statement and form of proxy are filed pursuant to § 240.14a-6 (a), a copy of the proposal and any statement in support thereof, as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its proxy statement and form of proxy and shall advise the security holder as to the reasons for such omission. Compliance with this paragraph shall not be construed as relieving the management of its obligation to comply fully with the foregoing provisions of this section.

4. It is proposed to amend Item 7 (a) of Schedule 14A so as to make it clear that information is called for as to remuneration paid by the issuer and its subsidiaries to directors and officers in capacities other than as directors and officers of the issuer, as well as for services as directors and officers. It is proposed to amend Item 7 (b) of Schedule 14A to show a breakdown of the various types of remuneration paid to directors, nominees and the three highest-paid officers of the issuer. It is also proposed to amend Item 7 (d) to call for information as to the indebtedness of associates of directors, officers and nominees of the issuer as well as for the indebtedness of such directors, officers and nominees themselves. The proposed text of paragraphs (a), (b) and (d) is as follows:

SCHEDULE 14A—INFORMATION REQUIRED IN PROXY STATEMENT

Item 7. Remuneration and other transactions with directors, nominees, officers and others. * * *

(a) Give the following information in tabular form as to the remuneration for the last fiscal year of the issuer paid or set aside, directly or indirectly, by the issuer and its subsidiaries to or for the benefit of all persons, as a group, who were directors or officers of the issuer at any time during such fiscal year:

(1) Fees and salaries paid to such persons for services in all capacities.

(2) Bonuses and shares in profits distributed to or set aside for the benefit of such persons.

(3) Amounts paid to or set aside for the benefit of such persons pursuant to pension or retirement plans.

Instructions. The information is to be given on an accrual basis, if practicable. If not so given, state the basis used.

If the aggregate remuneration for the last fiscal year exceeded by more than ten percent the aggregate remuneration for the previous fiscal year, state the amount of the excess.

(b) Give the following information in tabular form as to the remuneration for the last fiscal year of the issuer paid or set aside, directly or indirectly, by the issuer and its subsidiaries to or for the benefit of each of the following persons (naming each such person) whose aggregate remuneration from the issuer and its subsidiaries, exclusive of amounts paid or set aside pursuant to any pension or retirement plan, exceeded $20,000, (i) each person who was a director of the issuer at any time during such fiscal year; (ii) each nominee for election as a director; and (iii) each person who was one of the three highest-paid officers of the issuer during such fiscal year:

(1) Fees and salaries paid to such person for services in all capacities, indicating such capacities.

(2) Bonuses and shares in profits distributed to or set aside for the benefit of such person.

(3) Amounts paid to or set aside for the benefit of such person pursuant to any pension or retirement plan.

(4) Annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

Instructions. The instructions to paragraph (a) shall also apply to paragraph (b).

The issuer may state with respect to any person specified, the total remuneration paid to a partnership in which such person was a partner in lieu of an allocation of such person's share in the total remuneration so paid, if by note or otherwise, it is indicated that such has been done.

Except as to persons whose retirement benefits have already vested, the information called for by subparagraph (4) may be given in a table showing annual benefits payable to persons in specified salary classifications.

(d) State as to each of the following persons who was indebted to the issuer or its subsidiaries at any time since the beginning of the last fiscal year of the issuer, (1) the largest aggregate amount of indebtedness outstanding at any time during such period, (2) the nature of the indebtedness, (3) the amount thereof outstanding as of the latest practicable date, and (4) the rate of interest paid or charged thereon: (i) Each person who has been a director or officer of the issuer at any time during such period, (ii) each nominee for election as a director, or (iii) each associate of any such director, officer or nominee.

Instruction. Paragraph (d) does not apply to indebtedness arising from transactions in the ordinary course of business, or to any person whose aggregate indebtedness did not exceed $1,000 at any time during the period specified. * * *

5. Item 12 of Schedule 14A calls for certain information where action is to

be taken with respect to the issuance or authorization for issuance or any securities otherwise than in exchange for outstanding securities of the issuer. It is proposed to amend this item so as to make it clear that the item applies to the authorization of securities even though the securities are not to be issued immediately. It is also proposed to amend paragraph (b) of this item to provide that a description of the securities to be authorized or issued need not be given in cases involving additional shares of Common Stock of a class already outstanding, except for a statement as to any pre-emptive rights. The proposed text of the item is as follows:

Item 12. Authorization or issuance of securities otherwise than for exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than for exchange for outstanding securities of the issuer, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) Furnish a description of the securities such as would be required to be furnished in an application on the appropriate form for their registration on a national securities exchange. If the securities are additional shares of Common Stock of a class outstanding, the description may be omitted except for a statement of the pre-emptive rights, if any.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the issuer, and (2) the approximate amount devoted to each purpose, so far as determinable, for which the net proceeds have been or are to be used.

(d) If the securities are to be issued otherwise than in a general public offering for cash, state the reasons for the proposed authorization or issuance, the general effect thereof upon the rights of existing security holders, and the vote needed for approval.

All interested persons are invited to submit data, views and comments on the above proposals in writing to the Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington 25, D. C. on or before July 30, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 6, 1948.

[F. R. Doc. 48-6235; Filed, July 13, 1948; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE ARMY

TERMINATION OF GOVERNMENT CONTROL OF RAILROADS

Pursuant to the provisions of Executive Order No. 9957 dated 10 May 1948, I hereby determine that continued possession, control and operation by the United States of the transportation systems taken and assumed by or pursuant to that order, are no longer necessary to carry out the provisions and to accomplish the purposes of said Executive order; and *It is hereby ordered*, That:

1. Possession, control and operation by the United States of all the transportation systems, taken or assumed by or pursuant to that order including all the real and personal property and other assets taken or assumed in connection therewith, are hereby terminated and relinquished as of 4:00 o'clock p. m., e. d. t., July 9, 1948. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. All claims and rights which the United States may have to an accounting with respect to the operation of the carriers during the period of Government possession, control or operation are hereby waived and released as to each carrier the possession and control of any of whose properties were taken pursuant to said Executive order, conditioned upon the execution and delivery by the carrier to the United States of an instrument in the form approved by the Chief of Transportation, Department of the Army, or his delegate, indemnifying and saving harmless the United States, its officers, agents, and employees, against liability to third parties arising out of or in connection with said possession, control or operation and agreeing to assume the defense of any such parties in any action or claim arising out of or in connection with such possession, control or operation, and releasing and discharging the United States, its officers, agents, and employees from all claims by or on behalf of the carrier, which have been, or otherwise might in the future be, asserted arising out of or in connection with the possession, control or operation of its properties by the United States, its officers, agents, and employees during said period.

3. The right of the United States to such an accounting is hereby expressly reserved as to any carrier which fails to execute and deliver such instrument of indemnification and release or which otherwise asserts or reserves any claim against the United States, its officers, agents, or employees arising out of or in connection with said possession, operation and control.

KENNETH ROYALL,
Secretary of the Army.

JULY 9, 1948.

[F. R. Doc. 48-6339; Filed, July 13, 1948; 11:20 a. m.]

