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TITLE 3—THE PRESIDENT

PROCLAMATION 2804

FIRE PREVENTION WEEK, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS each year preventable fires claim the lives of thousands of the men, women, and children of this Nation and cause permanent disability to many thousands more; and

WHEREAS the destruction by fire of our natural and created resources has increased so alarmingly throughout the years that it threatens to cost our people three quarters of a billion dollars in the year 1948; and

WHEREAS this problem, with its social and economic implications for the future of our Nation, demands the active interest of every citizen; and

WHEREAS, following the recommendations emanating from the President's Conference on Fire Prevention, held at Washington in May 1947, most of our States and many of our municipalities have organized and established facilities for more effective protection against this devastation:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate the week beginning October 3, 1948, as Fire Prevention Week.

I earnestly request that, as a Nation and as individual citizens, we dedicate ourselves during that week to waging a year-round campaign against the menace of fire. I invite the State and local governments, the Chamber of Commerce of the United States, the National Fire Waste Council, the American National Red Cross, business and labor organizations, churches and schools, civic groups, and agencies of the press, the radio, and the motion-picture industry to cooperate fully in the observance of Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in every feasible way in making the public aware of the grave need for concerted fire-prevention activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of August in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-7183; Filed, Aug. 5, 1948; 11:36 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the agencies concerned, the Commission has determined that the positions of psychological internes, Public Health Service, as set out below, and seven additional positions of special adviser to the Secretary of Defense should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER § 6.4 (a) (19) and § 6.4 (a) (20) are amended as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(19) *Federal Security Agency.* * * *

(xvi) Public Health Service: NC/PD. The position of psychological interne when filled by graduate students at accredited colleges or universities provided that such student receives academic credit toward a degree for the work performed for the Public Health Service. The total employment in any one case shall not exceed one year and such employment may be continued under this provision only so long as these conditions are met. The total number of appointments under this provision shall not exceed twenty-five at any one time.

(20) *National Military Establishment.* * * *

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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A limited sales stock of the 1946 Supplement (6 books) is still available at $3.50 a book.

CONTENTS—Continued

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.

(iii) Five special advisers to the Secretary of Defense; and until December 31, 1952, seven additional positions of special adviser to the Secretary of Defense.

(Sec. 6.1 (a), E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

2. Section 25.225 is amended to read as follows:

§ 25.225 *War transfer.* "War transfer" means any transfer authorized by the Commission under Executive Order Nos. 8973 of December 12, 1941, or 9067 of February 20, 1942, War Manpower Commission Directive No. X, or War Service Regulation IX, under conditions entitling the employee to reemployment in his former position or a position of like seniority, status, and pay; civilian employment in occupied countries subject to the provisions of Executive Order No. 9711 of April 11, 1946; employment with public international organizations subject to the provisions of Executive Order No. 9721 of May 10, 1946, and Executive Order 9862 of May 31, 1947; or employment of certain Foreign Service officers or employees subject to the provisions of Executive Order 9932 dated February 27, 1948 (effective September 1, 1947).

NOTE: For the purpose of crediting service under Executive Orders 9862 and 9932, the effective date of this section will be the effective dates of the two orders; namely, May 31, 1947 for Executive Order 9862, and September 1, 1947 for Executive Order 9932.

(Sec. 605, 59 Stat. 304; 5 U. S. C. 945)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-7100; Filed, Aug. 5, 1948; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5354]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CAREER TRAINING INSTITUTE ET AL.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Government connection:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as educational, religious or research institution:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Unique status or advantages:* § 3.72 (g) *Offering unfair, improper and deceptive inducements to purchase or deal—Job guarantee and employment:* § 3.72 (k 15) *Offering unfair, improper and deceptive inducements to purchase or deal—Returns and reimbursements:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale and distribution in commerce, of courses of study and instruction, (1) representing, directly or by implication, that respondent's school or its sales agents are representatives of or have any connection with the United States Civil Service Commission or any other governmental agency; (2) representing, directly or by implication, that positions in the United States Civil Service are guaranteed to students of respondents' school; (3) representing, directly or by implication, that refunds of tuition fees will be made to students failing to pass Civil Service examinations, unless the terms and conditions of such refunds are fully disclosed and unless such refunds are in fact made in accordance with such representations; (4) representing, directly or by implication, that prospective students will lose advantages available in United States Civil Service positions if they fail to enroll in respondents' school; (5) using the word "Registrar", or any word of similar import, to designate or describe respondents' sales agents; or otherwise representing that such agents perform the functions usually performed by officers of educational institutions known as registrars; or, (6) using the word "Institute", or any word of similar import, either alone or in conjunction with other words, in the corporate or trade name of respondent Career Training Institute; or otherwise representing, directly or by implication, that respondents' school is an institute; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Career Training Institute et al., Docket 5354, June 3, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C. on the 3d day of June A. D. 1948.

In the Matter of Career Training Institute, a Corporation, and Samuel A. Cannon, Geraldine S. Cannon, Leo Ertag, and Joseph A. Cosenza, Individually and as Officers of Said Corporation

This proceding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, the admissions of respondents made at the hearing, recommended decision of the trial examiner, and brief in support of the complaint (no brief having been filed on behalf of respondents and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that certain of the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Career Training Institute, a corporation, and its officers, and respondents Samuel A. Cannon, Geraldine S. Cannon and Leo Ertag, individually and as officers of said corporation, and the respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents' school or its sales agents are representatives of or have any connection with the United States Civil Service Commission or any other governmental agency.

2. Representing, directly or by implication, that positions in the United States Civil Service are guaranteed to students of respondents' school.

3. Representing, directly or by implication, that refunds of tuition fees will be made to students failing to pass Civil Service examinations, unless the terms and conditions of such refunds are fully disclosed and unless such refunds are in fact made in accordance with such representations.

4. Representing, directly or by implication, that prospective students will lose advantages available in United States Civil Service positions if they fail to enroll in respondents' school.

5. Using the word "Registrar," or any word of similar import, to designate or describe respondents' sales agents; or otherwise representing that such agents perform the functions usually performed by officers of educational institutions known as registrars.

6. Using the word "Institute," or any word of similar import, either alone or in conjunction with other words, in the corporate or trade name of respondent Career Training Institute; or otherwise representing, directly or by implication, that respondents' school is an institute.

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

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Joseph A. Cosenza.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-7101; Filed, Aug. 5, 1948; 8:51 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF EMPLOYEES TO TAKE OATHS

Section 851.71 is amended to read as follows:

§ 851.71 *Designation of employees to take oaths.* Pursuant to authority contained in the Supplemental Independent Offices Appropriation Act, 1949 (Pub. Law 862, 80th Congress), the following employees of the Office of the Housing Expediter are authorized and empowered to administer to or take from any person

an oath, affirmation or affidavit when such instrument is required in connection with the performance of the functions or activities of the Housing Expediter:

National Office

Deputy Housing Expediter, Administration.
Deputy Housing Expediter, Rent Operations.
Deputy Housing Expediter, Compliance.
General Counsel.
Assistant General Counsels.
Litigation Attorneys.
Principal Field Agent.
Supervisory Field Agent.
Field Agent.
Authorizing and Certifying Officer.

Regional Offices

Regional Deputy Housing Expediter for Veterans' Affairs.
Principal Field Agent.
Supervisory Field Agent.
Field Agent.
Regional Housing Expediter.
Deputy Regional Housing Expediter.
All Attorneys.
Chief of Field Operations.
Regional Field Representatives.
Regional Compliance Officer.
Regional Compliance Field Representatives.
Supervising Investigators.
Investigators.
Inspectors.

Area Rent Offices

Area Rent Directors.
All Attorneys.
Compliance Investigators.
Compliance Negotiators.
Inspectors.
Examiners.
Field Representatives.

(Pub. Law 862, 80th Cong.)

Issued this 29th day of July 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-7114; Filed, Aug. 5, 1948; 8:54 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretations Not Directly Related to Regulations

PART 778—OVERTIME COMPENSATION

Sec.
778.1 Statement of intepretation and enforcement policy concerning inclusion of Saturday, Sunday, holiday and night pay in regular rate of pay under the Fair Labor Standards Act.
778.2 Further statement of interpretation and enforcement policy.
778.3 Effective date.

AUTHORITY: §§ 778.1 to 778.3, inclusive, issued under 52 Stat. 1060; 29 U. S. C. 201.

§ 778.1 *Statement of interpretation and enforcement policy concerning inclusion of Saturday, Sunday, holiday and night pay in regular rate of pay under the Fair Labor Standards Act.* In view of the Supreme Court decision in "Bay Ridge Operating Company v. Aaron" and "Huron Stevedoring Company v. Blue," employers who have in the past paid time and one-half compensation for work because performed on Saturdays, Sundays or holidays or at hours actually "outside the normal or regular working hours" and have treated the extra pay as an overtime premium in accordance with interpretations of the Administrator of the Wage and Hour Division, can no longer rely upon interpretations of the Administrator previously announced in paragraphs 69 and 70 of Interpretative Bulletin 4 and elsewhere, insofar as such extra payments are made because of the undesirable hours when the work is performed, rather than because the hours are in excess of a specified standard. For the future, therefore, some employers will have to make necessary adjustments in their overtime pay practices in order to come within the scope of the Supreme Court opinion. The opinions expressed in paragraphs 69 and 70 of Interpretative Bulletin No. 4 have been withdrawn insofar as they relate to extra payments of the kinds above described.[1]

The Supreme Court explicitly approved the Administrator's view that extra pay by contract or statute for hours worked in any day or week in excess of a bona fide standard is not part of the base wages on which overtime must be computed under the Fair Labor Standards Act and can be credited toward the extra compensation required by the act for work beyond 40 hours in a workweek. This may be illustrated by collective bargaining agreements calling for bona fide overtime pay of time and one-half for work after seven hours a day or 35 hours a week.

§ 778.2 *Further statement of interpretation and enforcement policy.* The Supreme Court approved the Administrator's position that true overtime premiums paid for overtime work need not be included in an employee's regular rate of pay in computing overtime compensation due him under the act for work in excess of 40 hours in a week. The Court also approved the Administrator's position that such overtime premiums may be offset against the statutory overtime pay due under the act. The Supreme Court held that premium payments made for work in excess of a bona fide daily or weekly standard are true overtime premiums, need not be included in the regular rate, and may be offset against statutory overtime compensation due under the act. The Court pointed out, however, that a higher wage rate paid to an employee because of undesirable hours or disagreeable work, rather than because of previous work for a specified number of hours was not a true overtime premium.

Accordingly, the Administrator's position in view of the Bay Ridge Operating Co. and Huron Stevedoring decisions is that the act requires the inclusion in an employee's regular rate of premium payments for work on Saturdays, Sundays, holidays, or at night, as such, which are made without regard to the number of hours or days previously worked by the employee in the day or workweek. In addition, such premium payments may not be offset against the statutory overtime compensation due for work in excess of 40 hours in the workweek. However, if the payment for Saturday, Sunday, holiday, or night work is contingent upon the employee's having previously worked a specified number of hours or days according to a bona fide standard,[2] such premium payments will, under the Supreme Court's decision, be regarded as true overtime premiums which need not be included in the regular rate and may be offset against the statutory overtime compensation due under the act. Premium pay for work on the sixth and seventh days worked in the workweek, for example, would be regarded as an overtime premium when paid by reason of that fact, even though an applicable contract might also contain a provision calling for premium payments for work on those particular days, as such.

In determining whether payments to an employee at an increased rate for Saturday, Sunday, holiday or night work are made for time worked in excess of a bona fide standard or, on the other hand, simply because such periods are less desirable for the performance of work, the Divisions will look not only at the terms of the applicable contract but also at the actual practice of the parties under the contract. The mere fact that a contract calls for premium payments for work on Saturdays, Sundays, holidays or at night would not necessarily prove that the higher rate is paid merely because of undesirable working hours if, as a matter of fact, the actual practice of the parties shows that the payments are made because the employees have previously worked a specified number of hours or days, according to a bona fide standard. For example, a contract may provide for payment of time and one-half compensation for Saturday work, and also for overtime compensation at the same rate for hours worked in excess of 40 in the week or in excess of any other bona fide daily or weekly contractual standard. In such a situation, where it appears that Saturday work normally falls within the contractual overtime hours, this will ordinarily be a sufficient showing that time and one-half paid for

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[1] The announcement of the partial withdrawal of the opinions expressed in paragraphs 69 and 70 of Interpretative Bulletin No. 4 and enforcement on a revised basis effective July 1, 1948, was contained in the Administrator's Press Release 153 which was issued June 11, 1948. On June 28, 1948, by Press Release 157, the Administrator postponed the date of enforcement on the revised basis to September 15, 1948, in order to permit labor and management to make revisions in collective bargaining agreements so as to conform with the principles expressed herein. Press Release 161, dated July 11, 1948, announced the interpretation contained in § 778.2.

[2] In situations where the normal or regular working hours are artificially divided into a "straight-time" period to which one "rate" is assigned, followed by a so-called "overtime" period for which a higher "rate" is specified, the so-called "straight-time" period will not be regarded as the bona fide standard working period of the employee and no part of the payments made for the purported "overtime" period may be excluded from the employee's regular rate or credited toward overtime compensation due under the act for work in excess of 40 hours. Such a device contravenes the statutory purposes. See "Walling v. Helmerich & Payne," 325 U. S. 37; "Robertson v. Alaska Juneau Mining Co." 157 F. (2d) 876 (C. C. A. 9), certiorari denied on this issue, 331 U. S. 823.

work on Saturday during the contractual overtime hours is actually paid because of excessive hours of work. In such event, the 50 percent premium paid for such work need not be included in the regular rate and may be offset against the statutory overtime compensation due under the act.

The principles announced by the Supreme Court in the Bay Ridge opinion and stated above have reference to payments for hours worked. They do not relate to payments that are not made for hours worked, such as payments made to employees for idle holidays or for occasional absences due to vacation or illness or other similar cause. There is no change in the Administrator's position that such payments may be excluded from the computation of an employee's regular rate and cannot be credited toward statutory overtime compensation due him under section 7 of the act.

The Administrator must necessarily interpret the requirements of the law in the light of the Supreme Court decisions for his own guidance in enforcing the act. I consider it my duty to make such interpretations available to the many employers and employees who have sought my advice since the Bay Ridge and Huron cases were decided, and to those affected by the act who wish to operate in conformity with the Administrator's view of the law. It should be emphasized, however, that the final authority for interpretation of the act is vested in the courts. The views above stated represent merely the construction of the law which the Administrator believes to be correct and which will guide him in the performance of his administrative duties under the act unless and until he is otherwise directed by authoritative decisions of the courts or concludes, upon reexamination of an interpretation, that it is incorrect.

§ 778.3 *Effective date.* To the extent that prior general or specific interpretations contained in paragraphs 69 and 70 of Interpretative Bulletin No. 4, in releases, in opinion letters, or in other statements issued with respect to the meaning and application of the overtime requirements of the act are inconsistent with the principles stated in § 778.1 and § 778.2, they have been rescinded and withdrawn. In order to give affected employers a reasonable opportunity to make any necessary changes in their practices, enforcement of the overtime requirements of the act in accordance with the principles expressed in §§ 778.1 and 778.2 will begin on September 15, 1948.

Signed at Washington, D. C., this 2d day of August 1948.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 48-7090; Filed, Aug. 5, 1948; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 613—REGISTRATION PROCEDURES

By virtue of the provisions of Title I of the Selective Service Act of 1948 (Pub. Law 759, 80th Cong.) and the authority vested in me by the regulations prescribed by the President thereunder, I hereby prescribe the following regulations, which shall be a portion of the Selective Service Regulations, and which shall constitute Part 613 of Title 32, Chapter VI, Code of Federal Regulations:

PLACE AND TIME

Sec.
613.1 Place and time of registration.

MANNER OF REGISTRATION

613.11 Interview of the registrant.
613.12 Instructions concerning completion of registration card.
613.13 Registrant's signature.
613.14 Certification by registrar.
613.15 Registration certificate.
613.16 Recalcitrants.

SPECIAL PROCEDURES FOR REGISTRATION PRIOR TO SEPTEMBER 20, 1948

613.21 Procedures for registration days prior to September 20, 1948.
613.22 Disposition of registration cards and tally sheets.
613.23 Disposition of registration cards of transient registrants.
613.24 Reports of registration required.

GENERAL PROVISIONS RELATING TO REGISTRATION

613.41 Manner of registration of inmate of institution.
613.42 Checking place of residence.
613.43 Disposition of registration card of registrant whose place of residence is not within local board area.
613.44 Persons registered more than once.

AUTHORITY: §§ 613.1 to 613.44, inclusive, issued under Pub. Law 759, 80th Cong.; E. O. 9979, July 20, 1948, 13 F. R. 4177.

PLACE AND TIME

§ 613.1 *Place and time of registration.* (a) Any person required to be registered may present himself for and submit to registration at any designated place of registration or at the office of any local board during the hours for registration specified in the Presidential proclamation or during the usual business hours.

(b) All persons waiting to register at any place of registration at the closing hour on the day or the last one of the days fixed for their registration by the Presidential proclamation shall be registered.

MANNER OF REGISTRATION

§ 613.11 *Interview of the registrant.* (a) All persons who present themselves for registration shall be registered on a Registration Card (SSS Form No. 1). All entries on the Registration Card (SSS Form No. 1) must be made by the registrar and shall be in ink, clear and legible. The registrar shall not permit anyone other than himself to write on the Registration Card (SSS Form No. 1) except when the registrant signs the completed card.

(b) The space on the Registration Card (SSS Form No. 1) for the selective service number shall be left blank.

(c) The registrar shall ask the registrant for the information necessary to complete the entries on lines 1 to 15, inclusive, of the Registration Card (SSS Form No. 1), and shall enter such information on the proper lines of the card. The registrar shall make certain that the registrant fully understands what information is required and if any information given by the registrant is not clear the registrar shall carefully explain to the registrant what information is required and request that it be furnished clearly and correctly.

(d) After the registrar has completed the entries on lines 1 to 15, inclusive, on the Registration Card (SSS Form No. 1), and before it is signed by the registrant, the registrar shall complete from information obtained by observation and from statements of the registrant the entries on line 16, Description of Registrant.

§ 613.12 *Instructions concerning completion of registration card.* (a) The registrar shall take extreme care that the place of residence of the registrant is correctly entered on line 2 of the Registration Card (SSS Form No. 1). The registrar shall inform the registrant that the local board which has jurisdiction over the place he gives as his residence will always have jurisdiction over him. The registrar shall require the registrant to give sufficient information as to the location of the place of his residence to establish such place within the jurisdiction of a local board. The registrant shall not be permitted to give a place of residence outside of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands. In describing his place of residence, the registrant shall give the street number thereof, when used, and in every case he shall give the name of the town, township, village, or city, and the county and State in which it is located. No R. F. D. route number shall be sufficient unless it is supplemented by more particular information showing where the place of residence is located on the R. F. D. route. The registrant shall be permitted to determine what place he desires to give as his residence when he is not located in the same place all of the time.

(b) The registrar shall make sure that the correct mailing address of the registrant is entered on line 3 of the Registration Card (SSS Form No. 1). The mailing address shall be entered in full on line 3 of the card even if it is the same as the place of residence entered on line 2. It should be made clear to the registrant that he should give as his mailing address an address normally regarded by him as a permanent address at which he would expect to receive important communications. The registrar shall advise the registrant that a correct mailing address is most important because it is the address to which all notices to the registrant will be sent, and that he must advise his local board each time there is a change in his mailing address.

(c) The registrar, in entering the date of birth of the registrant on line 5 of the Registration Card (SSS Form No. 1), shall use the name of the month or an abbreviation thereof. No numerical designation for the month shall be used.

§ 613.13 *Registrant's signature.* (a) When the provisions of §§ 613.11 and 613.12 have been carried out, the registrar shall have the registrant verify the

correctness of the entries on the Registration Card (SSS Form No. 1).

(b) The registrant shall then sign his name, exactly as he usually signs it, in the space on the Registration Card (SSS Form No. 1) provided for his signature. If he cannot sign his name, he shall make his mark, and the registrar shall then write in after the mark the words "The mark of _____ (Name of registrant) made in my presence" and shall sign his own name thereunder, followed by the word "Registrar."

