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TITLE 3—THE PRESIDENT

PROCLAMATION 2804A

NATIONAL GUARD DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the National Guard of the United States has been a faithful and unflinching servant of the people in struggles against foreign aggression and in times of domestic disaster; and

WHEREAS the cause of national security demands that the National Guard be fully manned, equipped, and trained as a component part of the Nation's security forces; and

WHEREAS September 16, 1948, marks the eighth anniversary of the call of the National Guard to the Nation's service in the critical period preceding World War II:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, in honor of the men of the National Guard who sacrificed their lives for their country and in recognition of those who served during times of national emergency as well as those who continue to serve in the interest of national security, do hereby proclaim Thursday, September 16, 1948, as National Guard Day. I invite the Governors of the several States to issue proclamations for the observance of National Guard Day, and I direct that the flag of the United States be displayed on all public buildings on that day.

I also remind all citizens that the National Guard of the United States, with each of its units in our hamlets and cities, is an essential part of the strength of our country, and I therefore urge that all citizens give their unremitting support to the men and units of the National Guard in their communities.

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

DONE at the City of Washington this 18th day of August in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-7661; Filed, Aug. 23, 1948; 3:55 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Wheat Bulletin 1, Supp. 2, Amdt. 1]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1948 WHEAT PRICE SUPPORT PROGRAM

The schedule of rates under § 251.227 *County rates, discounts, and premiums,* of the regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 3272, 3989, 3992, governing the making of loans on wheat produced in 1948, is hereby amended as follows:

1. The following counties in Arkansas and the rates therefor are deleted:

County:	*Rate*
Madison	$1.97
Newton	1.97
Poinsett	2.05
Van Buren	1.99

2. To the schedule of county rates for California, add the following:

County:	*Rate*
Placer	$2.12
Solano	2.16

3. The loan rates for the following counties in Colorado are increased from $1.80 to $1.81:

Archuleta	Moffat
Delta	Montrose
Eagle	Ouray
Garfield	Pitkin
La Plata	Rio Blanco
Mesa	Routt

4. The loan rates for the following counties in Idaho are changed to read as follows:

County:	*Rate*
Cassia	$1.84
Twin Falls	1.86

(Continued on p. 4913)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

5. The following counties in Indiana, and the rates therefor are deleted:

County:	Rate
Ohio	$2.16
Switzerland	2.16

6. The rate for Finney County, Kansas, is increased from $1.97 to $1.98.

7. The rate of $2.28 for Baltimore City, Maryland, is deleted and the following substituted in lieu thereof:

County:	Rate
Baltimore City[1]	$2.37

[1] This rate applies to wheat received by wagon, truck, or bay boat with all charges paid to an in-store basis. This rate shall apply to all wheat for which there is no line haul inbound rail billing, irrespective of the provisions of § 251.226 in 1948 C. C. C. Wheat Bulletin 1, Supplement 1.

8. The rate for Madison County, Montana, is decreased from $1.83 to $1.80.

9. The county rates for Nebraska are deleted and the following rates substituted in lieu thereof:

County:	Rate	County:	Rate
Adams	$2.04	Howard	$2.05
Antelope	2.05	Jefferson	2.06
Blaine	2.01	Johnson	2.07
Boone	2.06	Kearney	2.04
Box Butte	1.97	Keith	1.98
Boyd	2.03	Kimball	1.94
Brown	2.01	Knox	2.04
Buffalo	2.04	Lancaster	2.09
Burt	2.08	Lincoln	2.00
Butler	2.08	Logan	2.01
Cass	2.10	Madison	2.06
Cedar	2.05	Merrick	2.06
Chase	1.98	Morrill	1.96
Cherry	1.99	Nance	2.06
Cheyenne	1.95	Nemaha	2.07
Clay	2.05	Nuckolls	2.04
Colfax	2.08	Otoe	2.09
Cuming	2.08	Pawnee	2.06
Custer	2.02	Perkins	1.98
Dakota	2.07	Phelps	2.03
Dawes	1.95	Pierce	2.05
Dawson	2.03	Platte	2.07
Deuel	1.97	Polk	2.07
Dixon	2.06	Redwillow	2.00
Dodge	2.09	Richardson	2.07
Douglas	2.10	Rock	2.02
Dundy	1.98	Saline	2.07
Fillmore	2.06	Sarpy	2.11
Franklin	2.03	Saunders	2.09
Frontier	2.01	Scotts Bluff	1.95
Furnas	2.01	Seward	2.08
Gage	2.07	Sheridan	1.97
Garden	1.97	Sherman	2.04
Garfield	2.04	Sioux	1.94
Gosper	2.02	Stanton	2.07
Grant	1.98	Thayer	2.06
Greeley	2.05	Thomas	2.00
Hall	2.05	Thurston	2.08
Hamilton	2.06	Valley	2.04
Harlan	2.02	Washington	2.10
Hayes	1.98	Wayne	2.05
Hitchcock	1.99	Webster	2.04
Holt	2.03	York	2.07
Hooker	1.99		

10. To the schedule of county rates for New Mexico, a rate of $1.86 is established for Socorro County. The rate for McKinley County, New Mexico, is decreased from $1.80 to $1.76.

11. The county of Monroe, Ohio, and the rate therefor are deleted.

12. To the schedule of county rates for Texas, add the following:

County:	Rate
Lynn	$1.95
Terry	1.95

13. The county of Johnson, Wyoming, and the rate therefor are deleted.

Issued this 18th day of August 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: August 19, 1948.

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 48-7587; Filed, Aug. 24, 1948; 8:55 a. m.]

[1948 C. C. C. Barley Bulletin 1, Amdt. 1]

PART 264—BARLEY LOANS AND PURCHASE AGREEMENTS

1948 BARLEY PRICE SUPPORT PROGRAM BULLETIN

The schedule of loan rates under § 264.224 *Loan Rates* of the regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 13 F. R. 3998, governing the making of loans on barley produced in 1948, is hereby amended as follows:

Under paragraph (a) the following terminal market and rate is added:

Market:	Loan rate per bushel
Milwaukee, Wis.	$1.38

Under paragraph (c) the loan rates are amended as follows:

1. The county of Lemhi, Idaho, and the loan rate therefor are deleted.

2. The following counties in Indiana and the loan rates therefor are deleted:

County:	Rate
Ohio	$1.21
Switzerland	1.21

3. The loan rate for Finney County, Kansas, is increased from $1.11 to $1.12.

4. The county loan rates for Nebraska are deleted and the following rates substituted in lieu thereof:

County:	Rate	County:	Rate
Adams	$1.17	Gosper	$1.15
Antelope	1.17	Grant	1.12
Blaine	1.14	Greeley	1.18
Boone	1.18	Hall	1.18
Box Butte	1.11	Hamilton	1.18
Boyd	1.16	Harlan	1.15
Brown	1.14	Hayes	1.12
Buffalo	1.17	Hitchcock	1.13
Burt	1.20	Holt	1.16
Butler	1.20	Hooker	1.13
Cass	1.21	Howard	1.17
Cedar	1.17	Jefferson	1.18
Chase	1.11	Johnson	1.19
Cherry	1.13	Kearney	1.16
Cheyenne	1.09	Keith	1.12
Clay	1.17	Kimball	1.09
Colfax	1.20	Knox	1.17
Cuming	1.20	Lancaster	1.20
Custer	1.15	Lincoln	1.14
Dakota	1.19	Logan	1.14
Dawes	1.10	Madison	1.18
Dawson	1.16	Merrick	1.18
Deuel	1.11	Morrill	1.10
Dixon	1.18	Nance	1.18
Dodge	1.21	Nemaha	1.19
Douglas	1.21	Nuckolls	1.17
Dundy	1.11	Otoe	1.20
Fillmore	1.16	Pawnee	1.19
Franklin	1.16	Perkins	1.12
Frontier	1.14	Phelps	1.16
Furnas	1.14	Pierce	1.18
Gage	1.19	Platte	1.19
Garden	1.11	Polk	1.19
Garfield	1.16	Redwillow	1.14
Richardson	$1.10	Stanton	$1.19
Rock	1.15	Thayer	1.18
Saline	1.19	Thomas	1.14
Sarpy	1.22	Thurston	1.20
Saunders	1.21	Valley	1.16
Scotts Bluff	1.09	Washington	1.21
Seward	1.20	Wayne	1.17
Sheridan	1.11	Webster	1.16
Sherman	1.17	York	1.19
Sioux	1.09		

5. The county of Monroe, Ohio, and the loan rate therefor are deleted.

6. The following counties in South Dakota and the loan rates therefor are deleted:

County:	Rate	County	Rate
Armstrong	$1.10	Todd	$1.14
Bennett	1.12	Washabaugh	1.12
Buffalo	1.14	Washington	1.10
Harding	1.07		
Shannon	1.10		

Issued this 18th day of August 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: August 19, 1948.

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 48-7588; Filed, Aug. 24, 1948; 8:55 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY AND DELEGATIONS OF FINAL AUTHORITY

CENTRAL AND FIELD ORGANIZATION

Part 500 is hereby amended by amendment of § 500.1 (b) (8), as set out below:

§ 500.1 *Central and field organization.* * * *

(b) *Organization.* The Office is composed of the following branches, sections and officers with functions as indicated:

* * * * *

(8) *Legal Branch.* The Chief, Legal Branch, advises the Director with respect to legal aspects of office policy and operation. He also supervises liquidation of banking, insurance, and other financial institutions under the control of the Office of Alien Property. In the absence of the Deputy Director, the Chief, Legal Branch, is the Acting Deputy Director.

(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, 3 CFR, 1946 Supp.)

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

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

[F. R. Doc. 48-7628; Filed, Aug. 24, 1948; 8:52 a. m.]