[General Order 5]

INDEMNITY AND RELEASE OF CLAIMS AGAINST THE UNITED STATES GROWING OUT OF GOVERNMENT POSSESSION, CONTROL AND OPERATION OF RAILROADS

NOTICE OF FORM

1. Pursuant to the provisions of the order of the Secretary of the Army dated July 9, 1948, *supra*, terminating government control of the railroads, approval is hereby given to the use of the following form of ratification of government operation and control and release of claims against the United States:

INDEMNITY AND RELEASE OF CLAIMS AGAINST THE UNITED STATES GROWING OUT OF GOVERNMENT POSSESSION, CONTROL AND OPERATION

Whereas by and pursuant to Executive Order of the President of the United States No. 9957, dated 10 May 1948, the United States took possession and control of the transportation systems owned or operated by certain common carriers by railroad including the undersigned, and

Whereas pursuant to the provisions of said Executive Order the Secretary of the Army has by order dated July 9, 1948 terminated and relinquished the possession, control and operation of the properties and assets of

---

herein called the carrier, as of 4:00 p. m. e. d. t. o'clock on July 9, 1948, and has waived and released any right of the United States to an accounting to the United States for the operation of the carrier during the period of Government possession, control and operation, conditioned upon the execution of this indemnity and release;

Now therefore, in consideration of the release and waiver by the United States of all rights which it may have to an accounting with respect to operation of the carrier during said period, the carrier agrees to indemnify and hold the United States, its officers, agents, and employees harmless against any liability arising out of or in connection with said possession, control or operation, and agrees to defend at its own cost and expense any such parties in any action or claim arising out of or in connection with such possession, control or operation, and hereby releases and discharges the United States, its officers, agents, and employees from all claims whether now known or unknown, by or on behalf of the carrier which have been, or otherwise might in the future be, asserted arising out of or in connection with the possession, control or operation of its properties by the United States, its officers, agents, and employees during said period.

Executed this ------ of ---------- 194-----.

Note:

To be accompanied by:

a. Acknowledgment.

b. Certificate of necessary corporate action.

c. Order of court approval where required.

2. Any substantial departure from the foregoing form must receive the prior approval of this office.

Issued and effective this 9th day of July 1948.

F. A. HEILEMAN,
Major General,
Chief of Transportation.

[F. R. Doc. 48-6340; Filed, July 13, 1948; 11:20 a. m.]

POST OFFICE DEPARTMENT

Domestic Mails

Customs declaration required on parcels addressed to A. P. O. 58

Effective July 1, 1948, the French Government will assess duties and taxes on various articles imported into France through the mails by Army personnel (including civilian employees and dependents) in France, such mail being handled through A. P. O. 58.

Therefore, no parcel addressed for delivery through A. P. O. 58, c/o Postmaster, New York, New York, should hereafter be accepted for mailing unless it is accompanied with Form 2966 listing the nature of the articles inclosed and value of contents.

Sealed first-class packages, including air-mail packages, containing merchandise must have attached Form 2976 (C 1) or be indorsed for opening for customs purposes. The paper form of customs declaration (Form 2976–A) properly completed by the sender or an invoice must also be inclosed therein. Customs inspection will not be made while the mail is in A. P. O. channels, but after its delivery to the addressee or his representative.

The French authorities have also advised that the following articles are prohibited importation into French territory through A. P. O. channels:

Tobacco, cigars and cigarettes.
Matches.
Phosphorus.
Medicines and vaccines not conforming to French laws.
Narcotics.
Gunpowder.
Explosives.
Nonauthorized publications, reprints and publications prohibited on account of their political character or immoral contents.
Monies, currencies, gold and silver in bullion.
Securities.

J. M. Donaldson,
Postmaster General.

[F. R. Doc. 48–6215; Filed, July 13, 1948; 8:46 a. m.]

Domestic Mails

Mailing of cigarettes and tobacco products to A. P. O.'s in Trieste and Italy prohibited

The transmission of cigarettes and tobacco products for delivery through A. P. O.'s 209 and 794, which are located in Trieste and Italy respectively, c/o Postmaster, New York, New York, has been prohibited, effective immediately.

Mailers will be questioned as to the contents of parcels addressed for delivery through the above-mentioned A. P. O.'s, and parcels containing cigarettes or other tobacco products will not be accepted for mailing.

Walter Myers,
Acting Postmaster General.

[F. R. Doc. 48–6216; Filed, July 13, 1948; 8:46 a. m.]

Army and Navy Mail

Time limit for instituting inquiries or claims for registered or insured mail

Effective at once, inquiries or claims for domestic registered or insured mail addressed to Army, Navy, Marine Corps and Coast Guard personnel outside the United States (including Alaska, Canal Zone, Hawaii, Puerto Rico, and the island possessions of the United States) may be instituted after the lapse of two months from the dates of mailing of the articles. Any previous instructions in conflict herewith are modified accordingly.

Walter Myers,
Acting Postmaster General.

[F. R. Doc. 48–6217; Filed, July 13, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 1335, 1897]

Chicago and Southern Air Lines, Inc.

Mail rates; notice of hearing

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Chicago and Southern Air Lines, Inc., over its domestic system and the Board's order to show cause, Serial No. E–1740, dated July 1, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 14, 1948, at 10:00 a. m. (eastern daylight saving time), in Room 1011, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., July 8, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. Mulligan,
Secretary.

[F. R. Doc. 48–6228; Filed, July 13, 1948; 8:47 a. m.]

[Docket No. 3370]

K. L. M. Royal Dutch Airlines

Notice of hearing

In the matter of the application of K. L. M. Royal Dutch Airlines pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of its foreign air carrier permit authorizing foreign air transportation of persons, property and mail between the terminal points Amsterdam, the Netherlands, and New York, N. Y., via intermediate points, so as to extend the term of said permit.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on July 15, 1948, at 2:30 p. m. (eastern daylight saving time) in Room 131, Wing C, Temporary Building No. 5, south of Constitution Avenue between 15th Street and 17th Street NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Kingdom of the Netherlands.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before July 15, 1948, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 7, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. Mulligan,
Secretary.

[F. R. Doc. 48–6229; Filed, July 13, 1948; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7490, 8341, 8867–8869]

KSAL, Inc., et al.

Order continuing hearing

In re applications of KSAL, Inc., (KSAL), Salina, Kansas, Docket No. 7490, File No. BP–4364, 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: Radio Broadcasters, Inc. (KRKD), Los Angeles, California, Docket No. 8341, File No. BML–1242, for modification of license.

Whereas, the above-entitled applications are presently scheduled to be heard on July 9, 1948, at Washington, D. C.; and

Whereas, there are pending before the Commission petitions for reconsideration and grant without hearing;

It is ordered, This 2d day of July 1948, that the said hearing on the above-entitled applications be, and it is hereby,

continued to 10:00 a. m., Wednesday, July 28, 1948, at Washington, D. C.

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

[F. R. Doc. 48-6242; Filed, July 13, 1948; 8:51 a. m.]

[Docket No. 8302]

CHARLES WILBUR LAMAR, JR.

ORDER CONTINUING HEARING

In re application of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, Docket No. 8302, File No. BP-4913, for construction permit.

