



FEDERAL REGISTER
 OF THE UNITED STATES
 1934
 VOLUME 13 NUMBER 164

Washington, Saturday, August 21, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9988

PRESCRIBING PORTIONS OF THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by Title I of the Selective Service Act of 1948, approved June 24, 1948, it is ordered as follows:

I hereby prescribe the following portions of the regulations governing the administration of Title I of the said Act, which shall constitute portions of Parts 621 to 627, inclusive, of Title 32, chapter VI, Code of Federal Regulations, such regulations to be known as the Selective Service Regulations:

PART 621—PREPARATION FOR CLASSIFICATION

Sec.	
621.1	Special mailing of Classification Questionnaire (SSS Form No. 100) to local single, non-father, non-veteran registrants.
621.9	Mailing Classification Questionnaire (SSS Form No. 100).
621.10	Time allowed to return questionnaire.
621.11	Special form for conscientious objector.
621.12	Claims for, or information relating to, deferment.
621.13	Inadequate questionnaire.
621.14	Securing information from welfare and governmental agencies.
621.15	Subpoena power of local board.

§ 621.1 *Special mailing of Classification Questionnaire (SSS Form No. 100) to local single, non-father, non-veteran registrants.* The local board may from day to day as the Registration Cards (SSS Form No. 1) are received from the registrars or the State Director of Selective Service, and shall, in any event, not later than September 7, 1948, begin the mailing of Classification Questionnaires (SSS Form No. 100) to all local single, non-father, non-veteran registrants in the sequence of their dates of birth commencing with the oldest. Before mailing to a registrant his Classification Questionnaire (SSS Form No. 100) the local board shall (a) prepare for the registrant a Cover Sheet (SSS Form No. 101) and enter thereon the date of the mailing of the questionnaire, and (b) fill in all blanks on page one of the questionnaire except that no selective service number shall be entered thereon. On

September 30, 1948, the local board, unless it has completed such action prior thereto, shall cease the mailing of the Classification Questionnaire (SSS Form No. 100) to registrants under the provisions of this section. Thereafter Classification Questionnaires (SSS Form No. 100) shall be mailed as provided in § 621.9.

§ 621.9 *Mailing Classification Questionnaire (SSS Form No. 100).* (a) Prior to September 30, 1948, Classification Questionnaires (SSS Form No. 100) shall be mailed to registrants in accordance with the special procedure prescribed in § 621.1. Thereafter, except as provided in paragraphs (d) and (e) of this section, the local board shall mail a Classification Questionnaire (SSS Form No. 100) to each registrant to whom it has not previously mailed such questionnaire in strict accordance with the dates of birth of the registrants of the local board, in chronological order, commencing with the registrant having the earliest date of birth. When a late registrant registers after his date of birth has been reached in the mailing of Classification Questionnaires (SSS Form No. 100), or when the Registration Card (SSS Form No. 1) of a registrant is received late and after such date has been so reached, a Classification Questionnaire (SSS Form No. 100) shall be mailed immediately to such registrant and he shall thereafter be considered in the sequence of liability in which he would have been considered had he registered, or his Registration Card (SSS Form No. 1) been received, on time. Classification Questionnaires (SSS Form No. 100) shall be mailed as rapidly as possible, consistent with the ability of the local board to give them prompt consideration upon their return.

(b) Before a Classification Questionnaire (SSS Form No. 100) is mailed, it shall be prepared by filling in all blanks on page 1.

(c) The date upon which the Classification Questionnaire (SSS Form No. 100) is mailed shall be entered on the Cover Sheet (SSS Form No. 101) and on the Classification Record (SSS Form No. 102).

(d) If the local board determines from information available to it and to its full and complete satisfaction that a

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registrant may be classified properly without such form, the local board need not mail a Classification Questionnaire (SSS Form No. 100) to a registrant who registers after a separation from active service in the armed forces of the United States, but in each such case the local board shall place in the registrant's Cover Sheet (SSS Form No. 101) a memorandum of the information upon which the determination was based.

(e) The local board shall not mail a Classification Questionnaire (SSS Form No. 100) to a registrant who has not attained the age of nineteen years.

(f) The local board shall mail a Classification Questionnaire (SSS Form No. 100) to a registrant as soon as he reaches the nineteenth anniversary of the day of his birth if his date of birth has been reached by the local board in the mailing of such form.

§ 621.10 Time allowed to return questionnaire. (a) Unless the local board grants an extension of time as provided in paragraph (b) of this section, the registrant shall complete and return his Classification Questionnaire (SSS Form No. 100) within 10 days after the date on which it is mailed to him.

(b) If the registrant has a valid reason, the local board may grant him an extension of time for returning the Classification Questionnaire (SSS Form No. 100).

§ 621.11 Special form for conscientious objector. A registrant who claims to be a conscientious objector shall offer information in substantiation of his claim on a Special Form for Conscientious Objector (SSS Form No. 150) which, when filed, shall become a part of his Classification Questionnaire (SSS Form No. 100). The local board, upon request, shall furnish to any person claiming to be a conscientious objector a copy of such Special Form for Conscientious Objector (SSS Form No. 150).

§ 621.12 Claims for, or information relating to, deferment. (a) The registrant shall be entitled to present all written information which he believes to be necessary to assist the local board in determining his proper classification. Such information should be included in or attached to the Classification Questionnaire (SSS Form No. 100) and may include any documents, affidavits, or depositions. The affidavits and depositions shall be as concise and brief as possible.

(b) Any person other than the registrant may request the deferment of a registrant by filing such request in writing with the local board together with any information in support of his request. Such information may include any documents, affidavits, or depositions supporting the request. The affidavits and depositions shall be as concise and brief as possible.

§ 621.13 Inadequate questionnaire. When a registrant's Classification Questionnaire (SSS Form No. 100) omits needed information, contains material errors, or shows that the registrant failed to understand the questions, the local board may return the Classification

Questionnaire (SSS Form No. 100) to the registrant for correction and completion and direct him to return the same so completed and corrected on or before a specified date.

§ 621.14 Securing information from welfare and governmental agencies. (a) The local board is authorized to request and receive information from local welfare and governmental agencies whenever such information will assist it in determining the proper classification of a registrant.

(b) The local board is authorized to request the State Director of Selective Service to secure information from State or national welfare and governmental agencies when such information will assist it in determining the proper classification of a registrant.

§ 621.15 Subpœna power of local board. To the extent necessary for carrying out its functions, the local board shall have authority (a) to subpœna any person to appear before it, (b) to direct such person to produce such papers and records as may be deemed necessary, and (c) to require him to testify, under oath, in regard to any pertinent matter within his knowledge. It shall be the duty of any person subpœnaed to appear, to produce the papers and records described in the subpœna, and to testify. The local board shall use for the purpose a Subpœna to Witness to Appear Before Local Board (SSS Form No. 161). The original of such a subpœna shall be served upon the individual who is required to appear as a witness. Such service may be made by any person who is 21 years of age or over, and it shall be made in the manner provided by the law of the State in which the subpœna is served. Any person subpœnaed may be compelled to appear and testify before the local board in the same manner as persons subpœnaed by a court of the United States may be compelled to appear and testify in proceedings before such court. The local board may apply to a court of the United States for summary aid to compel a person within its jurisdiction who has failed or refused to testify to appear before such local board, to produce such papers and records as may be deemed necessary, or to testify.

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GENERAL PRINCIPLES

§ 622.1 General principles of classification. (a) The Selective Service Act of 1948 provides that every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 19 and 26, shall be liable for training and service in the armed forces of the United States. Certain exemptions and deferments are specifically provided; others are authorized to be provided by regulations promulgated by the President.

(b) Classification is the key to selection and it must be accomplished in the spirit of the Selective Service Act of 1948 in which the Congress has declared "that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy."

(c) It is the local board's responsibility to decide, subject to appeal, the class in which each registrant shall be placed. Each registrant between the ages of 19 and 26 will be considered as available for military service until his status in a deferred or exempt classification is clearly established to the satisfaction of the local board. The local board will receive and consider all information, pertinent to

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the classification of a registrant, presented to it. The mailing by the local board of a Classification Questionnaire (SSS Form No. 100) to the latest address furnished by a registrant shall be notice to the registrant that unless information is presented to the local board, within the time specified for the return of the questionnaire, which will justify a deferred classification the registrant will be classified in Class I-A.

(d) In classifying a registrant there shall be no discrimination for or against him because of his race, creed, or color, or because of his membership or activity in any labor, political, religious, or other organization. Each such registrant shall receive equal justice.

§ 622.2 The five classes. Each registrant shall be classified in one of five main classes as follows:

Class I: Available for military service. Members of the armed forces, the Coast Guard, the Coast and Geodetic Survey or the Public Health Service. Members of reserve components or students taking military training.

Class II: Deferred because of occupational status.

Class III: Deferred because of dependency.

Class IV: Deferred specifically by law or because unfit for military service.

Class V: Over the age of liability for military service.

§ 622.3 Subclasses. The five main classes are further divided into subclasses as follows:

Class I

Class I-A: Available for military service.

Class I-A-O: Conscientious objector available for noncombatant service only.

Class I-C: Member of the armed forces of the United States, the Coast Guard, the Coast and Geodetic Survey or the Public Health Service.

Class I-D: Member of reserve component or student taking military training.

Class II

Class II-A: Deferred because of civilian employment (except agriculture).

Class II-C: Deferred because of employment in agriculture.

Class III

Class III-A: Deferred because of dependents.

Class IV

Class IV-A: Registrant who has completed service; sole surviving son.

Class IV-B: Official deferred by law.

Class IV-D: Minister of religion or divinity student.

Class IV-E: Conscientious objector opposed to both combatant and noncombatant military service.

Class IV-F: Physically, mentally or morally unfit.

Class V

Class V-A: Registrant over the age of liability for military service.

Class I

§ 622.5 Class I-A: Available for military service. (a) In Class I-A shall be placed every registrant who is not eligible for classification in Class I-C and has failed to establish to the satisfaction of the local board, subject to appeal hereinafter provided, that he is eligible for classification in another class.

(b) Any registrant who has been classified in Class I-A, whose induction

has been postponed for any reason, shall be identified in all records by following his classification with the abbreviation "P" in the manner provided in § 622.25.

§ 622.6 Class I-A-O: Conscientious objector available for noncombatant military service. (a) In Class I-A-O shall be placed every registrant who would have been classified in Class I-A but for the fact that he has been found, by reason of religious training and belief, to be conscientiously opposed to combatant training and service in the armed forces.

(b) Section 6 (j) of title I of the Selective Service Act of 1948 provides in part as follows: "Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code."

(c) Any registrant who has been classified in Class I-A-O, whose induction has been postponed for any reason, shall be identified in all records by following his classification with the abbreviation "P" in the manner provided in § 622.25.

§ 622.7 Class I-C: Member of the armed forces of the United States, the Coast Guard, the Coast and Geodetic Survey or the Public Health Service, and certain registrants separated therefrom. In Class I-C shall be placed:

(a) Every registrant who is, or who by enlistment, or appointment becomes a commissioned officer, a warrant officer, a pay clerk, an enlisted man or an aviation cadet of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey or the Public Health Service.

(b) Every registrant who is a cadet, United States Military Academy; or a midshipman, United States Navy; or a cadet, United States Coast Guard Academy.

(c) Every registrant who by induction becomes a member of the Army of the United States, the United States Navy, the United States Marine Corps, or the Air Force of the United States.

(d) Every registrant who is a member of a reserve component of the armed forces, the Coast Guard, or the Public Health Service, and who is on active duty (exclusive of periods for training only).

(e) Every registrant who has been inducted into the armed forces under the provisions of the Selective Service Act of 1948 and who has been separated therefrom by honorable discharge or discharge under honorable conditions, or by an equivalent type of release from service, or who has been transferred to a reserve component of the armed forces. Each such registrant who has been transferred to a reserve component of the armed forces shall be identified with the abbreviation "Res." in the manner provided in § 622.28, and every other such registrant shall be identified with the abbreviation "Disc." in the manner provided in § 622.27, and upon attaining an age beyond the maximum age of liability for military service under the provisions of the selective service law, all such

registrants shall be reclassified in Class V-A.

(f) Every registrant who has enlisted in the armed forces under the provisions of section 4 (c) or section 4 (g) of the Selective Service Act of 1948 and (1) who has been separated therefrom by honorable discharge or discharge under honorable conditions or by an equivalent type of release from service, or (2) who has been so separated and transferred to a reserve component of the armed forces, or (3) who has been transferred to a reserve component of the armed forces. Each such registrant who has been transferred to a reserve component of the armed forces shall be identified with the abbreviation "Res." in the manner provided in § 622.28, and every other such registrant shall be identified with the abbreviation "Disc." in the manner provided in § 622.27, and upon attaining an age beyond the maximum age of liability for military service under the provisions of the selective service law, all such registrants shall be reclassified in Class V-A.

§ 622.8 Class I-D: Member of reserve component or student taking military training. (a) In Class I-D shall be placed any registrant who served honorably on active duty between September 16, 1940, and June 24, 1948, for a period of 90 days or more but less than 12 months 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, when such period of active duty does not include a period in excess of 90 days between December 7, 1941, and September 2, 1945, if—

(1) The local board determines that he is regularly enlisted or commissioned in any organized unit of a reserve component of the armed force (or the Coast Guard) in which he served, provided such unit is reasonably accessible to such person without unduly interrupting his normal pursuits and activities (including attendance at a college or university in which he is regularly enrolled), or in a reserve component (other than in an organized unit) of such armed force or the Coast Guard in any case in which enlistment or commission in an organized unit of a reserve component of such armed force or the Coast Guard is not available to him; or

(2) The local board determines that enlistment or commission in a reserve component of such armed force or the Coast Guard is not available to him or that he has voluntarily enlisted or accepted appointment in an organized unit of a reserve component of an armed force other than the armed force in which he served or in the Coast Guard.

(b) For the purposes of computation of the periods of active duty referred to in paragraph (a) of this section, no credit shall be allowed for—

(1) Periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

(2) Periods of active duty in which the service consisted solely of training under the Army specialized training program,

the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(3) Periods of active duty as a cadet at the United States Military Academy or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as principal, alternate, or candidate for admission to any such academies; or

(4) Periods of active duty in any of the armed forces while being processed for entry into or separation from any educational program or institution referred to in subparagraphs (2) or (3) of this paragraph.

(c) In Class I-D shall be placed any registrant who on June 24, 1948, was a member of an organized unit of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, so long as he continues to be such member and satisfactorily participates in scheduled drills and training periods as prescribed by the Secretary of Defense.

(d) In Class I-D shall be placed any registrant who prior to attaining the age of 18 years and 6 months enlisted or accepted appointment in any organized unit of the National Guard in any case in which the Governor of the State has determined and has issued a proclamation to the effect that the organized strength of such organized unit of the National Guard of his State cannot be maintained by enlistment or appointment of persons referred to in paragraph (a) of this section, or persons who are not liable for training and service under the Selective Service Act of 1948. Such registrant shall be retained in Class I-D so long as he continues to serve satisfactorily as a member of such organized unit.

(e) In Class I-D shall be placed any registrant who on June 24, 1948, was enrolled in the advanced course, senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or was a member of the Naval Reserve Officers' Training Corps entered upon the junior or senior year, or was a midshipman, United States Naval Reserve. Such registrant shall be retained in Class I-D until the completion or termination of the course of instruction and so long as he continues in a regular or reserve status upon being commissioned.

(f) In Class I-D shall be placed any registrant who on or after June 24, 1948, has been selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or who, on or after June 24, 1948, was appointed a midshipman United States Naval Reserve, and who has agreed, in writing, to accept a commission if tendered and to serve, subject to call by the Secretary of the Army, the Secretary of the Air Force, or the Secretary of the

Navy, respectively, not less than two years on active duty after receipt of a commission. Such registrant shall be retained in Class I-D until after completion or termination of the course of instruction and so long as he continues in a regular or reserve status upon being commissioned.

(g) In Class I-D shall be placed any registrant who is a fully qualified and accepted aviation cadet applicant of the Army, Navy, or Air Force, who has signed an agreement of service and is within such numbers as have been designated by the Secretary of Defense during the period covered by such agreement but not to exceed four months.

Class II

§ 622.9 *Class II-A: Registrant deferred because of civilian occupation (except agriculture).* In Class II-A shall be placed any registrant whose employment in industry, or other occupation or employment, or whose continued service in an office (other than an office described in § 622.17) under the United States, or any State, Territory, or possession, or the District of Columbia, or whose activity in study, research, or medical, scientific, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest.

§ 622.10 *Necessary employment defined.* (a) A registrant's employment in industry or other occupation, service in office, or activity in study, research, or medical, scientific, or other endeavors shall be considered to be necessary to the maintenance of the national health, safety, or interest only when all of the following conditions exist:

(1) The registrant is, or but for a seasonal or temporary interruption would be, engaged in such activity;

(2) The registrant cannot be replaced because of a shortage of persons with his qualifications or skill in such activity; and

(3) The removal of the registrant would cause a material loss of effectiveness in such activity.

(b) The President may, from time to time, (1) designate special categories of occupation, employment, or activity essential to the national health, safety, or interest; and (2) prescribe regulations governing the deferment of individual registrants engaged in such occupations, employments, or activities.

§ 622.11 *Length of deferments in Class II-A.* (a) Class II-A deferments shall be for a period of one year or less. If there is a change in the registrant's status during the period of the deferment in Class II-A, his classification shall be reopened and considered anew.

(b) At the expiration of the period of a registrant's deferment in Class II-A, his classification shall be reopened and he shall be classified anew in the manner provided in Part 625 of this chapter. The registrant may be continued in Class II-A for a further period of one year or less if such classification is warranted. The same rules shall apply when classifying a registrant at the end of each successive period for which he has been classified in Class II-A.

(c) Nothing in this section shall be construed to require the local board to retain in Class II-A any registrant when the reason for his occupational classification has ceased to exist.

§ 622.12 *General rules for classification in Class II-A.* (a) On the local board is placed the responsibility, under applicable rules and regulations, of deciding which men should be deferred because of their civilian activities. It is in the national interest and of paramount importance to our national security that civilian activities which are contributing to the national health, safety, or interest should be disrupted as little as possible, consistent with the fundamental purpose of the Selective Service Act of 1948.

(b) No deferment from training and service shall be made in the case of any individual except upon the basis of the status of such individual.

(c) The local board may avail itself of the assistance of all Federal, State, or local agencies to obtain information which will help it to determine whether a claim for occupational deferment should be granted.

§ 622.13 *Class II-C: Registrant deferred because of agricultural occupation.* (a) In Class II-C shall be placed any registrant who is employed in the production for market of a substantial quantity of those agricultural commodities which are necessary to the maintenance of the national health, safety, or interest, but only when all of the conditions described in § 622.10 are found to exist.

(b) The production for market of a substantial quantity of agricultural commodities should be measured in terms of the average annual production per farm worker which is marketed from a local average farm of the type under consideration. The production of agricultural commodities for consumption by the worker and his family, or traded for subsistence purposes, should not be considered as production for market. Production which is in excess of that required for the subsistence of the farm families on the farm under consideration should be considered as production for market.

§ 622.14 *Length of deferments in Class II-C.* (a) Class II-C deferments shall be for a period of one year or less. If there is a change in the registrant's status during the period of deferment in Class II-C, his classification shall be reopened and considered anew.

(b) At the expiration of the period of a registrant's deferment in Class II-C, his classification shall be reopened and he shall be classified anew in the manner provided in Part 625 of this chapter. The registrant may be continued in Class II-C for a further period of one year or less if such classification is warranted. The same rule shall apply when classifying a registrant at the end of each successive period for which he has been classified in Class II-C.

(c) Nothing in this section shall be construed to require the local board to retain in Class II-C any registrant when

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the reason for his occupational classification has ceased to exist.

Class III

§ 622.15 Class III-A: Registrant with dependents. (a) In Class III-A shall be placed (1) a registrant who has a wife or child with whom he maintains a bona fide family relationship in their home; or (2) a registrant whose induction into the armed forces would result in hardship and privation to a person dependent upon him for support.

(b) The term "child" as used in paragraph (a) of this section shall include a legitimate or an illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the registrant in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

(c) The term "dependent" as used in paragraph (a) of this section shall include the registrant's wife, divorced wife, child, parent, grandparent, brother, or sister, or a person under 18 years of age, or a person of any age who is physically or mentally handicapped, whose support the registrant has assumed in good faith; provided such person is either a United States citizen or lives in the United States, its Territories, or possessions.

(d) In the consideration of a dependency claim, any payments of allowances which are payable by the United States to the dependents of persons serving in the armed forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the grounds for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents.

Class IV

§ 622.16 Class IV-A: Registrant who has completed service; sole surviving son. (a) In Class IV-A shall be placed any registrant who falls within any of the following categories:

(1) A registrant who served honorably on active duty between December 7, 1941, and September 2, 1945, for a period in excess of 90 days, 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.

(2) A registrant who served honorably on active duty between September 16, 1940, and June 24, 1948, for a period of 12 months or more 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.

(3) A registrant who, after June 24, 1948, was honorably discharged upon the completion of a period of three years or more of active duty in the Army, the Air Force, the Navy, the Marine Corps, the

Coast Guard, or the Public Health Service.

(4) A registrant who is the sole surviving son of a family of which one or more sons or daughters were killed in action or died in line of duty while serving in the armed forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service.

(b) For the purposes of computation of periods of active duty referred to in subparagraphs (1), (2), or (3) of paragraph (a) of this section, no credit shall be allowed for—

(1) Periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

(2) Periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(3) Periods of active duty as a cadet of the United States Military Academy or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any such academies; or

(4) Periods of active duty in any of the armed forces while being processed for entry into or separation from any educational program or institution referred to in subparagraphs (2) or (3) of this paragraph.

§ 622.17 Class IV-B: Officials deferred by law. In Class IV-B shall be placed any registrant who is the Vice President of the United States; a governor of a State, Territory or possession, or any other official chosen by the voters of the entire State, Territory or possession; a member of a legislative body of the United States or of a State, Territory or possession; a judge of a court of record of the United States or of a State, Territory or possession, or the District of Columbia.

§ 622.18 Class IV-C: Aliens. (a) In Class IV-C shall be placed any registrant who is an alien and who, prior to his induction, has made application to be relieved from liability for training and service in the armed forces of the United States by filing with the local board an Application by Alien for Relief from Training and Service in the Armed Forces (SSS Form No. 130), executed in duplicate. The local board shall forward the original of such form to the Director of Selective Service through the State Director of Selective Service and shall retain the duplicate in the registrant's Cover Sheet (SSS Form No. 101).

(b) In Class IV-C shall be placed any registrant who is an alien and because of his nationality is within a class of persons not acceptable to the armed forces of the United States for training and service.

(c) In Class IV-C shall be placed any registrant who is an alien and has departed from and is no longer residing in

the United States. Such alien shall be classed in Class IV-C even though he is a delinquent but this classification shall in no way relieve him from liability for prosecution for violation of the selective service law. If any registrant so classified under this paragraph returns to the United States to reside therein, his classification shall be reopened and he shall be classified anew.

§ 622.19 Class IV-D: Minister of religion or divinity student. (a) In Class IV-D shall be placed any registrant:

(1) Who is a regular minister of religion;

(2) Who is a duly ordained minister of religion;

(3) Who is a student preparing for the ministry under the direction of a recognized church or religious organization and who is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school; or

(4) Who is a student preparing for the ministry under the direction of a recognized church or religious organization and who is satisfactorily pursuing a full-time course of instruction leading to entrance into a recognized theological or divinity school in which he has been pre-enrolled.

(b) Section 16 of title I of the Selective Service Act of 1948 contains in part the following provisions:

Sec. 16. When used in this title— * * *

(g) (1) the term "duly ordained minister of religion" means a person who has been ordained, in accordance with the ceremonial, ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

(2) The term "regular minister of religion" means one who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

(3) The term "regular or duly ordained minister of religion" does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and does not include any person who may have been duly ordained a minister in accordance with the ceremonial, rite, or discipline of a church, religious sect or organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect, or organization.

§ 622.20 Class IV-E: Conscientious objector opposed to both combatant and noncombatant training and service. (a) In Class IV-E shall be placed any registrant who, by reason of religious training and belief, is found to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces.

(b) Section 6 (j) of title I of the Selective Service Act of 1948 provides in part as follows:

Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code.

§ 622.21 *Class IV-F: Physically, mentally, or morally unfit.* In Class IV-F shall be placed any registrant (a) who is found to be physically or mentally unfit for any service in the armed forces; (b) who, under the procedures and standards prescribed by the Secretary of Defense, is found to be morally unacceptable for any service in the armed forces; or (c) who has been separated from the armed forces by discharge other than an honorable discharge or a discharge under honorable conditions, or an equivalent type of release from service, and for whom the local board has not received a statement from the armed forces that the registrant is morally acceptable notwithstanding such discharge or separation.

Class V

§ 622.22 *Class V-A: Registrant over the age of liability for military service.* In Class V-A shall be placed every registrant who has attained the twenty-sixth anniversary of the day of his birth except those registrants who are in active military service in the armed forces and are in Class I-C. Registrants who prior to attaining the twenty-sixth anniversary of the day of their birth have been classified in some other class shall, as soon as practicable after attaining the twenty-sixth anniversary of the day of their birth, be reclassified into Class V-A.