(c) If the registrant is unable or refuses to sign the Registration Card (SSS Form No. 1) or to make a mark in lieu of such signature, the registrar shall sign such registrant's name and indicate that he has done so by signing his own name, followed by the word "Registrar" beneath the name of such registrant, and the act of the registrar in so doing shall have the same force and effect as if such registrant had signed the Registration Card (SSS Form No. 1), and such registrant shall thereby be registered.

§ 613.14 *Certification by registrar.* (a) After the Registration Card (SSS Form No. 1) is signed, the registrar shall note, in the space provided therefor, the registrant's answers which he believes to be incorrect or false, if any. If he does not believe any of the registrant's answers to be incorrect or false, he shall write the word "None" in such space. It is the sworn duty of the registrar to report on the Registration Card (SSS Form No. 1) any answers of the registrant he believes to be incorrect or false.

(b) The registrar shall then sign the certification and fill in the date of registration on the Registration Card (SSS Form No. 1). The registrar should then carefully check the completed Registration Card (SSS Form No. 1) to be sure that every question is correctly answered and that all the answers are complete and legible.

§ 613.15 *Registration certificate.* After the Registration Card (SSS Form No. 1) is completed and signed, the registrar shall prepare, from information taken from the Registration Card (SSS Form No. 1), the Registration Certificate (SSS Form No. 2) and give it to the registrant. The registrar shall never fill out the Registration Certificate (SSS Form No. 2) until after completely finishing the Registration Card (SSS Form No. 1).

§ 613.16 *Recalcitrants.* If a registrant refuses to cooperate or is inclined to evade, refuses to answer, or to answer falsely, his attention should be called to the penal provisions of Title I of the Selective Service Act of 1948. If he is still refractory, witnesses should be called, and after the penalty of the law has been explained again to him in the presence and hearing of witnesses, a full opportunity should be given him to reconsider his actions and answer the questions. If he is still refractory, his name and the names of the witnesses should be noted and the case immediately reported to the United States district attorney. The registration should not be obstructed or delayed. Persons attempting to obstruct or delay it should be dealt with promptly and firmly.

SPECIAL PROCEDURES FOR REGISTRATION PRIOR TO SEPTEMBER 20, 1948

§ 613.21 *Procedures for registration days prior to September 20, 1948.* (a) On each registration day prior to September 20, 1948, except as is provided in paragraph (e) of this section, at each registration place at least one registrar shall be available to register all veterans and 18 year olds and at least one registrar shall be available to register all non-veterans ages 19 through 25. Placards shall be placed to indicate clearly the registrars for veterans and 18 year olds and the registrars for non-veterans ages 19 through 25.

(b) Each registrar shall have on his table a Tally Sheet (SSS Form No. 4) and each registrant before being registered shall enter his name and place of residence upon one of the numbered lines on the Tally Sheet (SSS Form No. 4). If the registrant is unable to write, the registrar will print the registrant's name and place of residence on the Tally Sheet (SSS Form No. 4).

(c) The registrars for veterans and 18 year olds shall be provided with three receptacles which shall be separately marked as follows:

Transient veterans and 18 year olds.
Local 18 year olds.
Local veterans.

Completed Registration Cards (SSS Form No. 1) shall be deposited by the registrar in the appropriate one of these three receptacles and the Registration Cards (SSS Form No. 1) shall remain so separated until disposition is made of them, as provided in § 613.22.

(d) Registrars for non-veterans ages 19 through 25 shall be provided three receptacles which shall be separately marked as follows:

Transient non-veterans.
Local non-veteran married men, and fathers.
Local single non-fathers, non-veterans.

Completed Registration Cards (SSS Form No. 1) shall be deposited by the registrars in the appropriate one of these three receptacles and the Registration Cards (SSS Form No. 1) shall remain so separated until disposition is made of them, as provided in § 613.22.

(e) Whenever the number of men to be registered at any registration place is so small as not to warrant the services of more than one registrar, all men may be registered by one registrar but the Registration Cards (SSS Form No. 1) shall be deposited in the six separate receptacles as provided in paragraphs (c) and (d) of this section.

(f) For the purposes of the regulations in this part a "transient" registrant is a registrant who registers at a local board other than the local board having jurisdiction over the place of residence shown on line 2 of his Registration Card (SSS Form No. 1). For the purposes of the regulations in this part and in Part 621 of this chapter, a "local" registrant is a registrant who registers at the local board having jurisdiction over the place of residence shown on line 2 of his Registration Card (SSS Form No. 1).

(g) Solely for the purpose of the preliminary sorting of the Registration Cards (SSS Form No. 1) as provided in paragraphs (c) and (d) of this section, the term "veteran" shall be deemed to include all registrants who have served for a period of at least 90 days between September 16, 1940, and June 24, 1948, on active duty in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945.

(h) The Registration Card (SSS Form No. 1) is so designed as to cause the registrant to give the essential information needed by the registrar to separate the cards in the manner provided in this section.

§ 613.22 *Disposition of registration cards and tally sheets.* At the close of each day of registration the chief registrar at each registration place shall collect the Tally Sheets (SSS Form No. 4) and all completed Registration Cards (SSS Form No. 1) and deliver them to the office of the local board. The completed Registration Cards (SSS Form No. 1) shall be tied in packets as they were taken from the six separate receptacles into which they were placed by the registrars, and each packet shall be clearly marked so as to show from which receptacle the cards were taken.

§ 613.23 *Disposition of registration cards of transient registrants.* Each day upon receiving the completed Registration Cards (SSS Form No. 1) from the registrars, each local board shall carefully check all the cards which were taken from the transient non-veteran and the transient veteran and 18 year old receptacles, and remove from among them and retain the Registration Card (SSS Form No. 1) of every registrant whose place of residence as shown on line 2 is within the local board area. The local board shall then immediately mail the Registration Card (SSS Form No. 1) of every registrant whose place of residence as shown on line 2 is not within its area but is within its State to the local board having jurisdiction thereof if it is absolutely sure which local board has jurisdiction. The local board shall then securely package and clearly label the remainder of the Registration Cards (SSS Form No. 1) of registrants whose places of residence are not within its area and mail them immediately to the State Director of Selective Service.

§ 613.24 *Reports of registration required.* (a) Upon the close of the day or the last of the days fixed for the registration of men who were born in a certain year, the local board shall compute from the Tally Sheets (SSS Form No. 4) and report by letter to the State Director of Selective Service the total number of men who were registered by the local board on that day or those days. In the same letter the local board shall also report the total number of local single, non-father, non-veteran registrants born in that year for whom the local board then has Registration Cards (SSS Form No. 1). The State Director of Selective Service shall consolidate the reports received from the local boards in

the State and shall promptly report the totals for the State by telegraph to the Director of Selective Service.

(b) On September 20, 1948, each local board shall report by telegraph to the State Director of Selective Service (1) the total number of local single, non-father, non-veteran registrants ages 19 through 25 for whom it then has Registration Cards (SSS Form No. 1) in its possession, (2) the number of such registrants who were born in each of the years 1922 to 1929, inclusive, and (3) the total number of persons registered by the local board as determined by totaling the number of registrants shown on all the Tally Sheets (SSS Form No. 4) completed prior to September 20, 1948. The State Director of Selective Service shall consolidate the reports received from the local boards in the State and shall promptly report the totals for the State by telegraph to the Director of Selective Service.

GENERAL PROVISIONS RELATING TO REGISTRATION

§ 613.41 *Manner of registration of inmate of institution.* (a) An inmate of an insane asylum, jail, penitentiary, reformatory, or similar institution, who is required to be registered on the day he leaves such institution, shall be registered in the manner prescribed in this section. The superintendent or warden of any such institution or any person designated by the superintendent or warden shall perform the duties of registrar.

(b) In filling out the Registration Card (SSS Form No. 1) and the Registration Certificate (SSS Form No. 2), the superintendent, warden, or other designated person, acting in his capacity as registrar, shall be careful not to indicate that the inmate was registered in an institution or by an official thereof. If the inmate does not have a permanent place of residence or an address where he intends to be or where he can be located, the address of the local board of the area in which the institution is located shall be entered on line 2 of the Registration Card (SSS Form No. 1). Under no circumstances shall the address of the institution be given as the place of residence or as the mailing address of the inmate who is being registered.

(c) The superintendent, warden or other designated person acting as registrar shall then (1) explain to the registrant his obligations under Title I of the Selective Service Act of 1948; (2) prepare and sign the Registration Certificate (SSS Form No. 2) entering on the line commencing "Registrar for Local Board" the number of the local board of the area in which the institution is located; and (3) give the Registration Certificate (SSS Form No. 2) to the inmate.

(d) The superintendent, warden or other designated person shall mail the Registration Card (SSS Form No. 1) of a person registered under the provisions of this section to the local board having jurisdiction over the area in which the institution is located.

§ 613.42 *Checking place of residence.* When a Registration Card (SSS Form No. 1) is received or completed at the office of a local board, the local board shall carefully check the place of residence of such registrant as indicated on line 2 of his Registration Card (SSS Form No. 1).

§ 613.43 *Disposition of registration card of registrant whose place of residence is not within local board area.* (a) If the local board finds that the place of residence of the registrant as shown on line 2 of his Registration Card (SSS Form No. 1) is not within its area but is within its State it shall immediately mail the Registration Card (SSS Form No. 1) of such registrant to the local board having jurisdiction of the place of residence if it is absolutely sure which local board has jurisdiction. If the local board has any doubt as to which other local board has jurisdiction or if the place of residence is not within its State, it shall mail such card to the State Director of Selective Service.

(b) If the place of residence shown on line 2 of any Registration Card (SSS Form No. 1) is outside the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, and the Virgin Islands of the United States, the local board in whose area the registrant registered shall retain such card.

(c) Upon receiving the Registration Card (SSS Form No. 1) of any registrant, each State Director of Selective Service shall:

(1) If the place of residence of the registrant as shown on line 2 of his Registration Card (SSS Form No. 1) is within his State, mail any such card to the local board that has jurisdiction over the place of residence; or

(2) If the place of residence of the registrant as shown on line 2 of his Registration Card (SSS Form No. 1) is outside of his State, mail any such card to the State Director of Selective Service having jurisdiction over the place of residence shown on line 2 of such card.

(d) If the place of residence cannot be identified and located within a particular local board area from the information contained on lines 2 and 3 of the Registration Card (SSS Form No. 1), the Director of Selective Service shall designate a local board, which may be either the local board in whose area the registrant registered or any local board in the county in which the place of residence is located, and the Registration Card (SSS Form No. 1) shall be retained by or forwarded to the local board so designated.

§ 613.44 *Persons registered more than once.* If a registrant registers more than once and gives different places of residence on line 2 of his Registration Card (SSS Form No. 1), each local board having jurisdiction of the area in which each place of residence is located shall put a selective service number on the Registration Card (SSS Form No. 1). Except for a local board which may cancel the registration under the provisions of Part 619 of this chapter, the registrant shall be subject to the jurisdiction of each local board having a Registration Card (SSS Form No. 1) for such registrant.

The foregoing Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 2, 1948.

[F. R. Doc. 48-7098; Filed, Aug. 5, 1948; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

GUARANTY OR INSURANCE OF LOANS TO VETERANS

1. In Part 36, paragraph (e) of § 36.4302 is amended to read as follows:

§ 36.4302 *Computation of guaranties or insurance credits.* * * *

(e) A loan made by an insurable lender may be either guaranteed or insured at the option of the borrower and the lender: *Provided*, That if the Administrator is not advised of the exercise of such option at the time the loan is reported pursuant to § 36.4303 such loan will not be eligible for insurance.

2. In Part 36, §§ 36.4303, 36.4304, and 36.4305 are amended to read as follows:

§ 36.4303 *Reporting requirements.* (a) With respect to loans automatically guaranteed under section 500 (a) of the act, evidence of the guaranty will be issuable to a lender of a class described under section 500 (d) of the act if the loan is reported to the Administrator within 30 days following full disbursement, and upon the certification of the lender that:

(1) There has been no default thereunder;

(2) An construction, repairs, alterations, or improvements effected subsequent to the appraisal of reasonable value, and paid for out of the proceeds of the loan, which have not been inspected and approved upon completion by a compliance inspector designated by the Administrator have been completed properly in full accordance with the plans and specifications upon which the original appraisal was based, and any deviations or charges of identity in said property have been approved as required in § 36.4304 concerning guaranty or insurance of loans to veterans;

(3) The loan conforms otherwise with the applicable provisions of the act and of the regulations concerning guaranty or insurance of loans to veterans;

Provided, however, That if the report shows that any part of the proceeds of a loan is held in escrow or earmarked as provided in the definition of "full disbursement" contained in the regulations concerning guaranty or insurance of loans to veterans, approval of the loan for guaranty or insurance shall be evidenced by a certificate of commitment.

(b) Loans made pursuant to section 505 (a) or section 508 of the act although not entitled to automatic guaranty or insurance thereunder, may, when made

by a lender of a class described in section 500 (d) thereof, be reported for issuance of a guaranty or of an insurance credit, or a certificate of commitment as provided in paragraph (a) of this section.

(c) Each loan proposed to be made to an eligible veteran by a lender not within a class described in section 500 (d) of the act shall be submitted to the Administrator for approval prior to closing. Section 500 (d) lenders shall have the optional right to submit any loan for such prior approval. The Administrator upon determining any loan so submitted to be eligible for a guaranty, or for insurance, will issue a certificate of commitment with respect thereto.

(d) A certificate of commitment shall entitle the holder to the issuance of the evidence of guaranty or insurance upon the ultimate actual payment of the full proceeds of the loan for the purposes described in the original report and upon the submission within 30 days thereafter of a supplemental report showing that fact and:

(1) The identity of any property purchased therewith,

(2) That all property purchased or acquired with the proceeds of the loan has been encumbered as required by the regulations concerning guaranty or insurance of loans to veterans,

(3) That any construction, repairs, alterations, or improvements paid for out of the proceeds of the loan which have not been inspected and approved subsequent to completion by a compliance inspector designated by the Administrator have been completed properly in full accordance with the plans and specifications upon which the original appraisal was based and that any deviations or changes of identity in said property have been approved as required by § 36.4304, and

(4) That the loan conforms otherwise with the applicable provisions of the act and the regulations concerning guaranty or insurance of loans to veterans.

(e) Upon the failure of the lender to report in accordance with the provisions of paragraph (d) of this section, the certificate of commitment shall have no further effect, or the amount of guaranty or insurance shall be reduced pro rata, as may be appropriate under the facts of the case: *Provided, nevertheless,* That if the loan otherwise meets the requirements of this section, said certificate of commitment may be given effect by the Administrator, notwithstanding the report is received after the date otherwise required.

(f) Evidence of a guaranty will be issued by the Administrator by appropriate endorsement on the note or other instrument evidencing the obligation, or by a separate certificate at the option of the lender. Notice of credit to an insurance account will be given to the lender. No evidence of a guaranty or insurance will be issued on any transaction unless the lender, the veteran, and the loan are shown to be eligible, and any unused, and unreserved entitlement of a veteran shall be applied to loans in the order in which they are reported to the Veterans' Administration. On and after the effective date of this section, unused certificates of eligibility issued prior to March 1, 1946 shall be void.

§ 36.4304 *Deviations; changes of identity.* (a) A deviation of more than 5 percent between the estimates upon which a certificate of commitment has been issued and the report of final payment of the proceeds of the loan, or a change in the identity of the property upon which the original appraisal was based, will invalidate the certificate of commitment unless such deviation or change be approved by the Administrator. Any deviation in excess of 5 percent or change in the identity of the property upon which the original appraisal was based must be supported by a new or supplemental appraisal of reasonable value: *Provided,* That substitution of materials of equal or better quality and value approved by the veteran and the designated appraiser shall not be deemed a "change in the identity of the property" within the purview of this section. A deviation not in excess of 5 percent will not require the prior approval of the Administrator.

(b) Subject to compliance with the regulations concerning guaranty or insurance of loans to veterans, the certificate of guaranty, or the evidence of insurance credit will be issuable within the available entitlement of the veteran on the basis of the amount of the loan stated in the final loan report.

(c) Any amounts which are disbursed for an ineligible purpose shall be excluded in computing the amount of the guaranty or insurance credit.

§ 36.4305 *Partial disbursement.* In cases where intervening circumstances make it impracticable to complete the actual paying out of the loan originally proposed, or justify the lender in declining to make further disbursements on a construction loan, evidence of guaranty or of insurance of the loan or the proper pro rata part thereof will be issuable if the loan is otherwise eligible for automatic guaranty or a certificate of commitment was issued thereon: *Provided:*

(a) A report of the loan is submitted to the Administrator within a reasonable time subsequent to the last disbursement, but in no event more than 90 days thereafter, unless report of the facts and circumstances is made and an extension of time obtained from the Administrator.

(b) There has been no default on the loan, except that the existence of a default shall not preclude issuance of a guaranty certificate or insurance advice if a certificate of commitment was issued with respect to the loan,

(c) The Administrator determines that a person of reasonable prudence similarly situated would not make further disbursements in the situation presented,

(d) There has been full compliance with the provisions of the act and of the applicable regulations up to the time of the last disbursement.

Provided further, however, That in the case of a construction loan when the construction is not fully completed the lender shall further certify as follows:

(e) The amount disbursed out of the proceeds of the loan and any other payments made by or on behalf of the veteran to the builder or contractor do not exceed 80 percent of the value of that portion of the construction performed (basing value on the contract price) plus the sum, if any, disbursed by the lender out of the proceeds of the loan for the land on which the construction is situated;

(f) Any amount advanced for land is protected by title or lien as provided in the regulations concerning guaranty or insurance of loans to veterans; and

(g) No enforceable liens, for any work done or material furnished for that part of the construction completed and for which payment has been made out of the proceeds of the loan, exist or can come into existence.

(Sec. 504, 58 Stat. 293, sec. 8, 59 Stat. 629; 38 U. S. C. 694d)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-7066; Filed, Aug. 5, 1948; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE, AND PROCEDURE

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND THEIR AFFILIATES

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1948;

The Commission having under consideration the matter of various editorial changes in Parts 1 and 43 of the Commission's rules and regulations and codification of the requirements of Commission Order No. 109;

It appearing, that the proposed editorial changes in Parts 1 and 43 and the codification of Commission Order No. 109 do not in any way affect the requirements of any of the Commission's rules and regulations; and

It further appearing, that the nature of the proposed changes are such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act;

It further appearing, that, authority for the proposed amendment is contained in sections 211 and 219 of the Communications Act of 1934, as amended;

It is ordered, That effective August 16, 1948 the Commission's rules and regulations are amended in the following respects:

1. Part 1 is amended so that §§ 1.544 (b), 1.544 (c), 1.546 and 1.556 thereof shall read as set forth below.

2. Part 43 is amended with respect to §§ 43.21, 43.42, 43.43, 43.51 and 43.54 as set forth below.

It is further ordered, That effective August 16, 1948 Commission Order No. 109 is revoked.

(Secs. 4 (i), 211, 219, 48 Stat. 1066, 1073, 1077; 47 U. S. C. 154 (i), 211, 219)

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

Part 1, Organization, Practice, and Procedure revised to February 20, 1947, is amended as follows:

1. In § 1.544 (c), redesignate paragraph (b) of this section as paragraph (c), and as so redesignated, delete the concluding words reading "Commission Order No. 109" and substitute "paragraph (c) of § 43.21 of this chapter." The paragraph will then read as follows:

§ 1.544 *Annual financial reports.* * * *

(c) Reports shall be filed annually by common carriers with respect to operations of separate departments or divisions of a holding company, servicing, or manufacturing nature in accordance with paragraph (c) of § 43.21 of this chapter.

2. In § 1.544 (b), add a new paragraph as follows:

(b) Verified copies of annual reports filed with the Securities and Exchange Commission on its Form 10–K, Form 1–MD, or such other form as may be prescribed by that Commission for filing of equivalent information, shall be filed annually with this Commission by each person immediately controlling any communication common carrier in accordance with paragraph (b) of § 43.21 of this chapter.

3. In the third and fourth lines of § 1.546, delete "Commission Order 105" and substitute "§ 43.41 of this chapter." The paragraph will then read as follows:

§ 1.546 *Reports on accounting officers.* Reports by carriers shall be filed in regard to responsible accounting officers in accordance with § 43.41 of this chapter.

4. In the fourth line of § 1.556, delete "43.55" and substitute "43.52." The paragraph will then read as follows:

§ 1.556 *Reports regarding foreign communications negotiations.* Carriers engaging or participating in foreign communication shall file statements in regard to certain negotiations as required by § 43.52 of this chapter.