TITLE 10—ARMY

Chapter VIII—Supplies and Equipment

Subchapter A—Procurement

Subchapter B—Disposition of Property

Subchapter C—Termination of Contracts

ARMED SERVICES PROCUREMENT REGULATION

CROSS REFERENCE: For additions to Subchapter D of this chapter issued jointly by the Departments of the Army, Navy and Air Force, see Subchapter D—Armed Services Procurement Regulation, *infra*.

Subchapter D—Armed Services Procurement Regulation

PART 854—COORDINATED PROCUREMENT

PART 855—INTERDEPARTMENTAL PROCUREMENT

PART 856—FOREIGN PURCHASES

ARMED SERVICES PROCUREMENT REGULATION

Parts 851, 852, and 853 of the Armed Services Procurement Regulation were published in 13 F. R. 3074, June 9, 1948. The following Parts 854, 855, and 856, containing additional material of the Armed Services Procurement Regulation, are added to Subchapter D. Parts 857 through 864 of the Armed Services Procurement Regulation will appear in subsequent issues of the FEDERAL REGISTER.

[SEAL] GORDON GRAY,
The Assistant Secretary of the Army.
M. E. ANDREWS,
Assistant Secretary of the Navy.
A. S. BARROWS,
Under Secretary of the Air Force.

PART 854—COORDINATED PROCUREMENT

Sec.

AUTHORITY: §§ 854.000 to 854.305, inclusive, issued under sec. 1 (a), (b), 54 Stat. 712, 55 Stat. 838, Pub. Law 413, 80th Cong.; 41 U. S. C. preceding sec. 1 note, 50 U. S. C. App. 601-622; E. O. 9001, Dec. 27, 1941, 3 CFR Cum. Supp.

§ 854.000 *Scope of part.* This part sets forth, on the basis of the provisions of and authority contained in section 10 of the act, and in accordance with the provisions of the National Security Act of 1947 (Public Law 253, 80th Congress), the basic policies and requirements relating to the coordinated procurement of supplies and services. The different types of coordinated procurement are the following:

(a) "Single Department procurement," whereby one Department purchases certain supplies or services for another Department;

(b) "Joint procurement," whereby a jointly staffed and financed procuring activity purchases certain supplies or services for the three Departments; and

(c) "Collaborative procurement," whereby procuring activities of more than one Department occupy offices in the same area but make separate contracts, the objective being to center in one place geographically all procurement of similar supplies or services.

§ 854.001 *Coordinated procurement of items in short supply.* Whenever there exists a shortage in supplies or services, the matter shall be referred by the head of a procuring activity to the appropriate authority within his Department, whereupon the latter shall immediately confer with the corresponding authority in each of the other Departments in an effort to solve the problem.

SUBPART A—SINGLE DEPARTMENT PROCUREMENT

§ 854.100 *Scope of subpart.* This subpart deals with the procurement of supplies or services by one Department for another Department pursuant to either (a) agreement between the Departments concerned, or (b) assignment of procurement responsibility by the Munitions Board. However, the provisions of subpart D of Part 855 shall govern (1) the transfer of supplies from the stocks of one Department to another Department, and (2) work performed by one Department for another Department.

§ 854.101 *Definitions.* As used in this subpart, "Requiring Department" is the Department originating a requisition or procurement request for supplies or services to be purchased by another Department; and "Purchasing Department" is the department which is assigned the purchase responsibility for certain supplies and services, and which makes contracts for such supplies and services to satisfy its own requirements and the requirements of another Department.

§ 854.102 *Execution and administration of contracts.* Purchases for each department will generally be covered by separate contracts. However, when economy or more efficient procurement would result, the Purchasing Department may combine in a single contract the requirements of all the departments, with the quantities of each item for each Department being shown separately and being clearly identified as to the proper appropriation or fund to be charged. The procurement of the supplies or services and the preparation, execution, and administration of contracts shall be in accordance with the provisions of this regulation and with procedures prescribed by the Purchasing Department. Distribution of documents shall be made by the Purchasing Department as specified by the Requiring Department. Contracts will be numbered in the regular contract number series of the procuring activity of the Purchasing Department. The Purchasing Department will allocate among the Departments on an equitable basis the supplies and services purchased, taking into consideration prices, quantities available, and delivery schedules.

§ 854.103 *Specifications.* The Purchasing Department shall have the following responsibilities in connection with specifications:

(a) Obtaining from the Requiring Department a list of (or copies of) specifications used in the assigned field;

(b) Reviewing the specifications to determine those which are of such interest that joint or Federal specifications should be prepared;

(c) Taking action to have initiated joint or Federal specifications projects.

§ 854.104 *Funds and payments.* Each requisition or procurement request forwarded by the Requiring Department to the Purchasing Department will show the appropriation or fund of the Requiring Department under which the contract is to be drawn. The signature of the officer approving the requisition or procurement request for the Requiring Department will be considered as establishing conclusively that the purchase is authorized under the appropriation or fund cited and that the amount stated has been committed for the purpose of meeting payments on the contract, as and when accruing. The amount shown in the requisition or procurement request will be the Requiring Department's best estimate of the cost of the supplies and services to be purchased. The Purchasing Department is authorized, without further approval of the Requiring Department, to make a contract for a total sum, including all contingent amounts for variation in quantity and price, not in excess of the amount estimated by the Requiring Department plus 10 percent, unless otherwise specified in the requisition or procurement request. The Purchasing Department will make no amendment increasing the total dollar amount of a contract without prior approval of the Requiring Department; *Provided, however,* That such prior approval shall not be required for amendments establishing the amount of adjustments required by the terms of the contract as executed or previously amended. In every

instance, the contract will establish an obligation and provide for payment under an appropriation or fund of the Requiring Department; *Provided*, That this requirement is not to be construed as changing the established concept of obligation of funds. Each Department will provide the other Departments with a list of its disbursing offices and with the requirements governing the submission of invoices and the designation of paying offices. The Purchasing Department will comply with such requirements of the Requiring Department by including in the contract appropriate invoicing and payment instructions. The Requiring Department will include on the requisition or procurement request appropriate accounting data ordinarily shown in contracts of the Requiring Department, and such data will be included in the contract issued by the Purchasing Department.

§ 854.105 *Inspection.* Inspection of supplies at place of manufacture or prior to shipment will generally be made by inspectors of the Purchasing Department. However, this general rule shall not be construed to preclude the utilization of the inspectors of the Requiring Department when they are located at or otherwise servicing the contractor's plant. Inspection at destination will generally be made by inspectors of the Requiring Department.

§ 854.106 *Transportation of materials.* Every requisition or procurement request will show the appropriation or fund and accounting classification chargeable for such transportation costs as may be incurred in effecting delivery at Government expense. Government bills of lading will generally be issued by the Purchasing Department. In every instance, the Government bill of lading will show (a) the Requiring Department as the department to be billed, and (b) the appropriation or fund designated by that Department as the appropriation chargeable. Where Government bills of lading of the Purchasing Department are used to cover shipment of supplies consigned to the Requiring Department, the bill of lading number will be prefixed by the name of the Requiring Department.

§ 854.107 *Transfer of uncompleted contracts.*

§ 854.107–1 *Effect of assignment of procurement responsibility.* As a general rule, when the procurement responsibility for a commodity or class of commodities is assigned to one Department, uncompleted contracts of any other Department for any such commodity or class of commodities will not be transferred, but will continue to be administered for all purposes by such other Department.

§ 854.107–2 *Disputes under transferred contracts.* In the case of any contract transferred, or to be transferred, to the Department of the Navy, the contract should be amended to provide that the Navy Department Board of Contract Appeals hear and decide all disputes concerning questions of fact which are appealed pursuant to the "Disputes" clause of such transferred contract. In the case of any contract transferred, or to be transferred, to the Department of the Army or the Department of the Air Force, the contract should be amended to provide that the Army Board of Contract Appeals hear and decide all disputes concerning questions of fact which are appealed pursuant to the "Disputes" clause of such transferred contract.

§ 854.107–3 *Contracting officers under transferred contracts.* In the case of any contract transferred, or to be transferred, to any department, the successor to the Contracting Officer for each such contract shall be the head of the procuring activity (or any Contracting Officer thereof) to which the administration of any such contract is assigned, and any such successor shall have all of the rights and responsibilities of a Contracting Officer under such transferred contract.

§ 854.108 *Administrative costs.* The Purchasing Department will bear, without reimbursement therefor, (a) the administrative costs incidental to its procurement of supplies and services for another Department, and (b) the cost of such inspection as it may perform in connection therewith. However, when a procurement responsibility is transferred from one Department to another Department, funds appropriated or to be appropriated for defraying the administrative costs of such procurement responsibility shall be made available to the Purchasing Department by transfer or otherwise as appropriate and desired by the Purchasing Department; but the Department to which the procurement responsibility is transferred will assume budget cognizance at the earliest possible date.

§ 854.109 *Preparation of procurement requests.* Requisitions or procurement requests for supplies or services to be purchased by another department should contain substantially the following information and any other information required by procedures prescribed by the Requiring Department or by the Purchasing Department:

(a) Description (including all identifying data), quantity, and estimated price of supplies or services to be purchased;

(b) Any permitted variation in the amount which the Purchasing Department is authorized to obligate, as referred to in § 854.104;

(c) Time, place, and method of delivery;

(d) Place, method, and conditions of inspection (whether by inspectors of Purchasing Department or Requiring Department or both);

(e) Shipping, packaging, packing, and marking instructions;

(f) Requisition (or other purchase authority), appropriation, allotment, and accounting data with respect to purchase price and transportation costs;

(g) Invoice and payment instructions;

(h) Contract identification, and instructions as to special provisions to be included in the contract;

(i) Distribution of copies of resulting contracts and shipping documents or receiving reports;

(j) Certification of funds by a fiscal office or division.