MISCELLANEOUS PROVISIONS

§ 622.23 *Director may direct that eligibility for particular classification be disregarded.* The Director of Selective Service, notwithstanding any other provisions of these regulations, may direct that any registrant may be classified or reclassified without regard to his eligibility for a particular classification.

§ 622.24 *Identifying a registrant whose registration is cancelled.* Whenever the registration of a registrant is cancelled the local board shall enter the abbreviation "Canc." on all of its records with reference to such registrant.

§ 622.25 *Identifying a registrant whose induction is postponed.* A registrant who has been classified in Class I-A or Class I-A-O, and whose induction has been postponed for any reason whatsoever, shall be identified on all records by following his classification with the abbreviation "P".

§ 622.26 *Identifying registrants who are deceased.* Whenever a registrant dies, the local board shall enter the abbreviation "Dec." on all of its records with reference to such registrant.

§ 622.27 *Identification of Class I-C registrants separated from armed forces.* Whenever a registrant is separated from the armed forces after June 24, 1948, other than by death, and such registrant

is retained in Class I-C under the provisions of § 622.7, his classification shall be followed with the identification "Disc." on all records with reference to such registrant unless he is transferred to a reserve component of the armed forces, in which case the provisions of § 622.28 shall apply.

§ 622.28 *Identification of Class I-C registrant transferred to a reserve component of the armed forces.* Whenever a registrant is transferred to a reserve component of the armed forces after completion of his period of service, pursuant to section 4 of the Selective Service Act of 1948, and such registrant is retained in Class I-C under the provisions of § 622.7, his classification shall be followed with the identification "Res." on all records of such registrant.

PART 623—CLASSIFICATION PROCEDURE

Sec. 623.1 Commencement of classification.
 623.2 Consideration of classes.
 623.3 Physical examination.
 623.4 Action to be taken when classification determined.
 623.5 Persons required to have Notice of Classification (SSS Form No. 110) in personal possession.
 623.6 Wrongful possession of, or making, altering, forging, or counterfeiting, Notice of Classification (SSS Form No. 110) prohibited.
 623.7 Issuing a duplicate of a lost, mislaid, stolen, or destroyed Notice of Classification (SSS Form No. 110).
 623.8 Register of conscientious objectors.
 623.9 Registrants transferred for classification.
 623.10 Procedure upon transfer for classification.
 623.11 Registrant separated from armed forces of the United States.
 623.12 Disqualified men.

§ 623.1 *Commencement of classification.* (a) Each registrant shall be classified as soon as practicable after his Classification Questionnaire (SSS Form No. 100) is received by the local board or as soon as practicable after the time allowed for him to return his Classification Questionnaire (SSS Form No. 100) has expired.

(b) The registrant's classification shall be determined solely on the basis of the official forms of the Selective Service System and such other written information as may be contained in his file; provided, that the local board shall proceed with the registrant's classification and classify him whenever (1) he fails to return his Classification Questionnaire (SSS Form No. 100) within the time allowed by § 621.10 of this chapter, or (2) he has been separated from the armed forces of the United States and the local board determines that he may be classified properly without requiring him to complete and return a Classification Questionnaire (SSS Form No. 100), or (3) he fails to provide the local board with any other information concerning his status which he is requested or required to furnish. Since it is imperative that appeal agencies have available to them all information on which the local board determined the registrant's classification, oral information shall not be considered unless it is summarized in writing and the summary placed in the regis-

trant's file. Under no circumstances shall the local board rely upon information received by a member personally unless such information is reduced to writing and placed in the registrant's file. None of the provisions of this section shall impair the power of the local board to take notice of the birthday of any registrant and of the fact that the Congress has made registrants of his age liable for induction for military service and in the absence of any other information, when the registrant has failed to furnish such information within the time prescribed, to classify the registrant as available for military service.

§ 623.2 *Consideration of classes.* Upon undertaking to classify any registrant, unless grounds are established to place the registrant in Class I-C under the provisions of § 622.7 of this chapter, the registrant shall be classified in the lowest class for which he is determined to be eligible with Class I-A considered the highest class and Class V-A considered the lowest class according to the following table:

Class: I-A	Class: IV-B
I-A-O	IV-C
I-D	IV-D
II-A	IV-E
II-C	IV-F
III-A	V-A
IV-A	

§ 623.3 *Physical examination.* Physical examination of registrants classified in Class I-A or Class I-A-O shall be accomplished under the provisions of Part 628 of this chapter.

§ 623.4 *Action to be taken when classification determined.* (a) As soon as practicable after the local board has classified or reclassified a registrant, (except a registrant who is classified in Class I-C because of his entering active service in the armed forces), it shall mail a notice thereof on a Notice of Classification (SSS Form No. 110) to the registrant. When a registrant is classified in Class II-A or Class II-C, the date of the termination of the deferment shall be entered on the Notice of Classification (SSS Form No. 110).

(b) As soon as practicable after the local board has classified or reclassified a registrant into any class other than Class V-A, it shall mail a notice thereof on a Classification Advice (SSS Form No. 111) to every person who has on file any written request for the current deferment of the registrant. When a registrant is classified in Class II-A, or Class II-C, the date of the termination of the deferment shall be entered on the Classification Advice (SSS Form No. 111).

(c) After each local board meeting, a copy of the Local Board Action Report (SSS Form No. 112-B), listing the registrants who have been classified or whose classifications have been changed, shall be posted and kept permanently posted in a conspicuous place in the office of the local board. When a person is unable to ascertain the current classification of a registrant from the posted copy of the Local Board Action Report (SSS Form No. 112-B), an employee of the local board, upon request, shall consult the Classification Record (SSS Form No. 102) and furnish to the person making inquiry

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the current classification of such registrant.

(d) When the local board classifies or changes the classification of a registrant, it shall record such classification on the Classification Questionnaire (SSS Form No. 100), the Classification Record (SSS Form No. 102), and in the space provided therefor on the face of the Cover Sheet (SSS Form No. 101).

(e) When the Notice of Classification (SSS Form No. 110) or Classification Advice (SSS Form No. 111) is mailed, the date of mailing such notice or advice shall be entered on the Classification Record (SSS Form No. 102), and, in addition, the date of mailing such notice or advice and the persons to whom they are mailed shall be entered on the Classification Questionnaire (SSS Form No. 100).

§ 623.5 Persons required to have Notice of Classification (SSS Form No. 110) in personal possession. Every person who has been classified by a local board must have in his personal possession at all times, in addition to his Registration Certificate (SSS Form No. 2), a valid Notice of Classification (SSS Form No. 110) issued to him showing his current classification, and upon entering active service in the armed forces, such person must surrender such Notice of Classification (SSS Form No. 110) to his commanding officer who shall dispose of it in accordance with the current orders of his service.

§ 623.6 Wrongful possession of, or making, altering, forging, or counterfeiting, Notice of Classification (SSS Form No. 110) prohibited. It shall be a violation of these regulations for any person to have in his possession a Notice of Classification (SSS Form No. 110) issued to some other person, or to permit a Notice of Classification (SSS Form No. 110) issued to him to be in possession of any other person except as provided in the instructions upon such form; or to falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or to willingly aid or assist another to falsely make, alter, forge, or counterfeit, any Notice of Classification (SSS Form No. 110), or to utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, altered, forged, or counterfeited Notice of Classification (SSS Form No. 110); or to exhibit or present to any person any such false, altered, forged, or counterfeited, Notice of Classification (SSS Form No. 110), knowing the same to be false, forged, altered or counterfeited.

§ 623.7 Issuing a duplicate of a lost, mislaid, stolen, or destroyed Notice of Classification (SSS Form No. 110). A duplicate Notice of Classification (SSS Form No. 110) may be issued to a registrant only by the local board which mailed the original Notice of Classification (SSS Form No. 110) to the registrant upon written application made on Request for Duplicate Notice of Classification (SSS Form No. 113) and the presentation of proof satisfactory to the local board that the Notice of Classification (SSS Form No. 110) of the registrant

has been lost, mislaid, stolen, or destroyed and that the registrant has made a diligent search for the Notice of Classification (SSS Form No. 110) and has been unable to find it. If the local board issues a duplicate Notice of Classification (SSS Form No. 110), it shall mark it "Duplicate" and note the issuance of such Notice of Classification (SSS Form No. 110) upon the application, which shall be filed in the registrant's Cover Sheet (SSS Form No. 101).

§ 623.8 Register of conscientious objectors. The local board shall list on a register of conscientious objectors, each registrant whose claim for special classification as a conscientious objector has been sustained, either by the local board or upon appeal. The register of conscientious objectors shall show separately those registrants who have been classified as available for noncombatant military service (Class I-A-O) and those who have been deferred in Class IV-E. No special form is provided for this register.

§ 623.9 Registrants transferred for classification. (a) After returning the Classification Questionnaire (SSS Form No. 100), and before the local board of origin has undertaken the classification of a registrant, he may be transferred to another local board for classification if he is so far from his local board as to make complying with notices a hardship.

(b) After returning the Classification Questionnaire (SSS Form No. 100), a registrant may be transferred to another local board for classification, at any time, when a majority of the members of the local board cannot act on his case because of disqualification under the provisions of § 604.55 of this chapter, or when a majority of the members of the local board, because of any conflicting interest, bias, or other reason, withdraw from consideration of the registrant's classification.

§ 623.10 Procedure upon transfer for classification. (a) The local board from which the registrant is transferred shall prepare, in triplicate, an Order for Transfer for Classification (SSS Form No. 114), shall send one copy thereof to the registrant, and shall transmit the original to the local board to which the registrant is transferred, together with all papers pertaining to the registrant except the Registration Card (SSS Form No. 1) and the remaining copy of the Order for Transfer for Classification (SSS Form No. 114). The local board from which the registrant is transferred shall, with red ink note the transfer in the "Remarks" column of the Classification Record (SSS Form No. 102).

(b) The local board to which the registrant is transferred shall classify the registrant. It shall follow the same procedure as in the case of one of its own registrants if a request for hearing, a request for reopening, or an appeal is filed. It shall give the same notices and maintain the same records as are sent and maintained for its own registrants, except that it shall use a separate page in its Classification Record (SSS Form No. 102) for transferred registrants and shall make all entries on that page in red ink. The local board to which the registrant is transferred shall prepare

a duplicate Cover Sheet (SSS Form No. 101). After the classification, after the hearing, when requested, and after the determination on appeal, when taken, the local board to which the registrant is transferred shall return to the local board of origin all papers pertaining to the registrant except the duplicate Cover Sheet (SSS Form No. 101) and the Order for Transfer for Classification (SSS Form No. 114). In the proper column of the Classification Record (SSS Form No. 102) the local board to which the registrant is transferred shall note the date of the returning of the papers.

(c) The classification made by the local board to which a registrant is transferred shall be appealed through that local board only. The local board of origin shall accept and enter on its records, without any change, the classification reported by the board which classified the registrant. If the local board of origin receives new information that might affect the registrant's classification, the board shall send the information and the registrant's file to the board to which he was transferred for further consideration; provided, that if the disqualification of the local board or other reason for the original transfer for classification no longer exists, the local board may consider the new information and classify the registrant in the same manner as if he had never been transferred for classification.

§ 623.11 Registrant separated from armed forces of the United States. (a) Immediately upon receipt by the local board of information that a registrant has been separated from the armed forces of the United States, the local board shall review the registrant's classification to determine whether he should be placed or retained in Class I-C.

(b) If upon such review, the local board places or retains the registrant in Class I-C, it shall immediately mail a Notice of Classification (SSS Form No. 110) to the registrant on which shall be entered the notation "Class I-C-Disc." or "Class I-C-Res." as the case may be.

§ 623.12 Disqualified man. Unless and until the local board has first complied with procedures which the Director of Selective Service may prescribe, the local board shall not reclassify into a class available for service any registrant (1) who has been found to be physically or mentally unfit for any military service, or (2) who has been separated from the armed forces of the United States by reason of physical or mental disability.

PART 624—APPEARANCE BEFORE LOCAL BOARD

Sec.

624.1 Opportunity to appear in person.
624.2 Appearance before local board.
624.3 Induction postponed.

§ 624.1 Opportunity to appear in person. (a) Every registrant, after his classification is determined by the local board (except a classification which is itself determined upon an appearance before the local board under the provisions of this part), shall have an opportunity to appear in person before the member or members of the local

board designated for the purpose if he files a written request therefor within 10 days after the local board has mailed a Notice of Classification (SSS Form No. 110) to him. Such 10-day period may not be extended, except when the local board finds that the registrant was unable to file such request within such period because of circumstances over which he had no control.

(b) No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its discretion, permit any person to appear before it with or on behalf of a registrant: *Provided*, That if the registrant does not speak English adequately he may appear with a person to act as interpreter for him: *And provided further*, That no registrant may be represented before the local board by anyone acting as attorney or legal counsel.

(c) If the written request of the registrant to appear in person is filed after such 10-day period and the local board finds that the registrant was unable to file such request within such period because of circumstances over which he had no control, the local board shall enter in the "Minutes of Actions by Local Board and Appeal Board" on the Classification Questionnaire (SSS Form No. 100) the date on which the request was received and the date and the time fixed for the registrant to appear and shall promptly mail to the registrant a notice of the time and place fixed for such appearance.

(d) If such a written request of a registrant for an opportunity to appear in person is received after the 10-day period following the mailing of a Notice of Classification (SSS Form No. 110) to the registrant, the local board, unless it specifically finds that the registrant was unable to file such a request within such period because of circumstances over which he had no control, shall advise the registrant, by letter, that the time in which he is permitted to file such a request has expired, and a copy of such letter shall be placed in the registrant's file. Under such circumstances, no other record of the disposition of the registrant's request need be made.

§ 624.2 *Appearance before local board.* (a) At the time and place fixed by the local board, the registrant may appear in person before the member or members of the local board designated for the purpose. The fact that he does appear shall be entered in the "Minutes of Actions of Local Board and Appeal Board" on the Classification Questionnaire (SSS Form No. 100).

(b) At any such appearance, the registrant may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the local board in determining his proper classification. Such information shall be in writing, or, if oral, shall be summarized in writing and, in

either event, shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances. The member or members of the local board before whom the registrant appears may impose such limitations upon the time which the registrant may have for his appearance as they deem necessary.

(c) After the registrant has appeared before the member or members of the local board designated for the purpose, the local board shall consider the new information which it receives and shall again classify the registrant in the same manner as if he had never before been classified.

(d) After the registrant has appeared before the member or members of the local board designated for the purpose, the local board, as soon as practicable after it again classifies the registrant, shall mail notice thereof on Notice of Classification (SSS Form No. 110) to the registrant and on Classification Advice (SSS Form No. 111) to the persons entitled to receive such notice or advice on an original classification under the provisions of § 623.4 of this chapter.

(e) Each such classification shall be followed by the same right of appeal as in the case of an original classification.

§ 624.3 *Induction postponed.* A registrant shall not be inducted during the period afforded him to appear in person before a member or members of the local board, and if the registrant requests a personal appearance he shall not be inducted until 10 days after the Notice of Classification (SSS Form No. 110) is mailed to him by the local board, as provided in paragraph (d) of § 624.4.

PART 625—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

REOPENING REGISTRANT'S CLASSIFICATION

Sec. 625.1 Classification not permanent.
 625.2 When registrant's classification may be reopened and considered anew.
 625.3 When registrant's classification shall be reopened and considered anew.
 625.4 Refusal to reopen and consider anew registrant's classification.

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625.11 Classification considered anew when reopened.
 625.12 Notice of action when classification considered anew.
 625.13 Right of appeal following reopening of classification.
 625.14 Order to report for induction to be canceled when classification reopened.

REOPENING REGISTRANT'S CLASSIFICATION

§ 625.1 *Classification not permanent.*
 (a) No classification is permanent.
 (b) Each classified registrant and each person who has filed a request for the registrant's deferment shall, within 10 days after it occurs, report to the local board in writing any fact that might result in the registrant being placed in a different classification such as, but not limited to, any change in his occupational, marital, or dependency status, or in his physical condition. Any other person should, within 10 days after knowl-

edge thereof, report to the local board in writing any such fact.

(c) The local board shall keep informed of the status of classified registrants. Registrants may be questioned or physically or mentally re-examined, employers may be required to furnish information, police officials or other agencies may be requested to make investigations, and other steps may be taken by the local board to keep currently informed concerning the status of classified registrants.

§ 625.2 *When registrant's classification may be reopened and considered anew.* The local board may reopen and consider anew the classification of a registrant (1) upon the written request of the registrant, the government appeal agent, any person who claims to be a dependent of the registrant, or any person who has on file a written request for the current deferment of the registrant in a case involving occupational deferment, if such request is accompanied by written information presenting facts not considered when the registrant was classified, which, if true, would justify a change in the registrant's classification; or (2) upon its own motion if such action is based upon facts not considered when the registrant was classified which, if true, would justify a change in the registrant's classification; provided, in either event, the classification of a registrant shall not be reopened after the local board has mailed to such registrant an Order to Report for Induction (SSS Form No. 252), unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

§ 625.3 *When registrant's classification shall be reopened and considered anew.* The local board shall reopen and consider anew the classification of a registrant upon the written request of the State Director of Selective Service or the Director of Selective Service and upon receipt of such request shall immediately cancel any Order to Report for Induction (SSS Form No. 252) which may have been issued to the registrant.

§ 625.4 *Refusal to reopen and consider anew registrant's classification.* When a registrant, any person who claims to be a dependent of a registrant, any person who has on file a written request for the current deferment of the registrant in a case involving occupational deferment, or the government appeal agent files with the local board a written request to reopen and consider anew the registrant's classification and the local board is of the opinion that the information accompanying such request fails to present any facts in addition to those considered when the registrant was classified or, even if new facts are presented, the local board is of the opinion that such facts, if true, would not justify a change in such registrant's classification, it shall not reopen the registrant's classification. In such a case, the local board, by letter, shall advise the person filing the request that the information submitted does not warrant the reopening of the registrant's classification and

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shall place a copy of the letter in the registrant's file. No other record of the receipt of such a request and the action taken thereon is required.

CLASSIFICATION ANEW

§ 625.11 *Classification considered anew when reopened.* When the local board reopens the registrant's classification, it shall consider the new information which it has received and shall again classify the registrant in the same manner as if he had never before been classified. Such classification shall be and have the effect of a new and original classification even though the registrant is again placed in the class that he was in before his classification was reopened.

§ 625.12 *Notice of action when classification considered anew.* When the local board reopens the registrant's classification, it shall, as soon as practicable after it has again classified the registrant, mail notice thereof on Notice of Classification (SSS Form No. 110) to the registrant and on Classification Advice (SSS Form No. 111) to the persons entitled to receive such notice or advice on an original classification under the provisions of § 623.4 of this chapter.

§ 625.13 *Right of appeal following reopening of classification.* Each such classification shall be followed by the same right of appearance before the local board and the same right of appeal as in the case of an original classification.

§ 625.14 *Order to report for induction to be canceled when classification reopened.* When the local board has reopened the classification of a registrant, it shall cancel any Order to Report for Induction (SSS Form No. 252) which may have been issued to the registrant. If, after the registrant's classification is reopened, he is classified anew into a class available for service, he shall be ordered to report for induction in the usual manner.

PART 626—APPEAL TO APPEAL BOARD

WHO MAY APPEAL

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626.51 Appeal may be taken by registrant from local board determination in certain cases.

RECONSIDERATION BY APPEAL BOARD

626.61 Reconsideration of appeal board determination.

WHO MAY APPEAL

§ 626.1 *Appeal by Director and State Director.* (a) Either the Director of Selective Service or the State Director of Selective Service as to local boards in his State may appeal from any determination of a local board.

(b) Either the State Director of Selective Service or the Director of Selective Service may take such an appeal at any time.

§ 626.2 *Appeal by registrant and others.* (a) The registrant, any person who claims to be a dependent of the registrant, any person who prior to the classification appealed from filed a written request for the current occupational deferment of the registrant, or the government appeal agent may appeal to an appeal board from any classification of a registrant by the local board except that no such person may appeal from the determination of the registrant's physical or mental condition.

(b) The government appeal agent may take any appeal authorized under paragraph (a) of this section at any time within 10 days after the date when the local board mails to the registrant a Notice of Classification (SSS Form No. 110) or at any time before the registrant is mailed an Order to Report for Induction (SSS Form No. 252).

(c) The registrant, any person who claims to be a dependent of the registrant, or any person who prior to the classification appealed from filed a written request for the current occupational deferment of the registrant, may take an appeal authorized under paragraph (a) of this section at any time within the following periods:

(1) Within 10 days after the date the local board mails to the registrant a Notice of Classification (SSS Form No. 110).

(2) Within 30 days after the date the local board mails to the registrant a Notice of Classification (SSS Form No. 110), if, on that date, it appears that the registrant is located in one and the local board which classified the registrant is located in another of the following: The continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands of the United States.

(3) Within 30 days after the date the local board mails to the registrant a Notice of Classification (SSS Form No. 110), if, on that date, it appears that the registrant is located in Canada, Cuba, Mexico, or the Canal Zone.

(4) Within 60 days after date the local board mails to the registrant a Notice of Classification (SSS Form No. 110), if, on that date, it appears that the regis-

trant is located outside the continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands of the United States, Canada, Cuba, Mexico, and the Canal Zone.

(d) At any time prior to the date the local board mails to the registrant an Order to Report for Induction (SSS Form No. 252), the local board may permit any person described in paragraph (c) of this section to appeal even though the period for taking an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such period was due to a lack of understanding of the right to appeal or to some cause beyond the control of such person. Unless the local board thereafter permits an appeal, the right of such persons to appeal shall expire at the end of the period provided for in paragraph (c) of this section. If an extension of time to appeal is granted by the local board, a record thereof shall be entered on the Classification Questionnaire (SSS Form No. 100) under the heading "Minutes of Actions by Local Board and Appeal Board."

PROCEDURE FOR TAKING APPEAL

§ 626.11 *How appeal to appeal board is taken.* (a) Any person entitled to do so may appeal to the appeal board by filing with the local board a written notice of appeal. Such notice need not be in any particular form but must state the name of the registrant and the name and identity of the person appealing so as to show the right of appeal. The language of any such notice shall be liberally construed in favor of the person filing the notice so as to permit the appeal.

(b) The local board shall enter on the Classification Questionnaire (SSS Form No. 100), under the heading "Minutes of Action by Local Board and Appeal Board", the date on which an appeal is filed.

§ 626.12 *Statement of person appealing.* The person appealing may attach to his appeal a statement specifying the matters in which he believes the local board erred, may direct attention to any information in the registrant's file which he believes the local board has failed to consider or to give sufficient weight, and may set out in full any information which was offered to the local board and which the local board failed or refused to include in the registrant's file.

§ 626.13 *Local board to prepare appeal record and forward file.* (a) Immediately upon an appeal being taken to the appeal board by a person entitled to appeal, the local board shall prepare the Individual Appeal Record (SSS Form No. 120) in duplicate, attaching the original to the inside of the registrant's Cover Sheet (SSS Form No. 101) and placing the duplicate copy in the local board files. The local board shall carefully check the registrant's file to make certain that all steps required by the regulations have been taken and that the record is complete. If any facts considered by the local board do not appear in the written information in the file, the local board shall prepare and place in the file a written summary of such facts.

(b) The local board shall forward to the appeal board, or appropriate panel thereof, the file of a registrant who appeals or on whose behalf an appeal is taken; *Provided*, That the State Director of Selective Service may direct the channels through which such file shall be forwarded.

§ 626.14 Time when record to be forwarded on appeal. (a) The registrant's file shall be forwarded to the appeal board, or appropriate panel thereof, immediately after the local board has complied with the provisions of § 626.13 (but in no event later than 5 days after the appeal is taken); provided, that except as may be otherwise directed by the Director of Selective Service, when an appeal is taken from the classification of a registrant in Class I-A or Class I-A-O, the file of the registrant shall be held by the local board and shall not be forwarded to the appeal board until (1) the registrant has been ordered to report for his physical examination as prescribed in these regulations, and (2) the results of the physical examination have been received by the local board or the registrant has failed to appear for his physical examination at the time he is ordered to do so. If as a result of the physical examination such registrant is found to be disqualified for any military service, his classification shall be reopened and the registrant shall be placed in Class IV-F, unless eligible for classification in Class V-A. In such cases the appeal shall not be forwarded unless an appeal is taken from the classification given the registrant by the local board after such reopening.

(b) The local board shall enter in the Classification Record (SSS Form No. 102) the date it transmits the registrant's file to the appeal board or appropriate panel thereof.

PROCEDURE FOLLOWED BY APPEAL BOARD

§ 626.21 Entry of appeal in Docket Book of Appeal Board (SSS Form No. 121). Upon receiving the record of a registrant, the appeal board shall enter the registrant's name, selective service number, and the date the record is received, in the Docket Book of Appeal Board (SSS Form No. 121) on the separate page provided for appeals from the registrant's local board.