The Commission having under consideration a petition filed June 24, 1948, by Charles Wilbur Lamar, Jr., Morgan City, Louisiana, requesting a continuance from June 30, 1948, of the hearing scheduled on his above-entitled application for construction permit:

It is ordered, This 25th day of June 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, be, and it is hereby, continued indefinitely.

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

[F. R. Doc. 48-6244; Filed, July 13, 1948; 8:51 a. m.]

[Docket No. 8380]

OZARKS BROADCASTING CO. (KWTO)

ORDER CONTINUING HEARING

In re application of Ozarks Broadcasting Company (KWTO), Springfield, Missouri, Docket No. 8380, File No. BP-5259; for construction permit.

The Commission having under consideration a petition filed June 18, 1948, by Ozarks Broadcasting Company (KWTO), Springfield, Missouri, requesting a 30-day continuance from June 28, 1948, of the hearing scheduled on its above-entitled application for construction permit;

It is ordered, This 25th day of June 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, August 11, 1948, at Washington, D. C.

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

[F. R. Doc. 48-6245; Filed, July 13, 1948; 8:51 a. m.]

[Docket Nos. 8723, 8724]

SUMMIT RADIO CORP. AND ALLEN T. SIMMONS

ORDER CONTINUING HEARING

In re applications of Summit Radio Corporation, Akron, Ohio, Docket No. 8723, File No. BPCT-230; Allen T. Simmons, Akron, Ohio, Docket No. 8724, File No. BPCT-243; construction permits.

The Commission having under consideration a joint petition filed June 14, 1948, by Summit Radio Corporation, Akron, Ohio, and Allen T. Simmons, Akron, Ohio, requesting an indefinite continuance from July 12, 1948, of the hearing scheduled on the above-entitled applications for construction permits;

It is ordered, This 25th day of June 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 indefinitely pending termination of the proceeding in Docket Nos. 8975 and 8736 in accordance with the Commission's policy of continuing hearings on applications for television facilities where a change in classification of channels is proposed either by the Commission or by one of the parties in the said reallocation proceeding.

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

[F. R. Doc. 48-6246; Filed, July 13, 1948; 8:51 a. m.]

[Docket Nos. 8731-8733, 8841]

BEACON BROADCASTING CO., INC. ET AL.

ORDER CONTINUING HEARING

In re applications of Beacon Broadcasting Company, Inc., Boston, Massachusetts, Docket No. 8731, File No. BPH-1320; The Northern Corporation, Boston, Massachusetts, Docket No. 8732, File No. BPH-1372; Boston Radio Company, Inc., Boston, Massachusetts, Docket No. 8733, File No. BPH-1385; Bunker Hill Broadcasting Company, Boston, Massachusetts, Docket No. 8841, File No. BPH-1420; for construction permits.

The Commission having under consideration a petition filed June 28, 1948, by Bunker Hill Broadcasting Company, Boston, Massachusetts, requesting a 30-day continuance from July 6, 1948, of the consolidated hearing on the above-entitled applications;

It is ordered, This 2d day of July 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., Monday, August 9, 1948, at Boston, Massachusetts.

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

[F. R. Doc. 48-6241; Filed, July 13, 1948; 8:51 a. m.]

[Docket Nos. 8761, 8762, 8790]

VINDICATOR PRINTING CO., ET AL.

ORDER CONTINUING HEARING

In re applications of Vindicator Printing Company, Youngstown, Ohio, Docket No. 8761, File No. BPCT-259, WKBN Broadcasting Corporation, Youngstown, Ohio, Docket No. 8762, File No. BPCT-275, Mansfield Radio Company, Youngstown, Ohio, Docket No. 8790, File No. BPCT-295.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of June 1948;

It appearing that the above-entitled applications are scheduled for hearing on June 28, 1948, at Youngstown, Ohio; and

It further appearing that a petition has been filed in the matter of amendment of § 3.606 of the Commission's rules and regulations (Docket Nos. 8975 and 8736) proposing a change in the classification of channel No. 13 allocated to Youngstown, Ohio;

It is ordered, That said hearing on the above-entitled applications is continued indefinitely pending termination of the above proceeding in Docket Nos. 8975 and 8736, pursuant to the terms of the Commission's Public Notice dated May 21, 1948, entitled "Procedure Governing Holding of Television Hearings."

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

[F. R. Doc. 48-6257; Filed, July 13, 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.

Whereas, the above-entitled application is presently scheduled to be heard on July 6, 1948, at Washington, D. C.; and

Whereas, there is pending before the Commission a petition for reconsideration and grant filed on June 30, 1948;

It is ordered, This 2d day of July 1948, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely, pending action on the said petition for reconsideration and grant.

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

[F. R. Doc. 48-6240; Filed, July 13, 1948; 8:51 a. m.]

[Docket Nos. 8770-8772, 8951]

METROPOLITAN RADIO CORP. OF CHICAGO ET AL.

ORDER CONTINUING HEARING

In re applications of Metropolitan Radio Corporation of Chicago, Chicago, Illinois, Docket No. 8770, File No. BPH-1317; Lake Shore Broadcasting Company, Chicago, Illinois, Docket No. 8771, File No. BPH-1334; Lewis College of

Science and Technology, Chicago, Illinois, Docket No. 8772, File No. BPH-1401; North Shore Broadcasting Company, Inc., Evanston, Illinois, Docket No. 8951, File No. BPH-1429: For construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard on July 6, 1948, at Chicago, Illinois; and and

Whereas, the public interest, convenience and necessity would be served by continuing the said hearing;

It is ordered, This 25th day of June 1948, that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Tuesday, September 7, 1948, at Chicago, Illinois.

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

[F. R. Doc. 48-6247; Filed, July 13, 1948; 8:52 a. m.]

[Docket Nos. 8798-8801, 9090]

NEPTUNE BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In re applications of Neptune Broadcasting Corporation, Atlantic City, New Jersey, Docket No. 8798, File No. BPCT-269; Mid-Atlantic Broadcasting Company, Atlantic City, New Jersey, Docket No. 8799, File No. BPCT-320; Atlantic City Television Broadcasting Co., Atlantic City, New Jersey, Docket No. 8800, File No. BPCT-323; Atlantic City World, Inc., Atlantic City, New Jersey, Docket No. 8801, File No. BPCT-325; Press Union Publishing Company, Atlantic City, New Jersey, Docket No. 9090, File No. BPCT-512; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1948;

The Commission having under consideration the above-entitled application of the Press Union Publishing Company (BPCT-512), filed on June 17, 1948, requesting a construction permit for a new television broadcast station to operate on Channel No. 8 at Atlantic City, New Jersey; and

It appearing, that on February 26, 1948, the Commission designated the other four above-entitled applications (Dockets No. 8798 to 8801, inclusive) all requesting television facilities at Atlantic City, New Jersey, because said applications exceeded in number the television channels allocated to the Atlantic City, New Jersey metropolitan district; and that said hearing is now scheduled to commence at Atlantic City, New Jersey on July 19, 1948 at 10:00 a. m.;

It is ordered, That the above-entitled application of the Press Union Publishing Company (BPCT-512) be, and it is hereby, designated for hearing in the above-mentioned consolidated proceeding in Dockets No. 8798 to 8801, inclusive, on July 19, 1948 at Atlantic City, New Jersey upon the following issues:

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

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

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

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

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

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

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

It is further ordered, That each of the above-entitled applications be heard upon the above issues 4, 5, and 6, in addition to the issues set forth in the Commission's order of February 26, 1948; and

It is further ordered, That the Commission's orders of February 26, 1948, and June 25, 1948, in the consolidated proceeding in Dockets No. 8798 to 8801, inclusive, be, and they are hereby, amended to include the application of the Press Union Publishing Company, Atlantic City, New Jersey (BPCT-512).