SUBPART B—ARMED SERVICES PETROLEUM PURCHASING AGENCY

§ 854.200 *Scope of subpart.* This subpart deals with joint procurement by the Armed Service Petroleum Purchasing Agency, and prescribes general policies governing the operation of that Agency.

§ 854.201 *Procurement responsibility of Petroleum Purchasing Agency.* The Armed Services Petroleum Purchasing Agency (referred to in this subpart as the "ASPPA") is established as a joint agency of the Departments of the Army, Navy, and Air Force pursuant to the authority of section 10 of the act. In accordance with planning and coordinating directives of the Armed Services Petroleum Board, the ASPPA shall be responsible for all procurement of petroleum and petroleum products (referred to in this subpart as "petroleum items") and such other supplies and services as may be assigned to it from time to time.

§ 854.202 *Organization of Agency.* The functions of the ASPPA shall be supervised by The Quartermaster General of the Army, the Chief of the Bureau of Supplies and Accounts of the Navy, and the Director of Maintenance, Supply, and Services of the Air Force, each of whom shall serve successively as Chairman for a two-year term. An executive officer shall be selected in rotation from the three Departments to serve for a term of two years; he shall conduct the business of the ASPPA as "head of a procuring activity," and shall perform such other services as may be assigned.

§ 854.203 *Functions.* In carrying out its responsibility for the procurement of petroleum items, the ASPPA, within the limits of allotments of appropriations made available for such purpose by each of the Departments, and in accordance with requirements established by the Departments and priorities established for each Department by the Armed Services Petroleum Board under the guidance of the Joint Chiefs of Staff, shall perform the following functions:

(a) Consolidate the established requirements of the three Departments;

(b) Procure petroleum items by means of formal advertising or negotiation, in accordance with the requirements of Parts 852 and 853 respectively;

(c) Supervise the administration and performance of contracts, and for this purpose shall arrange for inspections and audits, utilizing such facilities and services of the Departments as may be made available therefor;

(d) Consolidate transportation requirements and arrange for delivery to storage or to installations through the appropriate office of the Department involved in transportation, but without having any responsibility for operational control of transportation facilities; and

(e) Coordinate joint bulk storage by the three Departments.

§ 854.204 *Notification to Departments.* The ASPPA shall advise the three Departments with reference to the scheduling of their petroleum items requirements, and shall render such information, reports and recommendations as may be requested or desirable to inter-

ested agencies in the National Military Establishment in connection with matters arising in the course of procurement of petroleum items, such as short supply, changes in specifications, practices, improvements in storage, distribution and transportation facilities, and imbalances between purchases, transportation, and storage.

§ 854.205 *Applicability of regulation and Department procedures.* All procurement by the ASPPA shall be effected in accordance with the requirements of this regulation and the procedures prescribed by that Department selected from time to time by the Armed Services Petroleum Board. For such purposes in general, and in particular for purposes of (a) determinations and findings, (b) contract clearance, (c) deviations, (d) reports, and (e) contract appeals, the ASPPA shall be considered a procuring activity of the selected Department. As such a procuring activity, the ASPPA shall have the same independence of operation as the technical services of the Army, the Bureaus of the Navy, or the Air Matériel Command of the Air Force, depending on the Department under which the ASPPA is operating, and shall have all the powers and privileges with respect to contract forms and other matters as are accorded to a procuring activity by the Armed Services Procurement Regulation and the procedures prescribed by that Department under which the ASPPA is operating.

SUBPART C—ARMED SERVICES MEDICAL PROCUREMENT AGENCY

§ 854.300 *Scope of subpart.* This subpart deals with joint procurement by the Armed Services Medical Procurement Agency and prescribes general policies governing the operation of that Agency.

§ 854.301 *Procurement responsibility of Medical Procurement Agency.* The Armed Services Medical Procurement Agency (referred to in this subpart as the "ASMPA") is established as a joint agency of the Departments of the Army, Navy, and Air Force pursuant to the authority of section 10 of the act. In accordance with directives of the Armed Services Medical Procurement Board, the ASMPA shall be responsible for central procurement of medicines and medical, surgical, hospital, dental, and veterinary supplies (referred to in this part as "medical items") and such other supplies and services as may be assigned to it from time to time.

§ 854.302 *Organization of Agency.* The functions of the ASMPA shall be directed by a Commanding Officer, who shall be nominated from one of the three Departments by the Armed Services Medical Procurement Board, and appointed by the Surgeons General of the Army and the Navy, and the Air Surgeon of the Air Force. There shall also be a Deputy Commander, similarly nominated and appointed, but of a Department other than that of the Commanding Officer. The Commanding Officer shall conduct the business of the ASMPA as "head of a procuring activity," and shall perform such other services as may be assigned.

§ 854.303 *Functions.* In carrying out its responsibility for the central procurement of medical items, the ASMPA, within the limits of allotments of appropriations made available for such purpose by each of the departments, and in accordance with requirements established by the departments and the Armed Services Medical Procurement Board under the guidance of the Surgeons General of the Army and the Navy, and the Air Surgeon of the Air Force, shall perform the following functions:

(a) Procure medical items (in accordance with the consolidated requirements of the three departments) by means of formal advertising or negotiation, in accordance with the requirements of Parts 852 and 853 respectively:

(b) Supervise the administration and performance of contracts, and for this purpose shall arrange for inspections and audits, utilizing such facilities and services of the Departments as may be made available therefor; and

(c) Consolidate transportation requirements and arrange for delivery to storage or to installations through the appropriate office of the Department involved in transportation but without having any responsibility for operational control of transportation facilities.

In addition to its procurement responsibility, the ASMPA shall perform such other functions as may be assigned to it by competent authority.

§ 854.304 *Notification to Departments.* The ASMPA shall advise the three Departments with reference to the scheduling of their medical items requirements, and shall render such information, reports and recommendations as may be requested or desirable to interested agencies in the National Military Establishment in connection with matters arising in the course of procurement of medical items, such as short supply, changes in specifications, and practices.

§ 854.305 *Applicability of regulation and Department procedures.* All procurement by the ASMPA shall be effected in accordance with the requirements of this regulation and the procedures prescribed by the Department of the Army. However, the ASMPA is a joint agency of the Departments of the Army, Navy, and Air Force for the central procurement of medical items, notwithstanding the fact that, for the purposes of this regulation and procedures thereunder, the ASMPA shall be considered a procuring activity of the Department of the Army.

PART 855—INTERDEPARTMENTAL PROCUREMENT

AUTHORITY: §§ 855.000 to 855.402, inclusive, issued under sec. 1 (a), (b), 54 Stat. 712, 55 Stat. 838, Pub. Law 413, 80th Cong.; 41 U. S. C. preceding sec. 1 note, 50 U. S. C. App. 601–622; E. O. 9001, Dec. 27, 1941, 3 CFR Cum. Supp.

§ 855.000 *Scope of part.* This part deals with the procurement of supplies and services by any Government department or agency from or through any other Government department or agency.

SUBPART A—PROCUREMENT FROM OR UNDER CONTRACTS OF BUREAU OF FEDERAL SUPPLY

§ 855.101 *Statement of policy.* In the procurement of supplies or services which are covered by contracts made by the Bureau of Federal Supply, Treasury Department, it shall be the policy of each Department, in accordance with requirements and procedures prescribed by it, to utilize to the fullest extent practicable the "Federal Supply Schedule" of such Bureau.

§ 855.102 *Orders under contracts of Bureau of Federal Supply.* Orders issued under contracts of the Bureau of Federal Supply shall contain sufficient data to enable prompt identification of the correct listing in the proper Federal Supply Schedule.

§ 855.103 *Procurement from supply centers of Bureau of Federal Supply.* Each Department is authorized, in accordance with procedures prescribed by it, to procure from supply centers established by the Bureau of Federal Supply in major cities throughout the United States any supplies or services available from any such supply center. Stock catalogs issued by each supply center list items which are regularly available for issue and contain instructions relative to the use of the catalogs as well as the submission of delivery orders to the supply center.

§ 855.104 *Use of Stock Catalog, Bureau of Federal Supply, Washington, D. C.* It shall be the policy of each Department to avoid, to the extent practicable, placing orders under the Stock Catalog of the Bureau of Federal Supply for items stocked in its Washington warehouse when shipment is to be made outside the District of Columbia or adjacent counties of Maryland and Virginia.

SUBPART B—PROCUREMENT OF PRINTING AND RELATED SUPPLIES

§ 855.201 *Printing and related supplies.* Printing, binding, and blankbook

work, and envelopes, paper, and related supplies, shall be procured in accordance with (a) regulations of the Congressional Joint Committee on Printing, and (b) procedures prescribed by each respective Department.

SUBPART C—PROCUREMENT OF PRISON-MADE AND BLIND-MADE PRODUCTS

§ 855.301 *Prison-made products.* Procurement of supplies manufactured by Federal penitentiaries shall be made to the extent that such supplies are available, and not in excess of current market prices. General clearances have been granted each Department to procure from commercial sources certain supplies listed in the Schedule of Products issued by Federal Prison Industries, Inc. A special clearance must be obtained from Federal Prison Industries, Inc., c/o the Department of Justice, for the procurement from commercial sources of any supplies listed on such schedule and not covered by a general clearance.