§ 626.22 Action if appeal board disqualified. If the appeal board, upon receiving the file of a registrant, determines that it cannot act on the appeal for any reason, it shall forward the file to the State Director of Selective Service. If there is more than one appeal board panel in the State, the State Director of Selective Service shall designate another appeal board panel in the State to act upon the appeal and shall transmit the file to the designated appeal board panel. If the appeal board to which the file was originally forwarded has no additional panels, the Director of Selective Service, upon the request of the State Director of Selective Service, shall designate an appeal board in a neighboring State to act upon the appeal, and the State Director of Selective Service shall transmit the file to the State Director of Selective Service for the neighboring State for

referral to the designated appeal board. The designated appeal board or panel thereof shall act on the appeal in the same manner and make the same records as in the case of an appeal from a local board whose records it normally reviews, except that all entries and records will be made in red ink. The State Director of Selective Service shall advise the local board from which the appeal was taken when a file is referred to an appeal board or appeal board panel other than the one normally acting on appeals from such local board and shall state the reason therefor.

§ 626.23 Preliminary review. The appeal board will carefully check each file to determine whether all steps required by the regulations have been taken, whether the record is complete, and whether the information in the file is sufficient to enable it to determine the registrant's classification. If any steps have been omitted by the local board, if the record is incomplete, or if the information is not sufficient to enable the appeal board to determine the classification of the registrant, the appeal board shall return the file to the local board with a request for additional information or action. If the appeal board returns the file to the local board for additional information or action, it shall enter the date of return in column 8 and the reason for return in column 9 of the Docket Book of Appeal Board (SSS Form No. 121). When the file is returned to the appeal board the appeal shall be re-entered on the Docket Book of Appeal Board (SSS Form No. 121) in the manner prescribed in § 626.21.

§ 626.24 Review by appeal board. (a) Except as provided in § 626.51 (c), regarding a determination of a local board on the question whether a registrant is a person required by law to be registered, the board of appeal shall consider appeals in the order in which they are received unless otherwise directed by the Director of Selective Service, in which event, they shall be considered in such order as the Director of Selective Service shall prescribe.

(b) In reviewing the appeal, the appeal board shall not receive or consider any information which is not contained in the record received from the local board except (1) the advisory recommendation from the Department of Justice under § 626.25, and (2) general information concerning economic, industrial, and social conditions.

§ 626.25 Special provisions when appeal involves claim that registrant is a conscientious objector. (a) If an appeal involves the question whether or not a registrant is entitled to be sustained in his claim that he is a conscientious objector, the appeal board shall take the following action:

(1) If the registrant has claimed, by reason of religious training and belief to be conscientiously opposed to participation in war in any form and by virtue thereof to be conscientiously opposed to combatant training and service in the armed forces, but not conscientiously opposed to noncombatant training and service in the armed forces, the appeal

board shall first determine whether or not such registrant is eligible for classification in a class lower than Class I-A-O. If the appeal board determines that such registrant is eligible for classification in a class lower than Class I-A-O, it shall classify the registrant in that class. If the appeal board determines that such registrant is not eligible for classification in a class lower than Class I-A-O, but is eligible for classification in Class I-A-O, it shall classify the registrant in that class.

(2) If the appeal board determines that such registrant is not eligible for classification in either a class lower than Class I-A-O or in Class I-A-O, the appeal board shall transmit the entire file to the United States Attorney for the judicial district in which the office of the appeal board is located for the purpose of securing an advisory recommendation from the Department of Justice.

(3) If the registrant claims that he is, by reason of religious training and belief, conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces, the appeal board shall first determine whether or not the registrant is eligible for classification in a class lower than Class IV-E. If the appeal board finds that the registrant is not eligible for classification in a class lower than Class IV-E, but does find that the registrant is eligible for classification in Class IV-E, it shall place him in that class.

(4) If the appeal board determines that such registrant is not entitled to classification in either a class lower than Class IV-E or in Class IV-E, it shall transmit the entire file to the United States Attorney for the judicial district in which the office of the appeal board is located for the purpose of securing an advisory recommendation from the Department of Justice.

(b) No registrant's file shall be forwarded to the United States Attorney by any appeal board and any file so forwarded shall be returned, unless in the "Minutes of Actions by Local Board and Appeal Board" on the Classification Questionnaire (SSS Form No. 100) the record shows and the letter of transmittal states that the appeal board reviewed the file and determined that the registrant should not be classified in either Class I-A-O or Class IV-E under the circumstances set forth in subparagraphs (2) or (4) of paragraph (a) of this section.

(c) The Department of Justice shall thereupon make an inquiry and hold a hearing on the character and good faith of the conscientious objections of the registrant. The registrant shall be notified of the time and place of such hearing and shall have an opportunity to be heard. If the objections of the registrant are found to be sustained, the Department of Justice shall recommend to the appeal board (1) that if the registrant is inducted into the armed forces, he shall be assigned to noncombatant service, or (2) that if the registrant is found to be conscientiously opposed to participation in such noncombatant service, he shall be deferred in Class IV-

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E. If the Department of Justice finds that the objections of the registrant are not sustained, it shall recommend to the appeal board that such objections be not sustained.

(d) Upon receipt of the report of the Department of Justice, the appeal board shall determine the classification of the registrant, and in its determination it shall give consideration to, but it shall not be bound to follow, the recommendation of the Department of Justice. The appeal board shall place in the Cover Sheet (SSS Form No. 101) of the registrant both the letter containing the recommendation of the Department of Justice and the report of the Hearing Officer of the Department of Justice.

§ 626.26 Decision of appeal board. (a) The appeal board shall classify the registrant, giving consideration to the various classes in the same manner in which the local board gives consideration thereto when it classifies a registrant, except that an appeal board may not place a registrant in Class IV-F because of physical or mental disability unless the registrant has been found by the local board or the armed forces to be disqualified for any military service because of physical or mental disability.

(b) Such classification of the registrant shall be final, except where an appeal to the President is taken; provided, that this shall not be construed as prohibiting a local board from changing the classification of a registrant in a proper case under the provisions of Part 625 of this chapter.

§ 626.27 Record of decision on appeal and return of file. (a) When the appeal board makes its classification, it shall record its decision showing the yes and no vote upon the Individual Appeal Record (SSS Form No. 120) and in the Docket Book of Appeal Board (SSS Form No. 121) and shall mark the case "Closed" in the "Remarks" column in the Docket Book of Appeal Board (SSS Form No. 121). All entries in the records of the appeal board shall be made in red ink for those registrants whose cases have been appealed from a classification or determination of a local board which is not located in the appeal board area.

(b) Immediately upon completion of the records, the following action shall be taken:

(1) The appeal board shall return the file to the local board which classified the registrant if such local board and the appeal board are in the same State; provided, that the State Director of Selective Service may direct the channels through which such file shall be returned to such local board; or

(2) The appeal board shall return the file to its State Director of Selective Service if the local board which classified the registrant and the appeal board are in different States. The State Director of Selective Service of the State in which the appeal board is located shall transmit the file to the State Director of Selective Service of the State in which is located the local board which classified the registrant for transmission to that local board. At the request of the State Directors of Selective Service affected, the procedure provided in this

subparagraph may be changed in such manner as the Director of Selective Service may order.

LOCAL BOARD ACTION ON RECEIVING DECISION OF APPEAL BOARD

§ 626.31 Procedure of local board when advised of decision of appeal board. When the local board receives notice of the decision of a case by the appeal board, it shall:

(a) Mail a Notice of Classification (SSS Form No. 110) to the registrant, mail a Classification Advice (SSS Form No. 111) to every person who has on file a written request for the current deferment of the registrant, and, when the Individual Appeal Record (SSS Form No. 120) shows one or more members of the appeal board dissented from the classification, enter upon the Notice of Classification (SSS Form No. 110) and Classification Advice (SSS Form No. 111) mailed the record of the vote of the appeal board as follows: "Vote of appeal board. Yes ____ No ____."

(b) Enter on the Classification Record (SSS Form No. 102) the date of mailing such Notice of Classification (SSS Form No. 110) and on the Classification Questionnaire (SSS Form No. 100), under "Minutes of Actions by Local Board and Appeal Board", the date of mailing such Classification Advice (SSS Form No. 111).

(c) If the local board classification of the registrant has been changed by the appeal board, enter the new classification in the Classification Record (SSS Form No. 102) and, with red ink, draw a line through the local board classification.

EFFECT OF APPEAL

§ 626.41 Appeal postpones induction. A registrant shall not be inducted either during the period afforded him to take an appeal to the appeal board or during the time such an appeal is pending.

SPECIAL APPEAL

§ 626.51 Appeal may be taken by registrant from local board determination in certain cases. (a) When a registrant has requested his local board to make a determination under the provisions of § 619.1 of this chapter and the local board has made a determination upon such request, the registrant may file a written notice of appeal from the determination of the local board within 10 days from the date the local board mailed notice of such determination.

(b) Immediately upon such an appeal being filed, the local board shall transmit the registrant's file as provided in § 626.13.

(c) When the appeal board receives a registrant's file, it shall give preference to such appeal unless otherwise directed by the Director of Selective Service, shall make a determination, and shall immediately return the file as provided in § 626.27.

(d) When the local board receives the registrant's file from the appeal board, it shall notify the registrant of the appeal board's determination.

RECONSIDERATION BY APPEAL BOARD

§ 626.61 Reconsideration of appeal board determination. (a) When either

the Director of Selective Service or the State Director of Selective Service deems it to be in the national interest or necessary to avoid an injustice, he may, at any time, request an appeal board to reconsider any determination made by it, stating his reasons for requesting such reconsideration. Upon receiving such a request, an appeal board will reconsider its determination in any case.

(b) At any time within 10 days after the date when the local board mails to the registrant a Notice of Classification (SSS Form No. 110) as provided in § 626.31, or at any time before the registrant is mailed an Order to Report for Induction (SSS Form No. 252), the government appeal agent, if he deems it to be in the national interest or necessary to avoid an injustice, may prepare and place in the registrant's file a recommendation that the State Director of Selective Service either request the appeal board to reconsider its determination or appeal to the President. The registrant's file shall then be forwarded to the State Director of Selective Service. As soon as the State Director of Selective Service has acted upon the recommendation of the government appeal agent he shall advise the local board and, if he determines neither to request the appeal board to reconsider its determination nor to appeal to the President, he shall return the file to the local board.

PART 627—APPEAL TO THE PRESIDENT

Sec.

- 627.1 Who may appeal to the President from any determination of an appeal board.
- 627.2 State Directors who may appeal to the President.
- 627.3 Appeal to President.
- 627.4 How appeal to the President is taken.
- 627.5 Procedure on appeal to the President.
- 627.6 File to be returned after appeal to the President is decided.
- 627.7 Procedure of local board when appeal to the President is returned.
- 627.8 Appeal to the President postpones induction.

§ 627.1 Who may appeal to the President from any determination of an appeal board. (a) When either the State Director of Selective Service or the Director of Selective Service deems it to be in the national interest or necessary to avoid an injustice, he may appeal to the President from any determination of an appeal board. He may take such an appeal at any time.

(b) An appeal to the President may be taken by the Director of Selective Service (1) by mailing to the local board, through the State Director of Selective Service, a written notice of appeal or (2) by placing in the registrant's file a written notice of appeal and, through the State Director of Selective Service, advising the local board thereof.

(c) An appeal to the President may be taken by the State Director of Selective Service (1) by mailing to the local board a written notice of appeal and directing the local board to forward the registrant's file to him for transmittal to the Director of Selective Service or (2) by placing in the registrant's file a written notice of appeal and advising the local board thereof. Before he forwards the registrant's file to the Director of

Selective Service, the State Director of Selective Service shall place in such file a written statement of his reasons for taking such appeal.

§ 627.2 State Directors who may appeal to the President. When a registrant's case has been reviewed by an appeal board of a State other than the State in which the local board which classified the registrant is located, either the State Director of Selective Service of the State in which the classifying local board is located or the State Director of Selective Service of the State in which the appeal board is located may appeal to the President from the determination of the appeal board if he deems it to be in the national interest or necessary to avoid an injustice.

§ 627.3 Appeal to President. The registrant, any person who claims to be a dependent of the registrant, or any person who prior to the classification appealed from filed a written request for the current occupational deferment of the registrant, at any time within 10 days after the mailing by the local board of the Notice of Classification (SSS Form No. 110) notifying the registrant that the local board classification has been affirmed or changed, may appeal to the President if the registrant was classified by the appeal board in either Class I-A or Class I-A-O and one or more members of the appeal board dissented from such classification. The local board may permit any person who is entitled to appeal to the President under this section to do so, even though the 10 day period herein provided for such an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such 10 day period was due to a lack of understanding of the right to appeal or to some other cause beyond the control of such person.

§ 627.4 How appeal to the President is taken. An appeal to the President under the provisions of § 627.3 shall be taken by filing with the local board a written notice of appeal. Such notice need not be in any particular form but must state the name of the registrant and the name and identity of the person appealing so as to show the right of appeal, and the fact that such person wishes the President to review the determination of the appeal board.

§ 627.5 Procedure on appeal to the President. (a) When an appeal to the President is taken, the local board shall (1) notify the registrant that such an appeal has been taken; (2) if the registrant's file is in its possession, forward the entire file to the State Director of Selective Service; and (3) enter on the Classification Record (SSS Form No. 102) under "Remarks" the date the file is forwarded or the date it receives notice that an appeal to the President has been taken.

(b) When an appeal to the President is taken, the State Director of Selective Service shall check the file which is in his possession or which is forwarded to him to be sure that all procedural requirements have been properly complied with, including notice to the registrant

that such an appeal has been taken, and, if he discovers any procedural defects, return the file for correction. If any information has been placed in the file which was not considered by the local board in making the classification from which the appeal to the President is taken, the State Director of Selective Service shall review such information and, if he is of the opinion that such information, if true, would justify a different classification of the registrant, return the file to the local board with instructions to reopen the registrant's classification and classify the registrant anew.

(c) When the State Director of Selective Service has complied with the provisions of paragraph (b) of this section, he shall, unless the file is returned to the local board, forward the file to the Director of Selective Service.

§ 627.6 File to be returned after appeal to the President is decided. When the appeal to the President has been decided, the file shall be returned to the local board through the appropriate State Director of Selective Service.

§ 627.7 Procedure of local board when appeal to the President is returned. When the file of the registrant is received by the local board, it shall:

(a) Mail a Notice of Classification (SSS Form No. 110) to the registrant and mail a Classification Advice (SSS Form No. 111) to every person who has on file a written request for the current deferment of the registrant.

(b) Enter in the Classification Record (SSS Form No. 102) the date of the mailing of such Notice of Classification (SSS Form No. 110) and on the Classification Questionnaire (SSS Form No. 100), under "Minutes of Actions by Local Board and Appeal Board," the date of mailing such Classification Advice (SSS Form No. 111).

(c) If the classification of the registrant by the appeal board has been changed, enter the new classification in the Classification Record (SSS Form No. 102) and, with red ink, draw a line through the appeal board classification.

§ 627.8 Appeal to the President postpones induction. A registrant shall not be inducted during the time an appeal to the President is pending.

2. (a) There is hereby created and established within the Selective Service System a civilian agency of appeal which shall be known as the National Selective Service Appeal Board, hereinafter referred to as the National Board. The National Board shall consist of three members who shall be appointed by the President from among citizens of the United States who are not members of the armed forces, one of whom shall be designated by the President as the chairman.

(b) The National Board is authorized and directed to perform all the functions and duties vested in the President by Title I of the Selective Service Act of 1948 that relate to appeals from the determinations of other appeal boards of the Selective Service System, including particularly the functions and duties of the President under that sentence of sec-

tion 19 (b) (3) of said Act which reads as follows: "The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final."

(c) The National Board shall be in all respects independent of the Director of Selective Service (except as provided in paragraphs (d) and (e) below).

(d) The Director of Selective Service and the National Board shall each furnish to the other such information and assistance as will further the attainment of the objectives of Title I of the Selective Service Act of 1948 and promote the effective administration of such title.

(e) Each member of the National Board shall (1) devote so much time to the affairs of the National Board as its responsibilities may require, (2) be compensated on a when actually employed basis at a rate equivalent to a full-time rate of \$12,500 per annum, and (3) receive actual traveling and other necessary expenses. The Director of Selective Service shall provide for the payment of such compensation and expenses and shall furnish the National Board suitable office space and other necessary facilities and services at the National Selective Service Headquarters.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 20, 1948.

[F. R. Doc. 48-7589; Filed, Aug. 20, 1948;
11:27 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Under authority of § 6.1 (a) of Executive Order No. 9830, and at the request of the Department of Commerce and the United States Maritime Commission, the Commission has determined that the positions listed below should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, subparagraphs (11) and (21) of § 6.4 (a) are amended as follows:

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

(11) Department of Commerce. * * *
(xviii) Bureau of Standards: NC/PD. Scientific or professional consultants or advisors at salaries equivalent to the entrance rate of P-5 or higher employed for not to exceed 180 days a year. Appointments under this subdivision shall be subject to the prior approval of the Commission.

(xix) Bureau of Standards: NC/PD. Professional and subprofessional positions in the field of research when filled by graduate students at accredited colleges or universities: *Provided*, That such research work is to be used by the student

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as a basis for securing academic credit toward a graduate degree. 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 positions to be filled under this provision may not exceed 25 at any one time.

(xx) Bureau of Standards: NC/PD. Scientific and professional positions when filled by bona fide members of a faculty of an accredited college or university not to exceed 120 days in the period of one year in any individual case and the total number of appointments not to exceed 15 at any one time.

* * * * *

(21) U. S. Maritime Commission.

(viii) The General Manager.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] ARTHUR S. FLEMMING,
Acting President.

[F. R. Doc. 48-7529; Filed, Aug. 20, 1948;
8:49 a. m.]

TITLE 7—AGRICULTURE

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

[Lemon Reg. 288]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.395 Lemon Regulation 288—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is

permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 22, 1948, and ending at 12:01 a. m., P. s. t., August 29, 1948, is hereby fixed as follows:

(i) District 1: 250 carloads;

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 287, (13 F. R. 4703) and made a part hereof by this reference.

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

Done at Washington, D. C., this 19th day of August 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 48-7579; Filed, Aug. 20, 1948;
8:52 a. m.]

[Orange Reg. 244]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.390 Orange Regulation 244—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 22, 1948, and ending at 12:01 a. m., P. s. t., August 29, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: No movement; (b) Prorate District No. 2: 1200 carloads; (c) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: No movement; (b) Prorate District No. 2: No movement; (c) Prorate District No. 3: No movement.

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

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

Done at Washington, D. C., this 20th day of August 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

(Orange Regulation Period No. 244)

[12:01 a. m. Aug. 22, 1948, to 12:01 a. m. Aug. 29, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0876
A. F. G. Corona	.1560
A. F. G. Fullerton	.6437
A. F. G. Orange	.4981
A. F. G. Riverside	.1135
A. F. G. San Juan Capistrano	.9465
A. F. G. Santa Paula	.6953
Hazeltine Packing Co.	.4270
Placentia Pioneer Valley Growers Association	.6379
Signal Fruit Association	.1375
Azusa Citrus Association	.4152
Covina Valley Orange Co.	.1007
Damerel-Allison Co.	.8587
Glendora Mutual Orange Association	.3971
Irwindale Citrus Association	.3848
Puente Mutual Citrus Association	.2160
Valencia Heights Orchard Association	.4861
Covina Citrus Association	1.1253
Covina Orange Growers Association	.5925
Glendora Citrus Association	.3812
Glendora Heights Orange and Lemon Growers Association	.0592
Gold Buckle Association	.4954
La Verne Orange Association	.6854
Anaheim Citrus Fruit Association	1.0724
Anaheim Valencia Orange Association	.8125
Eadington Fruit Co., Inc.	2.3115

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Fullerton Mutual Orange Association	1.1368
La Habra Citrus Association	1.1183
Orange County Valencia Association	.6321
Orangethorpe Citrus Association	.7595
Placentia Cooperative Orange Association	.6223
Yorba Linda Citrus Association	.6584
Citrus Fruit Growers	.1381
Cucamonga Citrus Association	.2177
Etiwanda Citrus Fruit Association	.0378
Mountain View Fruit Association	.0192
Old Baldy Citrus Association	.1336
Rialto Heights Orange Growers	.0623
Upland Citrus Association	.3986
Upland Heights Orange Association	.1617
Consolidated Orange Growers	1.8973
Frances Citrus Association	.2654
Garden Grove Citrus Association	.4019
Goldenwest Citrus Association, The	1.8663
Irvine Valencia Growers	3.0084
Olive Heights Citrus Association	1.6433
Santa Ana-Tustin Mutual Citrus Association	1.0720
Santiago Orange Growers Association	4.2754
Tustin Hills Citrus Association	2.6534
Villa Park Orchards Association, The	1.6283
Bradford Brothers, Inc.	.5666
Placentia Mutual Orange Association	2.3686
Placentia Orange Growers Association	2.0617
Yorba Orange Growers Association	.6248
Call Ranch	.0756
Corona Citrus Association	.4478
Jameson Company	.0475
Orange Heights Orange Association	.3911
Crafton Orange Growers Association	.4531
East Highlands Citrus Association	.0819
Fontana Citrus Association	.1207
Highland Fruit Growers Association	.0000
Redlands Heights Groves	.3185
Redlands Orangedale Association	.3391
Break & Sons, Allen	.0641
Bryn Mawr Fruit Growers Association	.2352
Krinar Packing Co.	.3119
Mission Citrus Association	.1448
Redlands Cooperative Fruit Association	.3726
Redlands Orange Growers Association	.2577
Redlands Select Groves	.3416
Rialto Citrus Association	.2261
Rialto Orange Co.	.1724
Southern Citrus Association	.2016
United Citrus Growers	.1585
Zilen Citrus Co.	.0635
Arlington Heights Citrus Co.	.1010
Brown Estate, L. V. W.	.1424
Gavilan Citrus Association	.1614
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0657
McDermot Fruit Co.	.1907
Monte Vista Citrus Association	.1946
National Orange Co.	.0363
Riverside Heights Orange Growers Association	.0632
Sierra Vista Packing Association	.0555
Victoria Avenue Citrus Association	.1461
Claremont Citrus Association	.1833
College Heights Orange and Lemon Association	.2783
El Camino Citrus Association	.0873
Indian Hill Citrus Association	.2037
Pomona Fruit Growers Exchange	.4207
Walnut Fruit Growers Association	.5516
West Ontario Citrus Association	.4116
El Cajon Valley Citrus Association	.2833
Escondido Orange Association	.2.6134
San Dimas Orange Growers Association	.5042

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Andrews Brothers of California	0.4478
Ball & Tweedy Association	.7477
Canoga Citrus Association	.8353
North Whittier Heights Citrus Association	.9901
San Fernando Fruit Growers Association	.6395
San Fernando Heights Orange Association	1.0362
Sierra Madre-Lamanda Citrus Association	.4965
Camarillo Citrus Association	1.8583
Fillmore Citrus Association	3.3935
Mupu Citrus Association	3.1803
Ojai Orange Association	1.0711
Piru Citrus Association	1.8169
Santa Paula Orange Association	1.2090
Tapo Citrus Association	1.2602
Ventura County Citrus Association	.0353
Limoneira Co.	.7487
East Whittier Citrus Association	.3967
El Ranchito Citrus Association	1.0485
Murphy Ranch Company	.4576
Rivera Citrus Association	.5025
Whittier Citrus Association	.7025
Whittier Select Citrus Association	.4084
Anaheim Coop. Orange Association	1.1333
Bryn Mawr Mutual Orange Association	.1042
Chula Vista Mutual Lemon Association	.1366
Escondido Coop. Citrus Association	.4202
Euclid Avenue Orange Association	.5044
Foothill Citrus Union, Inc.	.0358
Fullerton Coop. Orange Association	.2974
Garden Grove Orange Coop., Inc.	.6506
Golden Orange Groves, Inc.	.3042
Highland Mutual Groves	.0181
Index Mutual Association	.2587
La Verne Cooperative Citrus Association	1.3513
Mentone Heights Association	.0579
Olive Hillside Groves	.7149
Orange Cooperative Citrus Association	1.0099
Redlands Foothill Groves	.6330
Redlands Mutual Orange Association	.1363
Riverside Citrus Association	.0486
Ventura County Orange and Lemon Association	.9982
Whittier Mutual Orange and Lemon Association	.1341
Babijuice Corp. of California	.3672
Banks Fruit Co.	.0709
Banks, L. M.	.3587
Borden Fruit Company	.9795
California Associated Growers	.1518
California Fruit Distributors	.0638
Cherokee Citrus Co., Inc.	.1074
Chess Co., Meyer W.	.2899
Escondido Avocado Growers	.0205
Evans Brothers Packing Co.	.1065
Furr, N. C.	.0187
Gold Banner Association	.2940
Granada Hills Packing Co.	.0401
Granada Packing House	.1.2743
Hill, Fred A.	.0799
Inland Fruit Dealers, Inc.	.0668
Morris Brothers Fruit Co.	.0114
Orange Blet Fruit Distributors	1.7829
Panno Fruit Co., Carlo	.0402
Paramount Citrus Association	.7051
Placentia Orchard Co.	.4984
San Antonio Orchard Co.	.3629
Snyder & Sons Co., W. A.	.3887
Stephens, T. F.	.2303
Torn Ranch	.0038
Wall, E. T.	.1211
Webb Packing Co.	.0278
Western Fruit Growers, Inc., Reds	.5797

[F. R. Doc. 48-7586; Filed, Aug. 20, 1948;
11:37 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Regulation W]

PART 222—CONSUMER INSTALMENT CREDIT¹

1. This Part 222 is issued to be effective on and after September 20, 1948, in the form as follows:

Sec.	
222.1	Scope and application of part.
222.2	General requirements and registration.
222.3	Instalment sales: general rules.
222.4	Instalment loans: general rules.
222.5	Renewals, revisions, and additions.
222.6	Certain technical provisions.
222.7	Exempt credits.
222.8	Miscellaneous provisions; definitions.
222.9	Supplement.