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

[F. R. Doc. 48-6248; Filed, July 13, 1948; 8:52 a. m.]

[Docket Nos. 8940-8943, 8971, 8944, 9062]

HUDSON VALLEY BROADCASTING CO., INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Hudson Valley Broadcasting Company, Inc., Albany, New York, Docket No. 8940, File No. BPCT-389; The Press Company, Inc., Albany, New York, Docket No. 8941, File No. BPCT-395; Patroon Broadcasting Company, Inc., Albany, New York, Docket No. 8942, File No. BPCT-405; Van Curler Broadcasting Corporation, Albany, New York, Docket No. 8943, File No. BPCT-408; Meredith Publishing Company, Albany, New York, Docket No. 8971, File No. BPCT-421; Troy Broadcasting Company, Inc., Troy, New York, Docket No. 8944, File No. BPCT-412; The Troy Record Company, Troy, New York, Docket No. 9062, File No. BPCT-487; for construction permits.

Whereas, the above-entitled applications were designated for hearing, on April 29, and June 23, 1948, in a consolidated proceeding at a time and place subsequently to be scheduled by the Commission;

It is ordered, This 2d day of July 1948, that the hearing on the above-entitled applications be, and it is hereby, scheduled for 10:00 a. m., Monday, July 26, 1948, at Albany, New York, and Monday, August 2, 1948, at Troy, New York.

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

[F. R. Doc. 48-6243; Filed, July 13, 1948; 8:51 a. m.]

[Docket Nos. 8954-8957, 9015]

WISCONSIN BROADCASTING SYSTEM, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Wisconsin Broadcasting System, Inc., Milwaukee, Wisconsin, Docket No. 8954, File No. BPCT-377; Hearst Radio, Inc., Milwaukee, Wisconsin, Docket No. 8955, File No. BPCT-383; Majestic Broadcasting Company, Milwaukee, Wisconsin, Docket No. 8956, File No. BPCT-401; Wext, Inc., Milwaukee, Wisconsin, Docket No. 8957, File No. BPCT-406; Milwaukee Broadcasting Company, Milwaukee, Wisconsin, Docket No. 9015, File No. BPCT-472; for construction permits.

Whereas, the above-entitled applications were designated for hearing, on April 29, and June 2, 1948, in a consolidated proceeding at a time and place subsequently to be scheduled by the Commission;

It is ordered, This 2d day of July 1948, that the hearing on the above-entitled applications be, and it is hereby, scheduled for 10:00 a. m., Wednesday, July 28, 1948, at Milwaukee, Wisconsin.

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

[F. R. Doc. 48-6239; Filed, July 13, 1948; 8:51 a. m.]

[Docket No. 9002]

ASTORIA BROADCASTING CO. (KAST)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Astoria Broadcasting Company (KAST), Astoria, Oregon, Docket No. 9002, File No. BP-6258, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1948;

The Commission having under consideration the above-entitled application requesting a construction permit to change frequency from 1230 kc to 1370 kc, increase power from 250 w to 1 kw, install a directional antenna, change studio location and install a new transmitter at station KAST, Astoria, Oregon;

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

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

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

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

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

5. To determine whether the installation and operation of Station KAST as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the proposed transmitter site and nighttime coverage.

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

[F. R. Doc. 48-6251; Filed, July 13, 1948; 8:52 a. m.]

[Docket No. 9070]

HIGHLANDS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Henry L. Jollay, Ernest R. Baker, H. B. Craven and Edward Hasti, d/b as The Highlands Broadcasting Company, Sebring, Florida, Docket No. 9070, File No. BP-5925; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1948;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Sebring, Florida;

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

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

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

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

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

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

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

It is further ordered, That Clearwater Radio Broadcasters Incoporated, licensee of Station WTAN, Clearwater, Florida, be, and it is hereby, made a party to this proceeding.

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

[F. R. Doc. 48-6254; Filed, July 13, 1948; 8:53 a. m.]

[Docket No. 9073]

BIBLE INSTITUTE OF LOS ANGELES, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Bible Institute of Los Angeles, Inc., Los Angeles, California, File No. BPED-74, Docket No. 9073, for noncommercial educational FM construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1948;

The Commission having under consideration the above-entitled application for a construction permit for a noncommercial educational FM broadcast station at Los Angeles, California;

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

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

2. To determine the areas and populations which may be expected to receive service from the proposed station; the type and character of program service proposed to be rendered, and whether such program service would meet the requirements of the populations and areas to be served.

3. To determine whether the application complies with § 3.503 of the Commission's rules and regulations, particularly:

(a) Whether the applicant is a non-profit educational organization.

(b) Whether the proposed station will furnish a non-profit and non-commercial broadcast service.

(c) Whether and to what extent the proposed station will be used for the advancement of an educational program.

(d) Whether the applicant is accredited by the State Department of Education and/or recognized regional and national accrediting organization.

(e) Whether and to what extent the proposed station will transmit programs directed to specific schools in a system or systems for use in connection with the regular courses as well as routine and administrative material pertaining thereto.

(f) Whether and to what extent the proposed station will transmit educational, cultural and entertainment programs to the public.

4. To determine whether the application complies with § 3.502 of the Commission's rules and regulations, particularly the extent to which the application meets the requirements of state-wide plans, if any, for non-commercial educational FM broadcast stations filed or which may be filed with the Commission.

5. To determine whether a grant of the application would serve the public interest, convenience or necessity.

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

[F. R. Doc. 48-6249; Filed, July 13, 1948; 8:52 a. m.]

[Docket No. 9074]

MID-UTAH BROADCASTING CO. (KNEU)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Lester R. Taylor, d/b as Mid-Utah Broadcasting Company

(KNEU), Provo, Utah, Docket No. 9074, File No. BMP-3267, for construction permit.

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

The Commission having under consideration the above-entitled application requesting modification of construction permit to specify transmitter site and antenna system and to change frequency of radio station KNEU, Provo, Utah;

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

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate Station KNEU as proposed.

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

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

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

5. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in the pending application of Oral J. Wilkinson, Murray, Utah (File No. BP-5392, Docket No. 8033), heard February 26, 27, 28 and April 26, 1948, or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

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

[F. R. Doc. 48-6256; Filed, July 13, 1948; 8:53 a. m.]

[Docket No. 9075]

RICHLAND BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Richland Broadcasting Corporation, Richland Center, Wisconsin, Docket No. 9075, File No. BP-5689, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1948;

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

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

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

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

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

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WDLB, Marshfield, Wisconsin, KFIZ, Fond du Lac, Wisconsin, KCRI, Cedar Rapids, Iowa, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

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

It is further ordered, That, Dairyland's Broadcasting Service, Incorporated, licensee of station WDLB, Marshfield, Wisconsin, KFIZ Broadcasting Company, licensee of station KFIZ, Fond du Lac, Wisconsin, and Cedar Rapids Broadcasting Corporation, Incorporated, permittee of station KCRI, Cedar Rapids, Iowa, be, and they are hereby, made parties to this proceedings.