Part 43 as amended to reflect the provisions of this order is set forth in full in F. R. Doc. 48–7133 (Docket No. 8923), below.

[F. R. Doc. 48–7102; Filed, Aug. 5, 1948; 9:01 a. m.]

[Docket No. 8923]

PART 1—ORGANIZATION, PRACTICE, AND PROCEDURE

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND THEIR AFFILIATES

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of July 1948;

The Commission having under consideration the matter of the amendment of Part 43 of its rules and regulations governing the filing of information, contracts, periodic reports; etc. and the codification and amendment of the provisions of Commission Order No. 105;

It appearing, that on April 14, 1948, public notice of proposed rule making herein was published in accordance with section 4 (a) of the Administrative Procedure Act;

It further appearing, that the period in which interested parties were afforded an opportunity to submit comments expired May 17, 1948 and that all comments received have been carefully considered by the Commission;

It further appearing, that the codification and amendments hereinafter ordered will facilitate the preparation and submission of reports required to be filed with the Commission; will relieve, in certain cases, compliance with requirements with respect to the filing of such reports; and will make available to the Commission financial and related information concerning common carriers necessary to the performance by the Commission of its regulatory duties under the provisions of the Communications Act of 1934, as amended;

It further appearing, that it is desirable that provision be made in §§ 1.131 (b) and 1.522 of the Commission's rules whereby carriers which, for good and sufficient reason, are unable to make timely filing of the information required by Part 43 of the Commission's rules, may make application to the Chief Accountant to obtain additional time in which to file such information;

It further appearing, that the nature of the proposed changes in §§ 1.131 (b) and 1.522 of the Commission's rules are such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act since they do not in any way affect the requirements of the Commission's rules and regulations, but rather liberalize such requirements by enabling carriers to make application to obtain additional time in which to file information pursuant to such requirements;

It further appearing, that authority for the proposed amendment is contained in sections 211 and 219 of the Communications Act of 1934, as amended;

It is ordered, That effective August 16, 1948, Part 1 and Part 43 of the Commission's rules and regulations are amended as set forth below and Commission Order No. 105 is revoked and cancelled.

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

1. Part 1, Organization, Practice, and Procedure, revised to February 20, 1947, is amended as follows:

a. In the third and fourth lines of § 1.131 (b), delete "section 219" and substitute "sections 211 and 219". The paragraph will then read as follows:

§ 1.131 *Authority delegated to Chief Accountant.* * * *

(b) Applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to sections 211 and 219 of the Communications Act.

b. In the fourth line of § 1.522 delete "section 219" and substitute "sections 211 and 219". The paragraph will then read as follows:

§ 1.522 *Application for extension of time in which to file financial reports.* Applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to sections 211 and 219 of the act should be made in writing.

(Secs. 4 (i), 211, 219, 48 Stat. 1066, 1073, 1077; 47 U. S. C. 154 (i), 211, 219)

2. Part 43 amended to reflect the provisions of this order is set forth in full below.

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND THEIR AFFILIATES

APPLICABILITY

VERIFICATION AND CERTIFICATION

ANNUAL REPORTS

MONTHLY REPORTS

OTHER REPORTS

CONTRACTS, CONCESSIONS, ETC., AFFECTING COMMUNICATIONS TRAFFIC

AUTHORITY: §§ 43.01 to 43.54, inclusive, issued under secs. 211, 219, 48 Stat. 1073, 1077, as amended; 47 U. S. C. 211, 219.

APPLICABILITY

§ 43.01 *Reports covered by the rules in this part.* The rules in this part apply to the filing of annual and other reports required under the provisions of sections 211 and 219 of the Communications Act of 1934, as amended.[1]

VERIFICATION AND CERTIFICATION

§ 43.11 *Required verification.* Where a report is required to be verified under oath (or affirmed according to law), the required oath (or affirmation) may be taken before any person authorized to

[1] The rules and regulations incorporated in this part do not include certain rules and regulations requiring the filing of information in connection with specific services, accounting systems, or other rules and regulations incorporated in other parts of this title.

administer an oath by the laws of the State in which the same is taken. The signature and seal of the person so authorized must be affixed to and become a part of such report.

§ 43.12 *Duplicate copies.* Where more than one copy of a report under oath is required to be filed with the Commission, only one copy need be verified under oath: *Provided, however,* That such copy be plainly marked "Original" and additional copies be certified as being exact duplicates thereof.

§ 43.13 *Required certification.* Unless a report is required to be verified under oath (or affirmed according to law), the report shall be signed by the officer or employee having the responsibility to file such report, and his signature shall constitute a certification that such report is true and correct to the best of his knowledge and belief.

ANNUAL REPORTS

§ 43.21 *Annual reports of carriers and affiliates.* (a) All communication common carriers, and persons immediately controlling any such carrier, and all such other persons as the Commission may direct, shall (except as provided in paragraph (b) of this section) make and file, in duplicate, with the Commission, on or before the 31st day of March in each year, annual reports, verified under oath (or affirmed according to law) covering the period of 12 months ending on the 31st day of December next prior to said date. The annual reports shall be in accordance with the forms, applicable to the particular activity of the respondent, adopted and furnished by the Commission and the instructions in such forms, and shall contain full and specific answers to all questions propounded in said forms and all the information called for therein, whether by questions, or forms of tabular statements, or otherwise.

(b) Each person immediately controlling any communication common carrier shall file annually with this Commission, not later than the date prescribed by the Securities and Exchange Commission for its purposes, verified copies of its filing with the latter Commission on Annual Report Form 10–K, Form 1–MD, or such other form as may be prescribed by that Commission for filing of equivalent information, including copies of all financial statements and other data filed as a part of or attachments to such reports as provided for in the Instruction Books for such forms, in Regulation S–X, and in any amendments thereto or other regulations of that Commission pertaining to the content of, and attachments to, such reports. Each such immediately controlling person that does not file such reports with the Securities and Exchange Commission shall be subject to the provisions of paragraph (a) of this section.

(c) Each communication common carrier required to file annual reports with this Commission, which has a separate department or division for the conduct of its common carrier operations, and a separate department or division for the conduct, respectively, of holding company, servicing, manufacturing, or other non-carrier operations, shall file supplementary supporting annual reports for the common carrier operating department or division, and for each of the separate non-carrier departments or divisions, prepared on the basis of the annual accounting of the respective department or division prior to consolidation and elimination of intra-company items. These supporting annual reports shall be accompanied by statements of elimination showing how the combined figures in the annual report were developed. If any of such departments or divisions maintain any operating expense, operating revenue, or income account not provided for in the appropriate Uniform System of Accounts (prescribed by the Commission) to which the carrier is subject, and such account is expunged in the process of elimination, the report of each such department or division shall show an analysis prior to elimination and consolidation of these non-prescribed accounts on basis of the prescribed accounts that would be charged if each such department or division were a separate company. If any schedule or statement of such a supplemental report would be an exact duplicate of the corresponding schedule or statement in the basic (combined) annual report of the carrier to the Commission, such schedule or statement may be omitted from the supplementary supporting annual report if proper cross-reference is made.

MONTHLY REPORTS

§ 43.31 *Monthly reports of carriers.* Each carrier having average annual operating revenues in excess of $250,000 shall prepare in triplicate, on forms adopted and furnished by the Commission, or on forms approved by the Commission, monthly reports of revenues, expenses, and other items as designated on such forms. Two certified copies of each such report shall be filed with the Commission within forty (40) days after the end of the calendar month covered by the report. A copy of each such report shall be filed in the principal office of the respondent, in such manner as to be readily available for inspection.

OTHER REPORTS

§ 43.41 *Designation of responsible accounting officer.* (a) Each carrier subject to the Commission's accounting rules and regulations (unless it has already done so) shall designate on or before August 16, 1948, an accounting officer who is responsible for compliance with the Commission's accounting regulations pertaining to the proper keeping of accounts, records, and memoranda and shall file with the Commission a certified statement containing the following information:

(1) The name and title of the individual responsible for compliance by the filing carrier with the Commission's accounting regulations, together with the date such individual was made responsible.

(2) With respect to the individual named in response to subparagraph (1) of this paragraph, the source of the assignment, or the delegation, of responsibility to him for compliance with such regulations (e. g., by-laws, resolution of the board of directors, or special action of the stockholders), together with a certified copy of the instrument or other evidence of action establishing such responsibility.

(3) With respect to each individual named in response to subparagraph (1) of this paragraph, the name of the group or individual to whom he is responsible (e. g., stockholders, board of directors, executive committee, chairman of the board, or president) under the provisions of the instrument establishing such responsibility.

(b) When a new individual is designated as responsible for compliance with the Commission's accounting regulations, a certified supplemental statement setting forth all the information called for by the requirements of paragraph (a) of this section shall be filed with the Commission within fifteen (15) days after the effective date of such new designation.

§ 43.42 *Reports on relief and pensions.* Each communication common carrier shall at the time, or within the limits of time, hereinafter stipulated, supply the following information:

(a) Irrespective of the plan of related accounting now or at any time pursued, copies of the text (or if such does not exist, a comprehensive outline) of the original plan (adopted by respondent or to which respondent is or was a party) for pensions, sick benefits, disability benefits, death benefits, termination allowances, or any other benefits, paid or payable to active or retired employees, their representatives or beneficiaries, together with copies of the text, the dates, and effective dates of all amendments, modifications, abolishments, or other changes in all such plans as now are, or have been at any time, in force.

(b) In connection with every such benefit plan, further detailed copies or (only when the word "copies" is not appropriate) statements: (1) On original basis and (2) with respect to the content, dates, and effective dates of all amendments, modifications, abolishments, and other changes, in the following particulars:

(i) The facts, if any, that in the respondent's judgment establish a contractual relationship requiring the payment of pensions or other benefits.

(ii) The declaration of trust under which a pension or other benefit fund, if any, has been established.

(iii) The actuarial formulas (or processes stated in simplified form) governing the creation and continuation of each such trust or other similar fund or provident or other similar reserve as may be or has been established with a view to the payment of pensions or other benefits.

(iv) The plan of accounting for each of the types of benefits (*a*) paid or (*b*) regarding the eventual payment of which provision has been made in the accounts.

(c) With respect to all the foregoing matters, other than future changes, every carrier, unless it has already done so, shall within thirty (30) days, file with the Commission its response, and with respect to every future change (in a benefit plan, trust agreement, actuarial formula, plan of accounting, or other matter hereinbefore specified) made or def-

initely contemplated, the Commission shall be advised at the earliest practicable date: *Provided,* That, in the event of any change actually made, such filing shall be within the thirty (30) days next following the effective date of such change: *And further provided,* That, in the event that any change will involve or produce a "change in accounting," the change shall not be made until after filing of the appropriate detailed documentary copy or statement with the Commission for its consideration and such action as it deems appropriate.

(d) With respect to the matters treated in paragraphs (a) to (g) of this section "change in accounting" shall mean every change in the benefit plan, actuarial procedure, plan of accounting itself, or otherwise, that will involve or produce changes in the amounts periodically entering any account for any reason other than a change in the amount of a pay roll.

(e) Nothing contained in paragraphs (a) to (g) of this section shall be considered as changing or in any way affecting the requirements of any uniform system of accounts effective under the provisions of the act, but, in order to avoid duplicate requirements, any carrier, which in answer to any order, accounting regulation, or request of the Commission has supplied one or more of the items of information sought by paragraphs (a) to (g) of this section shall be considered as having responded properly with respect to the particular item or items after having made specific reference in answer to the item under paragraphs (a) to (g) of this section to the responsive data otherwise supplied.

(f) In the event that any or all of the requirements of paragraphs (a) to (g) of this section are not applicable to a carrier subject to the act, such carrier, unless it has already done so, shall, within thirty (30) days, file with the Commission a response stating such fact, and a carrier's status in this respect shall in no manner affect its responsibility for subsequent reports in the event of future adoption, change, or other significant event or circumstance.

(g) The term "changes" used in paragraphs (a) to (g) of this section shall include the variation (1) in the terms of the benefit plan; (2) in the accounting for the benefits; or (3) elsewhere, due to social security legislation, but for the purposes of paragraphs (a) to (g) of this section the payment of taxes pursuant to the Social Security Act shall not of itself be considered as constituting adoption of, or becoming a party to, a benefit plan.

§ 43.43 *Reports of changes in depreciation rates.* (a) Each communication common carrier subject to the Communications Act of 1934, as amended, having annual operating revenues in excess of $250,000 shall, with respect to any proposed change in its depreciation rates, and at least sixty (60) days prior to the last day of the month in the accounts for which the effect of such change is first recorded, file with the Commission, in triplicate, the following information with respect to each depreciation rate proposed to be changed on or after the effective date of this rule: (1) A statement showing the class or subclass of plant to which applicable, the effective date of the proposed change, the rate in effect immediately before and after such change, and the corresponding service-life and net-salvage estimates; (2) A general statement describing the method or methods employed in the development of the service-life and the net-salvage estimates and the reasons for the proposed change in the rate.

(b) When the proposed change in rate applicable to any class or subclass of plant (1) amounts to twenty percent (20%) or more of the rate currently applied thereto, or (2) would have changed by one percent (1%) or more the aggregate annual depreciation charges for all depreciable plant if the new rate applicable to such class or subclass had been in effect during the preceding calendar year, the statements required in paragraph (a) of this section shall be supplemented by copies of supporting data, calculations, and charts underlying the service-life and net-salvage estimates. (If compliance with this requirement involves submittal of a large volume of data of a repetitive nature, as illustrative portion may be filed.)

(c) The foregoing statements shall be accompanied by a statement, likewise in triplicate, showing the expected net change in the annual depreciation charges resulting from the revised depreciation rates and indicating the basis of determining the expected net change.

CONTRACTS, CONCESSIONS, ETC., AFFECTING COMMUNICATIONS TRAFFIC

§ 43.51 *Contracts and concessions.* (a) Each carrier subject to the act, unless it has already done so, shall on or before August 7, 1944, file with the Commission, verified under oath (or affirmed according to law), a complete copy of every contract, agreement, concession, license, authorization, and other arrangement to which it is a party, in relation to traffic affected by the act, concerning the following matters:

(1) The exchange of services between such carrier and any carrier not subject to the act;

(2) The interchange or routing of traffic, rates, division of tolls, or settlement of traffic balances; or

(3) Rights granted to such carrier by any foreign government for the landing, connection, installation, or operation of cables or land lines, the construction or operation of radio stations, the opening and operation of offices, or engaging in wire or radio communications operations of any kind;

(b) Any new contract, agreement, concession, license, authorization, or other arrangement of the nature required to be filed under paragraph (a) of this section and any modification, amendment, or cancellation of the same or of any of the instruments required to be filed under paragraph (a) of this section shall be filed within thirty (30) days after execution;

(c) If any contract, agreement, concession, license, authorization, or other arrangement, or any modification, amendment or cancellation of the same required to be filed under this section be made other than in writing, a written verified statement of the complete terms thereof shall be filed on or before August 7, 1944 or within thirty (30) days after the making thereof;

(d) Upon the filing of any contract, agreement, concession, license, authorization, or other arrangement by one of two or more persons required hereunder to make such filing, the filing of a statement in writing, duly sworn to (or affirmed according to law), by the other person or persons required to make such filing, identifying such document and adopting the filing thereof, shall be regarded as compliance with the requirements of this section by such other person or persons;

(e) If any document required to be filed under paragraphs (a), (b), (c), or (d) of this section relates to telegraph traffic from or to any place in the United States to or from a foreign country, the filing thereof shall be made in duplicate.

§ 43.52 *Negotiations with foreign administrations or companies.* Beginning on January 10, 1946, and on the tenth day of each month thereafter, each carrier engaging or participating in foreign telegraph or telephone communication directly with any foreign administration, agency or carrier shall file with the Commission, in duplicate, a statement arranged separately by countries, and verified under oath (or affirmed according to law) by a responsible official of the carrier, of all negotiations, written or oral, initiated or conducted during the preceding calendar month, with any foreign administration, agency or carrier, for the establishment of a direct or indirect circuit between the United States and any foreign or overseas point or for any new foreign traffic contract, agreement, concession, license or authorization, or any change or modification in any existing foreign traffic contract, agreement, concession, license or authorization, relating to traffic affected by the provisions of the Communications Act of 1934, as amended. If in the case of any particular country except Canada or Mexico, no such negotiations have been initiated or conducted during the month covered by the statement, such statement shall so specify; provided, however, that no filing need be made under this rule with respect to negotiations for arrangements of a temporary nature, relating to the emergency routing of traffic.

§ 43.53 *Division of international telegraph charges.* Each carrier engaged in the transmission or reception of telegraph communications between the continental United States and foreign countries (except countries to and from which the domestic word-count applies) shall file with the Commission statements showing the divisions of the total telegraph charges on such communications over normal routes, separately for each country of origin and destination. Each such statement shall be prepared in accordance with sample forms,[1] and the in-

[1] Filed as a part of the original document.

structions for such forms, adopted by the Commission, as shown in Appendix A of this part. Statements of all existing divisions of international telegraph charges over normal routes not previously filed shall be filed within sixty (60) days after the adoption of this rule. In the event any change is made with respect to any of the information once filed, a revised statement shall be filed not later than thirty (30) days after the date such change is made: *Provided, however,* That any change in the amount of the foreign participation in the charges for outbound communications, or in the respondent's participation in the charges for inbound communications, shall be filed not later than thirty (30) days after any such change is agreed upon.

§ 43.54 *Description of services.* (a) Each telegraph carrier, unless it has already done so in connection with the filing of tariffs, shall, within thirty (30) days, file with the Commission a statement, in duplicate, verified under oath (or affirmed according to law), giving a description of the various transmission or nontransmission services to the public, groups of persons, organizations, governments, etc., performed or participated in at the time of filing.

(b) Each telegraph carrier which hereafter begins the performance of or the participation in any new service, or extends or discontinues any existing service, shall, within thirty (30) days thereafter, file with the Commission a statement, in duplicate, verified under oath (or affirmed according to law), giving a description and full particulars of any new service begun or of any existing service extended or discontinued: *Provided,* That it has not already done so in connection with the filing of tariffs.

(c) Examples of services which may be covered by this section are: communication service wholly within a foreign country or between foreign countries; the leasing of wires to other communication carriers; errand service by messenger boys; time service; burglar alarm service; pick-up and delivery for other carriers; leasing of other than telegraph plant; sale, installation, maintenance, and inspection of equipment; accounting, legal, and engineering services; merchandising, jobbing, and contracting services; frequency measuring service, and stock quotation board service.

[F. R. Doc. 48-7133; Filed, Aug. 5, 1948; 9:01 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Valuation Order 28]

PART 160—INVENTORIES AND ORIGINAL COST STATEMENTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 8th day of July A. D. 1948.

The Commission having under consideration the subject of the valuation of the physical property of common carriers engaged in transportation by pipe line: *It is ordered,* That

Sec.

AUTHORITY: §§ 160.1 to 160.24, inclusive, issued under 37 Stat. 702, sec. 208, 48 Stat. 221; 49 U. S. C. 19a (f).

§ 160.1 *Preparation of inventories and original cost statements.* Every common carrier engaged in transportation by pipe line of oil or oil products subject to the Interstate Commerce Act and every Receiver or operating Trustee of any such carrier whose property has been inventoried or valued by the Commission is hereby required to prepare and file under oath with the Commission on B. V. Form No. 590 [1] a complete and accurate inventory of its property, showing the units and quantities thereof entering into and comprising the property, classified as directed by the Uniform System of Accounts for Pipe Lines, prescribed by the Interstate Commerce Commission in accordance with section 20 of the Interstate Commerce Act (49 U. S. C. 20); and shall report the original cost of such units. Such inventory and report shall be as of the date set by the Director of the Bureau of Valuation and shall be undertaken within 30 days from the receipt of written notice of this part and shall be completed and filed within such time as he shall require, provided he shall allow in all cases a reasonable time for the preparation and filing of such inventory and report which shall in no case be less than 30 days.

Each such carrier shall prepare and, if requested, file with the Commission maps, schedules and work sheets supporting the inventory and report prepared in accordance with regulations and instructions hereinafter referred to.

Regulations and instructions to govern the preparation and filing of inventories, original cost, maps, schedules and work sheets of their property by carriers by pipe lines are hereby approved and adopted.