AUTHORITY: §§ 222.1 to 222.9, inclusive, issued under sec. 5 (b), 40 Stat. 415, as amended; 12 U. S. C. 93a, E. O. 8843, Aug. 9, 1941; 3 CFR Cum. Supp., Pub. Law 905, 80th Cong.

§ 222.1 *Scope and application of part.* This part is issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board") under authority of section 5 (b) of the act of October 6, 1917, as amended, Executive Order No. 8843, dated August 9, 1941 (hereinafter called the "Executive order"), and Public Law 905, approved August 16, 1948.

The part applies, in general, to any person who is engaged in the business of making extensions of instalment credit in amounts of \$5,000 or less, or discounting or purchasing obligations arising out of such extensions of credit. It applies whether the person is a bank, loan company, or finance company, or a person who is so engaged in connection with any other business, such as by making such extensions of credit as a dealer, retailer, or other person in connection with the selling of consumers' durable goods.

§ 222.2 *General requirements and registration*—(a) *General requirements.* Each person engaged in the business of making instalment sales² or instalments loans,³ or engaged in the business of lending on the security of or discounting or purchasing obligations arising out of such extensions of credit, is referred to in this part as a "Registrant"; and no Registrant shall make or receive any payment which constitutes or arises directly or indirectly out of any such ex-

¹ For notice of proposed changes to this part, see F. R. Doc. 48-7580, in Proposed Rule Making Section, *infra*.

² This part shall apply to extensions of credit made, renewed, revised or consolidated on or after the effective date.

³ It is to be noted that "instalment sale" is defined to include only instalment credit arising out of the sale of an article listed in § 222.9, hereinafter called a "listed article."

⁴ Both "instalment sale" and "instalment loan" are defined to exclude credits in a principal amount exceeding \$5,000.

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tenor of credit made by him or out of any such obligation lent on or discounted or purchased by him, except on the following conditions:

(1) He must have a license, and each Registrant is hereby granted such a license, but such license of a Registrant may be suspended in the manner and on the grounds stated in § 222.8 (b); and

(2) The extension of credit made, renewed, revised or consolidated by him, or giving rise to the obligation discounted or purchased by him or acquired by him as collateral, must comply with the applicable requirements of this part.

(b) *Registration.* Within 60 days after the effective date of this part, or 60 days after he becomes subject to § 222.2 (a), whichever is later, each Registrant shall file, with the Federal Reserve Bank or any branch thereof in the district in which the main office of the Registrant is located, a registration statement on a form obtainable from any Federal Reserve Bank or branch. Such statement shall be filed regardless of whether or not the Registrant had filed such a statement under Part 222 as in effect prior to November 1, 1947.

§ 222.3 *Instalment sales; general rules.* Except as otherwise permitted by this part, each instalment sale shall comply with the following requirements:

(a) *Down payment and maturity.* There shall be a down payment not less than that specified for the listed article in § 222.9, such down payment to be calculated as therein specified; and the maturity shall not exceed that specified for the listed article in § 222.9.

(b) *Amounts and intervals of instalments.* Except as permitted by § 222.6(a) for seasonal incomes, the time balance shall be payable in instalments which shall be (1) substantially equal in amount or so arranged that no instalment is substantially greater than any preceding instalment, (2) payable at approximately equal intervals not exceeding one month, and (3) not less than \$5.00 per month or \$1.25 per week on the aggregate instalment indebtedness of one debtor to the same creditor.

(c) *Statement of transaction.* The instalment sale shall be evidenced by a written instrument or record which shall set forth the information specified in § 222.6 (c).

§ 222.4 *Instalment loans; general rules.* Except as otherwise permitted by this part, each instalment loan shall comply with the following requirements:

(a) *Instalment loans to purchase listed articles.* If the Registrant knows or has reason to know that the proceeds of an instalment loan are to be used to purchase any listed article:

(1) The principal amount lent (excluding any interest or finance charges and the cost of any insurance) shall not exceed the maximum loan value specified for the article in § 222.9, such loan value to be calculated as therein specified; and

(2) The maturity shall not exceed the maximum maturity specified for the listed article in § 222.9.

(b) *Unclassified instalment loans.* In the case of an instalment loan which is not subject to section 4 (a), the maxi-

mum maturity shall not exceed the maximum maturity specified therefor in § 222.9.

(c) *Amounts and intervals of instalments; record.* Whether subject to section 4 (a) or section 4 (b), the instalment loan, except as permitted by section 6 (a) for seasonal incomes, shall be payable in instalments which shall be (1) substantially equal in amount or so arranged that no instalment is substantially greater in amount than any preceding instalment, (2) payable at approximately equal intervals not exceeding one month, and (3) not less than \$5.00 per month or \$1.25 per week on the aggregate instalment indebtedness of one debtor to the same creditor. It shall be evidenced by a written instrument or record which shall set forth the terms of payment.

(d) *Statement of the borrower.* No Registrant shall make any instalment loan subject to § 222.4 (a) or § 222.4 (b) unless he shall have accepted in good faith a signed Statement of the Borrower as to the purposes of the loan. Such Statement shall state whether or not any of the proceeds of the loan are to be used to make a down payment on the purchase of a listed article or to be used to purchase any listed article, and if any of the proceeds of the loan are to be used for the latter purpose such Statement shall identify such listed article and shall state the cash price thereof and the value of any trade-in. If a Registrant relies in good faith on the facts set out by the obligor in such Statement, it shall be deemed to be correct for the purposes of the Registrant.

(e) *Loans to make down payments prohibited.* A Registrant shall not make any instalment loan if he knows or has reason to know that any part of the proceeds thereof is to be used to make a down payment on the purchase price of any listed article.

§ 222.5 *Renewals, revisions and additions—(a) General requirements.* In the case of an instalment sale or instalment loan which results from a renewal or revision of any such credit already outstanding, or which results from the combination of any such outstanding credit with an additional extension of instalment credit, the renewed, revised or consolidated obligation shall (regardless of when the outstanding credit originated) comply with all the requirements of this part as if it were a new extension of credit except that:

(1) The requirements as to Statement of Borrower and down payment or maximum loan value, if any, shall not apply to the outstanding credit already held by the Registrant; and

(2) The renewed, revised or consolidated obligation may, in so far as the maturity and instalment requirements are concerned, be treated as if it were a new credit with the maximum maturity calculated from the date of the renewal, revision or consolidation. The payments on such renewed, revised, or consolidated obligation shall not be less than \$5.00 per month or \$1.25 per week on the aggregate instalment indebtedness of one debtor to the same creditor.

(b) *Statement of changed conditions.* Notwithstanding any other provision of

this part, if a Registrant accepts in good faith a Statement of Changed Conditions as provided in the following paragraph, an extension of instalment credit that refinances any outstanding obligation (whether or not such obligation is held by the Registrant or is itself payable in instalments) may have a maturity not exceeding that specified in § 222.9 for refinancing pursuant to such Statements, but such maturity shall be applicable only to the credit refinanced. The payments on the credit refinanced need not be as large as \$5.00 per month or \$1.25 per week.

The requirements of a Statement of Changed Conditions will be complied with only if the Registrant accepts in good faith a written statement signed by the obligor that the contemplated refinancing is necessary in order to avoid undue hardship upon the obligor or his dependents resulting from contingencies that were unforeseen by him at the time of obtaining the original extension of credit or which were beyond his control, which statement also sets forth briefly the principal facts and circumstances (1) with respect to the original extension of credit and (2) with respect to such contingencies, and specifically states in addition that the contemplated refinancing is not pursuant to a preconceived plan or an intention to evade or circumvent the requirements of this part.

(c) *Bona fide collection effort; servicemen's preinduction debt.* Nothing in this part shall be construed to prevent any Registrant from making any renewal or revision, or taking any action that he shall deem necessary in good faith (1) for the Registrant's own protection in connection with any obligation which is in default and is the subject of bona fide collection effort by the Registrant, or (2) with respect to any obligation of any member or former member of the armed forces of the United States incurred prior to his induction into such service.

§ 222.6 *Certain technical provisions—(a) Special payment schedules for seasonal incomes.* If the income received by an obligor from the main sources of his income customarily fluctuates materially from month to month or from season to season, the payment schedule may be adapted, within the applicable maximum maturity, to such customary flow of income, provided the obligation complies with one or the other of the following requirements: (1) At least half of the credit is to be repaid within the first half of the applicable maximum maturity; or (2) payments are reduced or omitted in not more than 4 months of any calendar year but are otherwise in equal monthly amounts. In all such cases, a statement of the facts relied upon shall be preserved in the Registrant's files for the life of the obligation.

(b) *Calculating maximum maturity of contract.* In calculating the maximum maturity of an instalment sale or instalment loan, a Registrant may, at his option, use any date not more than 15 days subsequent to the actual date of the sale or loan.

(c) *Record of instalment sale.* The instrument or record evidencing an in-

stalment sale pursuant to § 222.3 (c) shall set forth (in any order) the following information:

(1) A brief description identifying the article purchased;

(2) The cash price of the article;

(3) The amount of the purchaser's down payment (i) in cash and (ii) in goods accepted in trade, together with a brief description identifying such goods and stating the monetary value assigned thereto in good faith;

(4) The amount of any insurance premium for which credit is extended and of any finance charges or interest by way of discount included in the principal amount of the obligation, or the sum of these amounts;

(5) The time balance owed by the purchaser, which is the sum of items (2) and (4) minus item (3); and

(6) The terms of payment.

The instrument or record need not include a description of the article if it is purchased by means of a coupon book or similar medium of instalment credit upon which there has been made a cash down payment at least as great as the highest down payment required by this part on any article sold by the Registrant. The instrument or record need not include the information called for by items (2) and (4) if the Registrant is one who quotes to the public a time price for the article which includes the finance charge if any, provided he sets forth such time price in such instrument or record, and provided he obtains a cash down payment which is at least as large as would be required if the percentage specified for the article in § 222.9 were applicable to the time price.

(d) *Extension of credit for mixed purposes.* In case an extension of credit is partly subject to one section of this part and partly subject to another section, the amount and terms of such extension of credit shall be such as would result if the credit were divided into two or more parts and each part were treated as if it stood alone. In case an extension of credit is partly subject to this part and partly not subject to the part, the amount and terms of such extension of credit shall be such as would result if the credit were divided and the part subject to the part were treated according to the applicable provisions of the part; the part not subject to the part may be treated as if the part did not exist.

(e) *"Lay-away" plans.* With respect to any extension of credit involving a bona fide "lay-away" plan, or other similar plan by which a purchaser makes one or more payments on an article before receiving delivery thereof, the Registrant may, for the purposes of this part, treat the extension of credit as not having been made until the date of the delivery of the article to the purchaser.

(f) *Mail orders.* An instalment sale shall not be deemed to be in violation of the down payment requirement of § 222.3 (a) if the sale is made upon the receipt of a mail order for one or more articles and the cash deposit received with the order fails by less than \$1.00 to equal the sum of the down payments required by this part for all of the articles included in the order.

(g) *Delivery in anticipation of instalment sale.* In case a listed article is delivered in anticipation of an instalment sale of that article or a similar article (such as a delivery "on approval", "on trial", or as a "demonstrator"), the Registrant shall require, at or before the time of such delivery, a deposit equal to the down payment that would be required on such an instalment sale.

(h) *Sets and groups of articles.* In determining whether an article is a "listed article", the word "article" shall be deemed to include any set, group or assembly commonly considered, sold or used as a single unit, if the component parts thereof are sold or delivered at substantially the same time.

(i) *Evasive side agreements.* No extension of credit complies with the requirements of the regulation in this part if at the time it is made there is any agreement, arrangement, or understanding (1) by which the obligation is to be renewed or revised on terms which would permit final payment to be deferred beyond the date permitted by this part for such credit at its inception, or (2) by which the obligor is to be enabled to make repayment on conditions inconsistent in any other respect with those required by this part, or (3) by which there is to be any evasion or circumvention, or any concealment of any evasion or circumvention, of any requirement of this part.

(j) *Side loan to make down payment.* A Registrant shall not make an extension of instalment credit to finance the purchase of any listed article if he knows or has reason to know that there is, or that there is to be, any other extension of credit of any kind in connection with the purchase of the listed article which would bring the total amount of credit extended in connection with such purchase beyond the amount of instalment credit permitted by this part; but, if the Registrant accepts in good faith a written statement signed by the obligor that no such other extension exists or is to be made, such statement shall be deemed to be correct for the purposes of the Registrant.

(k) *Purchase of article in lieu of trade-in.* Anything which the seller of a listed article buys, or arranges to have bought, from the purchaser at or about the time of the purchase of the listed article shall be regarded as a trade-in for the purposes of this part.

(l) *Misuse of coupon plans.* No coupon, ticket or similar medium of credit, whether paid for in instalments or otherwise, shall be accepted by any Registrant in payment, in whole or in part, for any listed article if such acceptance, in effect, would permit the article to be sold on terms not complying with the requirements of this part.

§ 222.7 *Exempt credits.* This part shall not apply to any of the following:

(a) *Business or agricultural loans.* Any loan for business purposes to a business enterprise or for agricultural purposes to a person engaged in agriculture, provided the loan is not for the purpose of purchasing a listed article.

(b) *Credit to dealers and certain salesmen.* Any extension of credit to a wholesaler or retailer to finance the purchase of any article for resale, or any

extension of credit which is made to a bona fide salesman of automobiles in order to finance the purchase of a new automobile to be used by him principally as a demonstrator.

(c) *Credit to governmental agencies, religious institutions, etc.* Any extension of credit to the Federal Government, any State government, any political subdivision, or any department, agency or establishment thereof, or to any church, hospital, clinic, sanitarium, school, college, or other religious, educational, charitable, or eleemosynary institution.

(d) *Credits under Government rehabilitation and readjustment programs.* Any extension of credit (1) made by the Land Bank Commissioner on behalf of the Federal Farm Mortgage Corporation or by any Federal land bank and found, pursuant to regulations issued by the Commissioner, to be necessary to maintain or increase production of essential agricultural commodities, (2) made or insured by the Farmers' Home Administration, (3) made in accordance with the regulations of the Secretary of the Interior for the economic development or rehabilitation of Indians, (4) made under section 4 (a) (4) of the Reconstruction Finance Corporation Act, as amended, because of floods or other catastrophes, or (5) made, guaranteed or insured in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of the Servicemen's Readjustment Act of 1944, or by any State agency pursuant to similar State legislation.

(e) *Loans to pay fire and casualty insurance premiums.* Any loan to finance a premium in excess of one year on a fire or casualty insurance policy, if the loan is fully secured by the unearned portion of such premium.

(f) *Credit for purchasing securities.* Any extension of credit which is subject to the Board's regulations under the Securities Exchange Act of 1934 or which is otherwise for the purpose of purchasing or carrying stocks, bonds, or other investment securities.

(g) *Real estate and home improvement loans.* Any extension of credit which is for the purpose of financing or refinancing (1) the construction or purchase of an entire residential building or other entire structure or (2) repairs, alterations, or improvements upon urban, suburban or rural real property in connection with existing structures, except to the extent that such repairs, alterations, or improvements incorporate any listed article.

(h) *Loans to meet medical expenses, etc.* Any loan as to which the Registrant accepts in good faith a written statement signed by the borrower certifying that the proceeds are to be used for bona fide educational, medical, hospital, dental, or funeral expenses, or to pay debts incurred for such expenses, and that such proceeds (unless they are to be used exclusively for educational expenses) are to be paid over in amounts specified in such statement to persons whose names, addresses, and occupations are stated therein.

(i) *Disaster credits.* Any extension of credit to finance the repair or replacement of property damaged or lost as a result of

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a flood or other similar disaster which the Federal Reserve Bank of the district in which the disaster occurred finds has created an emergency affecting a substantial number of the inhabitants of the stricken area, provided such extension is made prior to the end of the sixth calendar month following the month in which the disaster occurred and a statement describing the damage or loss is preserved in the Registrant's files.

§ 222.8 Miscellaneous provisions; definitions—(a) Preservation of records; inspections. Every Registrant shall preserve, for the life of the obligation to which they relate, such books of account, records, and other papers (including any statements required by or obtained pursuant to this part) as are relevant to establishing whether or not an extension of credit within the scope of this part was in conformity with the requirements thereof, provided, however, that the Registrant may preserve photographic reproductions in lieu of such books of account, records or papers.

For the purpose of determining whether or not there has been compliance with the requirements of this part, every Registrant shall permit the Board or any Federal Reserve Bank by its duly authorized representatives, to make such inspections of his business operations as the Board of Federal Reserve Bank may deem necessary or appropriate, including inspections of books of account, contracts, letters or other relevant papers wherever located, and, for such purpose, shall furnish such reports as the Board or the Federal Reserve Bank may require. When ordered to do so by the Board, every Registrant shall furnish, under oath or otherwise, such information relative to any transaction within the scope of the authority cited in § 222.1 as the Board may deem necessary or appropriate for such purpose, including the production of books of account, contracts, letters or other papers in the custody or control of such person.

(b) Suspension of license. The license of any Registrant may, after reasonable notice and opportunity for hearing, be suspended by the Board, in its entirety or as to particular activities or particular offices or for specified periods, because of any willful or negligent failure to comply with any provision of this part or any requirement of the Board pursuant thereto.

A license which is suspended for a specified period will again become effec-

⁵ In addition, the authority cited in § 222.1 authorizes the Board to institute court proceedings to restrain violations of, and to compel compliance with, the Part or any order of the Board made in pursuance thereof. Furthermore, any Registrant who willfully violates or knowingly participates in a violation of this Part is subject to the penalties prescribed in section 5 (b) of the act of October 6, 1917, as amended, which reads in part as follows: "Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both."

tive upon the expiration of such period. A license which is suspended indefinitely may be restored by the Board, in its discretion, if the Board is satisfied that its restoration would not lead to further violations of this part and would not be otherwise incompatible with the public interest.

(c) Enforceability of contracts. Except as may subsequently be otherwise provided, all provisions of this part are designated, pursuant to section 2 (d) of the Executive order, as being "for administrative purposes" within the meaning of said section 2 (d), which provides that noncompliance with provisions of the part so designated shall not affect the right to enforce contracts.

(d) Clerical errors. Any failure to comply with this part resulting from a mistake in determining, calculating, or recording any price, down payment, or extension of credit, or other similar matter, shall not be construed to be a violation of this part if the Registrant establishes that such failure to comply was the result of excusable error and was not occasioned by a regular course of dealing.

(e) Non-compliance due to facts outside registrant's knowledge. The prohibitions of this part shall not apply to a Registrant with respect to any failure to comply with this part in connection with (1) an extension of credit made by him if, at the time he made it, he did not know or have reason to know any fact by reason of which such extension failed to comply; (2) an obligation purchased, discounted or acquired as collateral by him if, when he purchased or discounted the obligation or acquired it as collateral, the obligation did not show on its face any failure to comply and he did not know any fact by reason of which the extension of credit giving rise to the obligation failed to comply; or (3) an obligation renewed, revised, or consolidated by him if, at the time when he renewed, revised or consolidated it, he did not know or have reason to know any fact by reason of which such renewal, revision or consolidation failed to comply. With respect to any loan on the security of an obligation which arises out of an extension of credit subject to this part, the prohibitions of this part shall be deemed to apply only to payments arising out of the obligation rather than to payments arising out of the loan.

(f) Transactions outside United States. Nothing in this part shall apply with respect to any extension of credit made in Alaska, the Panama Canal Zone, or any territory or possession outside the continental United States.

(g) Right of registrant to impose stricter requirements. Any Registrant has the right to refuse to extend credit, or to extend less credit than the amount permitted by this part, or to require that repayment be made within a shorter period than the maximum permitted by this part.

(h) Definitions. For the purposes of this part, unless the context otherwise requires:

(1) "Person." means an individual, partnership, association, or corporation.

(2) "Registrant." has the meaning given it in § 222.2 (a).

(3) "Extension of credit." has the meaning given it in the Executive order.⁶

(4) "Instalment credit." means an extension of credit which the obligor undertakes to repay in two or more scheduled payments or as to which the obligor undertakes to make two or more scheduled payments or deposits usable to liquidate the credit, or which has a similar purpose or effect.

(5) "Instalment sale." means an instalment credit in a principal amount of \$5,000 or less which is made as principal, agent or broker, by any seller of any consumers' durable good listed in § 222.9 (herein called a "listed article") and which arises out of a sale of such listed article. For this purpose, "sale" includes a lease, bailment, or other transaction which is similar in purpose or effect to a sale.

(6) "Instalment loan." means an instalment credit, other than an instalment sale, in the form of a loan which is in a principal amount of \$5,000 or less; but the definition does not include any loan upon the security of any obligation which arises out of any instalment sale or instalment loan.

(7) "Cash price." means the bona fide cash purchase price of an article, including the bona fide cash purchase price of any accessories, any bona fide delivery, installation and service charges (other than interest, finance or insurance charges), and any applicable sales taxes.

(8) "Principal amount." in the case of an instalment sale means the total amount to be paid under the obligation minus the finance charge, and in the case of an instalment loan means the amount lent exclusive of interest (whether or not such interest is deducted in advance).

§ 222.9 Supplement.

PART 1. Listed articles, down payments, loan values. For the purposes of this Part, the following articles, whether new or used, are "listed articles," and the following required down payments and maximum loan values are prescribed (such down payments and loan values to be calculated as specified in Parts 4 and 5 of this section); but no article having a cash price of less than \$50.00 shall be considered a listed article:

Group A—33 1/3 per cent minimum down payment, 66 2/3 per cent maximum loan value:

⁶ The pertinent part of the Executive order reads as follows: "Extension of credit" means any loan or mortgage; any instalment purchase contract, any conditional sales contract, or any sale or contract of sale under which part or all of the price is payable subsequent to the making of such sale or contract; any rental-purchase contract, or any contract for the bailment or leasing of property under which the bailee or lessee either has the option of becoming the owner thereof or obligates himself to pay as compensation a sum substantially equivalent to or in excess of the value thereof; any contract creating any lien or similar claim or property to be discharged by the payment of money; any purchase, discount, or other acquisition of, or any extension of credit upon the security of, any obligation or claim arising out of any of the foregoing; and any transaction or series of transactions having a similar purpose or effect.

1. Automobiles (passenger cars designed for the purpose of transporting less than 10 passengers, including taxicabs).

Group B—20 per cent minimum down payment, 80 per cent maximum loan value:

1. Cooking stoves and ranges, designed for household use.

2. Dishwashers, mechanical, designed for household use.

3. Ironers designed for household use.

4. Refrigerators, mechanical, of less than 12 cubic feet rated storage capacity (including food freezers).

5. Washing machines designed for household use.

6. Combination units incorporating any listed article in the foregoing classifications of this Group B.

7. Air conditioners, room unit.

8. Radio or television receiving sets, phonographs, or combinations.

9. Sewing machines designed for household use.

10. Suction cleaners designed for household use.

11. Furniture, household (including ice refrigerators, bed springs, mattresses and lamps); and floor coverings, soft surface.

Part 2. Maturity. The maximum maturity for all listed articles and for unclassified instalment loans is 15 months in case the extension of credit is in a principal amount of \$1,000 or less and 18 months in case the extension of credit is in a principal amount of more than \$1,000, except that when such principal amount is more than \$1,000 the instalment payments shall not be less than \$70 per month.

Part 3. Refinancing pursuant to Statement of Changed Conditions. The maximum maturity of any refinancing pursuant to a Statement of Changed Conditions as specified in § 222.5 (b) shall be 20 months.

Part 4. Calculation of down payments for automobiles. The maximum loan value of any automobile shall be the specified percentage of the cash price or of the "appraisal guide value", whichever is lower, and the required down payment shall be the difference between the cash price and the maximum loan value as so calculated. Such required down payment in the case of an automobile may be obtained in the form of cash, trade-in, or both.

"Appraisal guide value" means the estimated average retail value as stated in the current edition of any regularly published automobile appraisal guide that the Board designates for this purpose for use in the territory in which such automobile is sold, plus any applicable sales taxes. Information as to the guide or guides designated for any given territory may be obtained from any Federal Reserve Bank or branch.

Part 5. Calculation of down payments for articles in Group B. If any article is traded in by the purchaser on an article listed in Group B, the required down payment and the maximum loan value shall be the specified percentage of the net price of the article after deducting from the cash price the amount allowed for the trade-in; and such down payment shall be obtained in cash in addition to the trade-in.

2. (a) Part 222 is issued by the Board of Governors of the Federal Reserve System under the authority of section 5 (b) of the Act of October 6, 1917, as amended (40 Stat. 415; 12 USC 95a), Executive Order No. 8843 (dated August 9, 1941), and Public Law 905, approved August 16, 1948.