§ 855.302 *Blind-made products.* Supplies listed in the Schedule of Blind-Made Products issued by the Bureau of Federal Supply, Treasury Department, shall be procured from non-profit-making agencies for the blind at the prices determined by the Committee on Purchases of Blind-Made Products. The Bureau of Federal Supply may grant a special clearance to procure from commercial sources supplies listed in the Schedule of Blind-Made Products (a) when necessary to meet emergency requirements, or (b) when no agency for the blind is in a position to furnish the required supplies. In addition, procurement of any such listed supplies from commercial sources is authorized without obtaining a special clearance in the case of (1) military necessity requiring delivery within two weeks, (2) procurement of a single unit as listed on such Schedule, or (3) supplies to be used outside the continental United States. Where supplies manufactured by non-profit-making agencies for the blind are similar to those manufactured in Federal penitentiaries, priority of procurement shall be given to the Federal Prison Industries, Inc.

SUBPART D—PROCUREMENT UNDER THE ECONOMY ACT FROM OR THROUGH ANOTHER FEDERAL AGENCY

§ 855.400 *Scope of subpart.* This subpart deals with orders for supplies or services placed with another Government department or agency pursuant to the authority of the Economy Act of June 30, 1932, as amended (31 U. S. Code 686), except that it does not apply to any procurement covered by subparts A, B, or C of this part. Orders for supplies and services placed within a Department shall be in accordance with procedures prescribed by that Department.

§ 855.401 *Authorization and policy relating to placing and filling orders.* Each procuring activity, when it is in the interest of the Government to do so, may place orders with any other Government department or agency for supplies or services that any such requisitioned department or agency may be in a position to furnish or perform or to obtain by contract. Generally, an order for supplies or services will not be placed with a department or agency which is not in a position to furnish the supplies or is not equipped to perform the services, except that an order may be filled by means of outside contract with a commercial source of supply if the order is placed by any one of the following Government departments or agencies: Department of the Army, Department of the Navy, Department of the Air Force, Department of the Treasury, Civil Aeronautics Administration, and Maritime Commission. An order for services shall not be placed with a department or agency when such services can be performed as conveniently or more cheaply by private contractors.

§ 855.402 *Determination of amount and method of payment.* Upon the written request of the requisitioned department or agency, an advance by check shall be made of all or part of the estimated cost of furnishing the supplies or services as specified by such requisitioned department or agency: *Provided,* That, where an advance is made, proper adjustments of the basis of the actual cost of the supplies or services shall be made as may be agreed upon by the departments or agencies concerned. Subject to approval by the requisitioned department or agency, payment by check may be made after the furnishing of the supplies or services. The amount to be paid shall be based on the actual cost of the supplies or services as may be agreed upon by the departments or agencies concerned.

PART 856—FOREIGN PURCHASES

Sec.

AUTHORITY: §§ 856.000 to 856.304, inclusive, issued under sec. 1 (a), (b), 54 Stat. 712, 55 Stat. 838, Pub. Law 413, 80th Cong.; 41 U. S. C. preceding sec. 1 note, 50 U. S. C. App. 601–622; E. O. 9001, Dec. 27, 1941, 3 CFR Cum. Supp.

§ 856.000 *Scope of part.* This part deals with (a) statutory prohibitions on foreign purchases, (b) purchases from Canadian sources, and (c) duty and customs.

SUBPART A—BUY AMERICAN ACT AND OTHER STATUTORY PROHIBITIONS ON FOREIGN PURCHASES

§ 856.101 *Statutory prohibitions.* Each Department, in connection with the procurement of supplies and in connection with construction work, shall comply with the provisions of the Buy American Act (Act of March 3, 1933; 41 U. S. Code 10a–c) and with such other prohibitions on foreign purchases as may be contained in annual Appropriation Acts or in Acts authorizing appropriations.

§ 856.102 *Prohibitions of Buy American Act.* The Buy American Act prohibits, within terms of its applicability and subject to the authority to grant certain exceptions (set forth in §§ 856.103 and 856.104 respectively), the procurement by any Department, and the use in connection with the performance of any Department contract for the construction, alteration, or repair of any public building or public work, of (a) unmanufactured supplies unless mined or produced in the United States, and (b) manufactured supplies unless manufactured in the United States substantially all from supplies mined, produced, or manufactured in the United States.

§ 856.103 *Applicability of Buy American Act.*

§ 856.103–1 *Kinds of supplies.* The Buy American Act applies to raw materials and manufactured products. However, in the case of manufactured products, the Buy American Act applies to the end product itself and to the components directly furnished for that end product, but does not apply to supplies that are used in the manufacture of any such component; for example, in the procurement of clothing, the law would apply to the clothing itself and to the cloth used in the manufacture of such clothing, but would not apply to the yarn used in the manufacture of the cloth. It has been expressly held by the Comptroller General that the Buy American Act does not apply to the procurement of books, periodicals, magazines, newspapers, or the printing of briefs.

§ 856.103–2 *Origin of supplies used in manufactured supplies.* The prohibitions of the Buy American Act do not apply to supplies manufactured in the United States when such supplies are manufactured "substantially all" from supplies mined, produced, or manufactured in the United States. Supplies

shall be considered to be manufactured "substantially all" from United States supplies whenever the cost of foreign supplies used in such manufacture constitutes 25 percent or less of the cost of all supplies used in such manufacture. In this connection, suppliers shall accompany their bids or quotations contemplating the furnishing or use of foreign supplies (not excepted pursuant to §856.-105) with a certificate substantially as follows:

> Not to exceed _____ percent in cost of foreign materials, used in the manufacture of the supplies offered, is of foreign origin.

Any supplies of an unknown origin used in such manufacture shall be considered to be foreign supplies.

§ 856.103–3 *Geographical application.* The Buy American Act applies only to (a) supplies for use within the United States and (b) construction work on public buildings or public works within the United States. As used in the Buy American Act and in this section, the term "United States" includes the United States and any place subject to its jurisdiction.

§ 856.103–4 *Nonavailability of supplies or materials.* The Buy American Act does not apply to supplies, or to materials from which such supplies are manufactured, either of which are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. This section shall be applied and used only in accordance with procedures prescribed by each respective Department.

§ 856.104 *Authority to Grant Exceptions to Buy American Act.* The Secretary of each Department is authorized by the Buy American Act to grant exceptions thereto when application of the Buy American Act:

(a) Would be inconsistent with the public interest, or

(b) Would unreasonably increase the cost, or

(c) In connection with construction or repair work, would be impracticable or would unreasonably increase the cost;

Provided, That, in the case of supplies to be used in construction or repair work, any exception granted under this section shall be noted in the specifications and a public record made of the supporting findings.

§ 856.105 *Supplies excepted from Buy American Act.* The Secretaries of the three Departments have administratively determined, in accordance with the provisions of §§ 856.103–4 and 856.104 that the following supplies may be procured or used by any Department without regard to the country of origin:

(a) The articles, materials, and supplies listed at the end of this subpart; and

(b) Articles, materials, and supplies manufactured from any of such listed supplies.

§ 856.105–1 *Exceptions based on unreasonable cost.* It has also been administratively determined by the Secretaries of the three Departments, in accordance with the provisions of § 856.104, that the cost would be unreasonable, and that therefore the prohibitions of the Buy American Act would not apply, when the lowest net cost of United States supplies exceeds the lowest net cost of foreign supplies, including duty, by 25 percent or more (100 percent in the case of foreign supplies costing $100 or less). However, in any case involving a differential of less than 25 percent, where the Contracting Officer, because of the amount involved, considers the differential to be unreasonable, he may submit the matter for consideration to the Secretary of the Department concerned; and shall in any case submit the matter for such consideration when the differential is more than $5,000 but less than 25 percent.

§ 856.106 *Other statutory prohibitions on foreign purchases.*

§ 856.106–1 *Prohibitions of Military Appropriation Acts.* Annual appropriation acts for the Department of the Army customarily prohibit the use of Army funds for the procurement of any article of food or clothing not grown or produced in the United States, except (a) to the extent that the Secretary of the Army determines that any such articles cannot be procured in the United States of satisfactory quality and in sufficient quantities and at reasonable prices as and when needed (which determination has been made with respect to all articles of food and clothing contained in the list set forth at the end of this subpart), and (b) the purchase by vessels in foreign waters, or by establishments located outside the continental United States, Hawaii, and Alaska, for personnel attached thereto. The foregoing prohibition, so long as it appears in an appropriation act for the Department of the Army, is applicable to procurements obligating Army funds regardless of the Department or procuring activity effecting the obligation.

§ 856.107 *References in contractual documents.* Formal solicitations of bids and informal requests for quotations shall refer to the Buy American Act and any other statutory prohibitions on foreign purchases whenever applicable to the supplies being procured, and information as to excepted supplies shall be made available to suppliers upon request. All contracts for supplies shall contain, with respect to the Buy American Act and any other statutory prohibitions on foreign purchases, such provision as is required by this regulation and by procedures prescribed by each respective Department.

§856.108 *Violation of Buy American Act provision in construction contracts.* The Secretary of any Department, upon finding that in the performance of a construction contract there has been a failure to comply with the Buy American Act provision, shall make public his findings (including therein the name of the contractor obligated under such contract) and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded to such contractor, subcontractors, materialmen, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public. The name of any such noncomplying contractor or bidder shall be placed on each Department's list of ineligible contractors and disqualified bidders referred to in § 851.303 of this chapter.