§ 160.2 *Intent of instructions.* In order that the Interstate Commerce Commission may investigate, ascertain, report, and record the value of property of common carriers by pipe lines as it now exists, it is essential that certain inventories, original cost statements, schedules and reports shall be available and copies thereof shall be filed with the Commission.

In reporting the inventory and cost of property of pipe-line carriers, all property shall be segregated by valuation sections previously established or approved by the Bureau of Valuation.

SUBPART A—INSTRUCTIONS TO GOVERN THE PREPARATION OF B. V. FORM NO. 590 AND SUBSCHEDULES BY COMMON CARRIERS BY PIPE LINE

GENERAL INSTRUCTIONS

§ 160.3 *Form of report.* Upon form like B. V. Form 590, size 11" x 17", the carrier shall file with the Commission, in duplicate, statements that will show for each valuation section a complete and accurate inventory of its property as of the date set by the Director of the Bureau of Valuation showing the units, quantities and cost thereof, classified as hereinafter prescribed.

§ 160.4 *Property units.* Property shall be reported by actual "in place" quantities with descriptive details in terms of the units prescribed in Supplement No. 8 to Valuation Order No. 3—Second Revised Issue (49 CFR, Part 156). Property units shall be developed by using the quantities shown in the basic engineering report underlying the final valuation report and adjusting the units reported therein by the additions to and the retirements from these quantities as reported annually in compliance with Supplement No. 8 to Valuation Order No. 3—Second Revised Issue (49 CFR, Part 156). In those instances where an engineering report has not been prepared by the Bureau of Valuation, the quantities reported on form like B. V. Form No. 590 shall be those contained in the inventory prepared in compliance with Valuation Order No. 27 (49 CFR, Part 159).

§ 160.5 *Cost of property.* The amounts reported as the cost of property shall be those that affect the "Carrier Property Accounts," exclusive of Accounts 191, 192, and 193 (§§ 20.191 to 20.193, inclusive). Cost shall be allocated to each parcel of land, unit of equipment or machinery, building or other structure, except that recurring

[1] Filed as part of the original document.

items having the same capacity, dimensions and descriptions may be grouped and the total cost reported as a single entry. For the primary accounts containing only property classified as mass property, the total cost for the account only need be shown. In every case where the unit of reporting is "Lot," the cost applicable thereto shall be stated.

§ 160.6 *Lands and rights.* Lands and rights owned or used for the purposes of common carrier, shall be reported on form like B. V. Form 588–R, Subschedule L–P (Revised).[1] This subschedule shall be filed in duplicate. On Subschedule L–P there shall be shown in column captioned "Remarks" for lands or rights acquired a statement of the specific uses to which such property has been put.

Schedules shall show as to each instrument through which such carrier has derived title to or interest in any parcel of land owned or used by it for the purposes of a common carrier, the character and date of the instrument, custodian's number, and grantor and grantee named therein.

Such schedules shall also show as to each parcel of land owned or used by the carrier, for its purposes as a common carrier, the parcel number assigned thereto on the maps as provided under paragraph 7–A, Lands and rights of Supplement No. 8 to Valuation Order No. 3, Second Revised Issue (49 CFR, Part 156), the area of the parcel and the date it was dedicated to public use, and the cost of the parcel to the carrier when so dedicated (see Uniform System of Accounts, Carrier Property Accounts 101, 151, 171 Land, paragraphs (b), (c) and (d), §§ 20.101, 20.151, and 20.171 (b), (c), (d)). If the parcel referred to is used but not owned, the rental or other consideration given for its use must be so indicated. If a portion of the parcel has been sold or retired after the parcel was dedicated to common-carrier purposes as aforesaid, the carrier shall show in such schedule the amount of money or other consideration received for the portion so sold or retired. If such portion disposed of was originally received as an aid, gift, grant or donation, the area disposed of shall also be shown. Such additional information as is called for by the form should be furnished.

Every carrier by pipe line shall also prepare on form like B. V. Form 588–R, Subschedule M–P (Revised),[1] additional typewritten schedules in duplicate, showing as to each instrument through which such carrier has derived title to or interest in any parcel of land held by it for purposes other than those of a common carrier, pertinent information called for by that form including the date and cost of any improvement placed by the carrier on such parcels subsequent to their acquisition.

Assessments for public improvements applicable to lands owned or used for common-carrier purposes shall be reported on Subschedule L–P allocated to the parcel affected.

§ 160.7 *Rights of way.* The costs of rights of way shall be reported by valuation sections with a general description of the rights of way acquired since date of basic valuation.

§ 160.8 *Costs applicable to land and rights.* The costs to be reported for lands and rights shall be the cost at the date of dedication to public use. Incidental costs of lands or rights shall be reported separately from the bare cost of lands or rights.

When records maintained by the accounting department are missing or deficient in the information sought, resort may be had to any other records that will show the costs required by the forms. In all cases, whether the information is obtained from the accounting records of the carrier or from other records or documents, the carrier must be prepared to point out to the accountant of the Commission the exact source from which the information was obtained so that the accountant of the Commission can examine this record without further search upon his part. The carrier may do this either by preparing a working list of the sources from which the information was derived, which can be exhibited to the accountant of the Commission, or by indicating that source in the column of "Remarks" upon the return itself, as "Voucher 196—September, 1924."

If the amount paid for any parcel of land cannot be ascertained from the accounting or other authentic records of a carrier, the amount named in the deed as the consideration shall be reported as the original cost if the amount is substantial and was actually paid by the carrier.

Columns pertaining to costs shall be footed and summaries made of such footings by valuation sections. Valuation section summaries shall in turn be summarized by states, and the state summaries brought together to show the grand total for all lands reported. These summaries shall show separately, the costs applicable to each classification, by ownership and use, of the property to which they apply.

§ 160.9 *Jointly owned property and joint projects.* Jointly owned or jointly constructed property shall be reported separately from other property. The total quantities and total cost of the project shall be reported and the amount applicable to each primary account shown in the description column of form like B. V. Form 590, as shall also the names of the owning or participating companies, individuals, or political subdivisons, wth the proportions owned and amounts contributed by each. The costs to be entered shall be the portion only of the total costs borne by the company for which the report is made.

§ 160.10 *Changes made in or to property of other common carriers.* Where one carrier assumes the cost of a change upon another carrier's property, the full details of the property units involved and their cost shall be reported separately from other property and the facts as to ownership and use shall be stated.

§ 160.11 *General expenditures.* When items of general expenditures, such as for engineering, taxes, interest during construction, law expenses, et cetera, have been included in a particular primary account of the "Carrier Property Accounts" as a part of the cost of any specific property, such amounts shall be separately stated under each primary account and indication shall be given as to the general nature of the expense.

§ 160.12 *Construction damages.* In Accounts 105 and 155 (§§ 20.105, 20.155), where the total costs reported include payments for construction damages to crops, orchards, et cetera, such costs should be reported separately in the descriptive column showing the amounts paid in the limits of the pipe line to which they apply.

§ 160.13 *Subschedules.* Subschedules are provided by these instructions for reporting land (see §§ 160.6 and 160.7) and miscellaneous physical property (see § 160.21). Other subschedules may be used for reporting the foregoing and other classes of property, provided they are first approved by the Bureau of Valuation as to form and method of preparation. When subschedules are used, the totals under each primary account shall be shown on form like B. V. Form 590 and appropriate reference made to such subschedules. Subschedules shall be filed in duplicate.

§ 160.14 *Reconciliation with investment accounts.* The carrier shall prepare and file with reports on B. V. Form 590 a general analysis of the difference between the amount in Column 5 of that form and the balance shown in investment account as of the date rendered.

When B. V. Forms 588–R (§ 156.101) are rendered, a general analysis of the difference between the charges and credits in Columns 5, 11, and 12 of that form, and the increases or decreases in the investment account during the reporting period shall be shown. The detail of items forming such difference shall be grouped under appropriate descriptive headings according to the nature of the difference.

SPECIAL INSTRUCTIONS

§ 160.15 *Classes of property.* For convenience in reporting the carrier's property, except lands and rights, shall be considered as consisting of two distinct classes.

(a) Property having a common description and which regardless of its extent or volume may be collected into a single quantity within a valuation section.

(b) Property which from its nature must be reported separately from the property of like kind and characteristics and serving similar purposes.

§ 160.16 *Mass property.* Property described under § 160.15 (a) shall for the purposes of this instruction be called mass property. It shall generally include line pipe, line pipe fittings, pipe line construction, and communication systems. In reporting mass property, it shall be necessary only that like quantities within a valuation section be collected and reported as a single item and cost. The weighted average date of construction for mass property items should be shown on form like B. V. Form 590 in the column headed "Date," or if desired

[1] Filed as part of the original document.

the quantities and cost of mass items may be reported separately for each year of installation. When an average date is shown, the limiting dates (first and last) shall also be shown.

§ 160.17 *Structural and mechanical property.* Property described under § 160.15 (b) shall, for the purposes of this instruction, be called structural and mechanical property. It shall generally include buildings, boilers, pumping equipment, machine tools and machinery, other station equipment, oil tanks, delivery facilities, vehicles, and other work equipment. In reporting such property, it is necessary that each building, boiler, machine, vehicle, or other similar equipment be reported separately, except that items of the same size, capacity, or dimension, and having a common description, may be grouped as for mass property. In reporting costs for such property, the costs shall be allocated to each building, machine, or other separate item, except that recurring items having the same capacity dimensions and description may be grouped and the total cost reported as a single entry.

When no changes have been reported in individual units of structural and mechanical property since date of basic valuation the reporting carrier may abbreviate the detail description of the unit in Column 1 of B. V. Form 590 with specific reference to the basic engineering report including page number.

The cost of property classified as structural and mechanical shall be reported in terms of the units and descriptions prescribed in the "List of Units," Part IV of Supplement No. 8 to Valuation Order No. 3—Second Revised Issue (49 CFR, Part 156), as may be appropriate.

§ 160.18 *Breakdown of mass or structural property.* In reporting additions and retirements of either mass (§ 160.16) or structural property (§ 160.17) for which the reporting unit is designated in Supplement No. 8 to Valuation Order No. 3—Second Revised Issue (49 CFR, Part 156) as "Lot" or where items have been grouped in the engineering report under headings only generally descriptive or include a number of varied items of property, it will be necessary to prepare and file an underlying break-down on a form like B. V. Form 591.[1]

On a form like B. V. Form 591 show the total cost in dollars for items retired since date of basic report, keeping Valuation Order 3 retirements separate from items included in the basic report. Show, for items added, the cost in dollars as previously reported on form like B. V. Form 588–R (§ 156.101). Show in Column 4, the average date. Do not fill in Columns 6 and 7 of B. V. Form 591.

§ 160.19 *Valuation sections.* Complete reports shall be prepared separately for each valuation section previously established or approved by the Bureau of Valuation.

A consolidated mileage and valuation section statement shall be prepared and shall be filed with the report. It shall show separately by ownership and use, the valuation section designation, the termini or location of the section, the size or range in size of pipe and the mileage, and shall be prepared in a manner and form similar to the table included in the explanatory text of the basic engineering report.

§ 160.20 *Modification of items and units.* Modifications in the items, units, forms, and other matters of reporting may be made only with the approval of the Bureau of Valuation.

SPECIAL INSTRUCTIONS FOR MISCELLANEOUS PHYSICAL PROPERTY

§ 160.21 *Miscellaneous physical property.* On form like B. V. Form 588–R Subschedule M–P—(Revised), there shall be reported the physical property that is owned and "held for purposes other than those of a common carrier."

The information shall be as prescribed on Subschedule M–P—Revised and shall be grouped as may be appropriate under the following headings that shall be inserted upon the form.

(a) Unimproved noncarrier lands.

(b) Improved noncarrier lands.

(c) Noncarrier improvements upon land which is classified as devoted to common-carrier purposes.

(d) Noncarrier improvements upon lands belonging to others.

(e) Assessments for public improvements applicable to noncarrier lands shall be reported by lump sum for each year.

Companies engaged in producing, manufacturing or other operations in addition to pipe-line operations shall include in Subschedule M–P—Revised noncarrier property of their pipe line divisions only.

LIST OF UNITS

§ 160.22 *Units.* Property shall be reported in terms of the units prescribed in Supplement No. 8 to Valuation Order No. 3—Second Revised Issue (49 CFR, Part 156).

SUBPART B—INSTRUCTIONS FOR THE PREPARATION OF CORPORATE HISTORY AND DEVELOPMENT OF FIXED PHYSICAL PROPERTY

§ 160.23 *Corporate history and development of fixed physical property.* Every common carrier by pipe line shall prepare a statement showing the following facts as to each corporation, company, or firm, covering the period between date of basic valuation and date of report.

(a) Give name of corporation, company, or firm; date of incorporation, and date of organization. If corporation, state whether incorporated under general law or by special act. If incorporated under general law, state where articles of incorporation were filed. If incorporated by special act, give reference to the act.

(b) Describe the property, or portion of property, constructed by each corporation, company, or firm, and show as to each such property, or portion of property, as so constructed, the termini and mileage of each trunk line, the total mileage of gathering lines, and the dates of construction.

(c) State length of time any such property, or portion of property, was actually operated by any such corporation, company or firm, giving, in each instance, date of beginning and date of conclusion of such operation.

(d) If any such corporation has gone out of existence, describe the proceedings by virtue of which the dissolution took place. If any such corporation is still in existence, state where its records are kept and give name and address of person who has custody of them.

(e) State fully the chain of title by which the present corporation has acquired the property which it now owns or operates. In this connection, prepare and file with the Commission, as aforesaid, a schedule of all deeds, leases, reorganization proceedings and other instruments bearing upon the corporate history, and assemble and arrange the same for inspection and examination by representatives of the Commission.

SUBPART C—INSTRUCTIONS FOR REPORTING AIDS, GIFTS, GRANTS AND DONATIONS (OTHER THAN LANDS REPORTED ON FORM LIKE B. V. FORM 588–R, SUBSCHEDULES L–P REVISED AND M–P REVISED

§ 160.24 *Aids, gifts, grants and donations.* Every common carrier by pipe line shall prepare a statement in duplicate for the period between date of basic valuation and date of report on forms like sample form like B. V. Form No. 626–R,[1] size 11" x 17", showing, by states, territories, and the District of Columbia, as to every aid, gift, grant or donation, to such common carrier, or to any previous corporation which has operated in the past all or any portion of such property, the following information:

(a) Show reference to the ordinance, agreement or other instrument under which the aid, gift, donation, or grant was made, showing the conditions attached thereto.

(b) State the character and extent of the aid, gift, donation, or grant received in the form of money, land, material, property, service, credit, et cetera, in accordance with the information called for on form like B. V. Form 626–R. Only such land as is received as a grant or donation and entirely disposed of prior to date of report should be reported on this form. For such lands show area and proceeds from sale or other disposition.

(c) Show the amount and value of any concession and allowance made by the carrier or by any previous owning corporation to the donor, in consideration of any aid, gift, donation, or grant.

(d) Show by foot notes and appropriate symbols, with respect to each item upon this return a reference to the account to which the item was credited.

(e) The sum of the aids, gifts, grants, or donations reported shall be compared with any credits made in the books of accounts in respect thereto and an explantation of any differences shall be made.

(f) The carrier shall explain how it has determined the estimated value at time of acquisition of aids, gifts, grants, or donations, other than cash.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48–7099; Filed, Aug. 5, 1948; 8:49 a. m.]

[1] Filed as part of the original document.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 973]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO THE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Interested parties may file written exceptions to the recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the marketing agreement and to the order was formulated was conducted at St. Paul, Minnesota, on May 10, 1948, and at Minneapolis, Minnesota, on May 11 and 12, 1948, after the issuance of notice on April 26, 1948 (13 F. R. 2316).

The material issues on the record relate to (1) a revision of definitions, (2) a restatement of the powers and duties of the market administrator, (3) a revision of the classes of utilization, (4) a revision of the class prices and the butterfat differentials, (5) a revision of the location differentials, (6) a change in the manner of making payments to cooperative associations, (7) a processing charge on inter-handler transfers, (8) a quality differential, and (9) a general revision of the order to facilitate its administration.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

1. Some of the existing terms should be redefined and some additional terms should be defined.

The definition of the marketing area should be amended to include St. Anthony township in Hennepin County. This township is a very small community located in the center of the marketing area and should have been included in the original definition. In the original order it was intended that the marketing area should include all the territory lying within its boundaries. There are no handlers located within the township and this action would not affect any persons not now regulated by the order.

The terms "pool plant" and "non pool plant" should be defined. With the addition of these two definitions, the definition of the term "emergency source" becomes superfluous and should be deleted. The terms "handler" and "producer" should be redefined to correspond to the above mentioned changes.

Except as noted hereafter these changes in definitions would not affect the scope of the order as presently applied. The one substantive change is the shortening of the period during which a plant may dispose of other source milk in the marketing area as Class I milk without becoming subject to the regulation. This period has been limited to August through November rather than July through November. The record shows there has been no need for other source milk for Class I use during the month of July.

2. The powers and duties of the market administrator should be restated.

The power of the market administrator to recommend to the Secretary amendments to the order should be specified in the order.

Only 3 of the 4 powers which may be conferred upon the market administrator under the act are enumerated in the present order.

Even though the market administrator may have the power to recommend to the Secretary amendments to the order, regardless of whether such power is specifically set out in the order, it is appropriate to specify in the order all those powers which are specified in the act.

The provision with respect to preparation and dissemination of statistics and information should be specified in the order under the duties of the market administrator.

3. Revision of the classes of utilization should be made. Skim milk and butterfat disposed of for consumption in the form of buttermilk, eggnog, aerated cream, ready whipped cream, and mixes for toppings, icings and uses similar to those of whipped cream, should be included in Class I.

Cultured buttermilk is classified as Class I under the present order. Natural buttermilk is in general used for the same purposes as cultured buttermilk. Its most common use is as a beverage for this and other uses it is competitive with milk, skim milk and cultured buttermilk. It should be included in Class I with milk, skim milk, flavored milk, flavored milk drinks, and cultured buttermilk.

Eggnog, aerated cream, ready whipped cream, and mixes for toppings, icings, and uses similar to those of whipped cream are made from fluid cream, are competitive with cream distributed in fluid form, and have the same use and displace the sales of fluid cream. Fluid cream is appropriately included in Class I in the present order and these products should be included in the same class.

The classification of shrinkage should be revised.

Under the present order no shrinkage is allowed on other source milk. Shrinkage not in excess of 1 percent of the total receipts from producers is classified as Class II milk and shrinkage in excess of 1 percent of the total receipts from producers is classified as Class I milk.

Total shrinkage should be prorated between producer milk and other source milk. With respect to shrinkage allocated to producer milk, that not in excess of 1 percent of receipts should be prorated over the Class I and Class II use of producer milk and that in excess of 1 percent of receipts should continue to be classified as Class I milk. Other source milk is first eliminated from Class II milk. Thus shrinkage allocated to other source milk should be classified as Class II milk.

There are at times surpluses of skim milk too small for economical manufacture. To prevent waste such skim milk is at times used for animal feed and when so used should be classified as Class II milk.

4. The price for Class I milk should be increased and should reflect greater seasonality than at present.

The minimum price pursuant to the present order is not sufficient to attract new producers to the market. The number of producers has in fact been actually decreasing during 1947 and 1948.

Plants in and adjacent to the milk shed have been paying for milk which does not meet the standards fixed by the health authorities in the marketing area prices higher than the basic prices and nearly equal to the uniform prices paid to producers under the order.

As a result there has not been sufficient incentive for producers to come on the Minneapolis-St. Paul market. The record shows that the number of producers declined from 5753 in March 1947 to 5196 in March 1948, a decline of 10 percent. Average daily production per producer was 359 pounds in March 1948, a decline of 10 pounds from the average production in March 1947. Total receipts of producer milk declined from 65,756,931 pounds in March 1947 to 57,782,764 pounds in March 1948.

That an even further decline will develop unless action is taken, is evident from the fact that the health authorities of Minneapolis and St. Paul have recently made their regulations more stringent and their inspection more rigid. Many producers will be required to make a sizable outlay for repairs or new equipment if they are to continue to meet the health requirements.

Unless the price of market milk is sufficiently above the prices paid by nearby plants, many of these producers will shift to the other plants. Unless the supply of milk for the market can be increased substantially a serious shortage of milk on the market will result during many months of the year.