The purposes of the Part is to prescribe appropriate terms in connection with consumer instalment credit, including appropriate supporting rules, in order to protect the Nation's monetary, banking, and credit structure, and interstate and foreign commerce, against increased inflationary pressures.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act are impracticable, unnecessary and contrary to the public interest in connection with the prescribing of this Part for the following reasons and good cause found:

(1) Because of present inflationary pressures, in the light of which Public Law 905 providing authority for the Part until June 30, 1949, was enacted by a special session of Congress, and in order to prevent the Part from being inoperative during a substantial part of the temporary period during which the Part is authorized, it is desirable in the public interest that the Part become effective more promptly than would be possible if procedure were followed.

(2) A similar regulation of the Board of Governors of the Federal Reserve System was in effect until November 1, 1947 [12 CFR 222, Supp. 1948], and that regulation as then in effect was the result not only of broad experience extending over a period of more than six years but also of extensive consultation with persons affected by the regulation. The new Part is substantially the same as such previous regulation, except for an increase in the size of credits covered by the regulation and certain relaxations from the previous regulation.

(3) For the reasons stated in section 2 (e) of the Rules of Procedure of the Board of Governors of the Federal Reserve System [12 CFR 262.2 (e), Supp., 1946] a large part of the subject matter is not adapted to such procedure.

Approved this 17th day of August, 1948.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-7581; Filed, Aug. 20, 1948;
8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5135]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN CHEMICAL PAINT CO.

§ 3.6 (1) Advertising falsely or misleadingly—Indorsements, approval and testimonials: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.6 (dd 10) Advertising falsely or misleadingly—Success, use or standing: § 3.18 Claiming or using indorsements or testimonials falsely or misleadingly. In connection with the offering for sale, sale or distribution of the respondent's plant hormone powder designated "Rootone", or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, (1) representing, directly or by implication, including by or through the use of testimonials, that said product has a definite proven value in increasing field crop production, or that treating field crop seed with said product can be depended upon to cause a bigger crop yield; or, (2) representing in any manner that field crop seed treated with said product has produced any certain yield unless such yield was actually produced

under controlled test conditions; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, American Chemical Paint Company, Docket 5135, July 12, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 12th day of July A. D. 1948.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision and exceptions to such recommended decision filed by counsel supporting the complaint, briefs in support of and in opposition to the allegations of the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent American Chemical Paint Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the respondent's plant hormone powder designated "Rootone", or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Representing, directly or by implication, including by or through the use of testimonials, that said product has a definite proven value in increasing field crop production, or that treating field crop seed with said product can be depended upon to cause a bigger crop yield.

2. Representing in any manner that field crop seed treated with said product has produced any certain yield unless such yield was actually produced under controlled test conditions.

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

By the Commission, Commissioner Mason dissenting.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-7534; Filed, Aug. 20, 1948;
8:50 a. m.]

[Docket No. 5493]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JACKSON RESEARCH LABORATORIES

§ 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer

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status of dealer or seller—Laboratory: § 3.6 (c) Advertising falsely or misleadingly—Composition of goods: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.96 (a) Using misleading name—Goods—Composition: § 3.96 (b) Using misleading name—Vendor—Producer or laboratory status of dealer or seller. In connection with the offering for sale, sale, and distribution in commerce of respondents' preparation known as D. P. T., or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name or names, directly or by implication, (1) representing that said preparation will repel fleas, lice, or ticks; (2) representing that said preparation is suitable for use on clothing or fabrics; (3) using the letters "D. P. T.", or any other combination of letters which simulates the term "D. D. T.", in or as a part of the trade name of said preparation, or in any other manner to designate, describe, or refer to any preparation which does not contain dichloro-diphenyl-trichloroethane, commonly known as "D. D. T.;" or (4) using the words "Research" or "Laboratories", either singly or in conjunction with each other, or any other word or words of similar import or meaning, in their trade name or in advertisements; or representing through any other means or device, or in any manner, that a staff of chemists or scientists engaged in research is maintained, employed, or controlled or that a laboratory equipped for the compounding of insecticides, or for research in connection therewith, is owned, operated, or controlled unless and until a qualified staff of scientists or chemists is maintained, employed, or controlled or such a laboratory is actually owned, operated, or directly and absolutely controlled; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Jackson Research Laboratories, Docket 5493, July 14, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 14th day of July A. D. 1948.

In the Matter of Walter B. Jackson and Juanita G. Jackson, Individuals and Copartners, Trading as Jackson Research Laboratories.

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

It is ordered, That the respondents, Walter B. Jackson and Juanita G. Jackson, individually and as copartners, trading as Jackson Research Laboratories or

under any other name or names, their 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 their preparation known as D. P. T., or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name or names, do forthwith cease and desist from directly or by implication:

1. Representing that said preparation will repel fleas, lice, or ticks.
2. Representing that said preparation is suitable for use on clothing or fabrics.
3. Using the letters "D. P. T.", or any other combination of letters which simulates the term "D. D. T.", in or as a part of the trade name of said preparation, or in any other manner to designate, describe, or refer to any preparation which does not contain dichloro-diphenyl-trichloroethane, commonly known as "D. D. T."
4. Using the words "Research" or "Laboratories," either singly or in conjunction with each other, or any other word or words of similar import or meaning, in their trade name or in advertisements; or representing through any other means or device, or in any manner, that a staff of chemists or scientists engaged in research is maintained, employed, or controlled or that a laboratory equipped for the compounding of insecticides, or for research in connection therewith, is owned, operated, or controlled unless and until a qualified staff of scientists or chemists is maintained, employed, or controlled or such a laboratory is actually owned, operated, or directly and absolutely controlled.

It is further ordered, That the 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 it.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-7533; Filed, Aug. 20, 1948;
8:49 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter F—Organization and Procedure

PART 601—PROCEDURE

INCOME AND EXCESS PROFITS TAXES

F. R. Doc. 46-15357, appearing at page 177A-22, Part II, Section 1, of the issue for September 11, 1946, as amended prior to January 1, 1947 [26 CFR, Parts 600 and 601, 1946 Supp.], and as amended subsequent to December 31, 1946 [12 F. R. 950, 2560, 3220, and 5485; 13 F. R. 2195 and 2426], is hereby further amended as follows:

Section 601.2 *Income and excess profits taxes* is amended as follows:

1. By changing paragraph (a) *General* as follows:

(A) By inserting in the third paragraph thereof (Regulations 111) immediately preceding the closing parenthesis the following: "T. D. 5600, 13 F. R. 576; T. D. 5605, 13 F. R. 1281; T. D. 5607, 13 F. R. 1454; T. D. 5614, 13 F. R. 2658; T. D. 5616, 13 F. R. 2838".

(B) By inserting in the sixth paragraph thereof (Regulations 110) immediately preceding the closing parenthesis the following: "T. D. 5615, 13 F. R. 2677".

(C) By inserting in the twenty-first paragraph thereof (Treasury Decision 5279) immediately preceding the closing parenthesis the following: "T. D. 5610, 13 F. R. 1477".

(D) By adding at the end of such paragraph (a) a new paragraph reading as follows:

Treasury Decision 4168 (26 CFR, Part 452) and Treasury Decision 5612 (26 CFR, Part 452a, 13 F. R. 2039), relating to taxes under the Trading With the Enemy Act, as amended.

2. By changing paragraph (b) *Tax collection* as follows:

(A) By deleting from subparagraph (2) *Withholding at the source on wages* the second sentence thereof.

(B) By changing subparagraph (3) *Declaration of estimated tax* as follows:

(i) By striking from the first sentence thereof the word "individual" and inserting in lieu of such word the following: "citizen or resident of the United States".

(ii) By amending the second sentence thereof to read as follows: "Under existing law a declaration is required if the expected gross income from wages exceeds \$4,500 plus \$600 for each exemption, or the expected gross income from sources other than wages exceeds \$100 and the expected total gross income equals or exceeds \$600."

(iii) By inserting in the last sentence thereof immediately after the word "wife" the following: "neither of whom is a nonresident alien".

(C) By changing subparagraph (4) *Individual returns* as follows:

(i) By striking out "\$500" in the first sentence thereof and inserting in lieu thereof "\$600".

(ii) By changing the period at the end of the final sentence thereof to a comma, and adding immediately thereafter the following: "Provided, Neither is at any time during the taxable year a nonresident alien."

(D) By striking from subparagraph (6) *Returns for estates and trusts* the amount "\$500" wherever appearing and inserting in lieu thereof the amount "\$600".

3. By striking out the first and second sentences of the second paragraph of paragraph (d) *Claims for credit or refund* and inserting in lieu thereof the following: "Claims for credit or refund (except those involving individual returns audited by collectors) are investigated and considered under the supervision of the internal revenue agents in charge."

4. By inserting in paragraph (g) *Description of Forms* immediately follow-

ing the paragraph entitled *Form 1040F* the following new paragraph:

Form 1040FY. Computation of income tax under section 108 of the Code for taxable years beginning in 1947 and ending in 1948. This form must be filed with and as a part of the individual income tax return Form 1040 (1947) only in case the taxpayer's taxable year begins in 1947 and ends in 1948.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7531; Filed, Aug. 20, 1948;
9:00 a. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

PART 202—STATEMENT OF PROCEDURE

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 449, as amended by the Labor Management Relations Act, 1947, Public Law 101, 80th Congress, 1st Session, the National Labor Relations Board hereby issues and causes to be published in the *FEDERAL REGISTER* the following amendments to its General Statements of Procedure, which are promulgated to carry out the provisions of the act. Said amendments shall become effective upon the signing of the original by the Members of the Board and the publication thereof in the *FEDERAL REGISTER*. The general statements of procedure, as hereby amended, shall be in force and effect until further amended or rescinded by the Board.

Signed at Washington, D. C., this 18th day of August 1948.

PAUL M. HERZOG, *Chairman.*
JOHN M. HOUSTON, *Member.*
JAMES J. REYNOLDS, Jr., *Member.*
ABE MURDOCK, *Member.*
J. COPELAND GRAY, *Member.*

1. Section 202.2 is amended to read as follows:

§ 202.2 Initiation of unfair labor practice cases. The investigation of an alleged violation of the National Labor Relations Act is initiated by the filing of a charge, which must be in writing and signed, and must either be notarized or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. The charge is filed with the regional director for the region in which the alleged violations have occurred or are occurring. A blank form for filing such charge is supplied by the regional office upon request. The charge contains the name and address of the person against whom the charge is made and a statement of the facts constituting the alleged unfair labor practices. Any person may file a charge,

but no complaint will be issued upon a charge filed by a labor organization unless that labor organization is in compliance with section 9 (f) (g) and (h) of the act (see § 203.3 of this chapter).

2. Section 202.3 is amended to read as follows:

§ 202.3 Compliance with section 9 (f), (g) and (h) of the act. If a charge (or petition) is filed by a labor organization, that labor organization and every national or international labor organization of which it is an affiliate or constituent unit must have complied with section 9 (f) (b) (2) of the act. At the time of filing the charge (or petition), or prior thereto or within a reasonable period of time thereafter not to exceed 10 days, the labor organization must present the duplicate copy of a letter from the United States Department of Labor showing that it has filed the material required under section 9 (f) and (g) of the act and a declaration executed by an authorized agent stating the labor organization has complied with section 9 (f) (b) (2) and setting forth the method by which compliance was made.

In addition, the labor organization and every national or international labor organization of which it is an affiliate or constituent unit must have complied with section 9 (h) of the act as follows: At the time of filing the charge (or petition) or prior thereto, or within a reasonable period not to exceed 10 days thereafter, the national or international labor organization shall have on file with the general counsel in Washington, D. C., and the local labor organization shall have on file with the regional director in the region in which the proceeding is pending, or in which it customarily files cases, a declaration by an authorized agent executed contemporaneously or within the preceding 12-month period listing the titles of all offices of the filing organization and stating the names of the incumbents, if any, in each such office and the date of expiration of each incumbent's term, and an affidavit from each such officer, executed contemporaneously or within the preceding 12-month period, stating that he is not a member of the Communist Party or affiliated with such party and that he does not believe in, and is not a member of nor supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

3. Section 202.5 is amended by substituting for the first sentence, the following:

§ 202.5 Withdrawal of charges. If investigation reveals that there has been no violation of the National Labor Relations Act, or the evidence is insufficient to substantiate the charge, the regional director recommends withdrawal of the charge by the person who filed. * * *

4. Section 202.9 (b) is amended by substituting for the first sentence, the following:

§ 202.9 Settlement after issuance of complaint. * * *

(b) All settlement stipulations which provide for the entry of an order by the Board are subject to the approval of the Board in Washington. * * *

5. Section 202.16 is amended to read as follows:

§ 202.16 Initiation of representation cases. The investigation of the question as to whether a union represents a majority of an appropriate grouping of employees is initiated by the filing of a petition by any person or labor organization acting on behalf of a substantial number of employees or by an employer when one or more individuals or labor organizations present to him a claim to be recognized as the exclusive bargaining representative. If there is a certified or currently recognized representative, any employee or group of employees or any individual or labor organization acting in their behalf may also file decertification proceedings to test the question of whether the certified or recognized agent is still the representative of the employees. The petition must be in writing and signed, and must either be notarized or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. It is filed with the regional director for the region in which the proposed or actual bargaining unit exists. Petition forms, which are supplied by the regional office upon request, provide, among other things, for a description of the contemplated or existing appropriate bargaining unit, the approximate number of employees involved, and the names of all labor organizations which claim to represent the employees. If the petition is filed by a labor organization, no investigation will be made of any question of representation raised by such labor organization unless such labor organization is in compliance with section 9 (f) (g) and (h) of the act. (See § 202.3.) If a petition is filed by a labor organization or in the case of a petition to decertify a certified or recognized bargaining agent, the petition must apply within 48 hours after filing, but in no event later than the last day on which the petition might timely be filed, evidence of representation. Such evidence is usually in the form of cards authorizing the labor organization to represent the employees or authorizing the petitioner to file a decertification proceeding.

6. Section 202.18 (a) is amended by adding the following subparagraph after subparagraph (5):

§ 202.18 Consent adjustments before formal hearing. * * *

(a) * * *
(6) The regional director issues to the parties a certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board.

7. Section 202.21 is amended to read as follows:

§ 202.21 Initiation of authorization cases. The investigation of the question as to whether a labor organization which is the representative of employees as

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provided in section 9 (a) of the act is authorized by a majority of the eligible employees within a unit appropriate for such purpose to enter into an agreement with the employer requiring union membership of such employees as a condition of employment is initiated by the filing of a petition by such labor organization. No petition will be entertained, however, unless the petitioning labor organization is in compliance with section 9 (f) (g) and (h) of the act. (See § 202.3.) The petition must be in writing and signed, and must either be notarized or must contain a declaration by the person signing it that its contents are true and correct to the best of his knowledge and belief. It is filed with the regional director for the region in which the appropriate bargaining unit exists. The blank petition form, which is supplied by the regional office upon request, provides, among other things, for a description of the bargaining unit to be covered by the agreement if made, the approximate number of employees involved, the date of certification or recognition by the employer of the petitioner if there is no certification, the approximate number of employees within the unit who have authorized the petitioner to make such an agreement, and the names of any other labor organizations which claim to represent the employees. The petitioner must supply with the petition, or within 48 hours after filing, its evidence of authorization to make an agreement with the employer requiring membership in the labor organization as a condition of employment.

8. Section 202.22 is amended by deleting from the second numbered subdivision of the second sentence the words: "by a section 9 (c) proceeding".

9. Section 202.24 is amended by substituting for the last sentence, the following: "If no such objections are filed within 5 days, and if the challenged ballots are insufficient in number to affect the results of the election, the regional director issues to the parties a certification of the results of the election, with the same force and effect as if issued by the Board."

Section 202.26 is amended as follows:

a. By substituting for the second sentence, the following: "The petition must be in writing and signed, and must either be notarized or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. It is filed with the regional director for the region in which the alleged appropriate bargaining unit exists."

b. By deleting the last four words from the last sentence in the section.

[F. R. Doc. 48-7553; Filed, Aug. 20, 1948; 8:55 a. m.]

[Series 5, Amdt.]

PART 203—RULES AND REGULATIONS
MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 449, 452, approved July 5, 1935,

as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues and causes to be published in the **FEDERAL REGISTER** the following amendments to its rules and regulations, Series 5 (General Rules and Regulations), which it finds necessary to carry out the provisions of said act. Said amendments shall become effective upon the signing of the original by the members of the Board and upon the publication thereof in the **FEDERAL REGISTER**. National Labor Relations Board Rules and Regulations, Series 5, as hereby amended, shall be in force and effect until further amended or rescinded by rules and regulations hereafter made and published by the Board.

Signed at Washington, D. C., this 18th day of August 1948.

PAUL M. HERZOG,
Chairman.
JOHN M. HOUSTON,
Member.
JAMES J. REYNOLDS, Jr.,
Member.
ABE MURDOCK,
Member.
J. COPELAND GRAY,
Member.

1. Section 203.9 is amended by substituting a comma for the period at the end of the first sentence and adding thereto the following: *"Provided, That if such charge is filed by a labor organization, no complaint will be issued pursuant thereto, unless such labor organization is in compliance with the requirements of section 9 (f) (g) and (h) of the act, within the meaning of § 203.13."*

2. Section 203.11 is amended to read as follows:

§ 203.11 *Forms; jurat or declaration.* Such charge shall be in writing and signed, and shall either be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments, or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. Four additional copies of such charge shall be filed.²

3. Section 203.12 is amended by deleting therefrom paragraphs (e) and (f).

4. Section 203.13 is amended to read as follows:

§ 203.13 *Compliance with section 9 (f), (g) and (h) of the act.* (a) For the purpose of the regulations in this part, compliance with section 9 (f) and (g) of the act means (1) that the Secretary of Labor has issued to the labor organization, pursuant to the rules of the Department of Labor, a letter showing that the labor organization has filed the material required under section 9 (f) and (g) of the act; (2) that the labor organization has filed with the regional direc-

tor, either as part of the charge (or petition) or otherwise, the duplicate copy of such compliance letter, and (3) that the labor organization has filed with the regional director for the region in which the proceeding is pending or in which it customarily files cases, either as part of the charge (or petition) or otherwise, a declaration executed by an authorized agent stating that the labor organization has complied with section 9 (f) (B) (2) of the act requiring that it furnish to all its members copies of the financial report filed with the Department of Labor, and setting forth the method by which such compliance was made.

(b) For the purpose of the regulations in this part, compliance with section 9 (h) of the act means (1) in the case of a national or international labor organization, that it has filed with the general counsel in Washington, D. C., and (2) in the case of a local labor organization, that any national or international labor organization of which it is an affiliate or constituent body has filed with the general counsel in Washington, D. C., and that the labor organization has filed with the regional director in the region in which the proceeding is pending:

(1) A declaration by an authorized representative of the labor organization, executed contemporaneously with the charge (or petition) or within the preceding 12-month period, listing the titles of all offices of the filing organization and stating the name of the incumbent, if any, in each such office and the date of expiration of each incumbent's term.

(2) An affidavit by each officer referred to in subparagraph (1) of this paragraph, executed contemporaneously with the charge (or petition) or within the preceding 12-month period, stating that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

5. Section 203.26 is amended:

a. By substituting the following caption: "§ 203.26 *Motions; rulings and orders part of the record; rulings not to be appealed directly to Board without special permission; requests for special permission to appeal.*"

b. By adding at the end thereof the following sentence: "Requests to the Board for special permission to appeal from such rulings of the regional director or the trial examiner shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each other party."

6. Section 203.46(a) is amended to read as follows:

§ 203.46 *Exceptions or supporting briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments.* (a) Within 20 days or within such further period as the Board may allow from the date of service of the order transferring the case to

²A blank form for making a charge will be supplied by the regional director upon request.

the Board, pursuant to § 203.45, any party may file with the Board in Washington, D. C., an original and six copies of a statement in writing setting forth exceptions to the intermediate report and recommended order or to any other part of the record or proceedings (including rulings upon all motions or objections), together with the original and six copies of a brief in support of said exceptions, and immediately upon such filing copies shall be served on each of the other parties; and any party may, within the same period, file an original and six copies of a brief in support of the intermediate report and recommended order. Copies of such exceptions and briefs shall immediately be served on each of the other parties. Statements of exceptions and briefs shall designate by precise citation the portions of the record relied upon. Upon special leave of the Board, any party may file a reply brief upon such terms as the Board may impose. Requests for such leave or for extension of the time in which to file exceptions or briefs under authority of this section shall be in writing and copies thereof shall be immediately served on each of the other parties.

7. Section 203.46 (e) is amended to read as follows:

(e) Exceptions to intermediate reports and recommended orders, or to the record, briefs in support of exceptions, and briefs in support of intermediate reports and recommended orders shall be legibly printed or mimeographed and, if mimeographed, shall be double spaced.

8. Section 203.47 is amended by adding the following sentence: "Such motions shall be legibly printed or mimeographed, and if mimeographed shall be double spaced."

9. Section 203.52 is amended by deleting the third sentence thereof and inserting in its place the following: "When any such petition is filed by a labor organization, no investigation shall be made of any question of representation raised by such labor organization unless such labor organization is in compliance with the requirements of section 9 (f) (g) and (h) of the act, within the meaning of § 203.13. Petitions under this section shall be in writing and signed,³ and shall either be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments, or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief."

10. Section 203.53 is amended:

a. By deleting subparagraphs (9) and (10) of paragraph (a) and renumbering subparagraph (11) so that it will be subparagraph (9).

b. By deleting subparagraph (8) of paragraph (c) and renumbering sub-

³ Blank forms for filing such petition will be supplied by the regional office upon request.

paragraph (9) so that it will be subparagraph (8).

11. Section 203.54 is amended by substituting a comma for the period at the end of paragraph (a) and adding the following: "and the regional director shall issue to the parties a certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board."

12. Section 203.57 is amended:

a. By deleting the fifth sentence of paragraph (a) and substituting the following: "Such motions to the Board shall be legibly printed or mimeographed, and if mimeographed shall be double spaced. The regional director may rule upon all motions filed with him, causing a copy of said ruling to be served upon each of the parties, or he may refer the motion to the hearing officer, *Provided*, That if the regional director grants a motion to dismiss the petition the petitioner may obtain a review of such ruling in the manner prescribed in § 203.63".

b. By adding at the end of paragraph (c) the following: "Requests to the Board for special permission to appeal from such rulings of the regional director or the hearing officer shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each other party."

13. Section 203.60 is amended by substituting for the last two sentences the following: "Such brief shall be legibly printed or mimeographed, and if mimeographed shall be double spaced. Copies shall be served on all other parties to the proceeding. Requests for extension of time in which to file a brief under authority of this section shall be in writing and copies thereof shall immediately be served on each of the other parties. No reply brief may be filed except upon special leave of the Board."

14. Section 203.61 is amended:

a. By substituting for the caption, the following:

§ 203.61 Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.

b. By substituting for the 7th, 8th, and 9th sentences, (being the last three sentences of the first paragraph) the following: "After such tally has been furnished, any party may file with the regional director an original and three copies of objections to the conduct of the election or conduct affecting the results of the election, which shall contain a short statement of the reasons therefor. Copies of such objections shall be served upon each of the other parties by the party filing them. All such objections shall be filed within 5 days after the tally of ballots has been furnished, whether or not the challenged ballots are sufficient in number to affect the results of the election."

c. By substituting for the second paragraph, the following:

If no objections are filed within the time set forth above, if the challenged

ballots are insufficient in number to affect the result of the election, and if no run-off election is to be held pursuant to § 203.62, the regional director shall proceed in the following manner:

(a) After an election conducted pursuant to an agreement waiving a hearing and providing for Board determination of the facts ascertained after such election, as contemplated by § 203.54 (b), and after any election in a case in which a determination of appropriate bargaining unit remains to be made by the Board, the regional director shall forthwith forward to the Board in Washington, D. C., the tally of ballots, which, together with the record previously made, shall constitute the record in the case, and the Board may thereupon decide the matter forthwith upon the record, or may make other disposition of the case.

(b) After an election not conducted pursuant to an agreement contemplated by § 203.54 (b), and where no determination of the appropriate bargaining unit remains to be made by the Board, the regional director shall forthwith issue to the parties a certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board, and the proceeding will thereupon be closed.

15. Section 203.62 is amended by substituting for the first sentence thereof, the following:

§ 203.62 Run-off election. (a) The regional director shall conduct a run-off election, without further order of the Board, when an election in which the ballot provided for not less than three choices (i. e., at least two representatives and "neither") results in no choice receiving a majority of the valid ballots cast and no objections are filed as provided in § 203.61. * * *

16. Section 203.65 is amended:

a. By substituting a comma for the period at the end of the first sentence and adding thereto the following: "Provided, That such petition will not be entertained unless the labor organization filing it is in compliance with the requirements of section 9 (f) (g) and (h) of the act, within the meaning of § 203.13.

b. By deleting the second sentence of the section and substituting the following: "The petition shall be in writing and signed, and shall either be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments, or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief."⁴

17. Section 203.66 is amended by deleting paragraphs (j) and (k) and relettering paragraph (1) so that it will be paragraph (j).

18. Section 203.76 is amended by substituting for the last sentence the fol-

⁴ Forms for filing such petitions will be supplied by the regional office upon request.