§ 856.109 *Armed Services list of supplies excepted from Buy American Act.* In accordance with the provisions of §§ 856.103–4 and 856.104 of the Armed Services Procurement Regulation, the supplies listed below, together with supplies from which they are manufactured and supplies which are manufactured from them, are excepted from the application of the Buy American Act:

§ 856.109–1 *Supplies to be procured for public use.*

Agar.
Aluminum.
Anchovies.
Antimony.
Antipasto.
Argols, tartar and wine lees.
Asbestos.
Balsa.
Bananas.
Beryl.
Bismuth.
Brazil nuts.
Cadmium.
Calcium cyanamide.
Calcium nitrate.
Calcium tartrate.
Capers.
Castor oil.
Caviar.
Celestite.
Chalk, English.
Chocolate.
Chrome ore or chromite.
Cinchona bark.
Citron.
Clay, English ball or English china.
Cobalt (ore and metals).
Cocoa and cocoa fiber.
Cocoanut oil.
Cod roe.
Coffee.
Columbite.
Copper.
Copper nickel alloy, natural.
Copra.
Cork.
Corundum.
Crab meat.
Cryolite, natural.
Damar gum.
Derris and tumbo roots.
Diamonds, industrial and abrasive.
Emertine.
Ergot.
Ester gum.
Fiber, abaca and agave.
Fish paste and roe.
Flax and flaxseed.
Goat and kid skins.
Graphite.
Hemp.
Hyoscine.
Iodine.
Jewel bearings.
Jute and jute burlaps.
Kuarigum.
Kyanite.
Lac.
Lead.
Leather.
Lentils.
Lignum vitae.
Lobster meat.
Mahogany.
Manganese.
Menthol.
Mica.
Mercury.
Mohair.
Monazite.
Nickel.
Nitroguanidine.
Nux vomica.
Olive oil.
Olives.
Opium.
Optical glass.
Palm oil.
Papaw juice or crude papaw.
Pate de foie gras.
Perilla oil.
Petroleum and the products derived therefrom.
Platinum.
Platinum group metals.
Pulp for paper production.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Radium salts.
Rapeseed oil.
Rubber, crude, and milk of.
Rutile.
Sapphires and rubies.
Sardines.
Shellac.
Silk.
Sperm oil.
Spices.
Sugar.
Talc.
Tantalite.
Tapioca.
Tea.
Teak.
Tin.
Tung oil.
Tungsten ore and concentrates.
Uranium (oxide and salts).
Vanadium.
Vanilla beans and extract.
Wattle bark.
Wax cornauba and ceresin.
Zerconium.
Zinc.

§ 856.109–2 *Supplies to be used in the construction, alteration, or repair of any public building or public work.*

Antimony.	Kaurigum.
Asbestos.	Lac.
Balsa.	Mahogany.
Chrome ore or chromite.	Mercury.
Clay, English ball or English china.	Mica.
Copper.	Nickel.
Copper nickel alloy, natural.	Platinum.
Cork.	Rubber.
Jute and jute burlaps.	Silk.
	Teak.
	Tin.
	Tung oil.
	Tungsten.

SUBPART B—CANADIAN PURCHASES

§ 856.201 *Purchases from Canadian suppliers.* Any contract with a supplier or contractor located in the Dominion of Canada may be made with and administered through the Canadian Commercial Corporation (a corporation owned and controlled by the Government of Canada), which has offices at #2 Building, Lyon Street, Ottawa, and at 1205 Fifteenth Street NW. (Marshall Building), Washington, D. C. Under any such contract made with the Canadian Commercial Corporation, direct communication with the Canadian supplier or contractor is authorized only in connection with problems of inspection and technical matters: *Provided,* That, if any such problem would affect the contract price, approval of the Canadian Commercial Corporation shall be obtained. All payments under any such contract made with the Canadian Commercial Corporation shall be made to that Corporation at its Washington office.

§ 856.202 *Guarantee by Canadian Government.* The Canadian Government guarantees to the United States Government all commitments, obligations, and covenants of the Canadian Commercial Corporation in connection with any contract or order issued to said Corporation by any procuring activity of the United States Government. The Canadian Government has likewise waived notice of any change or modification which may be made from time to time in these commitments, obligations, or covenants.

SUBPART C—DUTY AND CUSTOMS

§ 856.301 *Purchases of war material abroad.* Although ordinarily duty must be paid on the importation of supplies purchased outside the United States, nevertheless foreign purchases made by the Government are exempt from any requirement of a customs bond. Furthermore, foreign emergency purchases of war material abroad, when made by any Department, are exempt from duty (Act of June 30, 1914, 34 U. S. Code 568; Section 12 of Public Law 413, 80th Congress). Any decision that a foreign purchase is an "emergency purchase of war material" shall be made in accordance with procedures prescribed by each respective Department, and when accompanied by an entry certificate in the form set forth in § 856.301–1 shall be final and conclusive.

§ 856.301–1 *Entry certificate.* The entry certificate referred to in § 856.301 will be printed, stamped, or typed on the fact of Customs Form 7501 or attached thereto, will be executed by an officer or civilian official of the Department designated to execute such certificate, and will be substantially in the following form:

I certify that the procurement of this material constituted an emergency purchase of war material abroad, and it is accordingly requested that such material be admitted free of duty pursuant to [for the Department of the Navy, the Act of June 30, 1914, 34 U. S. Code 568] [for the Department of the Army or the Department of the Air Force, Section 12 of Public Law 413, 80th Congress].

§ 856.302 *Nature of war material.* Examples of supplies considered to be "war material" under the provisions of § 856.301 are the following:

(a) Weapons, munitions, aircraft, vessels, or boats;

(b) Supplies necessary for the manufacture, production, processing, repair, servicing, or operation of supplies listed in this paragraph;

(c) Components of, or equipment for, supplies listed in this paragraph;

(d) Agricultural, industrial, or other supplies used in the prosecution of war.

§ 856.303 *Nature of emergency purchases.* Examples of kinds of purchases considered to be "emergency purchases" under the provisions of § 856.301 are the following:

(a) War material acquired by any Department in time of war or a national emergency and paid for from a military appropriation or received in exchange for anything of value obtained either under reciprocal aid or under other statutory authority;

(b) War material purchased because of a shortage of domestic supply, pursuant to a decision that the supplies are necessary for the adequate maintenance of the Armed Services;

(c) Captured enemy war material;

(d) Materials requisitioned by United States Forces abroad;

(e) Materials rebuilt from other materials owned by, captured by, or turned over to United States Forces;

(f) War materials procured for the use of United States Forces abroad or United States vessels in foreign waters.

§ 856.304 *Customs duties and drawbacks.* Whenever any department purchases supplies with respect to which there might arise a claim to a refund or drawback of customs duties paid thereon (to the extent such drawback is authorized pursuant to The Tariff Act of 1930, 19 U. S. Code, Chapter 4), the price to be paid shall ordinarily include the customs duties, and accordingly the supplier will have no claim to a drawback. On the other hand, when the price to be paid for any such purpose does not include the customs duties, then the supplier will have the right to claim any drawback with respect thereto: *Provided,* (a) He has reserved such right in connection with such sale or consignment and (b) he produces evidence that such reservation was made with the knowledge and consent of the exporter.

[F. R. Doc. 48–7591; Filed, Aug. 24, 1948; 8:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5506]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SMITHLINE COATS, AND SMITHLINE COAT CO.

§ 3.66 (a 7) *Misbranding or mislabeling—Composition—Wool Products Labeling Act:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce or the sale, transportation, or distribution of such products in commerce, misbranding women's coats or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, by failing to show in a clear and conspicuous manner by tag, label, or other means of identification securely fixed to such products or by a stamp placed thereon: (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; and (c) the name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act and the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b; 54 Stat. 1128; 15 U. S. C., sec 68) [Cease and desist order, Smithline Coats, etc., Docket 5506, July 28, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 28th day of July A. D. 1948.

In the Matter of Philip Smithline, Max Silpe, and Joseph Miller, Individuals and Copartners Trading as Smithline Coats and Smithline Coat Co.

This proceeding having been heard by the Federal Trade Commission upon the

complaint of the Commission, the answer of respondents, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner and exceptions thereto, and briefs filed herein (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder, and the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Philip Smithline, Max Silpe, and Joseph Miller, copartners trading as Smithline Coats and as Smithline Coat Co., or under any other name or names, jointly or severally, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the sale, transportation, or distribution of such products in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding women's coats or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, by failing to show in a clear and conspicuous manner by tag, label, or other means of identification securely fixed to such products or by a stamp placed thereon:

1. The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers.

2. The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

3. The name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

Provided, however, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided, further*, That nothing contained in this order shall be construed as limiting any applicable provision of said act and the rules and regulations promulgated thereunder.

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 this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-7599; Filed, Aug. 24, 1948; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52007]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

EXEMPTIONS ACCORDED TO PUBLIC INTERNATIONAL ORGANIZATIONS AND CERTAIN ALIENS CONNECTED THEREWITH

Section 10.30a, Customs Regulations of 1943 (19 CFR 10.30a), as amended by T. D. 51657 (12 F. R. 2383), T. D. 51713 (12 F. R. 4450), T. D. 51776 (12 F. R. 6949), and T. D. 51826 (13 F. R. 264), is hereby further amended as follows:

Paragraph (a) is amended by deleting the word "and" before "the International Cotton Advisory Committee," by changing the period thereafter to a comma, and by adding the following: "and the International Joint Commission."

The first sentence of footnote "33b" is amended to read as follows:

Executive Orders Nos. 9698, 9751, 9823, 9863, 9887, 9911, and 9972, dated February 19, 1946, July 11, 1946, January 24, 1947, May 31, 1947, August 22, 1947, December 19, 1947, and June 25, 1948, respectively.

(Secs. 498, 624, 46 Stat. 728, 759, 59 Stat. 669; 19 U. S. C., 1498, 1624, 22 U. S. C., Sup. 288b, E. O. 9698, 9751, 9823, 9863, 9887, 9911, 9972; 11 F. R. 1809, 7713, 12 F. R. 551, 3559, 5723, 8719, 13 F. R. 3573)

FRANK DOW,
Acting Commissioner of Customs.

Approved: August 19, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7593; Filed, Aug. 24, 1948; 8:57 a. m.]