The present order provides for a Class I differential over the basic price, of 50 cents during the months of January, February, March, and April; 40 cents during May and June; and 70 cents during the remaining months. The producers' proposal was that the differential be changed to 50 cents during the first 6 months of the year and 95 cents during the last 6 months of the year.

The differential for the months of May and June should be raised to 50 cents. During these months the uniform price to producers has at times dropped below the prices being paid by some of the nearby plants for milk not meeting the health requirements. In 1946 it was found necessary to suspend the seasonal reduction in the differential for the month of June in order to maintain production.

No change should be made in the differential for the months of July and December. These are months in which there is normally an adequate supply of milk, and the existing differential of 70 cents appears sufficient to maintain production.

During the months of August through November the differential should be increased to $1.00. These are the months of shortest production and a substantial increase in price during these months will be necessary if producers are to be encouraged to make use of more fall pasture, to feed more heavily during this period, to increase the percentage of their herds freshening in the fall and to make whatever other effort is necessary to supply milk during this period when it is needed most.

No change was suggested and none has been made in the differential for the months of January through April.

Handlers urged that any increase which might be granted would be limited to the period prior to May 1, 1949. It is unlikely that their proposal would furnish the incentive necessary to have producers expend the effort needed to change their production if the increase were limited to one short season.

Several proposals were made with respect to changing the Class II price, or substituting another butter quotation for the price of 93-score butter at New York. The testimony in support of all these proposals was vague and inconclusive. As a result no change in the Class II price or in the price quotation used in the determination of the various butterfat differentials is made.

5. The amount of the location differentials to handlers and producers should be increased and the distance to which such differentials apply should be changed.

The amount of the location differentials to handlers and producers should be changed from one-half cent per mile to 1 cent per mile to reflect increased costs since the rate was originally set.

Under the present order the location differentials are allowed on the mileage between the plant where the milk is received and the nearest edge of the marketing area. Because of the irregular shape of the marketing area this has resulted in different allowances to plants equally distant from a central point in the marketing area.

The allowance of differentials on the mileage between the plant and the perimeter of a circle with a 15 mile radius centered on the Minnesota Transfer Viaduct over University Avenue in St. Paul will remedy this situation.

6. The manner of making payments to cooperative associations should be changed.

At the present time a cooperative association is considered to be the handler for all milk of its member producers including that which is delivered directly to handlers' plants from the producers' farms. As a handler a cooperative association has collected the class prices from handlers not only for that milk which was transferred from the plants of the cooperative association to the handlers' plants but also for that milk which it caused to be delivered directly from producers' farms to the handlers' plants. The testimony showed that a great many administrative problems would be eliminated or greatly lessened if the person who actually received the milk from producers' farms were treated as the handler. Payment of the uniform price rather than the class price for such milk will insure the same price to all producers delivering milk to the same plant. To bring this about a cooperative association is to receive the uniform price for milk which it causes to be delivered to handlers' plants directly from producers' farms. It is to continue receiving class prices for that milk which is first received at its own plants and later transferred to handlers' plants.

7. It was also proposed that the order should fix a minimum charge to be added to the class prices in the case of country plants or receiving stations which supply other handlers with processed or bottled milk.

While some general testimony was presented in support of this proposal the evidence offered no basis for the inclusion of such a provision in the order.

8. Another proposal would have permitted handlers to deduct a certain amount from the prices paid to producers of poor quality milk and add the amount so deducted to the prices paid producers of the highest quality milk. The evidence, however, does not indicate that there is any agency which regularly tests producer milk for quality. In the absence of such an agency the handler would be the sole judge of which producers were to receive premiums and which were to be penalized. Such a provision should not be included in the order.

9. Minor changes have been made in other provisions of the order to facilitate its administration.

One such change was to shorten §§ 973.3 (b) and 973.6 (a) by limiting the application of these paragraphs to producer handlers. This change was made necessary because of the new definitions of "pool plant" and "non pool plant".

Another change is the addition of § 973.4 (d) (2) in order to make it clear that there may be corrections made in the original classification if verification by the market administrator shows the original classification was incorrect. This procedure has been followed even though this specific subparagraph is not a part of the present order and such action is necessary as it is not always possible to know the ultimate use of all milk at the time of determination of the uniform price.

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

(b) The marketing agreement and the order, as hereby proposed to be amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which the hearings have been held.

(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 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 supply and demand for such milk, and the minimum prices specified in the marketing agreement and the order, as hereby proposed to be amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Twin City Producers Association, Dutch Mill Dairy, Inc., The Minneapolis Milk Dealers Association, and the Aerated Products Company of Minnesota. The briefs contain statements of fact, conclusions and argument with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions contained in the briefs are inconsistent with the proposed findings and conclusions contained herein the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

The effectuation of the findings and conclusions hereinbefore set forth will require changes in many of the sections of the marketing agreement and the order. Accordingly, the agreement and order are being completely rewritten to incorporate such changes. No substantive changes are being made except as indicated in the findings and conclusions set forth in this decision.

Recommended marketing agreement and order. The following revision of the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed revision of the marketing agreement is not repeated in this decision because the regulatory provisions thereof would be the same as those contained in the following revision of the order.

§ 973.1 *Definitions.* The following terms shall have the following meaning:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(d) "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Robbindale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

(e) "Pool plant" means any milk processing plant during any delivery period within which skim milk or butterfat (1) is disposed of as Class I milk from such plant on wholesale or retail routes (including plant stores) within the marketing area, (2) is tansferred as Class I milk from such plant to a plant described in subparagraph (1) of this paragraph unless such transfer is made only during the months of August to November, inclusive, or (3) is transferred as Class I milk from such plant to a plant described in subparagraph (2) of this paragraph unless such transfer is made only during the months of August to November, inclusive. Any such plant shall continue to be a "pool plant" during any delivery period in which skim milk or butterfat is transferred as Class I milk from such plant to another pool plant until August 1 of the year following that in which such transfer was last made.

(f) "Non pool plant" means any milk processing plant during any delivery period when such plant does not meet the requirements set forth in paragraph (e) of this section. Any such plant shall become a "pool plant" during any delivery period within which it meets the requirements set forth in paragraph (e) of this section.

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

(h) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly from such person's farm at a pool plant.

(i) "Handler" means any person, irrespective of whether such person is also a producer, in his capacity as the operator of a pool plant.

(j) "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

(k) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(l) "Marketing Administrator" means the person designated pursuant to § 973.2 as the agency for the administration hereof.

(m) "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

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

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof;

(3) Recommend to the Secretary amendments hereto;

(4) Make rules and regulations to effectuate the terms and provisions hereof.

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

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary, a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 973.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.10;

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (i) made reports pursuant to § 973.3 or (ii) made payments pursuant to § 973.8; and may at any time thereafter so disclose any such name if authorized by the Secretary;

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

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

§ 973.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 8th day of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all skim milk and butterfat, except that in non-fluid milk products disposed of in the form in which received without further processing or packaging, received by him at each pool plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(1) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production), producer-handlers, pool plants and nonpool plants and the sources thereof;

(2) The utilization of all skim milk or butterfat disposed of;

(3) The quantities of skim milk and butterfat on hand at the beginning and end of such delivery period; and

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

(b) *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(c) *Reports as to producers.* Each handler, upon the request of the market administrator, shall, on or before the 25th day of each delivery period submit to the market administrator such handler's producer pay roll for the preceding period which shall show for each producer (1) the total pounds of milk delivered with the average butterfat test thereof, and (2) the net amount of such handler's payments to such producer or to a cooperative association together with the prices, deductions, and charges involved.

(d) *Records and facilities.* Each handler shall permit the market administrator to make such examination of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (1) the receipts and utilization in whatever

form of all skim milk and butterfat received, including non-fluid milk products disposed of in the form in which received without further processing or packaging; (2) the weights and tests for butterfat and for other content of all skim milk or butterfat handled, (3) payments to producers and cooperative associations, and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour including a mixture of cream and milk or skim milk containing less butterfat than the legal standard for cream), eggnog, aerated cream, ready whipped cream, and mixes for toppings, icings, and uses similar to those of whipped cream, all skim milk and butterfat not specifically accounted for pursuant to subparagraph (2) of this paragraph and all shrinkage allocated to Class I milk pursuant to paragraph (c) (3) and (4) of this section.

(2) Class II milk shall be all skim milk disposed of as animal feed and all skim milk and butterfat: (i) Used to produce a milk product other than those specified in subparagraph (1) of this paragraph, (ii) in shrinkage of receipts from nonpool plants, and (iii) in shrinkage of receipts directly from producers' farms which has been allocated to Class II pursuant to paragraph (c) (3) of this section.

(c) *Shrinkage.* The market administrator shall allocate shrinkage over each handler's receipts as follows:

(1) Compute separately the total shrinkage of skim milk and butterfat.

(2) Prorate the resulting amounts respectively between the receipts of skim milk and butterfat directly from producers' farms and from nonpool plants.

(3) Prorate the shrinkage of skim milk and butterfat respectively allocated to skim milk and butterfat received directly from producers' farms, up to 1 percent of such receipts, over the handler's Class I and Class II utilization of skim milk and butterfat received directly from producers' farms.

(4) Add to the handler's Class I utilization of skim milk and butterfat respectively any shrinkage allocated to skim milk and butterfat received directly from producers' farms in excess of 1 percent of such receipts.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise.

(2) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

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

(1) As Class I milk if transferred in the form of milk, skim milk, or cream to another handler (other than a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided,* That, if either or both handlers have received skim milk or butterfat from a nonpool plant, the skim milk or butterfat transferred from a pool plant shall be classified at both plants so as to return the highest class utilization to milk of producers.

(2) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(3) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (i) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and the person who received such milk, on or before the 8th day after the end of the delivery period within which such transfer occurred, (ii) the nonpool plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for the purpose of verification, and (iii) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in the remaining class.

(4) As Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream to a non pool plant located more than 100 miles from the marketing area.

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

(g) *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage allocated to Class II pursuant to paragraph (c) (3) of this section.

(ii) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk received from non pool plants: *Provided,* That if the receipts from non pool plants are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I.

(iii) Subtract from the remaining pounds of skim milk in each class, respectively, the pounds of skim milk received from other pool plants in accordance with its classification as determined pursuant to paragraph (e) (1) of this section.

(iv) Add to the remaining pounds of skim milk in Class II the amount subtracted pursuant to subdivision (i) of this subparagraph.

(v) If the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from Class II; *Provided,* That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted, an amount equal to the difference shall be subtracted from Class I.

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

(3) Determine, respectively, the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to subparagraphs (1) and (2) of this paragraph.

§ 973.5 *Minimum prices*—(a) *Class prices.* Each handler shall, subject to the provisions of paragraphs (c) and (d) of this section, pay at the time and in the manner set forth in § 973.8 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant.

(1) *For Class I milk.* The price shall be the basic price determined pursuant to paragraph (b) of this section plus 50 cents during the delivery periods of January to June, inclusive; plus 70 cents during the delivery periods of July and December; and plus $1.00 during the delivery periods of August to November, inclusive.

(2) *For Class II milk.* The price shall be that determined by the market administrator as follows: (i) Multiply by 3.5 the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period in which such milk was received and add 20 percent thereof; (ii) multiply by 7.7 the average price of spray and roller process non fat dry milk solids for human consumption, in carlots f. o. b. manufacturing plants as reported for the Chicago area by the De-

partment of Agriculture for the delivery period during which the milk was received; (iii) add into one sum the amounts obtained in subdivisions (i) and (ii) of this subparagraph; and (iv) subtract 42 cents therefrom.

(b) *Basic prices.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to paragraph (a) (2) of this section or that derived from either of the formulas set forth in subparagraphs (1) and (2) of this paragraph, whichever is the highest.

(1) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations

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

(2) (i) Multiply the average wholesale price per pound of 93-score butter at New York for said delivery period as reported by the Department of Agriculture by six (6); (ii) add 2.4 times the weekly prevailing price of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange, the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this subparagraph; (iii) divide the resulting sum by seven (7); (iv) add 30 percent thereof; and (v) multiply the resulting sum by 3.5.

(c) *Location differential to handlers.* With respect to milk purchased or received at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul and which is classified as Class I milk, the price per hundredweight computed pursuant to paragraph (a) (1) of this section shall be reduced one cent for each full mile that such plant is more than 15 miles distant from such Viaduct. Such deduction shall be based on the shortest highway distance from such pool plant as determined by the market administrator.

For purpose of this paragraph the milk which is classified as Class I milk during each delivery period shall be considered to have been first that which was received from producers at such handler's pool plants located within the marketing area, and then that milk which was received from producers at such handler's other pool plants located nearest to the marketing area.

(d) *Butterfat differentials to handlers.* (1) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to paragraph (a) (1) of this section for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 25 percent and divide the sum obtained by 10.

(2) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to paragraph (a) (2) of this section for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 20 percent and divided the sum obtained by 10.

(e) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *And provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 973.6 *Application of provisions*—(a) *Application to producer-handlers.* Sections 973.4, 973.5, 973.7, 973.8, 973.9 and 973.10 shall not apply to the handling of milk by producer-handlers.

(b) *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.1 (j), as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) *Sales of milk by a producer-handler.* A producer-handler who sells or disposes of skim milk or butterfat other than in packaged form to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

(d) *Handlers who receive milk from two groups of producers.* In the case of a handler who is required by any health authority in the marketing area to separate his producers into two groups and to receive and handle separately the milk received from each group, the market administrator shall compute a uniform price for each group of producers in the manner provided in § 973.7, if the handler files separate reports for each group, and the milk is handled in such a manner and the records of the handler are so kept that the market administrator can verify the utilization of the milk received from each group.

§ 973.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk received from producers.* The value of the milk received directly from producers' farms during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class price and adding together the resulting amounts: *Provided,* That if any skim milk has been subtracted pursuant to § 973.4 (g) (1) (v), or if any butterfat has been similarly subtracted, there shall be added to the above value an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

(b) *Computation of the uniform price for each handler.* The market administrator shall compute the uniform price per hundredweight for milk purchased or received directly from producers' farms during the delivery period by each handler as follows:

(1) To the value computed pursuant to paragraph (a) of this section add an amount equal to the total value of the location differentials computed pursuant to § 973.8 (c).

(2) From the sum obtained in subparagraph (1) of this paragraph subtract, if the average butterfat content of all milk received by such handler directly from producers' farms is more than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differ-

ential computed pursuant to § 973.8 (b) and multiply the result by the total hundredweight of milk received directly from producers' farms.

(3) Adjust the resulting sum by an amount representing the fraction used in adjusting the uniform price for the previous delivery period to the nearest cent.

(4) Divide the result by the total hundredweight of milk received directly from producer's farms.

(5) Adjust the resulting figure to the nearest cent. This shall be known as the uniform price per hundredweight for each handler for milk of 3.5 percent butterfat content delivered to the marketing area.

(c) *Announcement of class prices.* On or before the 6th day after the end of the delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to § 973.5 (a) and the butterfat differentials computed pursuant to § 973.5 (d) and § 973.8 (b).

(d) *Announcement of uniform prices.* On or before the 15th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform prices computed pursuant to paragraph (b) of this section.

§ 973.8 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payment as follows:

(1) On or before the 20th day after the end of the delivery period in which the milk was received, to each producer for milk not caused to be delivered directly from such producer's farm to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 973.7 (b), subject to the differentials set forth in paragraphs (b) and (c) of this section.

(2) On or before the 15th day after the end of the delivery period in which the milk was received, to a cooperative association for milk which it caused to be delivered directly from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) of this paragraph, and less the amount of the payment made pursuant to subparagraph (4) of this paragraph.

(3) On or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received, to a cooperative association for skim milk or butterfat purchased or received from such cooperative association at not less than the class prices computed pursuant to § 973.5 (a), subject to the differentials set forth in § 973.5 (c) and (d), and less the amount of the payment made pursuant to subparagraph (4) of this paragraph.

(4) On or before the 20th day of the delivery period in which such skim milk and butterfat was received, to a cooperative association, if it so requests, for skim milk and butterfat which was purchased or received from such cooperative association and for skim milk and butterfat which such cooperative association caused to be delivered directly from producers' farms to the plant of such handler during the first 15 days of such delivery period at the approximate value of skim milk or butterfat.

(b) *Butterfat differential to producers.* If during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payments prescribed in paragraphs (a) (1) and (2) of this section shall add to the uniform price per hundredweight payable to such producer for each one-tenth of 1 percent butterfat content in milk above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent of butterfat content in milk below 3.5 percent not more than an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

(c) *Location differential to producers.* In making payment pursuant to paragraphs (a) (1) and (2) of this section for milk received from producers at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, each handler shall deduct from the uniform price payable to such producers an amount equal to one cent per hundredweight for each full mile that the plant where such milk was received is more than 15 miles distant from such Viaduct.

(d) *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected in such manner as the market administrator shall determine to be equitable, either by (1) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (2) by addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 973.7 (a).

(e) *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of the milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraph (a) and (d) of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.10, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 973.9 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the 18th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

§ 973.10 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 973.8 shall make a deduction of 2 cents per hundredweight or such lesser deductions as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market informatoin to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

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

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

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

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further

acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Filed at Washington, D. C., this 2d day of August 1948.

[SEAL] J. I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-7097; Filed, Aug. 5, 1948; 8:51 a. m.]

[7 CFR, Part 975]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Correction

In F. R. Doc. 48-6856, appearing in the issue for Friday, July 30, 1948, the following changes should be made:

1. On page 4395, under *Preliminary statement*, the word "pant," in the third line of paragraph (4) should read "plant."

2. On page 4397, in the seventeenth line, of the second undesignated paragraph under paragraph (4), the word "manufacturers" should read "manufacture."

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9101]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of revised tentative allocation plan for Class B FM broadcast stations to change allocations to Toccoa, Georgia; Griffin, Georgia; Chattanooga, Tennessee; Muscle Shoals, Alabama; Albany, Georgia; and Asheville, North Carolina; Docket No. 9101.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations to the following extent: Channel No. 291 will be deleted from allocation to Griffin, Georgia, and Channel No. 271 will be substituted therefor; Channel No. 271 will be deleted from allocation to Chattanooga, Tennessee and Channel No. 275 will be substituted therefor; Channel No. 275 will be deleted from allocation to Muscle Shoals, Alabama and Channel No. 300 will be substituted therefor; Channel No. 271 will be deleted from allocation to Albany, Georgia and Channel No. 262 will be substituted therefor; Channel No. 291 will be deleted from allocation to Asheville, North Carolina and Channel No. 251 will be substituted therefor; and Channel No. 275 will be deleted from allocation to Toccoa, Georgia and Channel No. 291 will be substituted therefor.

3. Authority for the adoption of said amendment is contained in sections 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission, on or before August 27, 1948, a written statement or brief setting forth his comments. The Commission will consider all comments that are received before taking final action in the matter, and if any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 29, 1948.

Released: July 30, 1948.

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

[F. R. Doc. 48-7103; Filed, Aug. 5, 1948; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 48-34]

APPROVAL OF EQUIPMENT

CORRECTION OF PRIOR DOCUMENT

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

CLEANING PROCESSES FOR LIFE PRESERVERS

NOTE: Where buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/12/0, Rightway cleaning process for kapok life preservers with permanently installed buoyant inserts as outlined in letter of May 10, 1948 from the Rightway Mattress Co., 475 Long Beach Boulevard, Long Beach, N. Y.

Approval No. 160.006/13/0, Magaril cleaning process for kapok life preservers with permanently installed buoyant inserts as outlined in letter of May 27, 1948 from Magaril, Inc., Bordentown, N. J.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.006-4).

BUOYANT CUSHIONS, STANDARD

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

Approval No. 160.007/72/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, manufactured by Zatz Upholstering, 801 Atlantic Avenue, Atlantic City, N. J.

Approval No. 160.007/73/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, manufactured by the Leather Specialty Co., 10 Devereux Street, Utica 2, N. Y.