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

[F. R. Doc. 48-6255; Filed, July 13, 1948; 8:53 a. m.]

[Docket Nos. 9081, 9082]

OTTAWA BROADCASTING CO. AND RED OAK RADIO CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Robert S. Wheeler, Betty Lou Wheeler, Donald H. Causey, James N. Jobes and Loren C. Watkins, Jr., d/b as Ottawa Broadcasting Company, Ottawa, Kansas, Docket No. 9081, Filed No. BP-6463; Red Oak Radio Corporation, Red Oak, Iowa, Docket No. 9082, File No. BP-6546; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1948;

The Commission having under consideration the above-entitled application of Robert S. Wheeler, Jr., Betty Lou Wheeler, Donald H. Causey, James N. Jobes and Loren C. Watkins, Jr., d/b as Ottawa Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1220 kc, with 250 w power, daytime only, at Ottawa, Kansas, and of Red Oak Broadcasting Corporation, requesting a construction permit for a new standard broadcast station to operate on 1220 kc, with 250 w power, daytime only, at Red Oak, Iowa;

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

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

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

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

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

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

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

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

It is further ordered, That, Missouri Valley Broadcasting Corporation, licensee of station KRES, St. Joseph, Missouri, be and it is hereby made a party to this proceeding.

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

[F. R. Doc. 48-6253; Filed, July 13, 1948; 8:53 a. m.]

[Docket No. 9084]

BLUFF CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of E. R. Ferguson and J. R. Pepper d/b as Bluff City Broadcasting Company, Memphis, Tennessee, File No. BPCT-206, Docket No. 9084, for television construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1948;

The Commission having under consideration the above-entitled application for a construction permit for a new television broadcast station to operate on Channel No. 5 at Memphis, Tennessee;

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

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

2. To obtain full information concerning the applicant's plans for financing the original construction and initial operation of the proposed station.

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

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

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

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

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

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

[F. R. Doc. 48-6250; Filed, July 13, 1948; 8:52 a. m.]

[Docket No. 9085]

MANSFIELD BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mansfield Broadcasting Company, Mansfield, Pennsylvania, Docket No. 9085, File No. BP-6434, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July 1948;

The Commission having under consideration the above-entitled application of Mansfield Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on the frequency 1050 kc, with power, daytime only in Mansfield, Pennsylvania.

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

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station and in particular the financial ability of the stockholders to meet their stock subscription agreements.

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

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

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

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

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the portion of its service area, if any, that would be subject to interference from Station WHN, New York.

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

[F. R. Doc. 48-6252; Filed, July 13, 1948; 8:52 a. m.]

AM STATION KSMA

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on June 18, 1948 there was filed with it an application (BAL-746) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license for AM station KSMA, Santa Maria, California from Santa Maria Broadcasting Company to John H. Poole. The proposal to assign the license arises out of a contract of April 3, 1948 pursuant to which the Santa Maria Broadcasting Company agrees to sell station KSMA, including the assets of the station as shown on an inventory attached to the contract, and to assign the license therefor to John H. Poole for $20,750 in cash, payable upon the closing date. The closing date is specified as the 20th day following a ruling by the Federal Communications Commission approving the consent to transfer of said license. The buyer agrees to escrow $10,000.00 with an escrow agent named in the contract immediately upon execution of the contract. The buyer further agrees to pay to the seller as received by buyer, 25 percent of the gross receipts from all written contracts for advertising time of said station KSMA in force on the closing date, such contracts to be assigned to buyer. The seller agrees not to enter into any contracts for advertising time extending beyond one year from the closing date, and any such contracts shall be for not less than the current rate card now in effect. Seller agrees to pay all accounts payable and all debts owing on the closing date. Seller shall be entitled to all accounts receivable in existence on the closing date. On the closing date buyer shall advance to seller an amount equal to one-half of the accounts receivable in existence on said date and shall be reimbursed therefor out of the first amounts collected on such accounts receivable. After the buyer has been reimbursed for the advance made for the accounts receivable, seller may take over collection of the remaining balance of such accounts receivable on 10 days' written notice to buyer; buyer shall have the option within said 10 days to purchase the balance of such accounts re-

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

ceivable or any one or more of such accounts for cash at the balance due thereon. Escrow expenses and other expenses in connection with the sale shall be borne equally by the parties. The buyer agrees to pay attorneys' fees and costs in excess of $500.00 connected with obtaining the consent of the Federal Communications Commission to the transfer of license. Seller agrees to assign and transfer to buyer, and buyer assumes, advertising contracts and contracts for services specified in the agreement. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant that starting on June 21, 1948 notice of the filing of the application would be inserted in the Santa Maria Daily Times, a newspaper of general circulation at Santa Maria, California, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from June 21, 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. 48-6258; Filed, July 13, 1948; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1058]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JULY 8, 1948.

Notice is hereby given that on June 24, 1948, an application was filed with the Federal Power Commission by Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office at Kansas City, Missouri, 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 the following described natural-gas facilities, subject to the jurisdiction of the Commission:

Approximately 2.7 miles of 4-inch lateral pipeline extending from a point on Applicant's main transmission pipeline in Audrain County, Missouri, together with regulating and metering equipment, to the plant site pipeline connections of A. P. Green Fire Brick Company, Mexico, Missouri.

The application states that Applicant proposes to sell and to deliver natural gas through the facilities sought to be constructed to the A. P. Green Fire Brick Company, Mexico, Missouri, which company is presently receiving natural gas from Missouri Power & Light Company pursuant to the terms of a contract which will terminate November 1948. The application further states that Applicant is informed that Missouri Power & Light Company interposes no objection to the service proposed to be rendered to said A. P. Green Fire Brick Company. Applicant states that the place or point of sale and delivery of gas proposed to be sold to the said Green Company will be at the outlet side of the metering and regulating station, and that the maximum volume of gas that is to be delivered by Applicant to said Green Company will not exceed 6,200 Mcf on any one day.

The application further states that the proposed sale and delivery of natural gas through the facilities sought to be constructed will be pursuant to the terms of Applicant's standard provisions for the sale of gas for industrial use, including provisions as to curtailments or interruptions in service, with the exception that the provisions for curtailments and interruptions in service would be suspended during the period of 180 consecutive days, commencing after April 1 of each year during the life of the contract.

The total estimated over-all capital cost of the proposed facilities is $48,730, which will be financed out of current funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of Panhandle Eastern Pipe Line Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6213; Filed, July 13, 1948; 8:45 a. m.]

[Docket No. G-1070]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JULY 9, 1948.

Notice is hereby given that on July 2, 1948 an application was filed with the Federal Power Commission by Tennessee Gas Transmission Company (Applicant), a Delaware corporation, with its principal office at Houston, Texas, 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 Federal Power Commission, which are described in the application as follows:

(1) Approximately 156 miles of 30-inch O. D. main line loops to be located between Compressor Stations Nos. 2 and 11;

(2) Approximately 6,800 additional compressor horsepower to be installed in existing compressor stations as follows:

Station:	*Horsepower*
No. 6	1,600
No. 8	2,000
No. 9	1,600
No. 10	1,600
	6,800

(3) Miscellaneous facilities such as meter stations.