[T. D. 52006]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

LIABILITY OF CARRIER FOR SHORTAGE, IRREGULAR DELIVERY, OR NONDELIVERY

Section 18.8, Customs Regulations of 1943 (19 CFR, Cum. Supp., 18.8), is hereby amended as follows:

Paragraph (b) (2) is amended by changing the period at the end thereof to a comma, and by adding the following: "or, if the duties cannot be estimated promptly, an amount equal to 70 per centum of the value shown on the manifest."

Paragraph (b) (3) is amended by changing the period at the end thereof to a comma, and by adding the following: "or, if the duties cannot be estimated promptly, an amount equal to 70 per centum of the value shown on the manifest."

(Secs. 551, 624, 46 Stat. 742, 759; 19 U. S. C. 1551, 1624)

FRANK DOW,
Acting Commissioner of Customs.

Approved: August 18, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7592; Filed, Aug. 24, 1948; 8:57 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

ARMED SERVICES PROCUREMENT REGULATION

CROSS REFERENCE: For additions to the Armed Services Procurement Regulation see Title 10, Chapter VIII, Subchapter D, *supra*.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 30—PROCURING ACTIVITIES

PART 31—NAVY PROCUREMENT REGULATION

ARMED SERVICES PROCUREMENT REGULATION

CROSS REFERENCE: For additions to the Armed Services Procurement Regulation see Title 10, Chapter VIII, Subchapter D, *supra*.

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[General Order 60, Supp. 8, Amdt. 2]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

SUBPART C—CHARTER OF WAR-BUILT VESSELS TO CITIZENS

Paragraph (k) *Preliminary determination and payment of "additional charter hire"* of § 299.31 *Charter of war-built vessels to citizens of the United States* is amended by adding at the end thereof the following:

In instances where income sheets covering operations under a Bareboat Charter Agreement Shipsalesdemise 303 and addenda thereto from the commencement of an accounting period show cumulative net voyage losses, it will not be necessary for the charterer to submit statements reflecting its calculation of "capital necessarily employed" unless income sheets covering a previous portion of such period reflected net voyage profits with respect to which the charterer made preliminary payment on account of additional charter hire and seeks a refund thereof: *Provided, however*, That in any event the charterer shall continue to submit in-

come sheets reflecting its cumulative operating results in the manner and at the times required by this paragraph.

(Sec. 204 (b), 49 Stat. 1987, sec 12 (d), 60 stat. 50, 46 U. S. C. 1114 (b), 50 U. S. C. App., Sup., 1745)

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

AUGUST 3, 1948.

[F. R. Doc. 48-7590; Filed, Aug. 24, 1948; 8:57 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9048]

PART 3—RADIO BROADCAST SERVICES

NON-COMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of August 1948;

The Commission having under consideration a proposal to amend various sections of Sub-part C of Part 3 of the Commission's rules and regulations relating to non-commercial educational FM broadcast station; and

It appearing, that notice of proposed rule making setting forth the above amendments was issued by the Commission on June 17, 1948, and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before July 26, 1948; and

It further appearing, that the Commission has received two comments supporting the adoption of the proposed amendments in the form presently proposed, and one further comment proposing that the Commission authorize non-profit commercial operation of low-powered non-commercial educational FM broadcast stations;

It further appearing, that the above proposal is beyond the scope of the notice of proposed rule making which dealt only with engineering and related matters; and

It further appearing, that the adoption of the said amendment will make possible the entry into the non-commercial educational FM broadcast field of many educational institutions which might not be able to afford the construction and operation of high-powered station;

It is ordered, That effective September 27, 1948, Sub-part C of Part 3 of the Commission's rules and regulations is amended as set forth below.

Released: August 19, 1948.

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

Sub-part C of Part 3 of the rules and regulations is amended as follows:

1. Section 3.503, title of section is amended to read, *Licensing requirements and service.*

2. Sections 3.504 and 3.505 are amended to read as follows:

§ 3.504 *Frequency, power and service area.* (a) In the assignment of frequency and power to a noncommercial educational FM broadcast station the Commission will consider with the application: (1) The area served by applicant's existing educational facilities; and (2) the provisions of any statewide plan on file with the Commission which meets the requirements of § 3.502. A station licensed for transmitter power output of 10 watts or less normally will be licensed to operate on the frequency 88.1 megacycles, however, should it appear that operation on this frequency would cause objectionable interference, such station may be licensed to operate on the next higher frequency that would not cause objectionable interference.

(b) The license of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall specify the maximum authorized operating power output of the transmitter. The license of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall specify the authorized effective radiated power of the station and the authorized operating power output of the transmitter.

(c) Each application for a new noncommercial educational FM broadcast station or increase in facilities of an existing station which proposes transmitter power output above 10 watts shall contain a determination of the antenna height above average terrain and the extent of the 1 mv/m and 50 uv/m contours of the proposed station by the methods prescribed in the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.505 *Standards of Good Engineering Practice.* The definitions and interference standards contained in the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall be applicable to noncommercial educational FM broadcast stations. Other portions of such Standards shall be applicable to the extent specifically prescribed by the regulations in this part.

3. Section 3.515 is amended so that a new paragraph (c) is added to read as follows:

§ 3.515 *Forfeiture of construction permits; extension of time.* * * *

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321 "Application for a Construction Permit to Replace Expired Permit".

4. Sections 3.551, 3.552, 3.553 and 3.554 are amended to read as follows:

§ 3.551 *Transmitter power.* (a) The standard power rating of the transmitter of a noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) The standard power rating of the transmitter of a noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall be not less than the authorized operating power and not more than 10 watts.

§ 3.552 *Frequency monitor.* (a) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. The frequency monitor shall be approved by the Commission. (See Approved Frequency Monitors and Requirements for Type Approval of Frequency Monitors in the Standards of Good Engineering Practice concerning FM broadcast stations.)

(b) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide for the measurement of the station frequency by a means independent of the frequency control of the transmitter. The station frequency shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

§ 3.553 *Modulation monitor.* (a) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall have in operation at the transmitter a modulation monitor approved by the Commission. (See Approved Modulation Monitor and Requirements for Type Approval of Modulation Monitors in the Standards of Good Engineering Practice concerning FM Broadcast Stations.)

(b) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide at the transmitter a percentage modulation indicator or a calibrated program level meter from which a satisfactory indication of the percentage of modulation can be determined.

§ 3.554 *Transmitter performance.* (a) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be designed, constructed, and operated in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less, although not required to meet all requirements of the Standards of Good Engineering Practice Concerning FM Broadcast Stations, shall be constructed with

safety features in accordance with the specifications of Article 810 of the current National Electrical Code as approved by the American Standards Association and shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or which are capable of causing interference to the communications of other stations. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects, shall at all times be capable of providing satisfactory broadcast service. Studio equipment properly covered by an underwriter's certificate will be considered as satisfying safety requirements.

5. Section 3.556 (c) is amended to read as follows:

§ 3.556 *Alternate main transmitters.* * * *

(c) Both transmitters shall meet the requirements of § 3.554.

5. Section 3.557 (a) (2) is amended to read as follows:

§ 3.557 *Changes in equipment and antenna system.* * * *

(a) * * *

(2) That would result in the external performance of the transmitter being in disagreement with § 3.554.

7. Section 3.557 (d) is amended to read as follows:

(d) Other changes, except as above provided for in this section, may be made at any time without the authority of the Commission: *Provided,* That the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

8. Sections 3.567 and 3.569 are amended to read as follows:

§ 3.567 *Operating power; determination and maintenance of.* (a) The operating power of each station licensed for transmitter power output of 10 watts or less shall be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. The power at which the station is operated may be less than the licensed power but shall in no event be more than 5 percent above the licensed power. The transmitter of each such station shall be so maintained as to be capable of operation at maximum licensed power.

(b) The operating power, and the requirements for maintenance thereof, of each station licensed for transmitter power output above 10 watts shall be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.569 *Frequency tolerance.* (a) The center frequency of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall be maintained within 3,000 cycles of the assigned center frequency.

(b) The center frequency of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be maintained within 2,000 cycles of the assigned center frequency.

9. Section 3.581 (b) (4) is amended to read as follows:

§ 3.581 *Logs.* * * *

(b) * * *

(4) For each station licensed for transmitter power output above 10 watts, an entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Radio frequency transmission line meter reading.

(iii) Frequency monitor reading.

[F. R. Doc. 48-7602; Filed, Aug. 23, 1948; 8:55 a. m.]

TITLE 50—WILDLIFE

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

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 23—SOUTHWESTERN REGION NATIONAL WILDLIFE REFUGES

HAVASU LAKE NATIONAL WILDLIFE REFUGE, ARIZONA AND CALIFORNIA; HUNTING REGULATIONS

Basis and purposes. On the basis of observations and reports of field representatives of the Fish and Wildlife Service it has been determined that the existing areas on which hunting is permitted are unreasonably inaccessible and that by adjusting the boundaries of the hunting areas and by the opening of a small additional area more satisfactory conditions will prevail without interfering materially with the protection of waterfowl.

Section 23.409 is revised to read:

§ 23.409 *Havasu Lake National Wildlife Refuge, Arizona and California; hunting.* Migratory waterfowl and coots may be taken within the hereinafter described area of Havasu Lake National Wildlife Refuge, Arizona and California, in accordance with the Migratory Bird Treaty Act Regulations (50 CFR 1.1–1.12), when, in manner, and to the extent not prohibited by State law or regulation: *Provided,* That the privileges herein granted shall be exercised in accordance with the provisions of the regulations dated December 19, 1940, for the administration of National Wildlife Refuges under the jurisdiction of the Fish and Wildlife Service and under the following special provisions, conditions, restrictions, and requirements:

(a) *Areas open to hunting.* All the lands of the United States, designated by suitable posting by the officer in charge of the refuge, within the following described area of the refuge shall be open to hunting:

Area No. 1. Sections 4 and 5, T. 16 N., R. 21 W., and that part of the refuge lying north of the line between Townships 16 and 17 N., R. 21 and 22 W., G. & S. R. M., Arizona; and north of the line between Sections 4 and 9, T. 8 N., R. 23 E., S. B. M., California.