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

BUOYANT APPARATUS

Approval No. 160.010/15/0, Buoyant apparatus, solid balsa wood, 20-person capacity, Dwg. No. MDC-CG-38, dated

June 7, 1948, rev. June 25, 1948, manufactured by Modecraft Co., Inc., 300 Wyckoff Avenue, Brooklyn 27, N. Y.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 37.1–1, 59.54a, 60.47a, 76.51a)

WINCH, LIFEBOAT

Approval No. 160.015/46/0, Type WH–10, Size 6 lifeboat winch for use with mechanical davits; fitted with wire rope not greater than ½ inch in diameter and with not more than 6 wraps of the falls on the drums, approved for maximum working load of 6000 pounds at the drums (3000 pounds per fall), identified by General Arrangement Dwg. No. 1113–D–3 dated January 20, 1948, submitted by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1–5, 59.3a, 60.21, 76.15a, 94.14a)

LIFEBOATS

Approval No. 160.035/181/0, 22.0′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat, 31-person capacity, identified by Construction and Arrangement Dwg. No. 3196 dated December 15, 1947, submitted by Welin Davit and Boat Division of the American Steel & Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/220/0, 26.0′ x 9.0′ x 3.83′ aluminum, motor-propelled lifeboat without radio cabin, 46-person capacity, identified by construction and arrangement Dwg. No. 3208 dated April 10, 1948, submitted by Welin Davit and Boat Division of the American Steel & Copper Industries, Inc., Perth Amboy, N. J.

(R. S. 4417a, 4426, 4481, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1–1, 59.13, 76.16, 94.15, 113.10)

SOUND POWERED TELEPHONE EQUIPMENT

Approval No. 161.005/1/1, Sound powered telephone station, selective ringing, common talking, 17 stations maximum, bulkhead mounting, splashproof, Dwg. No. 70–523–1, Alt. 3, manufactured by Henschel Corp., Amesbury, Mass. (This approval supersedes previous approval No. 161.005/1/0 published in the FEDERAL REGISTER of July 31, 1947.)

Approval No. 161.005/2/1, Sound powered telephone station, selective ringing, common talking, 8 stations maximum, bulkhead mounting, splashproof, Dwg. No. 70–523, Alt. 4, manufactured by Henschel Corp. Amesbury, Mass. (This approval supersedes previous approval No. 161.005/2/0 published in the FEDERAL REGISTER of July 31, 1947.)

Approval No. 161.005/3/1, Sound powered telephone station assembly, selective ringing, common talking, 8 and 17 stations maximum, waterproof, Dwg. No. 70–526, Alt. 1, manufactured by Henschel Corp., Annesbury, Mass. (This approval supersedes previous aproval No. 161.005/3/0 published in the FEDERAL REGISTER of July 31, 1947.)

Approval No. 161.005/4/1, Sound powered telephone station relay, for operation with hand generator, non-locking, slashproof, Dwg. No. 60–162, Alt. 3, manufactured by Henschel Corp., Amesbury, Mass. (This approval supersedes previous approval No. 161.005/4/0 published in the FEDERAL REGISTER of July 31, 1947.)

Approval No. 161.005/5/1, Sound powered telephone station relay, for operation with hand generator, manual release, splashproof, Dwg. No. 60–164, Alt. 3, manufactured by Henschel Corp., Amesbury, Mass. (This approval supersedes previous approval No. 161.005/5/0 published in the FEDERAL REGISTER of July 31, 1947.)

(R. S. 4417a, 4418, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 1333, 50 U. S. C. 1275; 46 CFR 32.9–4, 63.11, 79.12, 97.14, 116.10)

BOILERS, POWER

Approval No. 162.002/78/0, Type H–B Two-Drum bent tube waste heat boiler, integrally fired with an oil burner, Casing Arrangement Dwg. No. H54–452, Boiler Piping Arrangement Dwg. No. H512–452, manufactured by Heilman Boiler Works, Front and Linden Streets, Allentown, Pa.

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

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/30/0, Oceco Type E–21–B flame arrester, cast iron body, extensible bank assembly, aluminum plates, bolted end covers, Dwg. No. HOC–195 dated June 30, 1948, approved for sizes 3″, 4″, 6″, 8″, and 10″, for use with inflammable or combustible liquids of Grade A or lower grades, manufactured by The Johnston & Jennings Co., 877 Addison Road, Cleveland, Ohio.

(R. S. 4417a, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR 30.3)

PRESSURE VACUUM RELIEF VALVES

Approval No. 162.017/6/1, Oceco Type T pressure vacuum relief valve, weight loaded, atmospheric pattern, outlets fitted with flame screens, cast iron body, aluminum valves and guide rods, spindle-guided valves, without flame snuffer, Dwg. No. 12811 dated June 8, 1948, approved for sizes 3″ and 4″ for use with inflammable or combustible liquids of Grade A and lower grades, manufactured by The Johnston & Jennings Co., 877 Addison Road, Cleveland, Ohio. (This approval supersedes previous Approval No. 162.017/6/0 published in the FEDERAL REGISTER of July 31, 1947.)

Approval No. 162.017/55/0, Oceco Type V–113 pressure-vacuum relief valve, weight loaded, atmospheric pattern, outlets fitted with flame screens, semi-steel body, aluminum valves and guide rods, spindle-guided valves, without flame snuffer, Dwg No. FOC–69 dated June 30, 1948, approved for sizes 3″, 4″, 6″, 8″, 10″, and 12″ for use with inflammable or combustible liquids of Grade A and lower grades, manufactured by The Johnston & Jennings Co., 877 Addison Road, Cleveland, Ohio.

(R. S. 4417a, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR 32.7–4)

GAS RANGES USING PROPANE OR BUTANE GASES

Approval No. 162.020/4/0, Magic Chef gas range, Model No. 1000–14, using liquefied petroleum gas, tested and approved by the American Gas Association, certificate of approval No. 11–22–4.801 issued January 5, 1948, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo.

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 32.9–11, 61.25, 77.24, 95.24, 114.25)

DECK COVERING

Approval No. 164.006/36/0, "Kompoflex" magnesite terrazzo type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–88; FR 1978, dated July 1, 1942, and modified in accordance with letter from Kompolite Co., Inc., dated May 28, 1948, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾ inch thickness, manufactured by Kompolite Co., Inc., 111–115 Clay Street, Greenpoint, Brooklyn 22, N. Y.

(R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 164.006)

INCOMBUSTIBLE MATERIAL

Approval No. 164.009/17/0, "Knipplite" plaster type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610–1522: FP2631 dated June 25, 1948, manufactured by Knipp & Co., Inc., 29 Broadway, New York 6, N. Y.

(R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144)

LIFE PRESERVERS, CORK AND BALSA WOOD (JACKET TYPE)

Approval No. A–348, Standard adult cork life preserver, manufactured by Southern Pacific Co., 65 Market Street, San Francisco 5, Calif.

Approval No. A–349, Standard child cork life preserver, manufactured by Southern Pacific Co., 65 Market Street, San Francisco 5, Calif.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 28.4–1, 33.6–1, 59.55, 60.48, 76.52, 94.52, 113.44)

CORRECTION OF PRIOR DOCUMENT

Approval No. 160.031/2/0, published in Coast Guard Document CGFR 47-38, Federal Register Document 47-7118, filed July 30, 1947 and published in the FEDERAL REGISTER dated July 31, 1947 (12 F. R. 5203) is corrected to read as follows:

Approval No. 160.031/2/0, Bridger, 45/70 caliber line-throwing gun, shoulder type, Dwg. No. H-102 dated September 26, 1945, manufactured by the Naval Co., Old Easton Highway, Doylestown, Pa.

Dated: July 30, 1948.

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

[F. R. Doc. 48-7113; Filed, Aug. 5, 1948; 8:54 a. m.]

[CGFR 48-35]

TERMINATIONS OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me, as Commandant, United States Coast Guard, by R. S. 4405 and 4491, as amended, 46 U. S. C. 375, 489, and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authorities cited in specific items below, I find that the lifeboat winch described below has not been tested as required by the regulations governing merchant vessels and the approval was published through an error and that the pressure vacuum relief valve described below is no longer being manufactured and, therefore, the following approvals are terminated:

WINCH, LIFEBOAT

Termination of Approval No. 160.015/45/0, Type CL 17.5 lifeboat winch, approved for maximum working load of 35,000 pounds pull at the drums (17,500 pounds per fall), identified by General Arrangement Dwg. No. CL-17.5-1 dated December 6, 1946, submitted by the Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1-5, 59.3a, 60.21, 76.15a, 94.14a)

PRESSURE VACUUM RELIEF VALVE

Termination of Approval No. 162.017/7/0, Oceco type "TC" pressure vacuum relief valve, weight loaded, atmospheric pattern, outlets fitted with flame screen, cast iron body, aluminum valve and guide rod, cage guided valves, Dwg. No. 9788-A dated December 6, 1945, approved for sizes 3" and 4" for use with inflammable or combustible liquids of Grade A and lower grades, manufactured by The Johnston & Jennings Co., 877 Addison Road, Cleveland, Ohio. Approval No. 162.017/7/0 was published in the FEDERAL REGISTER of July 31, 1947.

(R. S. 4417a, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR 32.7-4)

Dated: July 30, 1948.

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

[F. R. Doc. 48-7112; Filed, Aug. 5, 1948; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3322 et al.]

SERVICE TO AND FROM PECOS, TEX.

NOTICE OF HEARING

In the matter of a proceeding under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, to determine the need for service to and from Pecos, Texas, and certain applications for amendments of certificates of public convenience and necessity so as to include service to Pecos, Texas.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above-entitled proceeding is assigned for hearing on Tuesday, August 17, 1948, at 10:00 a. m. (Central standard time), in the Garden Room, Paso Del Norte Hotel, El Paso, Texas, before Examiner Curtis C. Henderson.

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

1. Whether the proposed service is required by the public convenience and necessity.

2. Whether the applicants are citizens of the United States and are fit, willing, and able to perform the service for which they are applying and to conform to the provisions of the act and the rules, regulations, and requirements of the Board promulgated thereunder.

Notice is further given that any person desiring to be heard in opposition to the above applications must file with the Board on or before August 17, 1948, a statement setting forth the issues of fact or law which he desires to contravert.

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

Dated at Washington, D. C., August 3, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-7132; Filed, Aug. 5, 1948; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9093]

AMERICAN CABLE AND RADIO CORP. ET AL.

ORDER INSTITUTING INVESTIGATION

In the matter of The American Cable and Radio Corporation, The Commercial Cable Company, Mackay Radio and Telegraph Company, and All America Cables & Radio, Inc.; applicability of section 314 of the Communications Act of 1934, as amended.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1948;

The Commission, having under consideration its letter dated April 28, 1948, to the American Cable and Radio Corporation and certain of its operating subsidaries, namely, The Commercial Cable Company, Mackay Radio and Telegraph Company, and All America Cables & Radio, Inc., requesting a full and complete statement of the position of these companies with respect to the applicability of section 314 of the Communications Act of 1934, as amended, to the American Cable and Radio Corporation system organization and operations; and the statement filed May 24, 1948, by the American Cable and Radio Corporation and the three operating subsidiaries in response to the above letter of April 28, 1948; and also having under consideration a formal complaint (Docket No. 8933) filed by the American Communications Association, CIO, et al., on April 13, 1948, against the aforementioned companies, and the answer filed by the said companies on May 24, 1948, to such complaint;

It appearing, that the Commission, upon examination of the statement of the American Cable and Radio Corporation and its three operating subsidiaries in response to the aforementioned letter from the Commission, and of the abovementioned formal complaint and answer thereto, is of the opinion that there should be a further investigation on the Commission's own motion, with respect to the applicability of section 314 of the Communications Act of 1934, as amended, to the organization, ownership, control and operations of the American Cable and Radio Corporation system;

It is ordered, That, pursuant to section 403 of the Communications Act of 1934, as amended, an investigation is instituted, on the Commission's own motion, into the applicability of section 314 of the Communications Act of 1934, as amended, to the organization, ownership, control and operations of the American Cable and Radio Corporation system, including the common ownership, control and operation of The Commercial Cable Company, Mackay Radio and Telegraph Company, and All America Cables & Radio, Inc.;

It is further ordered, That, without in any way limiting the scope of the above investigation on the Commission's own motion, it shall include inquiry into the following specific matters:

(1) The nature of the present and contemplated organization, ownership, control and operations of the American Cable and Radio Corporation system;

(2) The extent to which the operations of The Commercial Cable Company, Mackay Radio and Telegraph Company and All America Cables & Radio, Inc., have been consolidated, or will be consolidated as a result of existing plans;

(3) The extent to which the common ownership, control and operation of the American Cable and Radio Corporation, The Commercial Cable Company, Mackay Radio and Telegraph Company and All America Cables & Radio, Inc., affect competition in international telegraph communications generally, and competition between international cable companies and international radiotelegraph companies specifically;

(4) Whether the ownership, control, or operation of cable and radio companies, facilities, or systems within the

American Cable and Radio Corporation system constitutes in any way a violation of section 314 of the Communications Act of 1934, as amended;

(5) The extent to which competition in international telegraph communications generally, and competition between international cable companies and international radiotelegraph companies, specifically, would be affected if the common ownership, control and operations of the American Cable and Radio Corporation system companies were to be terminated; and

(6) The appropriate action to be instituted by the Commission in the event it should be determined that the organization, ownership, control or operations of the American Cable and Radio Corporation system, including the common ownership, control and operation of The Commercial Cable Company, Mackay Radio and Telegraph Company and All America Cables & Radio, Inc., are in violation of said section 314;

It is further ordered, That American Cable and Radio Corporation, The Commercial Cable Company, Mackay Radio and Telegraph Company and All America Cables & Radio, Inc., are made parties respondent herein; and RCA Communications, Inc., Commercial Pacific Cable Company, The Western Union Telegraph Company, Mexican Telegraph Company, Tropical Radio Telegraph Company, Press Wireless, Inc., Globe Wireless, Ltd., Radiomarine Corporation of America, United States-Liberia Radio Corporation, South Porto Rico Sugar Company, Cables and Wireless (W. I.) Ltd., The French Telegraph Cable Company and American Telephone and Telegraph Company are made parties herein;

It is further ordered, That a copy of this order shall be served upon American Communications Association–CIO, Joseph P. Selly and Lawrence F. Kelly; and the above-named organization and persons are given leave to intervene and participate fully in the proceedings herein;

It is further ordered, That hearings herein shall be held at the offices of the Commission in Washington, D. C. beginning at 10:00 a. m. on the 18th day of October, 1948; and

It is further ordered, That Commissioner Paul A. Walker is assigned to preside at the hearings, and otherwise to conduct the proceedings herein, and to prepare and submit a report thereon.

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

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

[F. R. Doc. 48–7108; Filed, Aug. 5, 1948; 8:53 a. m.]

[Docket Nos. 9102, 9103]

PAYNE COUNTY BROADCASTERS AND CUSHING BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of William Howard Payne tr/as Payne County Broadcasters, Cushing, Oklahoma, Docket No. 9103, File No. BP–6819; Otto H. Lachenmeyer d/b as Cushing Broadcasting Company, Cushing, Oklahoma, Docket No. 9102, File No. BP–6594; for construction permits.

At a session of the Federal Comunications Commission, held at its offices in Washington, D. C., on the 29th day of July 1948;

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station at Cushing, Oklahoma to operate on the frequency 1600 kc. with 500 w power, daytime only.

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 applicants 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 operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program 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 stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

6. To determine whether the installation and operation of 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.

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

[F. R. Doc. 48–7104; Filed, Aug. 5, 1948; 8:52 a. m.]

[Docket Nos. 9104, 9105]

DUNKIRK BROADCASTING CORP. AND AIRWAVES, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Dunkirk Broadcasting Corporation, Dunkirk, New York, Docket No. 9104, File No. BP–6241; Airwaves Incorporated, Jamestown, New York, WJOC, Docket No. 9105, File No. BP–6822; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of July 1948;

The Commission having under consideration the applications of Dunkirk Broadcasting Corporation requesting a permit to construct a new standard broadcast station in Dunkirk, New York to operate on the frequency 1410 kc, with 500 w power, unlimited time and of Airwaves Incorporated requesting a permit to change the facilities of Station WJOC Jamestown, New York from 1470 kc, 1 kw power, daytime only to 1410 kc, 1 kw power, unlimited time.

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

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

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

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

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

5. To determine whether the operation of the proposed station and of Station WJOC as proposed would involve objectionable interference each with the other or with the services proposed in the pending applications of Times Publishing Company (File No. BP–3773), Erie Broadcasting Company (File No. BP–5469), and/or Community Broadcasting Company (File No. BP–5562) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

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

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

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

[F. R. Doc. 48-7105; Filed, Aug. 5, 1948; 8:52 a. m.]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph #47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Mexican Change List No. 99, June 16, 1948.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
New	Villa Acuna, Coahuila	570 kilocycles, 500 w	D	II	Nov. 1, 1948
New	Mariano Escobedo, Jalisco	760 kilocycles, 500 w	D	III	Do.
XEO	Matamoros, Tamaulipas	970 kilocycles, 1 kw. (increase in power from 750 w. to 1 kw.).	U	III-B	Aug. 1, 1948
New	La Barca, Jalisco	1,090 kilocycles, 250 w. (modification of hours of operation).	D	II	
XETX	Casas Grandes, Chihuahua	1,400 kilocycles, 250 w. (modification of power; previously 250 w-N/500 w-D).	U	IV	

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

[F. R. Doc. 48-7107; Filed, Aug. 5, 1948; 8:53 a. m.]

MINNESOTA BROADCASTING CORP. (WTCN-TV)

ORDER PROVIDING OPPORTUNITY TO SHOW CAUSE

In the matter of Minnesota Broadcasting Corporation (WTCN-TV), Minneapolis, Minnesota, File No. BMPCT-243.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of July 1948;

The Commission having under consideration the construction permit issued to Minnesota Broadcasting Corporation authorizing the construction of a television broadcasting station at Minneapolis, Minnesota, as modified June 23, 1948 (BMPCT-243);

It appearing, that the Minnesota Tribune Company owns 50% of the issued and outstanding stock of the Minnesota Broadcasting Corporation; and

It further appearing, that the Minnesota Tribune Company owns approximately 14.6% of the issued and outstanding stock of the Minneapolis Star and Tribune Company which corporation owns all of the issued and outstanding stock of the Northwest Broadcasting Company; and

It further appearing, that on March 11, 1948, Northwest Broadcasting Company was granted a construction permit for a television broadcast station at Minneapolis, Minnesota, and that on March 30, 1948, the Commission adopted an Order making said grant subject to the condition that the Minnesota Tribune Company dispose of all of its stock interest in either the Minneapolis Star and Tribune Company or the Minnesota Broadcasting Corporation; and

It further appearing, that on April 20, 1948, Northwest Broadcasting Company filed a petition representing that it is unable to comply with the above condition for the reason that it does not control Minnesota Tribune Company; and

It further appearing, in the light of the foregoing that imposing the said condition upon the TV construction permits of both Northwest Broadcasting Company and the Minnesota Broadcasting Corporation would assist in effecting compliance therewith and would serve public interest, convenience and necessity;

It is ordered, That, pursuant to section 312 (b) of the Communications Act of 1934, as amended, and § 3.640 of the Commission's rules and regulations, the construction permit authorizing the construction of a TV broadcast station in Minneapolis, Minnesota by the Minnesota Broadcasting Corporation be, and it is hereby, modified and made subject to the condition that within 90 days from the effective date of this order the Minnesota Tribune Company dispose of all of its stock interest in either the Minneapolis Star and Tribune Company, or the Minnesota Broadcasting Corporation.

It is further ordered, That this order shall become effective August 27, 1948: *Provided, however,* That written application may be made to the Commission on or before August 20, 1948, for an opportunity to show cause, at a hearing before the Commission, why this order should not issue and upon the filing of such written application this order of modification shall stand suspended until the conclusion of said hearing.

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

[F. R. Doc. 48-7106; Filed, Aug. 5, 1948; 8:52 a. m.]