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lowing: "Such brief shall be legibly printed or mimeographed, and if mimeographed shall be double spaced. Requests for extension of time in which to file a brief under authority of this section shall be in writing and copies thereof shall immediately be served on each of the other parties. No reply brief may be filed except upon special leave of the Board."

19. Section 203.81 is amended to read as follows:

§ 203.81 Issuance of complaint promptly. Whenever the regional attorney or other Board officer to whom the matter may be referred seeks injunctive relief of a district court pursuant to section 10 (1) of the act, a complaint against the labor organization sought to be enjoined, covering the same subject matter as such application for injunctive relief, shall be issued promptly—normally within 5 days of the date upon which such injunctive relief is first sought.

20. Section 203.85 is amended by deleting from the first sentence thereof the words "within the time during which the parties are required to be served" and substituting therefor the following: "Within 24 hours after the returned post office receipt or other evidence for such proof of service comes into the possession of the party making the service."

21. Section 203.86 is amended by deleting the fourth sentence thereof and substituting therefor the following: "For the purpose of this section a Saturday on which the Board's offices are not open for business shall be considered as a holiday, but a half-holiday shall be considered as other days and not as a holiday."

[F. R. Doc. 48-7535; Filed, Aug. 20, 1948; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Secretary of Defense

[Transfer Order 20]

CERTAIN FUNCTIONS RELATING TO MILITARY RECORDS

TRANSFER FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE

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

1. In addition to the functions, powers and duties transferred by Transfer Order No. 16, National Military Establishment, there are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force, insofar as they may pertain to military personnel of the Department of the Air Force, the functions, powers and duties relating to the furnishing of authorized certificates and extracts from records of military personnel and other matters incident thereto which are vested in the Secretary of the Army or the Department of the Army, or any officer of that De-

partment, by the following laws, parts of laws and Executive Orders as limited by other laws, parts of laws and Executive Orders whether or not specifically set forth herein:

a. Act of June 7, 1924, c. 320, sec. 39, as added by the act of July 3, 1930, c. 849, sec. 10, (46 Stat. 995; 38 U. S. C. 459f).

b. Act of April 25, 1914, c. 71, sec. 9, (38 Stat. 350; 5 U. S. C. 196).

c. Res. of August 27, 1940, c. 689, sec. 3 (a), (54 Stat. 858), as amended by the act of July 28, 1942, c. 529, sec. 1, (56 Stat. 723; 50 U. S. C. App., Supp. V, 403 (a)).

d. Act of September 16, 1940, c. 720, sec. 8, (54 Stat. 890), as amended by the act of July 28, 1942, c. 529, sec. 2, (56 Stat. 724; 50 U. S. C. App., Supp. V, 308 (a)).

e. Act of October 17, 1940, c. 888, sec. 601 (1), (2), (54 Stat. 1190), as amended by the act of January 20, 1942, c. 10, sec. 1, (56 Stat. 10; 50 U. S. C. App., Supp. V, 581).

f. Act of March 3, 1873, c. 248, sec. 1, (17 Stat. 582; R. S. 224), as amended by the act of July 1, 1902, c. 1353, (32 Stat. 629; 5 U. S. C. 199).

g. Executive Order 9216, August 7, 1942, (7 F. R. 6177).

h. Executive Order 9324, sec. 9, March 31, 1943 (8 F. R. 4225).

i. Act of April 14, 1890, c. 80 (26 Stat. 55) as amended by the act of June 25, 1910, c. 393, sec. 1 (36 Stat. 824), and the act of August 22, 1912, c. 329, (37 Stat. 324; 5 U. S. C. 200).

j. All other laws, parts of laws, including applicable provisions of appropriation acts and Executive orders which vest in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers and duties relating to the furnishing of authorized certificates and extracts from records of military personnel and other matters incident thereto, insofar as they pertain to military personnel of the Department of the Air Force.

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

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

4. Nothing contained in this order operates as a transfer of funds.

5. This order shall be effective as of 12:00 noon, August 12, 1948.

JAMES FORRESTAL,
Secretary of Defense.

AUGUST 12, 1948.

[F. R. Doc. 48-7516; Filed, Aug. 20, 1948; 8:47 a. m.]

Chapter VI—Selective Service System

PART 621—PREPARATION FOR CLASSIFICATION

PART 622—CLASSIFICATION RULES AND PRINCIPLES

PART 623—CLASSIFICATION PROCEDURE

PART 624—APPEARANCE BEFORE LOCAL BOARD

PART 625—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

PART 626—APPEAL TO APPEAL BOARD

PART 627—APPEAL TO THE PRESIDENT

CROSS REFERENCE: For order prescribing portions of the Selective Service regulations, see Executive Order 9988, *supra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle
[Ex parte No. MC-29]

PART 178—SPECIAL OR CHARTERED PARTIES BY COMMON CARRIER

REGULATIONS GOVERNING SPECIAL OR CHARTERED PARTY SERVICE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 26th day of July A. D. 1948.

It appearing, that on May 29, 1941, Division 5 entered its report, 29 M. C. C. 25, and order in the above-entitled proceeding (49 CFR, Cum. Supp. 178) prescribing certain rules governing the transportation of special or chartered parties by common carriers of passengers by motor vehicle subject to the provisions of the Interstate Commerce Act;

It further appearing, that, by orders entered September 4, 1947, and October 6, 1947, the said proceeding was reopened solely to determine whether Rule V (1) should be changed or modified in any respect, and assigned for further hearing;

And it further appearing, that a full investigation of the said matters and things has been made, and that the said division, on the date hereof, has made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That Rule V (1) set forth in the appendix to the said report of May 29, 1941, and the order therein (49 CFR, Cum. Supp., 178.5 (a)) be, and they are hereby modified by substituting the following rule for that prescribed in the said report and order of May 29, 1941, and that the following rule be, and it is hereby, prescribed and promulgated to become effective on and after September 1, 1948.

§ 178.5 General provisions. Every common carrier of passengers by motor vehicle, subject to these regulations, shall be governed by the following general provisions:

(a) *Deadhead mileage.* Carriers shall publish in tariffs, lawfully on file with this Commission, reasonable rates or charges applicable in connection with the transportation of special or chartered parties within the meaning of section 208 (c) for deadhead mileage which shall be the mileage, over the shortest practical highway route, traversed by the bus without passengers from the nearest point at which equipment is held out to be available to the place where the chartered party originates, and from the place of discharge of such party to (i) the nearest point where equipment is held out to be available, or (ii) the equipment-availability point nearest the origin point of the chartered party: *Provided, however,* That in no case shall the total charges, including all deadhead mileage charges, for the one-way transportation of chartered parties from any origin point to any destination point exceed the total charges, including all deadhead mileage charges, applicable for the round-trip transportation of like chartered parties over the same route from the same origin point to the same destination point and return to such origin point. Such tariffs shall name the points at which the carrier holds out to have equipment available for special or chartered party service, and no equipment shall be held out as available at any point not an authorized on-route or off-route point. The tariffs also shall clearly specify the movements, if any, governed by (i) above, and, separately, those, if any, governed by (ii). (49 Stat. 552; 49 U. S. C. 308 (c))

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C.,

and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-7528; Filed, Aug. 20, 1948;
8:49 a. m.]

ing. Noncommercial fishing in accordance with the State Laws of Louisiana is permitted during the daylight hours on all waters within the Sabine National Wildlife Refuge in accordance with the following provisions:

Entry on and use of this Refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All fishermen must comply with all State fishing laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing in the waters of the Refuge.

Persons fishing in lakes or impoundments of the Refuge are prohibited from using on or in boats motors of greater than six horsepower capacity, except for official purposes. No restriction is placed on motorboats in canals and rivers.

During periods of waterfowl concentrations or other wildlife concentrations and to protect wildlife plantings, fishing may be closed on such areas of the Refuge as, in the judgment of the officer in charge, such limitations or restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting. (Sec. 10, 45 Stat. 1222, 16 U. S. C. 715i; Reorg. Plan No. II, 53 Stat. 1433; 5 U. S. C. 1333t, note)

Dated: August 17, 1948.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 48-7532; Filed, Aug. 20, 1948;
9:11 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

18 CFR, Parts 110 and 121

ALIENS ADMITTED TO THE UNITED STATES TEMPORARILY AS TRADERS PURSUANT TO TREATIES

NOTICE OF PROPOSED RULE MAKING

JULY 14, 1948.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rules relating to aliens coming to the United States temporarily to carry on trade pursuant to treaties. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 2-1218, Temporary Federal Office Building X, 19th and East Capitol Streets NE, Washington 25, D. C., written data, views, or arguments rela-

tive to the substantive provisions of the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Title 8, Chapter I, Code of Federal Regulations, is amended by adding the following part:

PART 121—TREATY TRADERS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

- 121.1 Definitions.
- 121.2 Time for which admitted.
- 121.3 Conditions of admission.
- 121.4 Extension of stay; period of time; conditions.
- 121.5 Arrest and deportation.
- 121.6 Effect of prior regulations.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

- 121.11 Authority to admit.
- 121.12 Extension of stay; procedure.
- 121.13 Investigation.

AUTHORITY: §§ 121.1 to 121.13, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1. §§ 121.1 to 121.13, inclusive, interpret and apply sec. 3 (6), 43 Stat. 154, 47 Stat. 607,

secs. 14, 15, 43 Stat. 162, sec. 23, 43 Stat. 165, sec. 35, 54 Stat. 675; 8 U. S. C. 203, 214, 215, 221, 458.

CROSS REFERENCE: For consular procedure with respect to traders, see 22 CFR Part 61, particularly §§ 61.140-61.144.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 121.1 *Definitions.* As used in this part, the term:

(a) "Trader" means an alien who is admitted to the United States under the provisions of section 3 (6) of the Immigration Act of 1924, as amended, solely to carry on trade, in his own behalf or as an agent of a foreign firm or corporation engaged in trade, which is principally between the United States and the foreign state of which he is a citizen or subject under and in pursuance of an existing treaty of commerce and navigation between the United States and the country of which he is a citizen or subject.

(b) "Dependent" means the alien wife of a trader or his alien unmarried child under 21 years of age, who is admitted to the United States under the provisions of the said section 3 (6) and who is accompanying the trader to the United

PROPOSED RULE MAKING

States or is following to join him in the United States. A dependent need not be of the same nationality as the trader whose dependent he is.

(c) "District director" includes officers and employees who are under the supervision of the district director and whom he may direct to assist him in performing his duties and exercising his authority under this part.

§ 121.2 *Time for which admitted.* The time for which a trader or dependent may be admitted to the United States shall be fixed by date and shall be whatever period is appropriate to accomplish the purpose of his temporary stay in the United States: *Provided:*

(a) That the period shall not in any case exceed one year; and

(b) That the period shall not extend beyond the date 60 days prior to the end of the period during which the trader or dependent will be eligible for readmission to the country whence he came or for admission to some other foreign country; and

(c) That the period shall be deemed not to exceed the time during which the trader or dependent continues to fulfill all of the conditions of admission prescribed in § 121.3.

§ 121.3 *Conditions of admission.* The conditions under which an alien may be admitted to the United States as a trader or dependent shall be that he:

(a) Agrees that while in the United States he will not pursue any business or employment inconsistent with or unnecessary to the carrying on of business as a trader not specifically authorized by immigration officials.

(b) Agrees to leave the United States within the period of his admission or any authorized extension thereof and establishes that he has the ability to leave.

(c) Establishes that he is not subject to exclusion from the United States under any of the applicable provisions of the immigration laws or regulations. (A trader shall not be subject to the contract labor provisions of section 3 of the Immigration Act of 1917 (39 Stat. 875; 8 U. S. C. 136 (h)).)

(d) Presents whatever document or documents are required by the applicable Executive order or orders, or by Part 176 of this chapter or any other applicable regulations prescribing the documents to be presented by aliens entering the United States as traders or dependents, such document or documents to include, where required, evidence of compliance with all applicable provisions of Title III of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451), relating to registration and fingerprinting. Where a passport is required, it must be valid for at least 60 days longer than the period of admission, as prescribed in § 176.500 of this chapter.

(e) Furnishes bond on Form I-338 or Form 638 in a sum of not less than \$500 to insure that he will depart from the United States at the expiration of his specific period of authorized stay or upon failure to comply with the conditions under which admitted, whichever occurs first, if such bond is required by an officer in charge or by a board of special inquiry.

or pursuant to an order entered on appeal from the decision of such board.

(f) Agrees that if he does not depart from the United States within three months after admission he will report his address to the Commissioner and will make similar reports at the expiration of each following three months' period for as long as he remains in the United States, such reports to be made by filling out and mailing post card Form AR-11, which is obtainable without cost at United States immigration offices and post offices. In the cases of children, such reports shall be made by parents or guardians in accordance with the applicable provisions of Title III of the Alien Registration Act, 1940.

§ 121.4 *Extension of stay; period of time; conditions.* After an alien is admitted to the United States as a trader or dependent, he may upon proper showing be granted an extension or extensions of the period of his admission, subject to all of the following conditions:

(a) All extensions shall be subject to the same time limitations as are placed on original admissions by § 121.2; and

(b) The alien shall establish that he has fulfilled, and agree that he will continue to fulfill, all applicable conditions of admission prescribed by § 121.3; and

(c) The district director having jurisdiction may in his discretion require, as a condition precedent to the granting of an extension, the trader or dependent to furnish bond or to continue to furnish bond or to furnish bond in greater sum, on the form and containing the conditions stated in § 121.3 (e).

CROSS REFERENCE: For procedure for extensions of stay, including authority to make decisions on applications therefor, see § 121.12.

§ 121.5 *Arrest and deportation.* (a) An alien admitted as a trader or dependent shall be deemed to have remained in the United States for a longer time than permitted under law and regulations within the meaning of section 14 of the Immigration Act of 1924 if:

(1) He remains in the United States after the expiration of the time for which he was temporarily admitted or the expiration of any authorized extension of such period; or

(2) He violates, or fails or ceases to fulfill, any of the other conditions of his admission to or extended stay in the United States.

(b) Paragraph (a) of this section shall include, but not be limited to, cases:

(1) In which the treaty on which the admission was based is terminated.

(2) In which any dependent who is not a trader in his or her own right remains in the United States after the trader father or husband has remained in the United States for a longer time than permitted under this part.

(3) In which the dependent is a wife who is not a trader in her own right and her marriage to her trader husband is terminated by his death or by divorce.

(4) In which the dependent is a child who is not a trader in his own right and he becomes married or reaches or passes the age of 21 years.

(c) An alien admitted as a trader or as a dependent shall be subject to be-

ing taken into custody and made the subject of further proceedings under Part 150, Arrest and Deportation, of this chapter if:

(1) He remains in the United States for a longer time than permitted, as defined in paragraphs (a) and (b) of this section; or

(2) He is found to have been at the time of his entry as a trader or dependent not entitled under the Immigration Act of 1924 to enter the United States under such status.

(d) Notwithstanding the provisions of paragraph (c) of this section, any alien who is subject to being taken into custody under that paragraph but who is about to depart from the United States may, in the discretion of the district director having jurisdiction, be permitted to proceed from the United States.

§ 121.6 *Effect of prior regulations.*

(a) The provisions of this part shall supersede the provisions of §§ 110.27, 110.28, and 110.29 of this chapter insofar as they relate to aliens who enter or apply to enter the United States as traders or dependents after this part becomes effective. Section 110.34 of this chapter is revoked.

(b) The provisions of this part shall not be applied in the cases of aliens who are in the United States in the status of traders or dependents at the time this part becomes effective. Regulations in effect at the time of the admission of such aliens shall continue to be applicable to their cases.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 121.11 *Authority to admit.* If the examining immigrant inspector is satisfied beyond a doubt that an alien is admissible as a trader or dependent, he may admit him as such. If the examining immigrant inspector is satisfied that an alien would be admissible as a trader or dependent provided a bond should be furnished in accordance with the provisions of § 121.3 (e), the examining immigrant inspector may refer the case to the officer in charge of the port. If the officer in charge concludes that the alien would be admissible provided such bond should be furnished, the officer in charge may admit the alien as a trader or dependent upon the furnishing of such bond. If the examining immigrant inspector—or the officer in charge, in any bond case referred to him—is not satisfied that the alien applying for admission to the United States as a trader or dependent is admissible, he shall hold the alien for examination, and for decision in the case, by a board of special inquiry. The bond prescribed in § 121.3 (e) may be exacted by the board of special inquiry as a condition of admission.

§ 121.12 *Extension of stay; procedure.*

(a) A trader or dependent may apply for an extension of the period of his temporary admission. Such application shall be submitted on Form I-539 approximately 30 days before the expiration of the period of admission or previously authorized extension thereof, to the district director of the district in which the applicant is engaged in trade or staying at the time the application

is submitted. All available data specified in Form I-539 shall be furnished by the applicant. The application shall be accompanied by the applicant's passport, by any visitor's permit (Form 257a or I-94) issued to him, and, if a departure bond is outstanding in his case, by the consent of the obligors on the bond agreeing to the proposed extension of stay.

(b) After making such inquiry as may be necessary, the district director shall make a decision on the application and such decision shall be final, (1) except that the Commissioner may from time to time require certain classes of cases or individual cases to be submitted to him for review or for decision; and (2) except that, if the applicant has gone to another district and further information from him is needed, the district director may send the application to the other district for final action. The district director shall send to the applicant written notice of the decision, accompanied by any passport and Form 257a or I-94 submitted with the application. If one of those forms was submitted with the application and if the application is granted, such notice may be given by placing on the form a signed endorsement, which shall include the date through which the stay is extended. If the application is denied, the district director making the decision shall take appropriate action with a view to enforcing the alien's departure or removal from the United States, and the notice to the alien of the denial shall include advice as to such intended action.

(c) As soon as the district director notifies a trader or dependent of the decision on an application for extension of stay, the district director shall notify the officer in charge at the port where the trader or dependent was admitted of the terms of the decision.

(d) If the period of admission of a trader or dependent or any authorized extension of that period expires and the officer in charge at the port of entry has not received a notice under paragraph (c) of this section or under § 121.13 (b) or has not ascertained and cannot ascertain that the trader or dependent has departed from the United States, such officer shall report the facts to the district director of the district in which the alien

is believed to be engaged in trade or staying or shall take any other action necessary to insure that the trader or dependent either departs or is removed from the United States.

§ 121.13 *Investigation.* (a) The district director of the district in which traders or dependents are engaged in trade or are staying shall investigate their cases to ascertain whether they are complying with the conditions of their admission.

(b) Any action which is taken in a district other than the one where the admission occurred and which has for its purpose the effecting of the departure or the removal of the alien from the United States shall be promptly reported to the officer in charge of the port where the alien was admitted.

JOHN P. BOYD,
Acting Commissioner of
Immigration and Naturalization.

Approved: August 13, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-7530; Filed, Aug. 20, 1948;
8:49 a. m.]

FEDERAL RESERVE SYSTEM

[12 CFR, Part 222]

[Regulation W]

CONSUMER INSTALMENT CREDIT

NOTICE OF PROPOSED CHANGES

The Board of Governors of the Federal Reserve System has adopted, and has had published in the FEDERAL REGISTER, Part 222 (relating to Consumer Instalment Credit) to become effective September 20, 1948.¹ That part is also called Regulation W. The Board has under consideration, with a view to possible future adoption, certain proposed amendments to the part. These proposed amendments may be described in general terms as follows:

1. *Modernization and repair credits.* Amendments which would bring under this part so-called modernization and repair credits, that is, credit for repairs, alterations or improvements upon real property in connection with existing

structures. Such amendments would involve several changes in the provisions of this part. One such change might be the elimination of the exemption of these credits which is now contained in clause (2) of § 222.7 (g) of this part. Another necessary change might be to add to § 222.9 of this part a provision subjecting such credits to such down payment (and maximum loan value) requirements, maximum maturities, or both, as the Board might prescribe.

2. *Enforceability of contracts.* Amendments to this part which would have the effect of making unenforceable contracts (and related liens) which violate this part, or which violate certain provisions thereof, such as those relating to down payments and maximum maturities. Such amendments would involve the deletion or amendment of § 222.8 (c) of this part, and might also involve changes in other provisions of this part, including § 222.8 (e) relating to noncompliance due to facts outside the Registrant's knowledge.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 1946 Supp. 262.2). The proposed changes are authorized by section 5 (b) of the Act of October 6, 1917, as amended (40 Stat. 415; 12 U. S. C. 95a), Executive Order No. 8843, dated August 9, 1941, and Public Law 905, approved August 16, 1948.

Interested persons may submit data, views or arguments with respect to these matters; and any such material should be submitted in writing. Although submissions or requests may be sent directly to the Board, it is preferable that they be sent to the Federal Reserve Bank of the district in which the interested person resides or maintains his business, which will forward them to the Board. To be considered, all material must be received not later than September 20, 1948.

Approved this 17th day of August 1948.

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

[F. R. Doc. 48-7580; Filed, Aug. 20, 1948;
8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 171,
ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public land, near Homer, Alaska, is hereby withdrawn

from all forms of appropriation under the public land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, as an addition to Air-Navigation Site Withdrawal No. 171 established December 24, 1941:

SEWARD MERIDIAN

T. 6 S., R. 13 W.,
Sec. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

¹ See F. R. Doc. 48-7579, Title 12, Chapter II, *supra*.

The area described contains 80 acres. It is intended that the public land described herein shall be restored to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 13, 1948.

[F. R. Doc. 48-7519; Filed, Aug. 20, 1948;
8:47 a. m.]

NOTICES

ALASKA

NOTICE FOR FILING OBJECTIONS TO AIR-NAVIGATION SITE WITHDRAWAL NO. 171, ENLARGED¹

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 13, 1948.

[F. R. Doc. 48-7520; Filed, Aug. 20, 1948;
8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

PROPOSED VOLUNTARY PLAN FOR THE ALLOCATION OF STEEL PRODUCTS FOR OIL TANKERS

NOTICE OF PUBLIC HEARING

In order to carry out the requirements of Executive Order 9919 (13 F. R. 59), and acting under the authority vested in me by said Executive order,

Notice is hereby given that a public hearing will be held on Tuesday, the 31st day of August 1948 at 10:00 a. m. d. s. t., in the auditorium on the street floor of the Department of Commerce Building, 14th Street, between E Street and Constitution Avenue, in the city of Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed voluntary plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Oil Tankers, of which plan a draft is set forth in Appendix A hereto (subject to further revisions at and subsequent to the public hearing).

The proposed plan has been formulated after consulting with representatives of the various industries involved.

Any person desiring to participate in said public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., d. s. t., on Friday, the 27th day of August, 1948. Persons desiring to

¹ See F. R. Doc. 48-7519, Department of the Interior, Bureau of Land Management, *supra*.

present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] JOHN R. ALISON,
Acting Secretary of Commerce.

APPENDIX A

Proposed voluntary plan for allocation of steel products for Oil Tankers.

1. *What this plan does.* This plan is in furtherance of a proposed program for the construction and repair of tankers for oil transportation. It sets up the procedure under which steel producers (hereinafter called Producers) agree voluntarily to make steel products available to builders and repairers of tankers who comply with the provisions of this plan (hereinafter called participating Builders), for use in the construction or repair of tankers for the transportation of crude or refined petroleum products (hereinafter called oil tankers).

2. *Agreement by steel producers.* Beginning with the month of October 1948 and continuing during the period this plan remains in effect, Producers will make available, out of their own production or that of their producing subsidiaries or affiliates, to participating Builders a total of 40,380 net tons of steel products per month, distributed by types approximately as follows:

Type:	Net tons per month
Plates over $\frac{3}{8}$ "	29,285
Plates $\frac{3}{8}$ " and less	3,340
Shapes	6,400
Sheets	165
Pipe	1,190

Total net tons per month 40,380

3. *Determination of quantities to be furnished by respective producers.* Unless otherwise specified in its acceptance of this plan, the quantities to be made available by each producer, as its commitment under this plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. Each producer will, from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available. Producers will take credit against their commitments under this plan only for quantities delivered to participating Builders on orders certified in accordance with paragraph 9 below.

4. *Contractual arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective producers, or their producing subsidiaries and affiliates, with the respective participating builders. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of products, the allocation of business among participating builders, or any limitation or restriction on the production or marketing of any products. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any product is actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A producer need make available under this plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under the plan.

7. *Reports from participating builders.* Each participating builder will submit to the Secretary of Commerce monthly schedules and reports (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) on forms furnished by the Secretary of Commerce, showing the following, by plants: (1) The quantities and types of oil tankers for which construction or repair work is scheduled for the coming month; (2) the quantities of each type on which construction or repair work was performed during the month preceding the report; (3) the net tonnage of each size and kind of steel products this plan will require for construction and repair work scheduled for the coming month; (4) the total quantities and kinds of such products received from all sources during the month preceding the report; and (5) other relevant information. After receiving such schedules and reports, the Secretary of Commerce will relate the estimated requirements to the overall program and determine the quantities of products to be made available under the plan to each individual participating builder.