Area No. 2. That part of the refuge lying south of an east-west line at the approximate location of the Beal railroad station, more particularly described as that portion of land lying south of the line between Sections 15 and 22, 16 and 21, and 17 and 20, T. 16 N., R. 21 W., G. & S. R. M.; and the line between Sections 24 and 25, 23 and 26, and 22 and 27, T. 8 N., R. 23 E., S. B. M.; and lying north of a line east and west from Devil's Elbow, more particularly described as the eastward extension of the line between Sections 28 and 33, and 27 and 34, T. 7 N., R. 24 E., S. B. M.

Area No. 3. That part of the refuge lying west of a posted line on the east bank of the main channel of the Colorado River, south of the line between Sections 4 and 9 and its eastward extension, T. 8 N., R. 23 E., S. B. M., and north of the line between Sections 24 and 25, 23 and 26, and 22 and 27, T. 8 N., R. 23 E., S. B. M.

Area No. 4. That part of the refuge lying south of an east-west line at the approximate location of the Blankenship Bend, more particularly described as the westward extension of the line between Townships 15 N., and 14 N., R. 20 W., G. and S. R. M.; and lying north of an east-west line starting approximately at the Black Meadow Wash, more particularly described as the westward extension of the line between Townships 12 N., and 11 N., R. 18 W., G. and S. R. M.

(b) *Entry* on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940, (5 F. R. 5284) and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge as are designated by posting. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-load shotgun shell on the refuge is prohibited.

(c) *Permit.* Any person who hunts within the refuge must have on his person and exhibit at the request of any authorized Federal or State officer whatever license is required by the State law and, if over sixteen years of age, a properly validated migratory-bird hunting stamp. The said license and stamp shall serve as a Federal permit for hunting on the refuge.

(d) *Dogs.* Each person hunting on the public shooting ground will be permitted to take his hunting dogs, not to exceed two in number, upon such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge. (Sec. 10, 45 Stat. 1222, 16 U. S. C. 715i; sec. 3, Reorg. Plan No. III; 3 CFR Cum. Supp.)

Dated: August 19, 1948.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 48-7600; Filed, Aug. 24, 1948; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[27 CFR, Part 4]

LABELING AND ADVERTISING OF WINE

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981; 27 U. S. C. 204), of a public hearing to be held:

On October 7, 1948, at 10 a. m. in San Francisco, California, at The Palace Hotel.

On October 27, 1948, at 10 a. m. in Washington, D. C., at the Great Hall of the Department of Justice Building.

at which times and places all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to several proposals, the substance of which is stated below, to amend Regulations No. 4 (27 CFR, Part 4), relating to labeling and advertising of wine.

Written data, views or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of said hearings (1) by mailing the same addressed to the Deputy Commissioner in charge of the Alcohol Tax Unit, Bureau of Internal Revenue, Washington 25, D. C., provided that they are received prior to the termination of the hearings, or (2) by presenting the same at the said hearings. Material relating to each proposal shall be submitted separately and shall bear the number of the proposal to which it relates. At the conclusion of the hearings a reasonable opportunity will be afforded interested parties for the examination of the record and for the submission of briefs.

SUBSTANCE OF PROPOSALS

1. To amend section 21, Class 1 (*a*) (1) (27 CFR, Cum. Supp., 4.21 (a) (1) (i)), Class 4 (*a*) (27 CFR, Cum. Supp., 4.21 (d) (1)), Class 5 (*a*) (27 CFR, Cum. Supp., 4.21 (e) (1)), Class 6 (*a*) (27 CFR, Cum. Supp., 4.21 (f) (1)) and section 22 (*b*) (5) (27 CFR, Cum. Supp., 4.22 (b) (5)) so as to change the limitation on the unfermented residual sugar content in wines ameliorated by the addition of sugar or sugar and water solution to a limitation on total solids content, and to increase, under certain conditions, the permitted residual sugar content of wines so ameliorated, by substituting, for the present requirement that wines of these classes so ameliorated shall in no event have "an unfermented residual sugar content, derived from added sugar, of more than 15 percent by weight", either the requirement (1) that such wines shall in no event have a total solids content of more than 21 grams per 100 cubic centimeters (20° C), or the requirement (2) that such wines shall not have a total solids content in excess of 15 (17) grams per 100 cubic centimeters: *Provided*, That kosher or sacramental wines may, if designated as such and bearing on the brand label the conspicuous statement "extra sweet", "specially sweetened" or "specially sweet", have a total solids content not in excess of 21 grams per 100 cubic centimeters.

2. To amend section 21, Class 1 (*a*) (2) (27 CFR, Cum. Supp., 4.21 (a) (1) (ii)) so as to increase the amount of dry sugar which may be added in the amelioration of grape wine either (1) by changing the figure 15 percent, now appearing in this subparagraph, to 20 percent, or (2) by adding at the end of the subparagraph a proviso permitting the addition of not more than 20 percent by weight of dry sugar to sacramental or kosher wines which are so designated on the brand label.

3. To amend section 32 (*a*) (27 CFR 4.32 (a)), section 34 (27 CFR, Cum. Supp., 4.34) and other pertinent sections of the regulations so as to require that wines which have a total solids content of over 15 (17) grams per 100 cubic centimeters bear a conspicuous statement on the brand label "extra sweet", "specially sweetened" or "specially sweet", either as a part of the class and type designation or otherwise.

4. To amend section 21 (27 CFR 4.21) to include a standard of identity for retsina wine by adding at the end thereof a new class 9 similar to the following:

CLASS 9. "Retsina wine" is grape table wine fermented with resin with a resulting resin flavor.

5. To amend section 21, Class 2 (27 CFR, Cum. Supp., 4.21 (b)) so as to include, as a type of sparkling grape wine, a standard of identity for "crackling", "petillant" or "frizzante" wine by deleting the word "secondary" from subparagraph (1) and by adding a new subparagraph similar to the following:

(4) "Crackling wine", "petillant wine" or "frizzante wine" is a type of sparkling light wine deriving its effervescence solely from limited fermentation of the wine within a closed bottle.

6. To amend section 21, Class 2 (*b*) and (*c*) (27 CFR, Cum. Supp., 4.21 (b) (2) and (3)) so as to eliminate from the present standards of identity for champagne and sparkling wine, champagne type, the requirement that such wines be white wines by revising the phrase "sparkling light white wine", now appearing in the first sentence of each of these subparagraphs, to read (1) "sparkling light wine" or (2) "sparkling light white, or pink (rose) wine".

7. To amend section 34 (*b*) (27 CFR, Cum. Supp., 4.34 (b)) so as to require the statement of an appellation of origin on labels which indicate origin only when the origin indicated is not in fact true, by deleting subparagraph (3) and substituting in lieu thereof the following: "(3) If the label bears any statement, design, device, or representation which indicates or infers an origin other than the true place of origin of the wine."

8. To further amend section 21, Class 2 (27 CFR, Cum. Supp., 4.21 (b)) so as to require that no sparkling wine shall, after January 1, 1950, be labeled as champagne unless a period of not less than 1 year shall have elapsed from the commencement of the secondary fermentation of the wine, by amending subparagraph (2) or (3), or both, by substituting a colon for the period at the end of each of these subparagraphs and adding a proviso substantially as follows: "*Provided*, That, after January 1, 1950, any such product shall have been stored for one year after the commencement of secondary fermentation."

9. To further amend section 72 (*a*) (1) as amended by T. D. 5618 (27 CFR, Cum. Supp., 4.72 (a) (1) as amended, 13 F. R. 3016) so as to permit domestic wines to be bottled in containers of ½ pint, ⅖ gallon and ⅘ gallon capacity by adding to the standards of fill for all wines therein set forth the following standards: "⅘ gallon, ⅖ gallon and ½ pint."

10. To amend section 39 (*b*) (2) (27 CFR 4.39 (b) (2)) so as to permit, under certain conditions, domestic vintage wine, which has been shipped to the bottler in bond in a tank car or truck, to be labeled with a vintage date, by replacing such subparagraph (2) with a new subparagraph similar to the following:

(2) In the case of domestic vintage wine bottled in containers of 1 gallon or less by a person other than the producer thereof, the year of vintage may be stated but only if the container from which such wine is bottled is the original container of the permittee who produced such wine and such container bears a vintage date on the brand label, or, if such wine was shipped in bond by such producer to the bottler in a tank car or truck and such shipment is accompanied by a certificate from the producer (which shall be retained and filed by the bottler) identifying the wine and the shipment with the marks required by § 178.219 of Internal Revenue Regulations 7, "Wine", 26 CFR, 1945 Supp., 178.219), and stating the class, type or distinctive designation of the wine, that it is vintage wine, and the viticultural area and year of vintage thereof. If the year of vintage is stated upon the label of wine so bottled, there shall also be stated on the brand label the name of the viticultural area, and the class, type, or distinctive designation of the wine in the manner and form required under (1) above, for such domestic vintage wine when bottled by the producer.

11. To amend section 39 (*b*) (3) (27 CFR 4.39 (b) (3)) so as to permit, under certain conditions, imported vintage wine which has been rebottled in this country to be labeled with a vintage date by replacing such subparagraph (3) with a new subparagraph similar to the following:

(3) In the case of imported vintage wine, the year of vintage may be stated if such wine was bottled prior to im-

portation in containers of 1 gallon or less, or, if such wine is bottled in the United States in containers of 1 gallon or less from the original container of the producer of such wine, and such original container bears a vintage date upon the brand label thereof. If the year of vintage is stated upon the label of imported vintage wine rebottled in the United States it shall be stated in the manner it appears upon the label of such original container.