KEVR

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on July 23, 1948, there was filed with it an application (BAL-753) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KEVR, Albuquerque, New Mexico, from Intermountain Broadcasting Company, Inc., to Westernair, Inc. The proposal to assign the license and construction permit arises out of an agreement dated July 5, 1948, between Vincent Tudor, as agent, attorney and trustee of the Buyer, and Intermountain Broadcasting Company, Inc., pursuant to the terms of which agreement the Seller will transfer to the Buyer all of the property of Station KVER for a consideration of $50,000, of which $10,000 has been deposited in escrow with the Albuquerque National Bank as escrow agent. The balance of $40,000 will be paid in cash to Seller by the Buyer within fifteen days after notice of consent of the Federal Communications Commission. In the event that the Buyer shall fail to perform the agreement, the $10,000 deposited in escrow shall be paid to the Seller as liquidated damages. The Buyer has assumed the obligation of paying all station expenses and current operating liabilities incurred after July 5, 1948, on condition that the transfer is consummated with approval of said Commission. In consideration thereof Seller has agreed that all gross income from station operations after July 5, 1948, shall be used to pay station operating expenses, and any excess of income over expenses thereafter shall accrue until assignment is approved or disapproved by said Commission, and if approved, such excess shall then become the property of Buyer upon transfer. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on July 23, 1948 that starting on July 24, 1948 notice of the filing of the application would be inserted in a newspaper of general circulation at Albuquerque, New Mexico, in conformity with the above section.

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

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 24, 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. 48-7109; Filed, Aug. 5, 1948; 8:54 a. m.]

KRJM

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE[1]

The Commission hereby gives notice that on June 4, 1948, there was filed with it an application (BAPH-89) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KRJM, Santa Maria, California from Robert K. Hancock and Stanworth C. Hancock, d/b as Santa Maria Daily Times to John H. Poole. The proposal to assign the license arises out of a contract of April 3, 1948, as supplemented May 20, 1948 pursuant to which the assignor will assign the license and sell the station assets, as shown on an inventory attached to the agreements, for the sum of $13,000 in cash payable upon the closing date, provided the closing date is on or before August 1, 1948; for $13,750 in cash if the closing date is after August 1, 1948, and on or before September 1, 1948, for $14,500 in cash if the closing date is after September 1, 1948. The assignee agrees to escrow $10,000 with an escrow agent immediately upon execution of the agreement. The assignor agrees to pay all debts and obligations accrued to the closing date and will take all operating profits to the closing date. If the closing date occurs after September 1, 1948, assignor agrees to pay all debts and obligations accrued to September 30, 1948, and will assume all accounts receivable as of September 30, 1948. Assignor agrees not to incur any obligations in connection with the operation of the station extending beyond September 30, 1948. Assignor agrees to assign and transfer to assignee advertising contracts and certain contracts for services specified in the agreement, and the assignee assumes and agrees to perform such contracts from and after the closing date. Escrow and other expenses incurred in connection with the assignment are to be borne by the assignee. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on July 20, 1948, that starting on July 14, 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 July 14, 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. 48-7110; Filed, Aug. 5, 1948; 8:54 a. m.]

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

FEDERAL POWER COMMISSION

[Docket No. G-662]

SAM L. MILLER

NOTICE OF ORDER DISMISSING APPLICATION FOR LACK OF PROSECUTION

AUGUST 2, 1948.

Notice is hereby given that, on July 29, 1948, the Federal Power Commission issued its order entered July 27, 1948, dismissing, for lack of prosecution, the application for authority to export natural gas from Texas to Mexico in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-7094; Filed, Aug. 5, 1948; 8:47 a. m.]

[Docket No. G-935]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER DISMISSING APPLICATION

AUGUST 2, 1948.

Notice is hereby given that, on July 29, 1948, the Federal Power Commission issued its order entered July 27, 1948, in the above-designated matter, dismissing application for an order directing the Tennessee Gas Transmission Company to establish a physical connection of its transportation facilities with the facilities of the East Tennessee Natural Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-7093; Filed, Aug. 5, 1948; 8:47 a. m.]

[Docket No. G-1088]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

JULY 30, 1948.

Notice is hereby given that on July 20, 1948, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business of Shreveport, Louisiana, filed an application 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 approximately 3 miles of 2-inch pipeline extending from a point on Applicant's Lirette-Mobile main transmission pipeline, at approximately Mile Post No. 151, in a southerly direction to a point near the community of D'Iberville, Harrison County, Mississippi, together with a measuring and regulating station and appurtenant facilities, for the purpose of selling natural gas to United Gas Corporation for resale in said community of D'Iberville, Mississippi.

Applicant states that United Gas Corporation desires to install a distribution system in the unincorporated community of D'Iberville, Mississippi, for the sale and distribution of natural gas therein. United Gas Corporation has informed Applicant that initially it will serve approximately 385 customers in the said community. The estimated maximum daily demand for the fifth year of operation is approximately 430 Mcf. Applicant recites that at the operating pressures prevailing at the proposed point of connection on Applicant's Lirette-Mobile main transmission pipeline (approximately 425 p. s. i.), the proposed lateral will have an estimated maximum daily delivery capacity of approximately 1,394 Mcf.

Applicant states that it proposes to amend its contract with United Gas Corporation under which natural gas is being sold in the area of Biloxi, Mississippi, designated as Applicant's FPC Rate Schedule No. 46, so as to include in said contract service to said community of D'Iberville.

The estimated over-all capital cost of the proposed facilities is approximately $16,568, which amount Applicant proposes to finance from cash 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 § 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 reasons for such request.

The application of United Gas Pipe Line 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 and 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-7096; Filed, Aug. 5, 1948; 8:47 a. m.]

[Projects Nos. 1894 (Parr Shoals), 1895 (Columbia)]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF ORDER DETERMINING ACTUAL LEGITIMATE ORIGINAL COST, PRESCRIBING ACCOUNTING THEREFOR, AND AMENDING ORDER OF JUNE 12, 1947

AUGUST 2, 1948.

Notice is hereby given that, on July 30, 1948, the Federal Power Commission issued its order entered July 27, 1948, determining actual legitimate original cost, prescribing accounting therefor, and amending order of June 12, 1947, in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-7095; Filed, Aug. 5, 1948; 8:47 a. m.]

PHILIPPINE ALIEN PROPERTY ADMINISTRATION

[Bar Order 2]

PENDISAAN PLANTATION CO. ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, October 11, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 15th day of July 1948.

[SEAL] JAMES McI. HENDERSON,
Philippine Alien Property Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Pendisaan Plantation Co	Corporation organized under the laws of the Philippines, controlled by Japanese subjects.	Pantukan, Davao	P-52
Denki Kawano & Mitsko Kawano.	Japanese	120 Buencamino, San Miguel, Manila.	P-53
Imperial Japanese Government	do		P-54
Tokyo Asaito Boseki Kaisha, Ltd.	Corporation organized under the laws of Japan and having its principal place of business in Japan.	465 Leveriza, Pasay	P-55
Shigeru Nakashima and Natsu Nakashima.	Japanese	San Juan del Monte, Rizal.	P-56
Kokusai Shoji Kaisha, Ltd	Corporation organized under the laws of Japan and having its principal place of business in Japan.	Tubao, La Union	P-57
Toyo Menka Kaisha, Ltd	do	Los Banos, Laguna	P-58
Do	do	1621 Taft Ave., Manila	[1] P-58
Imperial Japanese Government	Japanese	Manila	P-59
Takeo Yoshida	do	86 Ortega St., San Juan, Rizal.	P-60
Osaka Boeki Kaisha, Inc	Corporation organized under the laws of the Philippines, controlled by Japanese.	Manila	P-61
National Rubber Goods Manufacturing Co.	Corporation organized under the laws of the Philippines; 72 percent of its capital stock registered in the names of Japanese.	2015 Luna Ave., Pasay, Rizal.	P-62
Toyo K. Scheerer	Japanese	2601 Taft Ave., Manila	P-63
Akamine Bros. Plantation Co	Corporation organized under the laws of the Philippines; 99 percent of its capital stock registered in the names of Japanese.	Bunawan, Davao City	P-64
Biao Plantation Co	Corporation organized under the laws of the Philippines, but controlled by Japanese.	Biao, Davao City	P-65
Heirs of the late Masayo Anamura.	Japanese	22-26 Espana, Sampaloc, Manila.	P-66
Heirs of Masayo Anamura; namely, Tetsuro, Tadashi, Kazuo and Tsutaka.	do	do	[1] P-66
Yoshiko Hayashi and Tsunekichi Kanaoka.	do	1230 Maria Cristina, Sampaloc, Manila.	P-67
Unknown Japanese or German Nationals.	Japanese or German		P-68
Do	do		[2] P-68

[1] Supplement.
[2] Amendment.

APPENDIX A—Continued

Name of debtor	Nationality	Last known address	Vesting order
Matsuyo Nagumo	Japanese	512 Padre Gomez St., Manila.	P-69
Tadasheiji Nakatsu-Kasa & Suga Nakatsukasa.	do	941-45 Lepanto, Sampaloc, Manila.	P-70
Hito Koppun Seizo Kabushiki Kaisha.	Corporation organized under the laws of, and having its principal place of business in Japan.	Corner Cavite and Gapan Sts., Juan Luna Subdivision, Tondo, Manila.	P-71
Japanese Free School Corp	Corporation organized under the laws of the Philippines, but controlled by Japanese.	Corner Lepanto and P. Campa Sts., Manila.	P-72
Ikichi Sugawara and Tomiko Sugawara.	Japanese	850 Morayta St., Manila	P-73
Cebu Japanese Association, Inc.	Corporation organized under the laws of the Philippines, but controlled by Japanese.	Cebu, Cebu	P-74
Imperial Japanese Navy	Japanese		P-75
S. Ashizawa	do	City of Davao, Davao	P-76
Mercedes Plantation Co	Corporation organized under the laws of the Philippines, but controlled by Japanese.	Mercedes, Zamboanga City.	P-77
Imperial Japanese Government	Japanese		P-78
Rice and Corn Administration	Instrumentality and/or agency of the puppet "Republic."	Manila	P-79
Mori Bicycle Store, Inc	Corporation organized under the laws of the Philippines; 99 percent of its capital stock is registered in the names of Japanese.	Rizal Ave., Manila	P-80
Do	Corporation organized under the laws of the Philippines; 99.7% of its capital stock is registered in the names of Japanese.	do	[2] P-80
Bato Plantation Co	Corporation organized under the laws of the Philippines, but controlled by Japanese.	Bato, Davao City	P-81
Kenjiru Furusho and Hama Kanazawa.	Japanese	690 Zamora St., Pasay, Rizal.	P-82
Sekisan Seiko Kabushiki Kaisha.	Corporation organized under the laws of and having its principal place of business in Japan.	Punta, Santa Ana, Manila	P-83
Talomo River Agricultural Co	Corporation organized under the laws of the Philippines, but controlled by Japanese.	Talomo, Davao City	P-84
Catalunan Agricultural Co	do	Catalunan Grande, Davao City.	P-85
Mulig Agricultural and Trading Co.	Corporation organized under the laws of the Philippines; 100 percent of its capital stock is owned by Japanese.	Dalliao, Davao City	P-86
Lahi River Plantation Co	Corporation organized under the laws of the Philippines, but controlled by Japanese.	Magnaga, Pantukan, Davao.	P-87
Bayabas Plantation Co	do	Bayabas, Davao City	P-88
Yoichiru Urakami and Hisako Urakami.	Japanese	530 San Luis, Manila	P-89
Masakichi Wakamatsu and Shi Zue Wakamatsu.	do	City of Davao	P-90
Unknown Japanese Nationals	do		P-91
Imperial Japanese Navy	do		[1] P-91
Shoichi Asai, Gin Asai, Kinishi Asai, and Suzuko Asai.	do	Guianga, Davao	P-92
Taneo Chikuchi	do	Davao City	P-93
Mitsubishi Shoji Kaisha, Ltd., etc.	Corporation organized under the laws of and having its principal place of business in Japan.	Manila	P-94
Do	do	do	[2] P-94
Tween River Plantation Co	Corporation organized under the laws of the Philippines, but controlled by Japanese.	Tagacpan, Davao City	P-95
North Talomo Plantation Co	do	Davao City	P-96
Matsuoka Development Co	do	Tagum, Davao City	P-97
Mataichi Oy	Japanese	Davao City	P-98
Imperial Japanese Government	do		P-99
Do	do		[1] P-99
Tagum Plantation Co	Corporation organized under the laws of the Philippines; 99 percent of its capital stock registered in the names of Japanese.	Tagum, Davao City	P-100

[F. R. Doc. 48-7115; Filed, Aug. 5, 1948; 8:55 a. m.]

[Bar Order 3]

MANAMBULAN DEVELOPMENT CO. ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, October 11, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 15th day of July 1948.

[SEAL] JAMES McI. HENDERSON,
Philippine Alien Property Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Manambulan Development Co.	Corporation organized under the laws of the Philippines, 100 percent of its capital stock is owned by Japanese.	Guianga, Davao City	P. 101
Mindanao Reclamation Co.	Corporation organized under the laws of the Philippines but controlled by Japanese nationals.	Taungcalan, Davao City	P-102
Arata Tsutsui & Katsuyo Kohtaki Tsutsui.	Japanese	2241-47 Azcarraga, Manila	P-103
Arata Tsutsui	do	do	[1] P-103
Piso Coconut & Cattle Ranch, Inc.	Corporation organized under the laws of the Philippines but controlled by Japanese nationals.	Lupon, Davao	P-104
Imperial Japanese Government or unknown Japanese nationals.	Japanese		P-105
Imperial Japanese Government	do		P-106
Panavo Plantation Co.	Corporation organized under the laws of the Philippines but controlled by Japanese.	Lasang, Davao	P-107
Yasaku Morokuma & Masuya Morokuma.	Japanese	Escario St., Davao City	P-108
South Mindanao Development Co.	Corporation organized under the laws of the Philippines, 100 percent of its capital stock is issued in the names of Japanese nationals.	Guianga, Davao City	P-109
Southern Davao Development Co.	do	Corner Legaspi and San Pedro Sts., Davao City.	P-110
Padada Agricultural Co.	do	Santa Cruz, Davao	P-111
Pangit Plantation Co.	do	Hijo, Tagum, Davao	P-112
Taiwan Tekkosho	Corporation organized under the laws of and having its principal place of business in Japan.	24 Bacood, Station Mesa	P-113
Mindanao Agricultural & Commercial Co.	Corporation organized under the laws of the Philippines but controlled by Japanese nationals.	Guianga, Davao City	P-114
Bunawan Plantation Co.	do	Bunawan, Davao City	P-115
Tagurano River Plantation Co.	do	Tagurano, Davao City	P-116
Seitaro Kanegae and Natsu Kanegae.	Japanese	1259 Pennsylvania, Manila.	P-117
Seitaro Kanegae	do	do	[1] P-117
Guianga Plantation Co.	Corporation organized under the laws of the Philippines, 99 percent of the shares registered in the names of Japanese nationals.	Biao, Davao City	P-118
Teisho Kohno and Kimiyo Kohno.	Japanese	250 Uli-Uli- San Miguel, Manila.	P-119
Do	do	do	[1] P-119
Nobuji Hayami and Husa Hayami.	do	1151 D. Singalong, Manila	P-120
Geichi Yasugami and Sakae Yasugami.	do	47 A. Bautista, Pasig River and Panaderos, Station Ana.	P-121
Hakodate Dock Co., Ltd.	Corporation organized under the laws of and having its principal place of business in Japan.	1-5 Cortabitarte, M. H. del Pilar, Manila.	P-122
Philippine Cotton Growing Association.	do	724 Kansas, Malate, Manila.	P-123
Do	do	do	[1] P-123
Shiegun Nakashima	Japanese	Unknown	P-124
Itakura Plantation	Corporation organized under the laws of the Philippines but controlled by Japanese.	Davao	P-125
Sirawan Plantation Co.	do	Sirawan, Davao City	P-126
Unknown Japanese	Japanese		P-127
T. Kosagi	do	1572 Arlegui St., San Miguel, Manila.	P-128
Fujijara (FNU)	do	1300 Pennsylvania, Manila.	P-129
Saburo Megata	do	364 Magallanes St., Interior, Davao City.	P-130
Yasomatsu Ando and Saha Ando.	do	1155 Santol, Manila	P-131
Y. Tatsuye and Seiko Tatsuye	do	Barrio Bago, Davao City	P-132
S. Moroi and Fusae Moroi	do	Kabacan, Cotabato	P-133
Estate of Chuji Murakami	do	Pantukan, Davao	P-134
Hideo Kojima	do	Davao City	P-135
Tatsujiro Takayama and Ima Takayama.	do	Magallanes St., City of Davao.	P-136
Nippon Yushi K. K.	Corporation organized under the laws of and having its principal place of business in Japan.	81 F. Ramos St., City of Cebu.	P-137
Imperial Japanese Government or unknown Japanese nationals.	Japanese		P-138
Philippine Bag Manufacturing Corp. (Hito Seitai Kabushiki Kaisha).	Corporation organized under the laws of the Philippines but controlled by Japanese nationals.	Pureza, Station Mesa, Manila.	P-139
Tsunesaburo Takekawa and Sawa Takekawa.	Japanese	Ma-a, Davao City	P-140
Do	do	Malagos, Guianga, Davao City.	[1] P-140
Tatsugo Kashiwabara	do	Corner San Pedro and Anda Sts., Davao City.	P-141
Ushi Goya, Uto Goya, and Kamego Thome.	do	Sirawan, Davao City	P-142
Daiwa Boseki Kaisha, Ltd.	Corporation organized under the laws of and having its principal place of business in Japan.	139 V. Mapa St., Station Mesa, Manila.	P-143
Do	do	Pureza, Station Mesa, Manila.	[1] P-143
Do	do	Vigan, Ilocos Sur	[1] P-143
Dalisao Plantation Co.	Corporation organized under the laws of the Philippines but controlled by Japanese nationals.	Tagluno, Guianga, Davao City.	P-144
Showa K. K.	Corporation organized under the laws of and having its principal place of business in Japan.	Aguilar, Pangasinan	P-145
Suechi Yamanaka	Japanese	Catalunan Pequeno, Davao City.	P-146
Imperial Japanese Government	do		[1] P-147
Do	do		[1] P-147
Do	do		[1] P-147
Estate of Kurt Gronke; Ursula, Olga, Hilde, Kurt and Rosemary, all surnamed Gronke.	Germans	Zamora St., Pandacan, Manila.	P-148
Tadashi Yabe and Matsu Yabe	Japanese	171 Gastambide, Sampaloc, Manila.	P-149
George E. Saikyo	do	Mango Road, San Francisco del Monte.	P-150

[1] Supplement.

[F. R. Doc. 48-7116; Filed, Aug. 5, 1948; 8:55 a. m.]

[Bar Order 4]

JUTARO INATOMI AND MATSUI INATOMI ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, October 11, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 15th day of July 1948.