The facilities proposed, according to the Applicant, will increase the delivery capacity of Applicant's pipe line system by 60,000 Mcf per day. Under certificates previously issued by the Commission, Applicant has been authorized to construct and operate facilities designed to provide a system delivery capacity of approximately 660,000 Mcf per day. Applicant now has pending before the Commission an application in Docket No. G-962 to increase the delivery capacity of its system to approximately 1,000,000 Mcf per day. By its application in this Docket, Applicant is seeking authorization for facilities which will increase its total daily delivery capacity to 1,060,000 Mcf.

The additional 60,000 Mcf per day is proposed by Applicant to be made available to the East Tennessee Natural Gas Company for resale to the Atomic Energy Commission at Oak Ridge, Tennessee. In this connection, in the application it is stated:

Applicant has been informed by East Tennessee Natural Gas Company that it has entered into a contract with the United States Government to furnish the Atomic Energy Commission natural gas up to a contracted demand of 60,000 Mcf. per day. Applicant has an existing contract with Tennessee Natural Gas Lines, Inc. dated September 6, 1946, which has been duly assigned to East Tennessee Natural Gas Company, in which contract Applicant has agreed to serve the entire requirements of Buyer's Service Area in the State of Tennessee which Service Area, as shown on the map attached thereto and marked Exhibit A, includes the Oak Ridge plant of the Atomic Energy Commission. Said contract has previously been filed with the Commission as Exhibit 59 in Docket No. G-889 and as Exhibit 12 in Docket No. G-808, and is incorporated herein by reference. Under the provisions of Paragraph 3 of said contract, Applicant's consent is required before Buyer may serve a new consumer whose maximum use exceeds 100 Mcf. per day. Applicant has given its written consent to East Tennessee Natural Gas Company to serve the Atomic Energy Commission up to 60,000 Mcf. per day of gas purchased from Applicant under the provisions of said contract.

In the proceeding in Docket No. G-889, wherein East Tennessee Natural Gas Company was issued a certificate to serve various cities and communities within the State of Tennessee, the market evidence offered by East Tennessee and the certificate issued by the Commission did not include the requirements of the Oak Ridge plant of the Atomic Energy Commission. Applicant is presently

constructing capacity to serve the requirements of East Tennessee as outlined in Docket No. G-889. It will be necessary for Applicant to build additional capacity to serve the substantial new load contemplated by East Tennessee in its service to the Atomic Energy Commission.[1]

Applicant states that it will secure its gas supply to furnish the increased quantities of gas covered by this application from dedicated reserves summarized in Exhibit 84 in Docket No. G-808 and Exhibit 85 in Docket No. G-962, and further, that such additional gas reserves as may be required will be obtained by Applicant through contracts with producers on the Gulf Coast.

The cost of the proposed facilities is estimated by Applicant at approximately $13,350,000. Applicant proposes to finance up to 60 percent of this cost under the provisions of its existing mortgage indenture and the balance by the sale of other securities, bank loans, and by earnings retained from operations. Applicant estimates its additional gross revenue will approximate $3,045,000 per annum and that its additional operating costs will approximate $2,254,000 per annum.

In the application it is further stated:

Applicant will necessarily rely upon the showing to be made to the Commission by East Tennessee Natural Gas Company in support of the public convenience and necessity involved in service of natural gas to the Atomic Energy Commission. Applicant is able and willing to construct the facilities required on its system in order that natural gas may be made available for the Oak Ridge plant of the Atomic Energy Commission and will assist in the accomplishment of that purpose. Applicant has offered in evidence in the pending proceeding in Docket No. G-962 firm contracts with companies serving the Appalachian area which substantially equal the capacity provided for in that proceeding, and those Appalachian area companies and systems have given oral and documentary evidence with respect to their needs for natural gas from Applicant. Applicant believes that the instant proceeding should be considered entirely separate and apart from Docket No. G-962, especially inasmuch as Applicant is herein providing capacity over and above that involved in Docket No. G-962 which may be utilized by East Tennessee Natural Gas Company for service to the Atomic Energy Commission.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Tennessee Gas Transmission Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-6276; Filed, July 13, 1948; 8:46 a. m.]

[1] In connection with this application by Tennessee Gas Transmission Company in Docket No. G-1070, there is to be noted that the East Tennessee Natural Gas Company filed with the Federal Power Commission on June 30, 1948, an application in Docket No. G-1065 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of additional natural gas facilities proposing to increase the delivery capacity of that company's previously authorized pipe line system by 100,000 Mcf per day, of which amount 60,000 Mcf per day is proposed to be made available to the Atomic Energy Commission at Oak Ridge, Tennessee, and of which amount the balance is proposed to be made available to serve towns and industrial customers along the proposed pipe line in Middle and Eastern Tennessee. Notice of this application was published in the FEDERAL REGISTER on July 9, 1948 (13 F. R. 3821-3822).

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1089]

DAYTON RUBBER CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of July A. D. 1948.

The Dayton Rubber Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Class "A" $2.00 Preferential Stock, Par Value $35.00, and its Common Stock, Par Value 50¢, from registration and listing on the Chicago Stock Exchange.

The application alleges that (1) the Class "A" $2.00 Preferential Stock, Par Value $35.00, is registered and listed on the New York Curb Exchange; (2) the Common Stock, Par Value 50¢, is registered and listed on the New York Stock Exchange; (3) there have been no transactions in either security on the Chicago Stock Exchange from January 1946 through May 1948; (4) the Executive Committee of the Chicago Stock Exchange on September 30, 1947, granted the request of The Dayton Rubber Company for a waiver of the requirement of the rule of the Chicago Stock Exchange that a delisting application be approved by two-thirds of the outstanding shares and that less than 10% of the outstanding shares dissent to the application.

Upon receipt of a request, prior to August 18, 1948, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

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

[F. R. Doc. 48-6237; Filed, July 13, 1948; 8:50 a. m.]

[File Nos. 70-1689; 70-1733]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of July A. D. 1948.

In the matter of Public Service Company of New Hampshire, File No. 70-1689; New England Public Service Company, File No. 70-1733.

The Commission having, by order dated January 6, 1948, granted the application, as amended, of Public Service Company of New Hampshire ("New Hampshire"), a subsidiary of New England Public Service Company ("NEPSCO"), a registered holding company, insofar as said application related to the issuance and sale of $3,000,000 principal amount of First Mortgage Bonds; and

The Commission having, by orders dated March 10, April 9 and 13, 1948, granted the application, as amended, of New Hampshire insofar as it related to the issuance and sale of 139,739 shares of additional common stock, and in connection therewith the applications and declarations, as amended, of NEPSCO and Northern New England Company; and

The Commission having in said orders reserved jurisdiction over the payment of all legal fees incurred in connection with the bond and common stock financing; and

New Hampshire having filed a further amendment to its application setting forth the amounts, nature and extent of legal services rendered by various counsel for which requests for payment have been made in the aggregate of $44,216.80, classified as follows:

	Bonds	Common stock
To be paid by New Hampshire:		
Ropes, Gray, Best, Coolidge & Rugg	$7,000.00	$17,500.00
Sulloway, Piper, Jones, Hollis & Godfrey	3,000.00	3,500.00
E. H. Maxcy	409.50	864.00
N. W. Wilson	443.30	----------
To be paid by underwriters:		
Choate, Hal. & Stewart	4,000.00	7,500.00
Total	14,852.80	29,364.00

The Commission having considered the record and it appearing to the Commission that the legal fees are not unreasonable and that jurisdiction over such fees should be released;

It is ordered, That the jurisdiction heretofore reserved over the payment of legal fees, incurred in connection with the bond and common stock financing herein, be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 48-6234; Filed, July 13, 1948; 8:50 a. m.]