8. *Obligations of participating builders.* By participation in this plan, each participating builder shall be obligated as follows: to use all products obtained under this plan solely for and in the construction or repair of oil tankers; not to resell or transfer any products so obtained under this plan in the form received by the participating builders, except to such subsidiary, affiliate, subcontractor or fabricator as may be designated for the manufacture or fabrication of any products needed for such construction or repair; and not to build up, beyond current needs, any inventories of products obtained, or end products manufactured, under this plan. If a participating builder becomes unable to use, for the purposes of this plan, any products obtained under the plan, he shall be further obligated to hold them subject to such other use or disposition (including re-allocation to other consumers or return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

9. *Procedure for placing orders under this plan.* Purchase orders under this plan are to be placed with participating producers, or their producing subsidiaries or affiliates. Each such purchase order shall bear the following certification by the participating builder:

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely for and in the construction or repair of oil tankers, and that this order is placed under, and in strict compliance with, Department of Commerce Voluntary Plan, under Public Law 395, 80th Congress, for Allocation of Steel Products for Oil Tankers, with which the undersigned is familiar and in which the undersigned is a participant.

10. *Procedure for, and effect of, becoming a participant.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers and builders and repairers of oil tankers by the Secretary of Commerce, any such producer, builder or repairer may become a participant in this plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-

trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers, builders and repairers as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective date and duration.* This plan shall become effective upon the date of its final approval by the Secretary of Commerce and, shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the *FEDERAL REGISTER*.

12. *Withdrawal from plan.* Any producer or participating builder may withdraw from this plan by giving not less than 60 days written notice to the Secretary of Commerce.

13. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this plan shall be binding upon all participants notified of such interpretation.

[F. R. Doc. 48-7544; Filed, Aug. 20, 1948;
8:57 a. m.]

PROPOSED VOLUNTARY PLAN FOR THE ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

NOTICE OF PUBLIC HEARING

In order to carry out the requirements of Executive Order 9919 (13 F. R. 59), and acting under the authority vested in me by said Executive order,

Notice is hereby given that a public hearing will be held on Tuesday, the 31st day of August 1948, at 3:00 p. m., d. s. t., in the Auditorium on the street floor of the Department of Commerce Building, 14th Street, between E Street and Constitution Avenue, in the City of Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed voluntary plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for the Requirements of the National Advisory Committee for Aeronautics, of which plan a draft is set forth in Appendix A hereto (subject to further revisions at and subsequent to the public hearing).

The proposed plan has been formulated after consulting with representatives of the steel producing industry.

Any person desiring to participate in said public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., d. s. t., on Friday, the 27th day of August, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] JOHN R. ALISON,
Acting Secretary of Commerce.

APPENDIX A

Proposed voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for the Requirements of the National Advisory Committee for Aeronautics.

1. *What this plan does.* This plan sets up the procedure under which steel producers participating in this plan (hereinafter called

producers) agree voluntarily to make steel products available for the construction, repair, maintenance, and operation of aeronautical research facilities of the National Advisory Committee for Aeronautics (hereinafter called the NACA), such products to be made available either directly to the NACA or to persons who need them to fill contracts for the NACA and who comply with the provisions of this plan. Such persons (hereinafter collectively called participating NACA Contractors) include prime contractors for the NACA, their subcontractors, and steel fabricators supplying, or under contract to supply, steel products to such prime contractors or their subcontractors.

2. *Agreement by steel producers.* Beginning with the month of October 1948 and continuing during the period this plan remains in effect, producers will, out of their own production or that of their producing subsidiaries or affiliates, make available to the NACA and to participating NACA Contractors a total of 2,015 net tons of steel products per month, distributed by types approximately as follows:

Type:	Net tons per month
Structural shapes	670
Reinforcing bars (rerolled rail steel)	375
Plates	810
Sheet and strip	30
Hot rolled bars, including flats	130

Total net tons per month 1 2,015

1. The NACA requirements are being re-examined and, if reduced as the result of such re-examination, the 2,015-ton quantity will be reduced accordingly before final approval of the plan.

3. *Determination of quantities to be furnished by respective producers.* Unless otherwise specified in its acceptance of this plan, the quantities to be made available by each producer, as its commitment under this plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. Each producer will from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available. Producers will take credit against their commitments under this plan only for deliveries to the NACA and to participating NACA Contractors on orders certified in accordance with paragraph 9 below.

4. *Contractual arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective producers, or their producing subsidiaries and affiliates, with the NACA and the respective participating NACA Contractors. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of products, the allocation of business among participating NACA Contractors, or any limitation or restriction on the production or marketing of any products. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any product is actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A producer need make available under this plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bu-

reau of the Budget under the Federal Reports Act of 1942), submit to that Office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under this plan.

7. *Reports from participating NACA contractors.* The Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) may require any participating NACA contractor to furnish reports with respect to steel products on hand and under arrangements, or any other information pertinent to any orders placed under this plan.

8. *Obligations of participating NACA contractors.* By participation in this plan, each participating NACA contractor shall be obligated as follows: to use all products obtained under this plan solely for filling contracts with or for the NACA; not to resell or transfer any such products in the form received by the participating NACA contractor, except to such subsidiary, affiliate, subcontractor or fabricator as may be designated for the manufacture or fabrication of products needed for delivery to the NACA or for incorporation into products for delivery to the NACA; and not to build up, beyond current needs, any inventories of products obtained or end products manufactured, under this plan. If a participating NACA contractor becomes unable to use, for the purposes of this plan, any products obtained under the plan, he shall be further obligated to hold them subject to such other use or disposition (including re-allocation to other consumers or return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

9. *Procedure for placing orders under this plan.* Purchase orders placed under this plan are to be placed with participating producers or their producing subsidiaries or affiliates. Each such purchase order shall be specifically identified as being placed under this plan. Instructions as to the form of identification and any related certification for orders placed by participating NACA Contractors will be issued by the NACA, after consultation with the Office of Industry Cooperation of the Department of Commerce.

10. *Procedure for, and effect of, becoming a participant.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers by the Secretary of Commerce, any such steel producer may become a participant in this plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the antitrust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective date and duration.* This plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the *FEDERAL REGISTER*.

12. *Withdrawal from plan.* Any producer may withdraw from this plan by giving not less than 60 days written notice to the Secretary of Commerce.

13. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this plan, shall be binding upon all participants notified of such interpretation.

[F. R. Doc. 48-7545; Filed, Aug. 20, 1948;
8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1062]

POTOMAC GAS CO.

ORDER FIXING DATE OF HEARING.

AUGUST 17, 1948.

Upon consideration of the application filed June 24, 1948, by Potomac Gas Company (Applicant) a Virginia corporation with its principal office at Arlington, Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protests or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the *FEDERAL REGISTER* on July 15, 1948 (13 F. R. 4027-8).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure a hearing be held on September 2, 1948, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW, Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

By the Commission.

Date of issuance: August 18, 1948.

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

[F. R. Doc. 48-7518; Filed, Aug. 20, 1948;
8:47 a. m.]

[Docket No. G-1064]

NORTHERN NATURAL GAS CO.

NOTICE OF AMENDMENT TO APPLICATION

AUGUST 17, 1948.

Notice is hereby given that on August 9, 1948, Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, filed an amendment to its application, as filed with the Commission on June 28, 1948, for a certificate

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of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended,¹ by which amendment Applicant proposes to increase the sizes of each of the seven (7) compressor units originally proposed to 1,600 H. P. per unit.

The amendment to the application recites that the proposed increases in compressor horsepower will amount to a total of 2,300 H. P. above that proposed in the original application and that this 2,300 H. P. will result in an estimated additional system capacity of 5,000 Mcf per day. It is stated that this additional capacity will bring Applicant's system capacity north of Clifton, Kansas, to 470,000 Mcf per day instead of the 465,000 Mcf per day capacity contemplated in the original application.

The revised estimated total over-all capital cost of the proposed facilities, as indicated by the subject amendment to the application, is \$4,311,000. Applicant proposes to finance this cost of construction by the sale of debentures, issuance of common stock, bank loans, or a combination of all or part of these methods.

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

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

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7517; Filed, Aug. 20, 1948;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.

NOTICE OF FILING AND NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of August 1948.

¹ See notice of Application, July 20, 1948, (13 F. R. 4138-39).

I. On December 24, 1947, the Commission entered an order pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 approving a plan of reorganization ("Alternate Plan") of Interstate Power Company ("Interstate"), a registered holding company and a subsidiary of Ogden Corporation ("Ogden"), formerly a registered holding company; and on January 7, 1948, the District Court of the United States for the District of Delaware entered an order approving and enforcing the Alternate Plan. The provisions of the Alternate Plan, which was consummated as of March 31, 1948, are more fully described in the Commission's Supplemental Findings and Opinion of December 24, 1947 (Holding Company Act Release No. 7955).

Pursuant to said Alternate Plan, among other things, 555,039 shares of Interstate's new common stock (out of a total initial issue of 1,500,000 shares) were sold to the public for cash at \$7.35 per share and the unsold balance, 944,961 shares, was placed in escrow ("Escrow No. 2") with Chemical Bank & Trust Company ("Chemical"), as Escrow Agent for the benefit of holders of the following securities of Interstate outstanding prior to consummation of the Alternate Plan:

TABLE I

	Principal amount or number of shares	
	Held by public	Held by Ogden
6% gold debentures due Jan. 1, 1952	\$7,499,900	\$100
6% demand note		2,475,000
Cumulative preferred stock, no par value:		
\$7 dividend series	60,392 ²⁹ / ₁₀	Shares
\$6 dividend series	38,039	9,461

Under the terms of the Alternate Plan, the formerly outstanding securities of Interstate named in Table I above are exchangeable for escrow certificates, as provided for in Escrow No. 2.

Pursuant to the escrow agreement under which the 944,961 shares of new common stock were deposited, said shares are to be held in Escrow No. 2 pending final determination of an unresolved question regarding the rank and status of the securities of Interstate held by Ogden set forth in Table I above. Under the terms of the Alternate Plan, such determination of the rank and status of Interstate's securities held by Ogden was also to govern the disposition of certain cash assets theretofore deposited in escrow ("Escrow No. 1"), representing interest received by Ogden subsequent to June 20, 1941 in respect of Interstate's 6% demand note held by Ogden. As of June 30, 1948, the aggregate value of the assets deposited in Escrow No. 1 was \$1,050,637.

Notice is hereby given that Ogden has filed with the Commission, pursuant to section 11 (e) of the act, a plan ("Compromise Plan") as a supplement to the Alternate Plan, containing, in general, a proposed compromise of the above-mentioned question concerning the rank and status of Interstate's securities held by Ogden, and providing for the distribution of the assets in Escrow No. 1 and Escrow

No. 2 among the holders of Interstate's securities set forth in Table I above. The Compromise Plan has been joined in by holders of Debenture Escrow Certificates representing in excess of \$2,000,000 principal amount of Interstate's old 6% debentures, and by a committee for Interstate's old preferred stocks. All interested persons are referred to said Compromise Plan, which is on file in the office of the Commission, (copies of which may be obtained by written request addressed to Chemical Bank & Trust Company, 165 Broadway, New York, New York) for a full statement of the provisions stated therein, which may be summarized as follows:

1. A Distribution Account is to be created (in respect of which Chemical will

be designated the Distribution Agent) to which will be transferred all of the assets contained in Escrow No. 1 and Escrow No. 2 on the effective date of the Compromise Plan, and such account will constitute the sole fund from which those persons to whom Escrow Certificates have been issued or are issuable pursuant to Escrow No. 2 are to be paid in accordance with the provisions stated below.

2. Persons entitled to Escrow Certificates issued or issuable pursuant to Escrow No. 2 shall have the right to receive, out of the Distribution Account, shares of new common stock of Interstate, and cash payments (subject to certain adjustments hereinafter indicated) as follows:

TABLE II

Class of security holder	New common stock and cash
Debenture escrow certificates (escrow certificates issued under escrow No. 2 to holders of formerly outstanding 6 percent debentures)—for each \$1,000 principal amount of debenture escrow certificates.	102 shares of new common stock and \$73.50 cash.
Note escrow certificate (issued to Ogden under escrow No. 2 in respect of the \$2,475,000, 6 percent demand note of Interstate formerly outstanding and held by Ogden).	122,336 shares of new common stock and \$483,840.18 cash.
Preferred escrow certificates (escrow certificates issued to holders of formerly outstanding \$7 and \$8 preferred stocks of Interstate (including Ogden)—for each escrow unit (there being ten escrow units for each share of formerly outstanding \$7 preferred stock and nine escrow units for each share of formerly outstanding \$8 preferred stock).	1/100 shares of new common stock and \$0.01349 cash.

In accordance with the foregoing Table II, the 944,961 shares of new common stock in Escrow No. 2, and the \$1,050,637 cash assets in Escrow No. 1 (as of June 30, 1948) will be distributed among the various classes of security holders, including Ogden, as follows:

TABLE III

Class of security holder	Proposed distributions	
	New common stock	Cash
Other than Ogden:		
Persons entitled to \$7,499,000 debenture escrow certificates.	Shares 764,989.80	\$551,242.65
Persons entitled, by reason of ownership of 69,392 ² 10 shares of \$7 preferred stock, to receive 898,920 ³⁰ 10 units of preferred escrow certificates.	34,696.05	9,360.98
Persons entitled, by reason of ownership of 33,039 shares of \$8 preferred stock, to receive 342,351 units of preferred escrow certificates.	17,117.55	4,617.93
Ogden:		
As holder of \$100 debenture escrow certificate.	10.20	7.35
As holder of \$2,475,000 note escrow certificate.	122,336.00	483,840.18
As holder of 3,107 ¹⁹ 10 shares of \$7 preferred stock, exchanged for 31,079 ¹⁹ 10 units of preferred escrow certificates.	1,553.95	410.25
As holder of 9,461 shares of \$8 preferred stock, exchanged for 85,149 units of preferred escrow certificates.	4,257.45	1,148.66
Total to Ogden.	128,157.60	485,415.44
Total to be distributed.	944,961.00	1,050,637.00

3. No holder of any Debenture Escrow Certificate may exchange such certificate for shares of new common stock as provided hereinabove until the expiration of a period of six months after the effective date of the Compromise Plan, but registered holders of such certificates will nevertheless receive the cash payment to which such holder is entitled, forthwith upon the effective date of the Compromise Plan. After the expiration of said six-month period, holders of Debenture Escrow Certificates may forthwith exchange such certificates for shares of new common stock. If not so exchanged, Chemical, as Distribution Agent, shall, during a period of three years following the effective date of the Compromise Plan, pay over to registered holders of Debenture Escrow Certificates (which shall continue to be transferable) the amount of dividends (less related expenses) paid to Chemical with respect to the shares of new common stock to which such holders are entitled under the Compromise Plan (Table II above). No such

payments will be made by Chemical after the expiration of such three year period, but any dividends received thereafter by Chemical in respect of the new common stock allocated to the holders of Debenture Escrow Certificates will be paid to such persons only upon surrender of such certificates in exchange for shares of new common stock to which they are entitled under the Compromise Plan. No initial payment of cash or payment of dividends will be made by the Distribution Agent to holders of Interstate's old 6% debentures until such holders present such debentures to Chemical in exchange for Debenture Escrow Certificates.

4. The provisions of paragraph 8 of Escrow No. 2, relating, among other things, to the voting rights of new common stock held thereunder, shall continue in full force and effect after the effective date of the Compromise Plan with respect to any shares of such common stock still held by Chemical. In general, such provisions vest in Chemical

the right to vote the shares of new common stock held by it subject to the consent and direction of holders of Debenture Escrow Certificates.

5. Holders of Interstate's old \$7 Preferred Stock, \$6 Preferred Stock, and/or Preferred Escrow Certificates will be entitled to exchange their holdings for shares of new common stock and cash to which they are entitled, immediately upon the effective date of the Compromise Plan. On and after the effective date of the Compromise Plan no persons entitled to receive Preferred Escrow Certificates shall have the right to have such certificates issued or transferred by Chemical, but in lieu thereof shall be entitled to receive the stock and cash provided in the plan.

6. No fractional shares of new common stock or scrip certificates will be issued in connection with consummation of the Compromise Plan. In lieu thereof, Chemical, as Distribution Agent, will be instructed by Ogden to sell, on the effective date of the Compromise Plan, a number of shares of new common stock estimated to be sufficient to cover such aggregate of fractional shares as might otherwise be issuable, and to distribute the net proceeds of such sale pro rata to persons entitled thereto under the Compromise Plan. (In the event that such number of shares sold exceeds or is less than the required number, Ogden will make such adjustments with Chemical as may be necessary to carry out the intent of this provision of the plan.)

7. (a) In the event that the effective date of the Compromise Plan is on or before January 1, 1949, the holders of Debenture Escrow Certificates and Note Escrow Certificates shall not have the right provided for in Escrow No. 2 to a claim for the difference between the interest rate of 6% per annum provided for therein and the amount actually paid such persons out of dividends received by the Escrow Agent on the new common stock held in Escrow No. 2.

(b) In the event that the effective date of the Compromise Plan is after January 1, 1949, the applicable provisions of Escrow No. 2 regarding payment of interest to holders of Debenture Escrow Certificates and Note Escrow Certificates shall govern such payments prior to such effective date, except that for the period prior to January 2, 1949 such holders shall not have the right provided for in Escrow No. 2 to a claim for the difference between the interest rate of 6% per annum provided for therein and the amount actually paid such persons out of dividends received by the Escrow Agent on the new common stock held in Escrow No. 2, but the amount of cash which such persons shall receive under the provisions of this Compromise Plan (Table II, above) shall be adjusted as follows:

(1) The cash payments provided in Table II, above, in respect of holders of Debenture Escrow Certificates shall be increased by the amount of all dividends (less unpaid fees and expenses of the Escrow Agent) received by the Escrow Agent from January 2, 1949 to the effective date of the Compromise Plan in re-

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spect of the 764,989.80 shares of new common stock allocated to such persons under this Compromise Plan; and the cash payments specified in Table II, above, for the holders of the Note Escrow Certificate shall be increased by the amount of all dividends (less unpaid fees and expenses of the Escrow Agent) received by the Escrow Agent during the same interval in respect of 179,971.20 shares of new common stock—being the number of shares allocated in this Compromise Plan to all persons other than holders of Debenture Escrow Certificates.

(ii) There shall be deducted from such cash payments all amounts of interest paid to such persons by the Escrow Agent under the applicable provisions of Escrow No. 2 from January 2, 1949 to the effective date of the Compromise Plan.

8. Persons entitled to shares of new common stock under the Compromise Plan shall be entitled to receive payments of amounts equal to the dividends (less expenses hereinafter mentioned) paid to Chemical, as Distribution Agent, between the effective date of the Compromise Plan and the date of the transfer of said shares of new common stock to such persons, with respect to the shares of new common stock to which each of said persons is entitled under the Compromise Plan.

9. The expenses and fees of Chemical in respect of all services rendered by it, as Distribution Agent, to all persons entitled to participate in the Compromise Plan shall be paid by such persons out of the cash payments made thereto by Chemical, as Distribution Agent; *Provided, however,* That holders of Interstate's old \$7 Preferred Stock, \$6 Preferred Stock, and/or Preferred Escrow Certificates who surrender such holdings to Chemical, as Distribution Agent, pursuant to this Compromise Plan, within a period of sixty days subsequent to the effective date of the Compromise Plan will not be required to pay any of said expenses and fees of Chemical. Ogden specifically agrees to hold harmless all persons entitled to receive Preferred Escrow Certificates from payment by them of any fees and expenses in connection with services rendered or action taken in their behalf subsequent to March 31, 1948 relating to the Compromise Plan, but Ogden reserves the right to take any position which it may deem appropriate in respect of the amounts thereof and Ogden's ultimate liability to pay said fees and expenses as between itself and persons other than said persons entitled to receive Preferred Escrow Certificates. In so far as the Commission may determine that Ogden is liable to pay any of the fees or expenses in connection with the Compromise Plan not otherwise provided for, Ogden represents that it will pay such fees and expenses, subject to its right to review such determination of the Commission in any appropriate courts. Ogden reserves all rights to take any position which it may deem appropriate with respect to the question of what fees or expenses, if any, it or any other persons (other than said persons entitled to Preferred Escrow Certificates) should be obliged to pay and with respect to the question of whether or not any such fees and expenses, including the expenses of

the said persons entitled to Preferred Escrow Certificates, are reasonable in amount.

10. All shares of new common stock of Interstate not distributed by Chemical, together with any dividends paid on such shares to Chemical but which have not been paid over by Chemical, as well as any other cash held by Chemical, as Distribution Agent, shall be held in the Distribution Account until the termination of six years after the effective date of the Compromise Plan for the benefit of persons entitled thereto. After the expiration of such six-year period all of said undistributed shares of common stock and funds on deposit with Chemical, as Distribution Agent, shall be turned over to Ogden (its successors or assigns) free of all claims of the persons previously entitled thereto. Provision is made in the Compromise Plan for notice of the expiration date of said six-year period to be published in certain newspapers of general circulation from time to time prior to such expiration date.

11. Ogden will sell or otherwise dispose of all shares of new common stock of Interstate which it receives pursuant to the Compromise Plan within one year of the effective date of the Compromise Plan, or such additional time as the Commission may permit.

12. Ogden requests that the Commission, in the event it approves the Compromise Plan, apply to the United States District Court for the District of Delaware for an order enforcing the terms and provisions of the Compromise Plan, in accordance with the provisions of section 11 (e) of the act.

II. Public hearings having been held with respect to Interstate's Alternate Plan of reorganization, and having been continued subject to call for the purpose of considering the uncompleted phases of Interstate's reorganization, particularly those relating to the subordination issues in respect of Ogden's holdings in the formerly outstanding securities of Interstate; and

It appearing to the Commission that the hearing herein should be reconvened for the purpose of adducing further evidence and affording further opportunity to all interested persons to be heard in respect of the Compromise Plan filed by Ogden;

It is ordered, That the hearing in this matter be reconvened on September 8, 1948, at 10 a. m., e. d. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On that date, the hearing room clerk in Room 101 will advise as to the room in which the hearing will be held. Any person desiring to be heard or otherwise participate should file with the Secretary of the Commission on or before September 3, 1948, his application therefor, as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and

to a hearing officer under the Commission's rules of practice.

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

1. Whether the Compromise Plan as submitted, or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

2. More particularly, whether the treatment proposed to be accorded to the public holders of formerly outstanding securities of Interstate specified in the Compromise Plan, and to Ogden, in regard to their respective claims is fair and equitable to such persons;

3. Whether the provision of the Compromise Plan requiring that holders of Interstate's formerly outstanding 6% debentures and/or Debenture Escrow Certificates issued pursuant to Escrow No. 2 await the expiration of a six-month period after the effective date of the Compromise Plan before they are entitled to delivery of the shares of new common stock of Interstate allocated to them under the plan is reasonable and fair and equitable to persons affected thereby;

4. Whether the provisions of the Compromise Plan that upon the expiration of six years following the effective date of the plan, the unclaimed stock and funds remaining on deposit with Chemical, as Distribution Agent, shall be turned over to Ogden are fair and equitable;

5. Whether any fees, expenses and other considerations which may be claimed in connection with the proposed Compromise Plan are for necessary services or purposes, reasonable in amount, and properly allocated;

6. Whether, and in what manner, the proposed Compromise Plan should be modified to insure adequate protection of the public interest and the interest of investors and consumers and compliance with all applicable provisions of the act and rules thereunder;

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

Notice is hereby given of said hearing to Ogden, to Interstate, to Chemical Bank and Trust Company, as Escrow Agent under Escrow No. 2, to Manufacturers Trust Company, as Escrow Agent under Escrow No. 1, to Paul J. Kern, attorney for the committee for the Preferred Stockholders of Interstate Power Company, to Keystone Custodian Funds, Inc., and to all interested persons, said notice to be given to Ogden, Interstate, Chemical Bank and Trust Company, Manufacturers Trust Company, Paul J. Kern, and Keystone Custodian Funds, Inc., by registered mail, and to all other persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the act, and by publication in the FEDERAL REGISTER.

It is further ordered, That Ogden shall give additional notice of said reconvened hearing to all holders of formerly outstanding 6% debentures, \$7 divided preferred stock and \$6 divided preferred stock of Interstate, whose identity is known to Ogden, and to all holders of record of Debenture Escrow Certificates and Preferred Escrow Certificates issued under Escrow No. 2 as of a date not more than 30 days prior to the date of said hearing by mailing to each of said persons a copy of this notice and order at his last known address at least fifteen days prior to the date of said hearing; and that Ogden shall give additional notice of said hearing by publication, in appropriate form, of a notice at least twice, at intervals of not less than seven days, in a newspaper of general circulation in the Cities of New York, New York, Chicago, Illinois, and Dubuque, Iowa, the last publication to occur not later than seven days prior to September 8, 1948. Costs and expenses in connection with the mailing and publication required by this paragraph shall be borne in the first instance by Ogden, but allocation of such costs and expenses shall be determined by the Commission in connection with its determination of the reasonableness, necessity, and allocation of all other expenses.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-7525; Filed, Aug. 20, 1948;
8:48 a. m.]

[File No. 70-1883]

ILLINOIS POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of August A. D. 1948.