[SEAL] JAMES McI. HENDERSON,
Philippine Alien Property Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Jutaro Inatomi and Matsui Inatomi.	Japanese	Poblacion, Davao City	P-151
Chuhei Mori and Natsu Mori	do	San Francisco del Monte, Quezon City.	P-152
Kame Nagamine	do	Wangan, Davao City	P-153
Shohei Kitajima and Rei Kitajima.	do	621 Pennsylvania, Manila	P-154
Hatsutaro Fujimoto	do	Bago, Davao City	P-155
Rudolf Francke and Elfrieda Francke.	German	8 1st St., New Manila, Quezon City.	P-156
Rudolf Francke	do	do	[1] P-156
Mitsui Bussan Kaisha, Ltd	Corporation organized under the laws of and having its principal place of business in Japan.	Insular Life Bldg., Manila	P-157
Tamezo Ohtsuka	Japanese	27 V. Ranudo St., Cebu City.	P-158
Taiwan Tekkosho	Corporation organized under the laws of and having its principal place of business in Japan.	Martires, Cebu City	P-159
Do	do	Plaridel, Bulacan	[1] P-159
George A. Vierich	German	7 Paterno Ave., San Juan, Rizal.	P-160
H. Horita	Japanese	Surigao	P-161
N. Aihara and others	do	Bontok, Mt. Province	P-162
John Danner and others	German	Manila	P-163
Maura Capistrano Hayashi and Tadakatsu Hayashi.	Japanese	Buenavista Extension, Zamboanga City.	P-164
Do	do	Lucena, Tayabas	[1] P-164
G. Egashira and Kama Egashira	do	Sinonoc, Zamboanga City	P-165
K. Kitahara and Shitue Kitahara.	do	Tarlanguit, Cawit, Zamboanga City.	P-166
Robert Lindner	German	Hirach Apotheke Lindau a/Badensee, Germany.	P-167
Felicitas Kiene and/or Frida Kiene.	do	Germany	P-168
Mitsui Bussan Kaisha, Ltd	Corporation organized under the laws of and having its principal place of business in Japan.	Araneta St., Bacolod City	P-169
Do	do	Davao	[1] P-169
Do	do	1475 Dagupan St., Manila	[1] P-169
Do	do	Bacolod, Negros Occidental.	[1] P-169
Manuel Plantation Co	Corporation organized under the laws of the Philippines but controlled by Japanese Nationals.	Tagacpan, Davao City	P-170
Kaichi Kazumori and Tanaka Kajumon.	Japanese	Zamboanga City	P-171
Manila Koryo Kagaku K. K., Ltd.	Corporation organized and existing under the laws of Japan.	Manila	P-172
Do	do	do	[2] P-172
Rokuro Tsukamoto and Chio Tsukamoto.	Japanese	Davao City	P-173
Kazuichi Nakasone	do	Tigatto, Davao City	P-174
T. Yamamoto and others	do	Tayuman St., Manila	P-175
Furukawa and others	do	305 P. Campa St., Manila	P-176
Tagum Trading Co., Inc	Corporation organized under the laws of and with principal office in the Philippines, but controlled by Japanese nationals.	Lugay-Lugay, Cotabato	P-177
Reichi Takahashi, under the trade-name "Takahashi and Co."	Japanese	P. Reyes and T. Claudio Sts., Zamboanga City.	P-178
Do	do	Corner Espana and Magallanes Sts., Cotabato, Cotabato.	[1] P-178
T. Y. Amano	do	940 Lepanto, Manila	P-179
K. Watanabe	do	Lamitan, Basilan Island, City of Zamboanga.	P-180
Jentaro Hanada & Sona Hanada	do	Zamboanga City	P-181
Yoshio Tagashira and others	do	Dagupan, Pangasinan	P-182
Senguen Nakasone and Matsuko Nakasone.	do	Davao City	P-183
Ajime Uno and Husako Yamagata.	do	San Juan del Monte, Rizal	P-184
Fukujin Arakaki and Takuzo Arakaki.	do	Sirawan, Davao City	P-185
Imperial Japanese Army	do		P-186
Do	do		P-187
Do	do		P-188
Do	do		[2] P-188
Do	do		P-189
Do	do		[2] P-189
Imperial Japanese Government	do		[1] P-189
Naojiro Takeuchi and Kuma Takeuchi.	do	San Pedro St., Davao City	P-190
Imperial Japanese Army	do		P-191
Lamitan Plantation Co., Inc	Corporation organized under the laws of the Philippines but controlled by Japanese.	Mangca Bingit, Basilan Island, Zamboanga City.	P-192
Toyohei Hayakawa and Japanese Ana Hayakawa.	Japanese	City of Baguio	P-193
Morizoo Kagawa and Mitsu Kagawa.	do	Pacific St., Espana Ext., Manila.	P-194
Tetuji Miki	do	Barrio San Nicolas, Tarlac, Tarlac.	P-195
Kanjiro Koyama and Chiyo Ishida.	do	Zamboanga City	P-196
Nobuhide Nishii and Yoshiko Nishii.	do	do	P-197
Mankayan Kogyo Sho	Corporation organized and existing under the laws of Japan.	Ursadan, Suyo, Ilocos Sur.	P-198
Do	do	do	[1] P-198
Yozo Kuruzo, alias Kurizo Yoso and Sueko Y. Kurizo and Sucho Kuruzu.	Japanese	10 Apo St., Quezon	P-199
Johann Bressan and others	German and Japanese	Soriano Bldg., Manila	P-200

[1] Supplement. [2] Amendment.

[F. R. Doc. 48-7117; Filed, Aug. 5, 1948; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

WALTER S. GRUBBS & CO.

ORDER PERMITTING NOTICE OF WITHDRAWAL OF REGISTRATION TO BECOME EFFECTIVE AND DISMISSING REVOCATION AND EXPULSION PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of July A. D. 1948.

In the matter of Walter S. Grubbs doing business as Walter S. Grubbs & Company, 601 East First National Bank Building, St. Paul, Minnesota.

Proceedings having been instituted pursuant to sections 15 (b) and 15A (*1*) (2) of the Securities Exchange Act of 1934 to determine whether the registration of Walter S. Grubbs, doing business as Walter S. Grubbs & Company, as a broker and dealer should be revoked, and whether registrant should be suspended or expelled from membership in the National Association of Securities Dealers, Inc., a registered securities association, or whether registrant's notice of withdrawal of registration should be permitted to become effective;

A hearing having been held after appropriate notice, the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, *It is ordered*, That the notice of withdrawal of registration as a broker and dealer of Walter S. Grubbs, doing business as Walter S. Grubbs & Company, be, and it hereby is, permitted to become effective; *And further ordered*, That the proceedings pursuant to sections 15 (b) and 15A (*1*) (2) of the act, to determine whether registration should be revoked and whether registrant should be suspended or expelled from membership in a registered securities association, be, and they hereby are, dismissed.

By the Commission.

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

[F. R. Doc. 48-7092; Filed, Aug. 5, 1948; 8:46 a. m.]

[File Nos. 54-97, 59-38, 59-73]

UNITED PUBLIC UTILITIES CORP. ET AL.

ORDER APPROVING PLAN

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

In the matter of United Public Utilities Corporation, applicant, File No. 54-97; United Public Utilities Corporation and its subsidiary companies, respondents, File No. 59-73; United Public Utilities Corporation and its subsidiary companies, respondents, File No. 59-38.

The Commission having instituted proceedings under sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935 with respect to United Public Utilities Corporation ("UPU"), a registered holding company, and its subsidiaries; and said proceedings having been consoli-

dated for the purpose of hearing with a proceeding relating to plans filed by UPU pursuant to section 11 (e) of the act;

The Commission and the District Court of the United States for the District of Delaware having approved and enforced on October 10, 1946, and November 20, 1946, respectively, a Partial Payment Plan, providing in substance for the distribution to the holders of the two series of preferred stock of UPU of a portion of the proceeds derived from the sale of two of UPU's subsidiaries by the payment of specified amounts as a partial payment on account of accumulated preferred dividend arrears and in reduction of stated capital, with a corresponding reduction in the dividend rates and modification of certain other rights of the preferred stocks, all modifications being effective as of October 1, 1945, and being subject, by express reservations of jurisdiction of the Commission and of the Court, to such adjustments, if any, which may be found by the Commission to be fair and equitable and approved by the Court;

The Commission and the District Court of the United States for the District of Delaware having approved and enforced on February 20, 1948, and March 12, 1948, respectively, Part I of an over-all three-part plan for the liquidation and dissolution of UPU;

UPU having filed, pursuant to section 11 (e) of the act, Part II and Part III of its over-all plan for its liquidation and dissolution, Part II proposing the retirement of UPU's preferred stock and a distribution to UPU's common stockholders in partial liquidation of UPU and Part III, the details of which are to be supplied by amendment, proposing the liquidation and dissolution of UPU;

Public hearings having been held in the consolidated proceedings after appropriate notice thereof, and the Commission, having considered the record and having issued its findings and opinion herein on July 15, 1948, finding that the proposed retirement of UPU's preferred stock and the distribution to UPU's common stockholders in partial liquidation of UPU are necessary to effectuate the provisions of section 11 (b), and that the proposed transactions would be fair and equitable to the persons affected thereby if Part II were modified to reflect an effective date of January 1, 1947, rather than October 1, 1945, for the Partial Payment Plan, and to provide for certain changes in notice and cut-off provisions, and that the liquidation and dissolution of UPU proposed in Part III is necessary to effectuate the provisions of section 11 (b);

UPU having modified Part II in accordance with said findings and opinion by an amendment duly filed with the Commission on July 21, 1948, which provides for the payment to the holders of UPU's $3.00 and $2.75 preferred stocks of $44.35 and $43.4875, respectively, per share, plus accrued and unpaid dividends thereon from January 1, 1948, to the effective date of Part II, as modified, at the adjusted annual rates of $2.04 and $1.87, respectively, per share, and for a distribution of $5.00 per share to the holders of UPU's common stock;

UPU having requested the Commission to approve Part II, as modified, and to apply to an appropriate District Court of the United States for an order approving and enforcing Part II, as modified; and the Commission finding that Part II, as so modified, is fair and equitable to the persons affected thereby and necessary to effectuate the provisions of section 11 (b);

It is ordered, Pursuant to the applicable provisions of the act, that Part II, as modified, be, and the same hereby is, approved subject to the terms and conditions specified in Rule U-24, and to the further condition that jurisdiction be and it hereby is reserved

(a) With respect to the payment of fees and expenses in connection with Part I, Part II and Part III of the over-all plan and the transactions incident thereto;

(b) To take such further action as the Commission may deem necessary or appropriate to secure compliance by UPU and its subsidiaries with sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the act;

(c) To entertain such further proceedings, to make such supplemental findings and to take such further action as may be appropriate in connection with Part II, as modified, and Part III, the transactions incident thereto, and the consummation thereof.

It is further ordered, That this order shall not be operative to authorize any of the transactions proposed in Part II, as modified, until an appropriate District Court of the United States, upon application duly made by the Commission, shall have entered an order enforcing Part II, as modified.

By the Commission.

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

[F. R. Doc. 48-7091; Filed, Aug. 5, 1948; 8:46 a. m.]

UNITED STATES MARITIME COMMISSION

ARNOLD BERNSTEIN LINE, INC.

NOTICE OF HEARING ON APPLICATION FOR OPERATING-DIFFERENTIAL SUBSIDY FOR OPERATION OF PASSENGER AND CARGO SERVICE ON TRADE ROUTE NO. 8

Notice is hereby given that a public hearing will be held in Room 4823, Commerce Building, Washington, D. C., beginning on August 30, 1948, at 10 o'clock a. m., (e. d. s. t.) before Examiner F. J. Horan upon an application dated March 8, 1948, of Arnold Bernstein Line, Inc., under Title VI of the Merchant Marine Act, 1936, for financial aid in the operation of vessels in the foreign commerce of the United States on Service 1 of Trade Route No. 8 (passenger and freight service, New York to Rotterdam, Antwerp, returning to New York via Boston as traffic offers).

The purpose of the hearing is to receive evidence relevant to determinations which the Commission is required, after hearing, to make pursuant to the provisions of section 605 (c) of the Merchant Marine Act, 1936.

The hearing will be conducted pursuant to the Commission's rules of procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to be heard at such hearing are requested to notify the Commission accordingly, on or before August 20, 1948.

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

By the Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 48-7111; Filed, Aug. 5, 1948; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 11465]

MRS. PROF. HERMAN GIESSLER AND LEONIE BIELEFELD GIESSLER

In re: Stock, certificate of beneficial interest, and participation receipt owned by Mrs. Professor Herman Giessler and Leonie Bielefeld Giessler.

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 Mrs. Professor Herman Giessler and Leonie Bielefeld Giessler, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) shares of $100 par value capital stock of Mercantile-Commerce Bank and Trust Company, Locust, Eighth and St. Charles Streets, St. Louis, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by a certificate numbered 5313, registered in the name of Mathilda A. Giessler, which shares are presently evidenced by a certificate numbered 22204, registered in the name of the Alien Property Custodian, together with all declared and unpaid dividends thereon,

b. Five (5) shares of no par value capital stock of Bank of Commerce Liquidating Company, St. Louis, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by a certificate numbered 2788, registered in the name of Mathilda A. Giessler, which shares are presently evidenced by a certificate numbered 5576, registered in the name of the Alien Property Custodian, together with all declared and unpaid dividends thereon,

c. Seventeen (17) shares of $100 par value capital stock of the Franklin-American Trust Company, St. Louis, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by a certificate numbered 442,

registered in the name of Mathilda A. Giessler, which shares are presently evidenced by a certificate numbered 3125, registered in the name of the Alien Property Custodian, together with all declared and unpaid dividends thereon,

d. Twelve (12) shares of common capital stock of the First National Bank of Clayton, Missouri, organized under the National Banking Laws, evidenced by a certificate numbered 30, registered in the name of Mathilda A. Giessler, which shares, together with five and one-seventh (5⅐) shares of common capital stock of the First National Bank of Clayton, Missouri, representing a stock dividend on the aforesaid twelve (12) shares of stock, are presently evidenced by certificates numbered 216 for twelve (12) shares, 249 for five (5) shares, and FSD 247 for one-seventh (⅐) of a share, registered in the name of the Alien Property Custodian, together with all declared and unpaid dividends thereon,

e. Eight and one-half (8½) shares of $100 par value common capital stock of the Land Title Insurance Company of St. Louis, Missouri, a Corporation organized under the laws of the State of Missouri, evidenced by a certificate numbered C 286, registered in the name of Mathilda A. Giessler, which shares are presently evidenced by a certificate numbered C 391, registered in the name of the Alien Property Custodian, together with all declared and unpaid dividends thereon,

f. That certain Certificate for Beneficial Interest representing two shares of $100 par value capital stock of the Mercantile-Commerce National Bank in St. Louis, Missouri, said certificate issued by the Mercantile-Commerce Bank and Trust Company, as agent for Trustees, Locust, Eighth and St. Charles Streets, St. Louis, Missouri, numbered 946, registered in the name of Mathilda A. Giessler, which two shares of stock are presently represented by Certificate for Beneficial Interest numbered 7171, registered in the name of the Alien Property Custodian, together with all rights thereunder and thereto, and,

g. That certain Participation Receipt representing twenty twelve thousandths (20/12000ths) of a fractional share of the Surplus Assets of Franklin Bank at time of consolidation with American Trust Company, said receipt issued by Franklin-American Trust Company, numbered 145, registered in the name of Mathilda A. Giessler, which twenty twelve thousandths of a fractional share of the aforesaid Surplus Assets is presently represented by Participation Receipt numbered 418, registered in the name of the Alien Property Custodian, together with all rights thereunder and thereto,

was transferred, assigned and delivered to the Alien Property Custodian by Clarence A. Zacher, Executor of the will of Mathilda A. Giessler, deceased, and was accepted by employees acting on behalf of the Alien Property Custodian on June 18, 1943;

3. That the property described in subparagraph 2 hereof was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

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.

[F. R. Doc. 48-7118; Filed, Aug. 5, 1948; 8:56 a. m.]

[Vesting Order 11525]

EMIL FELLRATH

In re: Stock and bond owned by Emil Fellrath. F-28-47-A-1, F-28-47-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 Emil Fellrath, whose last known address is 104 Haupstrasse, Newstadt, A-D Hardt, Pfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty (20) shares of $1.00 par value capital stock of Molybdenum Corporation of America, 500 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 424, registered in the name of Emil Fellrath, together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Molybdenum Corporation of America, 5 year 6% Debenture Bond of $20.00 face value, bearing the number 471, registered in the name of Emil Fellrath, and all rights to demand, enforce and collect the same, together with any and all rights in, to and under said bond,

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. 48-7119; Filed, Aug. 5, 1948; 8:56 a. m.]

[Vesting Order 11628]

ADOLPH CLAUSSEN

In re: Estate of Adolph Claussen, deceased. File No. D-66-1376; E. T. sec. 8628.

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 Mrs. Elsa Ameis, nee Elsie Claussen; Willie Claussen; Mrs. Grete Klemm, nee Minna Claussen; Carl Claussen; Christa Detlef Claussen; Adolph Claussen; Wilhelmina Jaeger; Elsa Claussen, nee Jaeger; George Jaeger; Alma Jaeger and Heinrich Jaeger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown, of Johanhes J. Claussen, deceased, and of Willie Claussen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

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

4. That such property is in the process of administration by Floyd E. Eckert, as administrator, acting under the judicial supervision of the County Court of the State of Illinois, in and for the County of McHenry;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown, of Johannes J. Claussen, deceased, and of Willie Claussen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on July 14, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7120; Filed, Aug. 5, 1948; 8:56 a. m.]

[Vesting Order 11675]

ROSINE BADER

In re: Rights of Rosine Bader under annuity contract. File No. D-28-8434-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 Rosine Bader, 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 an annuity contract evidenced by Policy No. 9559833, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Marie B. Goebel, 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 July 22, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7121; Filed, Aug. 5, 1948; 8:56 a. m.]

[Vesting Order 11679]

JOSABURO AND TAMI INADA

In re: Rights of Josaburo Inada and Tami Inada under insurance contract. File No. F-39-61-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 Josaburo Inada and Tami Inada, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 9,278,414, issued by the New York Life Insurance Company, New York, New York, to Josaburo Inada, 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, Josaburo Inada or Tami Inada, nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (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 July 22, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7122; Filed, Aug. 5, 1948; 8:56 a. m.]

[Vesting Order 11681]

UMEICHI KINOSHITA

In re: Rights of Umeichi Kinoshita under insurance contract. File No. F-39-2636-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 Umeichi Kinoshita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 282510, issued by The Canada Life Insurance Company, Toronto 1, Canada, to Umeichi Kinoshita, 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 (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 July 22, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7123; Filed, Aug. 5, 1948; 8:56 a. m.]

[Vesting Order 11683]

NATSU OSHIYAMA

In re: Rights of Natsu Oshiyama also known as Natsu Soyeda under insurance contract. File No. F-39-5822-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 Natsu Oshiyama, also known as Natsu Soyeda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15112562, issued by the New York Life Insurance Company, New York, New York, to Tozaburo Oshiyama, 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 (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 July 22, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7124; Filed, Aug. 5, 1948; 8:56 a. m.]

[Vesting Order 11684]

NOAHARU OTONASHI

In re: Rights of Noaharu Otonashi under insurance contract. File No. F-39-91-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 Noaharu Otonashi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 9 154 210, issued by the New York Life Insurance Company, New York, New York, to Noaharu Otonashi, 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 (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 July 22, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7125; Filed, Aug. 5, 1948; 8:56 a. m.]

[Vesting Order 11689]

YONE TSUJI

In re: Rights of Yone Tsuji under insurance contract. File No. F-39-4936-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 Yone Tsuji, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1048915, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Ainojo Tsuji, 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 (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 July 22, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7126; Filed, Aug. 5, 1948; 8:57 a. m.]

[Vesting Order 11691]

JOHN FREDERICK HENRY WEBER

In re: Estate of John Frederick Henry Weber, deceased. File No. D-28-10483-G-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 Ingrid Bluemer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of John Frederick Henry Weber, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country, (Germany);

3. That such property is in the process of administration by Ferdinand E. W. Weber, as executor and trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified 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 July 22, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7127; Filed, Aug. 5, 1948; 8:57 a. m.]

[Vesting Order 11693]

RIYE YAMAOKA

In re: Rights of Riye Yamaoka under insurance contract. File No. D-39-715-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 Riye Yamaoka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 17658850, issued by the New York Life Insurance Company, New York, New York, to Yoshio Yamaoka, also known as Tommy Yamaoka, 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 (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 July 22, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7128; Filed, Aug. 5, 1948; 8:57 a. m.]

[Vesting Order 11718]

MANTARO OHASHI

In re: Rights of Mantaro Ohashi under insurance contract. File No. F-39-87-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 Mantaro Ohashi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7,886,493, issued by the New York Life Insurance Company, New York, New York, to Mantaro Ohashi, 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 (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 July 27, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7129; Filed, Aug. 5, 1948; 8:57 a. m.]

[Vesting Order 11719]

FRIEDA FABER SPERLING

In re: Rights of Frieda Faber Sperling also known as Mrs. Frieda Sperling Faber under insurance contract. File No. D-28-11065-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 Frieda Faber Sperling, also known as Mrs. Frieda Sperling Faber, 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 policy No. 685274, issued by the Bankers Life Company, Des Moines, Iowa, to Otto P. Sperling, 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 July 27, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7130; Filed, Aug. 5, 1948; 8:57 a. m.]

[Vesting Order 9449, Amdt.]

TAIJI OKADA

In re: Bank account and stock owned by Taiji Okada, also known as Taija Okada.

Vesting Order 9449, dated July 18, 1947, is hereby amended as follows and not otherwise:

a. By deleting from Exhibit A, attached to the aforesaid Vesting Order 9449, and

by reference made a part thereof, the par value "$5.00" set forth with respect to ten (10) shares of common stock of Warner Brothers Pictures Inc. and substituting therefor the words "no par", and

b. By deleting from Exhibit A, attached to the aforesaid Vesting Order 9449 and by reference made a part thereof, the par value "$5.00" set forth with respect to five (5) shares of capital stock of the Bendix Aviation Corporation, and substituting therefor the words "no par".

All other provisions of said Vesting Order 9449 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7131; Filed, Aug. 5, 1948; 8:57 a. m.]