[File Nos. 31-559, 70-1851]

MIDDLE WEST CORP. AND DOYLE, O'CONNOR & CO.

ORDER DENYING EFFECTIVENESS AND DISMISSING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of July A. D. 1948.

In the matter of The Middle West Corporation, File No. 70-1851; Doyle, O'Connor & Company, File No. 31-559.

The Middle West Corporation ("Middle West"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, with respect to the sale by it of its interest in United Public Service Corporation ("United"), a registered holding company, consisting of 172,393 shares of common stock to Doyle, O'Connor & Company ("Doyle"), pursuant to an agreement dated May 25, 1948, at a price of $5.25 per share, or an aggregate cash consideration of $905,063; and

Doyle, an investment company, having filed an application for exemption as a holding company pursuant to section 3 (a) (3) and 3 (a) (5) of said act, if and in the event Doyle acquires said securities of United; and

The proceedings relating to the above described transactions having been ordered consolidated; and

A public hearing having been held on such matters after appropriate notice, the Commission having considered the record and deeming it appropriate to deny effectiveness to the declaration of Middle West and to dismiss the application of Doyle for exemption as a holding company, and, in the light of the exigencies of the time presented by the contract of sale between Middle West and Doyle, the Commission deeming it appropriate to issue its Order prior to the filing of its findings and opinion herein:

It is ordered, That the aforesaid declaration of The Middle West Corporation be, and it hereby is, denied effectiveness.

It is further ordered, That the application of Doyle, O'Connor & Company for exemption as a holding company from the provisions of the act pursuant to section 3 (a) (3) and 3 (a) (5) thereof be, and it hereby is, dismissed.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-6236; Filed, July 13, 1948; 8:50 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 154]

EDNA S. SCHMIDT

The claim set forth below having been allowed after hearing by decision of the hearing examiners, which decision, as amended and supplemented, is incorporated by reference herein and filed herewith, and the Deputy Director having affirmed the decision of the hearing examiners upon review pursuant to the rules of procedure for claims, and finding that return is in the interest of the United States,

It is ordered, That the claimed property, described below and in the decision of the hearing examiners, 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	Property
Edna S. Schmidt, Staten Island, N. Y., Claim No. 3739.	Mar. 25, 1948 (13 F. R. 1602).	5 shares of no par value capital stock of Phoenix Shipping Co., Inc., a New York corporation, registered in the name of the Attorney General of the United States and represented by Certificate No. 9, presently in the custody of the Safekeeping Department, Federal Reserve Bank of New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 6, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-6267; Filed, July 13, 1948; 8:54 a. m.]

[Vesting Order 11480]

PAUL ERWIN BUNGE

In re: Rights of Paul Erwin Bunge under insurance contract. File No. F-28-8500-H-1.

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

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

2. That the net proceeds due or to become due under a contract of insurance evidenced by Annuity No. 43, issued by the West Coast Life Insurance Company, San Francisco, California, to Paul Erwin Bunge, together with the right to demand, receive and collect said net proceeds,

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 June 25, 1948.

For the Attorney General.

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

[F. R. Doc. 48-6261; Filed, July 13, 1948; 8:54 a. m.]

[Vesting Order 11256]

FRAN JOSEF BORKOWY ET AL.

In re: Debts owing to Fran Josef Borkowy and others.

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 property described as follows: Those certain debts or other obligations of Paul A. Mitchell, Superintendent of Banks of Ohio, in Charge of Liquidation of The Union Trust Company and/or The Union Trust Company, in Liquidation, Union Commerce Building, Cleveland 14, Ohio, arising out of claims, evidenced by certificates of claim registered in the names of the persons listed below, numbered and in the face amount set forth opposite each name as follows:

Names	Certificate of claim No.	Face amount
Johann Anton Kneier	K-9571	$293.02
Fran Josef Borkowy	B-14847	116.55

together with any and all accruals thereto and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in and under the aforesaid claims and certificates of claim,

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 Johann Anton Kneier and Fran Josef Borkowy, the aforesaids nationals of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations of Union Properties, Inc., Union Commerce Building, Cleveland 14, Ohio, evidenced by Creditors Notes issued April 11, 1938, said Creditors Notes registered in the face amount set forth opposite each name as follows:

Registered owner	Number of creditors note	Face amount
Mrs. Agnes Dausel	66788	$240.01
Christian Hofer, Guardian of Karl Hofer	55826	32.49
Babette Honzik	20587	56.72
Max Meditsch	31260	100.75
Konrad Reizele	38998	264.33
Anna Schneidereit	42016	20.22
Walter Everding	12856	120.42

together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in and under the aforesaid creditors notes,

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 Mrs. Agnes Dausel, Christian Hofer, Karl Hofer, Babette Honzik, Max Meditsch, Konrad Reizele, Anna Schneidereit and Walter Everding, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. 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).

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 May 25, 1948.

For the Attorney General.

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

EXHIBIT A

Name	Address	OAP file No.	Name	Address	OAP file No.
Fran Josef Borkowy	Frier a d Mosel, Loniastr 25, Deutschland, Germany.	F-28-25098-D-1 F-28-25098-E-1	Babette Honzik	c/o Konrad Reizele, Hopfenstrasse 3/0 Ryb, Muenchen, Bavaria, Germany.	F-28-28659-D-1
Johann Anton Kneier	6 Sandberg V. D., Rhoen Unterfranken, Bayern, Germany.	F-28-28662-D-1	Max Meditsch	Misburg, Hanover, Am Bahnhof 19, Germany.	F-28-28658-D-1
Walter Everding	Frankfurt-Main-Griesheim, Denisweg 185, Germany.	F-28-28611-D-1	Konrad Reizele	Hopden Strasse 3/0 Rgb, Munchen, Bayern, Germany.	F-28-28657-D-1
Mrs. Agnes Dausel	Kittlitztreben No. 63, Kreis Bunzlau, Schleisien, Germany.	F-28-28661-D-1	Anna Schneidereit	Unter Eisseleu, Kr. Tilsit Ragnit, Ost. Preusen, Germany.	F-28-28656-D-1
Christian Hofer and Karl Hofer.	Hochdorf o/a, Kirchheim Tock, Wurttemberg, Germany.	F-28-28660-D-1			

[F. R. Doc. 48-6259; Filed, July 13, 1948; 8:53 a. m.]

[Vesting Order 11526]

VICTOR GERHARDT

In re: Bank account owned by Victor Gerhardt. D-28-12281-C-1, D-28-12281-E-1.