Illinois Power Company ("Illinois") a registered holding company and a public utility subsidiary of North American Light & Power Company and The North American Company, both registered holding companies, having filed an application-declaration and amendments thereto, pursuant to applicable provisions of the Public Utility Holding Company Act of 1935, with respect to a proposed call for redemption at \$52.50 per share of the 236,477 shares of its presently outstanding 5% Cumulative Convertible Preferred Stock, \$50 par value, each share of which stock is convertible, at the option of the holder, into two shares of the Common Stock of Illinois at any time prior to the redemption date, and the proposed issue and sale on the redemption date to underwriters of such portion of 472,954 shares of its Common Stock, reserved for conversion of Preferred Stock, which are not issued in conversion; and

The Commission having granted an exemption from the competitive bidding requirements of Rule U-50 and having per-

mitted the declaration, as amended, to become effective, subject to the condition, among others, that the proposed issue and sale of such securities shall not be consummated until the results of the Company's negotiations with prospective underwriters and dealers and until copies of all contracts or agreements proposed to be entered into shall have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate; and

Illinois having filed further amendments herein stating the nature and extent of the negotiations undertaken with respect to the proposed transactions and stating that the Company received proposals from Lehman Brothers and Bear, Stearns & Co., jointly, and from The First Boston Corporation and Merrill Lynch, Pierce, Fenner & Beane, jointly, and stating that the Company intends to accept the proposal of The First Boston Corporation and Merrill Lynch, Pierce, Fenner & Beane, which proposal is summarized below:

The underwriters will purchase on the redemption date, at a price of \$26.25 per share, the number of shares of Common Stock of Illinois equal to the number of shares of the Common Stock issuable to preferred stockholders who have not converted. Illinois will pay the underwriters as a stand-by fee an amount equal to 52½¢ a share in respect to the entire 472,954 shares of Common Stock reserved for conversion plus the sum of \$1.00 per share for each share of Common Stock purchased by the underwriters provided the total number of shares purchased exceeds 47,295 shares. If any of the Common Stock purchased by the underwriters on the redemption date is sold at a price in excess of \$26.25 per share the underwriters will pay Illinois an amount equal to the sum of (a) 50% of the amount by which such price exceeds \$26.25 but does not exceed \$27.25 per share, and (b) 75% of the amount by which such price exceeds \$27.25 per share. For the purpose of computing the amount, if any, due to Illinois with respect to any Common Stock purchased by the underwriters, all Common Stock held by the underwriters at the close of business on the fifth day following the termination of the agreement among the underwriters shall be included in the computation as if such shares were sold by the underwriters at the last sale price on the New York Stock Exchange on such fifth business day or, if there has been no such sale, at the closing bid price on such day on such Exchange.

Illinois intends to enter into an agreement with the First Boston Corporation and Merrill Lynch, Pierce, Fenner & Beane, as Dealer-Managers ("Managers"), whereby such firms will agree to form and manage a group of security dealers (which shall include the Managers and may include, among others, any of the underwriters) to solicit conversions of the Preferred Stock into Common Stock. Illinois will pay the soliciting dealers with respect to conversions of Preferred Stock obtained by such dealers at the following rates per share of Preferred Stock con-

verted: 30¢, if less than 50% of the 236,477 shares of Preferred Stock outstanding is converted; 35¢, if 50% or more, but less than 60%, of such Preferred Stock is converted; 40¢, if 60% or more, but less than 70% of such Preferred Stock is converted; 45¢, if 70% or more, but less than 80% of such Preferred Stock is converted; and 50¢, if 80% or more of such Preferred Stock is converted; *Provided*, That the minimum soliciting dealers' fee payable with respect to the shares of Preferred Stock of any single converting stockholder shall be \$3.50, except in the case of stockholders converting 1 to 4 shares, inclusive, where such minimum fee shall be 80¢ a share, and the maximum fee payable to a soliciting dealer with respect to a single stockholder shall be \$200 except that such maximum shall not apply in the case of shares of Preferred Stock converted by any soliciting dealer if such soliciting dealer acquired them for conversion after the initial publication of the Notice of Redemption of Preferred Stock or the mailing thereof, whichever shall first occur. In addition, Illinois will pay the Managers a fee of 12½% of the amount of fees paid to the soliciting dealers. It is proposed that solicitation of the holders of the Preferred Stock for conversion into Common Stock will be made by Illinois and by the soliciting dealers in accordance with solicitation material which has been made a part of the record herein.

The Managers will enter into an agreement with the soliciting dealers which will provide, among other things, that prior to the redemption date of the Preferred Stock or until notice to the dealers from the Managers that such Managers, as representatives of the underwriters, have commenced stabilization of the Common Stock, whichever is sooner, the soliciting dealers may purchase shares of Preferred Stock in the open market at a price not exceeding the last sale price thereof on the New York Curb Exchange on the business day next preceding the date of such purchase, for the purpose of converting such shares for Common Stock and of selling such shares of Common Stock (on a when-issued basis or otherwise) at such price as may be current at the time of sale. The soliciting dealers will be entitled to the soliciting dealers' fee on any shares of Preferred Stock so converted.

The Commission having examined said amendments and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid for said Common Stock, the underwriting spread, the fees for securing conversion, or otherwise; and it appearing to the Commission that the legal and auditors' fees and expenses proposed to be paid in connection with the transactions are not unreasonable; and, it further appearing that the Illinois Commerce Commission has authorized the proposed transactions; and, it further appearing that it is appropriate in the public interest and in the interest of investors and consumers to grant and permit the application-declaration, as further amended, to become effective forthwith:

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It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of negotiations with prospective underwriters and dealers in connection with the issue and sale of the Common Stock be, and the same hereby is, released and that the said application-declaration, as further amended, be, and the same hereby, is granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to all legal and auditors' fees and expenses to be paid in connection with the proposed issue and sale of the Common Stock as prescribed in the Commission's order of August 12, 1948, be, and the same hereby is, released.

It is further ordered, That there shall be submitted to the Commission, not less than two days (or such shorter time as the Commission may prescribe upon application) prior to the use thereof, copies, in final form, of any supplementary or follow-up solicitation material, not already a part of the record herein, proposed to be used in connection with securing conversions of Preferred Stock.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-7524; Filed, Aug. 20, 1948;
8:48 a. m.]

[File No. 70-1900]

SOUTHERN NATURAL GAS CO. ET AL.
NOTICE OF FILING AND NOTICE OF AND ORDER
FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of August 1948.

In the matter of Southern Natural Gas Company, Birmingham Gas Company, Alabama Gas Company, File No. 70-1900.

Notice is hereby given that Southern Natural Gas Company ("Southern"), a registered holding company, and Birmingham Gas Company ("Birmingham") and Alabama Gas Company ("Alabama"), operating subsidiary companies of Southern, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

As of April 30, 1948, Birmingham had outstanding common capital stock in the aggregate amount of 273,053 full shares, \$2.00 par value per share, and 10 scrip certificates representing fractional shares in the aggregate amount of 4.1 full shares. Of this common capital stock, Southern owned 253,646 full shares and 3 scrip certificates, representing an aggregate of .58 full shares, and the general public owned the balance of 19,407 shares and 7 scrip certificates representing 3.52 full shares. In

addition, Birmingham had outstanding 28,952.7 shares of \$3.50 cumulative preferred stock, \$6,330,000 principal amount of First Mortgage Bonds and \$550,000 principal amount of 2½% notes payable to banks.

As of the same date, Alabama had outstanding 60,000 shares of common stock, no par value, all of this common stock being owned by Southern. In addition, Alabama had outstanding \$1,190,000 principal amount of 2% notes and \$1,600,000 principal amount of 2½% notes all payable to banks.

The applicants-declarants are proposing to merge Alabama into Birmingham and thereafter to change the name of the resulting company to Alabama Gas Corporation. In connection with this, the resulting company proposes to issue in exchange for the presently outstanding notes of Alabama and Birmingham \$3,340,000 principal amount of notes payable to banks and bearing interest at the rate of 2½% per year; to issue to Southern 448,371 shares of new common stock, par value \$2.00 per share, in exchange for the 60,000 shares of Alabama's common stock presently outstanding and entirely held by Southern (by the terms of the filing the outstanding common stock of Birmingham held by Southern, 253,646.48 shares, and held by the general public, 19,410.52 shares, are to remain outstanding); and Southern proposes to donate to Birmingham one-tenth of a share of Birmingham's common stock, represented by scrip certificates, in order to reduce Birmingham's common capital stock prior to the merger to 273,057 shares (including those to be issued for outstanding scrip certificates). Accordingly, the resulting company will have outstanding a total of 721,428 shares of common stock, of which 702,017.48 shares are to be owned by Southern and 19,410.52 shares are to be owned by the general public. It is represented in the filing that the foregoing proposed issuance of new common stock in the resulting company in the amount proposed for Southern's interest in Alabama has been predicated upon the relationship between the common stock equity of Alabama and the total common stock equity of Alabama and Birmingham, as at April 30, 1948, whereby considering the total of the two companies as 100%, the common stock equity capital of Alabama represents 62.15% of said total and of Birmingham 37.85% of said total.

In connection with the proposed merger, Birmingham contemplates an alteration to the First Mortgage and Deed of Trust securing its mortgage bonds in order to eliminate a prohibition contained therein which prevents the issuance of bonds against property for the distribution of natural gas not connected with Birmingham's system, (at the present time, there are no interconnections between Birmingham and Alabama). The charter of Birmingham is to be altered by changing the amount of authorized capital; to grant certain preemptive rights to common stockholders or securities convertible into common stock; and to provide certain protective rights with respect to the preferred stock.

In view of the circumstance that the proposed transactions provide for certain restrictions with respect to the payment of dividends on its common stock by the Merged Company the filing requests that the Commission by order eliminate a restriction heretofore imposed on the declaration or payment by Birmingham of dividends on its common stock. The dividend restriction sought to be eliminated in pertinent part is as follows:

So long as the ratio of Applicant's [i. e. Birmingham's] outstanding funded debt to the amount of its net property shall exceed 50%, Applicant [i. e. Birmingham] will not (1) declare or pay any dividends on its Common Stock in excess of 50% of its net earnings available for dividends on Common Stock to be computed from January 1, 1944, up to the end of the calendar month immediately preceding that in which it is then proposed to declare such dividend, nor (ii) declare or pay any dividends on its Common Stock in excess of 60¢ per share in any twelve-month period commencing January 1, 1944, nor (iii) make any payment or distribution on such Common Stock (by purchase or otherwise, in money or other property) other than as permitted by (1) and (ii) above—in each case pending the further order or orders of the Commission . . .

Since Birmingham proposes to solicit proxies from its stockholders with respect to the proposed merger, applicants-declarants have asked that the filing be treated as a declaration for such solicitation, the solicitation material to be supplied by amendment. It is represented that no solicitation of Alabama stockholders is necessary.

The filing has designated sections 6, 7, 9, 10 and 12 of the act, and Rules U-42, U-43, U-45, and U-62 promulgated thereunder as being applicable to the proposed transactions.

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

It is ordered, That a hearing on said matters, under the applicable sections of the act and rules and regulations promulgated thereunder, be held at 10 a. m., e. d. s. t. on the 1st of September 1948, in the offices of the Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings should file with the Secretary of the Commission on or before August 26, 1948, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

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

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

1. Whether the securities proposed to be issued in connection with the proposed merger are reasonably adapted to the earning power of the resulting company, to the security structure of Southern and other companies in the same holding company system, and, in light of the respective amounts thereof and the purposes indicated, are necessary or appropriate to the economical and efficient operation of the businesses in which Alabama and Birmingham are engaged;

2. Whether the terms and conditions of the issuance of the new common stock by the resulting company are in any way detrimental to the public interest or the interest of investors or consumers;

3. Whether the consideration proposed to be paid Southern in exchange for the 60,000 shares of Alabama's common stock is reasonable;

4. Whether the interest in the resulting company which will be retained by the present public holders of Birmingham's common and preferred stocks represents fair and reasonable consideration for the interests in Birmingham presently held by the public;

5. Whether the acquisition by Birmingham of the assets of Alabama, in the manner and for the consideration proposed in the filing, requires, in the public interest or for the protection of investors, the imposition of any terms or conditions in respect of such acquisition, including terms and conditions with respect to the consideration being paid for such assets;

6. Whether the proposed alterations in the mortgage indenture and the charter of Birmingham meet the applicable standards of the act and are not otherwise detrimental to the public interest or the interests of investors and consumers;

7. Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper, conform to sound accounting principles, and meet the standards of the act and rules and regulations thereunder;

8. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules and regulations thereunder and, if not, what modifications or terms and conditions should be required or imposed to meet such requirements.

It is further ordered, That notice of said hearing is hereby given to Southern, Birmingham, Alabama, and all interested persons, said notice to be given to Southern, Birmingham and Alabama by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to

the press and mailed to the persons on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 48-7526; Filed, Aug. 20, 1948;
8:48 a. m.]

[File No. 70-1901]

GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of August 1948.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transaction:

GPU proposes to make a cash capital contribution to its wholly-owned utility subsidiary, Northern Pennsylvania Power Company, of \$230,000 and the funds thus contributed will be utilized by Northern Pennsylvania Power Company for construction purposes.

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

The Commission finding that no adverse findings are necessary with respect to the declaration, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest date possible:

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

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-7521; Filed, Aug. 20, 1948;
8:48 a. m.]

[File No. 70-1922]

NASSAU SUFFOLK LIGHTING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of August 1948.

Notice is hereby given that a declaration has been filed with this Commission

pursuant to the Public Utility Holding Company Act of 1935 by Nassau & Suffolk Lighting Company, an indirect subsidiary of Long Island Lighting Company, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 2, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C. At any time after September 2, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

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

Declarant proposes to issue and sell for cash at principal amount to two commercial banks an aggregate of \$200,000 principal amount of unsecured notes each of which will bear interest at the rate of 2½% per annum, and will mature on June 30, 1949. The proceeds of the sale of the notes are to be used for payment of the company's construction requirements.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-7522; Filed, Aug. 20, 1948;
8:48 a. m.]

[File No. 812-556]

INVESTORS SYNDICATE

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of August A. D. 1948.

Notice is hereby given that Investors Syndicate, a registered face amount certificate company, has filed an application pursuant to Rule N-17D-1 regarding an incentive pay plan to be adopted and extended to persons offering for sale and selling certificates and other securities for which the applicant is the underwriter and to be extended by Divisional and District Managers to the Divisional Office Secretaries.

The applicant is registered with this Commission as a broker under the provisions of the Securities Exchange Act of 1934. It is the underwriter and dis-

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tributor of securities issued by Investors Syndicate of America, Inc., a registered face amount certificate company and a wholly-owned subsidiary company, and of securities issued by Investors Mutual, Inc., Investors Stock Fund, Inc., and Investors Selective Fund, Inc., registered management investment companies which were organized and promoted by the applicant and which are affiliated with the latter.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after the 27th day of August 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated, under the act. Any interested person may not later than the 25th day of August 1948, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 48-7523; Filed, Aug. 20, 1948;
8:48 a. m.]

[File Nos. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP (DEL.)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of August A. D. 1948.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company. The applicant-declarant designates sections 11 and 12 (c) of the act and Rule U-46 as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 27, 1948 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing

thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C. At any time after August 27, 1948, such application-declaration, as filed or as amended, may be permitted to become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of \$1.50 per share or an aggregate of approximately \$2,161,870 on the shares of its outstanding preferred stock. The dividend was declared on August 18, 1948, and is payable on the 28th day after the date of the order of this Commission permitting such payment or on October 1, 1948, whichever date is the later, to stockholders of record at the close of business on the 10th day after the date of such order (or if such 10th day is not a business day, the first business day following such 10th day) or on September 10, 1948, whichever date is the later.

The applicant-declarant requests that the Commission's order be issued herein on or before September 1, 1948, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 48-7561; Filed, Aug. 20, 1948;
8:51 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 11724]

WILHELMINE WIESE

In re: Estate of Wilhelmine Wiese, deceased. D 28-11842 E. T. 16044.

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 Helene Bohnsack and Laura Wiese, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by W. W. Wiese, Avoca, Iowa, Executor, and Meta Wiese, Avoca, Iowa, Executrix, acting under the judicial supervision of the District Court of Pottawattamie County, State of Iowa; and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7536; Filed, Aug. 20, 1948;
8:50 a. m.]

[Vesting Order 11731]

HUGO KRUCKER

In re: Bank accounts, voting trust certificate, bonds, mortgage participation certificate and checks owned by Hugo Krucker. F-28-23410-A-1; F-28-23410-C-1; F-28-23410-D-1; F-28-23410-D-2; F-28-23410-E-1; F-28-23410-E-2; F-28-23410-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 Hugo Krucker, whose last known address is Heilshoop u/Lubbeck, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hugo Krucker, by Dollar Savings Bank of the City of New York, 2792 3d Avenue, New York 55, New York, arising out of a savings account, account number 404,832, entitled Hugo Krucker, maintained at the aforementioned bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Hugo Krucker, by Harlem Savings Bank, 124 East 125th Street, New York 35, New York, arising out of a savings account, account number 412,000, entitled Hugo Krucker, maintained at the aforementioned bank, and any and all

rights to demand, enforce and collect the same.

c. All rights in and under one (1) voting trust certificate for five (5) shares of 10 cents (\$0.10) par value common capital stock of the New York Ambassador, Inc., 14 Wall Street, Suite 2310, New York, New York, a corporation organized under the laws of New York, said voting trust certificate bearing the number 5327, registered in the name of Hugo Krucker.

d. All rights in and under one (1) voting trust certificate for five (5) shares of 10 cents (\$0.10) par value common capital stock of the Atlantic City Ambassador Hotel Corporation, 2 West 55th Street, New York, New York, a corporation organized under the laws of New Jersey, said voting trust certificate bearing the number 5389, registered in the name of Hugo Krucker.

e. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) New York Ambassador, Inc., 20 year 4% Income Bond of \$100.00 face value, bearing the number C 1560, registered in the name of Hugo Krucker, and all rights to demand, enforce and collect the same, together with any and all rights in and under said bond.

f. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Atlantic City Ambassador Hotel Corporation, 2 West 55th Street, New York, New York, 20 year 4% Income Bond of \$100.00 face value, bearing the number C 1560, registered in the name of Hugo Krucker, and all rights to demand, enforce and collect the same, together with any and all rights in, to and under said bond.

g. One (1) Guaranteed First Mortgage Participation Certificate, Series C-2, of New York Title and Mortgage Co., of \$500.00 face value, bearing the number 964, registered in the name of Hugo Krucker, and presently in the custody of Paul Kuehnel, 1516 Leland Avenue, New York 60, New York, together with any and all rights thereunder and thereto, and

h. Those certain debts or other obligations evidenced by the checks described in Exhibit A, attached hereto and by reference made a part hereof, arising out of the repayment of principal and interest by the Trust Company of North America, as transfer and distribution disbursing agent appointed by the Trustees under a Declaration of Trust, dated April 7, 1936, on the Guaranteed First Mortgage Participation certificate, described in subparagraph 2-g above; said checks being in the custody of the Trust Company of North America, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of the aforesaid checks, and the right to present the same for payment.

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, Hugo Krucker, 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 prop-

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

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

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

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

EXHIBIT A

Drawer	Payee	Date	Check No.	Amount
Trust Co. of North America	Hugo Krucker	12/30/39	7218	\$4.44
		6/30/40	7229	4.12
		12/31/40	7173	6.62
		6/30/41	7006	4.10
		12/31/41	6960	13.55
		6/10/42	6931	3.43
		12/31/42	6810A	.12
		4/15/43	6861	10.00
		6/30/43	6877	3.23
		12/31/43	6852	10.78
		2/18/44	6912	21.00
		6/30/44	6812	14.62
		12/31/44	6807	27.52
		4/20/45	6816	25.00
		6/30/45	6746	14.05
		12/30/45	6702	46.57
		3/15/46	6672	60.00
		6/29/46	6624	1.92
		12/31/46	6554	58.85
		6/30/47	6559	12.31
		12/31/47	6515	13.15

[F. R. Doc. 48-7537; Filed, Aug. 20, 1948; 8:50 a. m.]

[Vesting Order 11761]

MARY EVANS PRIOR

In re: Trust under the Will of Mary Evans Prior, deceased. File No. D-28-6557; E. T. sec. 4111.

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 Clara Prior Leuderitz, Johann Oswald Prior, Veronica Prior Carstens, Annette Prior Maas, Christel Maas, Ursel Maas and Gretchen Voeste, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by William M. Wherry, as Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

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

as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on July 29, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7538; Filed, Aug. 20, 1948; 8:50 a. m.]

[Vesting Order 11780]

HEDWIG ENGEL

In re: Debt owing to Hedwig Engel. F-28-3758-C-1.

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

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1. That Hedwig Engel, whose last known address is Stettiner-Strasse 43, Arklam, Pommern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, in the amount of \$315.34 as of December 20, 1946, evidenced by a Cashier's Check, No. PTS 13702 in the face amount of \$315.34, payable to the order of Pommersche Bank, A. G., dated November 17, 1939, issued by and presently in the custody of the aforesaid bank, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid Cashier's Check,

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, Hedwig Engel, 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 August 3, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7539; Filed, Aug. 20, 1948;
8:50 a. m.]

[Vesting Order 11807]

AMALIE BAUMANN

In re: Bank account owned by Amalie Baumann. F-28-25566-E-1.

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

1. That Amalie Baumann, whose last known address is Germany, is a resident

of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Ridgewood Savings Bank, Myrtle & Forest Avenue, Ridgewood, New York, arising out of an account, account number 102,999, entitled Amalie Baumann by Erich Wilkens, Attorney-in-fact, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Amalie Baumann, 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 August 9, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7540; Filed, Aug. 20, 1948;
8:50 a. m.]

[Vesting Order 11809]

FRITZ HAMANN ET AL.

In re: Bank accounts owned by Fritz Hamann and others. F-28-21298-C-1; F-28-21296-C-1; F-28-21297-C-1; F-28-21295-C-1.

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

1. That Fritz Hamann whose last known address is 2 Am Giesler 4, Braunschweig, B Gaststaette Wickinger, Germany; Ernst Hamann, also known as Ernest Hamann, whose last known address is Hochstrasse 1, 24 Luebeck, Germany; Karl Hamann, also known as Carl Hamann, who last known address is 2 Am Giesler 4, 20 Braunschweig, B Gaststaette Wickinger, Germany; and Rein-

holt Hamann whose last known address is Holzweilerstrasse 149, 22 C Kueckhoven, Kr., Erkelenz Rhld., Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of Toledo Trust Co., Toledo, Ohio, arising out of savings accounts, account numbers 9783, 9784, 9785, 9786, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Hamann, Ernst Hamann also known as Ernest Hamann, Karl Hamann also known as Carl Hamann, and Reinholt Hamann, the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 9, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7541; Filed, Aug. 20, 1948;
8:51 a. m.]

[Vesting Order 11810]

IDA WANDA HOFFMAN ET AL.

In re: Bank accounts owned by Ida Wanda Hoffman and others. F-28-29093-E-1; F-28-29094-E-1; F-28-29095-E-1; F-28-29096-E-1; F-28-29097-E-1; F-28-29098-E-1; F-28-29099-E-1.

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

1. That the persons, whose names and last known addresses are set forth in Exhibit A, attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of Farmers State Bank of Canton, Canton, South Dakota, arising out of checking accounts, entitled as set forth opposite the names of the persons listed in the aforesaid Exhibit A, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ida Wanda Hoffman, Margaret Erika Knippelmeyer, Ella Ida Meindeer, Bruno Paul Rutsch, Paul Heinrich Rutsch, August Heinrich Wilhelm Speer, Ida Clara Speer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country,

the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 9, 1948.

For the Attorney General.

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

EXHIBIT A

Name of owner	Last known address	Title of account
Ida Wanda Hoffman	Tiefenfurt 36, Germany	Ida Wanda Hoffman.
Margaret Erika Knippelmeyer	Rothenberg, Hanover Kircheln 4, Germany.	Margaret Erika Knippelmeyer.
Ella Ida Meindeer	Lieznitz Zimmerlin 4, Germany	Ella Ida Meindeer.
Bruno Paul Rutsch	Bunzlau 32 Schango Street, Germany	Bruno Paul Rutsch.
Paul Heinrich Rutsch	Burbs Meihns, Solomohs 5, Germany	Paul Heinrich Rutsch.
August Heinrich Wilhelm Speer	Langebepo bi, Tiefenfurt 36, Germany	August Heinrich Wilhelm Speer.
Ida Clara Speer	Tiefenfurt 26, Germany	Ida Clara Speer.

[F. R. Doc. 48-7542; Filed, Aug. 20, 1948; 8:51 a. m.]

[Vesting Order 11811]

S. KIMURA AND CO., LTD.

In re: Debts owing to S. Kimura and Company, Ltd. F-39-1696-C-3; F-39-1696-C-4.

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

1. That S. Kimura and Company, Ltd., the last known address of which is P. O.

Box Central 461, Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Tokyo, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to S. Kimura and Company,

Ltd., by Stewart-Warner Corporation, 1826 Diversey Parkway, Chicago, Illinois, in the amount of \$3,421.09, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same; and

b. That certain debt or other obligation owing to S. Kimura and Company, Ltd., by W. D. Blood & Company, Inc., 38 Pearl Street, New York, New York, in the amount of \$1,041.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (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 August 9, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7543; Filed, Aug. 20, 1948; 8:51 a. m.]