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

1. That Victor Gerhardt, whose last known address is Berlin Steglitz Bismark Str. 49a, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Dedham Institution for Savings, 603 High Street, Dedham, Massachusetts, arising out of a savings account, account numbered 51547, entitled Elise Schiemann, maintained at the aforesaid band, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

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 of control by, Victor Gerhardt, 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 June 25, 1948.

For the Attorney General.

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

[F. R. Doc. 48-6262; Filed, July 13, 1948; 8:54 a. m.]

[Vesting Order 11470]

F. Y. OMUREI

In re: Debts owing to, stock and stock-warrant owned by F. Y. Omurei, also known as Fred Y. Omurei and as Fred Yohachiro Omurei. F-39-2279-A-1, F-39-2279-C-1, F-39-2279-C-2, F-39-2279-C-3, F-39-2279-C-4, F-39-2279-C-5, F-39-2279-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 F. Y. Omurei, also known as Fred Y. Omurei and as Fred Yohachiro

Omurei (whose last known address is Shizuoka-shi, Shizuoka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All those debts or other obligations owing to F. Y. Omurei, also known as Fred Y. Omurei and as Fred Yohachiro Omurei, by the persons listed in Exhibit A, attached hereto and by reference made a part hereof, in the amounts as of February 28, 1946, set forth opposite each name, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. One thousand (1,000) shares of $1.00 par value common capital stock of Rufus Argonta Mines, Inc., a corporation organized under the laws of the Province of British Columbia, evidenced by certificates numbered 1169 and 1170, registered in the name of F. Y. Omurei, and presently in the custody of Fred H. Akahoshi, 25 Dillingham Building Annex, Honolulu, T. H., together with all declared and unpaid dividends thereon,

c. One (1) share of $10 par value common capital stock of Nakamura Bros. & Co., Ltd., Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 5, registered in the name of Fred Y. Omurei, and presently in the custody of Fred H. Akahoshi, 25 Dillingham Building Annex, Honolulu, T. H., together with all declared and unpaid dividends thereon, and

d. One (1) warrant to purchase twenty-seven hundred (2,700) shares of $1.00 par value common capital stock of British American Properties, Ltd., a corporation organized under the laws of the State of Arizona, bearing number 2174, and presently in the custody of Fred H. Akahoshi, 25 Dillingham Building Annex, Honolulu, T. H., together with any and all rights thereunder and thereto,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 21, 1948.

For the Attorney General.

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

EXHIBIT A

Debtor	Address	Origin of debt	Amount due
Kiyoichi Fujikawa	441 Cooke St., Honolulu, T. H.	Services rendered	$249.27
A. Hirao	425 North King St., Honolulu, T. H.	do	10.00
Takeshi Kanda	2642 South King St., Honolulu, T. H.	do	49.75
James Kushima	Honouliuli, Ewa, Oahu, T. H.	do	239.75
Kiku Kondo	554 South St., Honolulu, T. H.	do	18.00
Hitoshi Kuwahara	583 North King St., Honolulu, T. H.	do	59.37
Bunji Kishii	160 Cunha Lane, Honolulu, T. H.	do	142.27
Kalihi Lumber Co. (Henry Tsumoto).	633 Waiakamilo Rd., Honolulu, T. H.	do	125.00
T. Nagaoka	12 North School St., Honolulu, T. H.	Account purchased from former Palama Store.	$118.10
Y. Saito	Saito Store, Waipahu, Oahu, T. H.	Services rendered	198.01
T. Tsumoto	Tsumoto Shoten, Waipahu, Oahu, T. H.	do	52.00
Y. Yamane & Co., Ltd.	616 Cooke St., Honolulu, T. H.	do	196.25
N. Yamanishi	1626 Liliha St., Honolulu, T. H.	do	13.00
S. Yamada	2465 South King St., Honolulu, T. H.	do	63.34
Toda Kamaura	1925 South King St.	do	11.50
		Total	1,545.61

[F. R. Doc. 48-6260; Filed, July 13, 1948; 8:54 a. m.]

[Vesting Order 11544]

HENRY STEUERNAGEL

In re: Bank account owned by Henry Steuernagel, also known as Henry Steuernagel (Hy), as Heinrich IV Steuernagel and as Henry Stuernagel. D-66-799-E-1.

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

1. That Henry Steuernagel, also known as Henry Steuernagel (Hy), as Heinrich IV Steuernagel and as Henry Stuernagel, whose last known address is Nieder-Bessingen, Kreis Giessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Henry Steuernagel, also known as Henry Steuernagel (Hy), as Heinrich IV Steuernagel and as Henry Stuernagel, by North Side Savings Bank, 3230 Third Avenue, Bronx 56, New York, arising out of a savings account numbered 18-241, entitled Henry Steuernagel (Hy), maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

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

[F. R. Doc. 48-6263; Filed, July 13, 1948; 8:54 a. m.]

[Vesting Order 11547]

KARL WIMMER

In re: Bank account owned by Karl Wimmer. F-28-25673-C-1, F-28-25673-E-1, F-28-25673-E-2.

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 Karl Wimmer, whose last known address is Edersfeld, Bavaria,

Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Karl Wimmer by Commonwealth Bank, Dime Building, Detroit 26, Michigan, arising out of an account numbered C 13–789, entitled Karl Wimmer, maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

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 actions 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 June 25, 1948.

For the Attorney General.

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

[F. R. Doc. 48–6264; Filed, July 13, 1948; 8:54 a. m.]

[Vesting Order 11548]

DR. ING. F. WUESTHOFF

In re: Debt owing to Dr. Ing. F. Wuesthoff. F–28–28399–C–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 Dr. Ing. F. Wuesthoff, whose last known address is (14b) Bechtersweiler, Uber Lindau (Bodensee), Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Dr. Ing. F. Wuesthoff, by Brown, Jackson, Boettcher & Dienner, 53 West Jackson Boulevard, Chicago 4, Illinois, in the amount of $254, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (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 June 25, 1948.

For the Attorney General.

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

[F. R. Doc. 48–6265; Filed, July 13, 1948; 8:54 a. m.]

[Vesting Order 11552]

NAMBEI, CIA. DE IMPORTACION Y EXPORTACION, S. A. (NAMBEI Y CIA.)

In re: Debt owing to Nambei, Cia. de Importacion y Exportacion, S. A. (Nambei y Cia.).

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 Mitsui Bussan Kaisya, Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Tokyo, Japan and is a national of a designated enemy country (Japan);

2. That Nambei, Cia. de Importacion y Exportacion, S. A. (Nambei y Cia), is a corporation, partnership, association or other business organization organized under the laws of Argentina, whose principal place of business is Buenos Aires, Argentina, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by the aforesaid Mitsui Bussan Kaiysa, Ltd., and is a national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of the National City bank of New York, arising out of a clean credit account, entitled Nambei y Cia., in the amount of $23,246.76, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Nambei, Cia. de Importacion y Exportacion, S. A. (Nambei y Cia.), the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That Nambei, Cia. de Importacion y Exportacion S. A. is controlled by or acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

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

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

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

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

Executed at Washington, D. C., on June 28, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–6266; Filed, July 13, 1948; 8:54 a. m.]