12. To amend section 39 (*g*) (27 CFR 4.39 (g)) and section 64 (*i*) as amended by T. D. 5618 (27 CFR 4.64 (i) as amended, 13 F. R. 3016) so as to permit, under certain conditions, the word "importer" or similar words to appear on labels and in advertisements of domestic wines when part of the bona fide name of a permittee or retailer by whom such wines are distributed, by revising the phrase "such wine is bottled or packed:", now appearing in each of these subsections, to read "such wine is bottled, packed or distributed:".

CARROLL E. MEALEY,
Deputy Commissioner.

[F. R. Doc. 48-7597; Filed, Aug. 24, 1948; 8:59 a. m.]

[27 CFR, Part 5]

LABELING AND ADVERTISING OF DISTILLED SPIRITS WITH RESPECT TO SCOTCH, IRISH AND CANADIAN WHISKIES AND TYPES THEREOF AND TO OTHER MATTERS

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981; 27 U. S. C. 205), of a public hearing to be held:

On October 6, 1948, at 10 a. m., in San Francisco, California, at The Palace Hotel.

On October 18, 1948, at 10 a. m., in Washington, D. C., at the Great Hall of the Department of Justice Building.

at which times and places all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to several proposals, the substance of which is stated below, to amend Regulations No. 5 (27 CFR Part 5), relating to labeling and advertising of distilled spirits.

Written data, views or arugments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of said hearing (1) by mailing the same addressed to the Deputy Commissioner in charge of the Alcohol Tax Unit, Bureau of Internal Revenue, Washington 25, D. C., provided that they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. Material relating to each proposal shall be submitted separately and shall bear the number of the proposal to which it relates. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for the examination of the record and for the submission of briefs.

SUBSTANCE OF PROPOSALS

1. a. To amend section 21, Class 2 (27 CFR 5.21 (b)) by deleting subparagraph (14) thereof, prescribing a standard of identity for "blended Scotch type whisky", and to reletter the remaining subparagraphs.

b. To amend section 21, Class 8 (27 CFR 5.21 (h)) by deleting the name "blended Scotch whisky" from the examples of type names that have not become generic under subparagraph (1) thereof, and by adding this name to the examples of names which are not type names and which have not become generic under subparagraph (3);

c. To amend section 39 (c) (27 CFR 5.39 (c)) and other relevant sections of the regulations by eliminating all references to "blended Scotch type whisky";

d. To further amend section 21, Class 8 (c) (27 CFR 5.21 (h) (3)) or other appropriate sections of the regulations in such manner as to provide that the words "Scotch", "Highland", "Highland liqueur" and similar designations shall not be used in connection with any products not wholly manufactured in Scotland.

or

2. a. To amend section 21, Class 2 (27 CFR 5.21 (b)) by adding to the standards of identity therein set forth a standard of identity for "Scotch grain whisky" similar to the following:

"Scotch grain whisky" is an alcoholic distillate from a fermented mash of grain containing an excess of malt above that required for conversion, distilled at over 180° proof and at less than 190° proof in such manner that the distillate possesses the taste, aroma and characteristics generally attributed to whisky, and used solely for blending with Scotch malt whisky in the production of blended Scotch whisky; such whisky shall be stored in new plain, or reused, oak barrels and shall not be less than three years old: *Provided, however,* That when such Scotch grain whisky is produced in the United States it shall be designated "Scotch Grain Whisky, Produced in U. S. A." or "Scotch Grain Whisky, a Product of U. S. A.", and the age requirement shall be applied progressively after the regulations are promulgated, that is, six months after the regulations have been promulgated the minimum age shall be three months; nine months after the regulations are promulgated the minimum age shall be six months, etc., until the three year minimum age shall have been reached.

b. To amend section 21, Class 2 (27 CFR 5.21 (b)) by adding to the standards of identity therein set forth a standard of identity for "Scotch malt whisky" similar to the following:

"Scotch malt whisky" is whisky produced from a fermented mash of one hundred per cent malted barley dried over peat fires and distilled in pot stills at not more than 160° proof; such whisky shall be stored in new plain, or reused, oak barrels and shall not be less than three years old: *Provided, however,* That when such Scotch Malt Whisky is produced in the United States, it shall be designated "Scotch Malt Whisky, Produced in U. S. A.", or "Scotch Malt Whisky, a Product of U. S. A.", and the age requirement shall be applied progressively after the regulations are promulgated, that is, six months after the regulations have been promulgated the minimum age shall be three months; nine months after the regulations are promulgated, the minimum age shall be six months, etc., until the three year minimum age shall have been reached.

c. To amend section 21, Class 2 (*k*) (27 CFR 5.21 (b) (11)) by adding at the end thereof a sentence similar to the following:

"Blended Scotch Whisky, Produced in U. S. A." or "Blended Scotch Whisky, a Product of U. S. A." is a mixture made in the United States and composed of

(i) Not less than 20 per cent by volume of 100° proof Scotch malt whisky or whiskies produced in U. S. A., whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof, and

(ii) Not more than 80 per cent by volume of 100° proof Scotch grain whisky or whiskies produced in U. S. A., whether or not the proof thereof is subsequently reduced prior to bottling to not less than 80° proof.

d. To amend section 39 (27 CFR 5.39) to provide that Scotch grain whisky, Scotch malt whisky and blended Scotch whisky, produced in U. S. A., and stored in new plain, or reused, oak barrels may claim age for the period of storage in such containers.

e. To further amend section 39 (27 CFR 5.39) to provide that age and percentage be stated with respect to both imported blended Scotch whisky and blended Scotch whisky produced in U. S. A. If it be determined that age and percentage need not be stated with respect to imported blended Scotch whisky, then, in the alternative, that section 39 (c) (27 CFR 5.39 (c)) be amended so that the same requirements be made applicable with respect to blended Scotch whisky produced in U. S. A.

f. To amend sections 41 and 64 (27 CFR 5.41 and 5.64), or the footnotes thereto, so as to prohibit the use of the phrase "100% Scotch Whiskies" in connection with the labeling and advertising of both imported Scotch whisky and blended Scotch whisky produced in U. S. A., or in the alternative, that its use be permitted for blended Scotch whisky produced in U. S. A. to the same extent as that phrase is permitted in connection with the labeling and advertising of imported Scotch whisky.

g. To amend sections 41 and 64 (27 CFR 5.41 and 5.64), or the footnotes thereto, so as to prohibit the use of the phrases "liqueur quality", "finest old liqueur" or similar statements in connection with the labeling and advertising of imported Scotch whisky or Scotch whisky produced in U. S. A., or to establish definitions therefor so that the consumer may be reliably informed as to the meaning thereof.

h. To amend Appendix C, section 21, Class 2 (*k*) (27 CFR 5.21 (b) (11)), footnote 12 to section 21, Class 8 (27 CFR 5.21 (h) (1)), section 32 (c) (10) (27 CFR 5.32 (c) (5)) and section 34 (*e*) (27 CFR 5.34

(e)) appropriately to accord with the foregoing.

or

3. To amend section 21, Class 2 (27 CFR 5.21 (b)) by deleting subparagraph (14) and (15) thereof, section 39 (27 CFR 5.39) by deleting paragraph (c) thereof, and all other pertinent sections of the regulations so as to eliminate the standards of identity for, the required age and percentage statements for, and all other references now contained in the regulations to, "blended Scotch type whisky" (Scotch type whisky—a blend) and to "blended Irish type whisky" (Irish type whisky—a blend) and so as to prohibit on labels and in advertisements any statement, designation, device or representation indicating that Scotch whisky or Irish whisky, or any type thereof, may be manufactured outside of Scotland and Ireland, respectively.

or

4. To amend section 21, Class 2 (*n*) and (*o*) (27 CFR 5.21 (b) (14) and (15)) and other pertinent sections of the regulations so as to provide that products conforming to these standards may be designated, as an alternative to the designations "blended Scotch type whisky", "blended Irish type whisky", as "blended Scotch (or Irish) whisky produced in ------", the blank to be filled in with the name of the country in which the product was made, and that all parts of this designation be stated with equal prominence in printing of the same size, kind and color, and, if proposal 7 relating to "Canadian type whisky" is approved, to take similar action with respect to such whisky.

or

5. To amend section 21, Class 2 (27 CFR 5.21 (b)) by adding a new subparagraph (16) so as to provide a standard of identity for "blended Scotch whisky produced in U. S. A." and "blended Irish whisky produced in U. S. A." similar to the following:

(16) "Blended Scotch whisky produced in U. S. A." (Scotch whisky—a blend, produced in U. S. A." (Irish whisky—a blend, produced in U. S. A.) are, respectively, blended Scotch type whisky and blended Irish type whisky produced in the United States, containing no neutral spirits, composed entirely of whisky or whiskies none of which is less than 3 years old, and possessing the distinctive taste, aroma and characteristics of Scotch whisky or Irish whisky, as the case may be;

to amend section 39 (c) (27 CFR 5.39 (C)) so as to require that such whiskies be labeled with a statement of age similar to that required to appear on the labels of blended Scotch type whiskies and blended Irish type whiskies; and, if proposal 7 relating to Canadian type whisky is adopted, to take similar action with respect to such whisky.

or

6. To amend section 21, Class 2 (*k*), (*l*) and (*m*) (27 CFR 5.21 (b) (11), (12) and 13)) so as to provide more detailed standards of identity for Scotch, Irish and Canadian whiskies and to permit such whiskies to be produced outside of Scotland, Ireland or Canada, respectively, if designated, under section 21, Class 8 (*a*) (27 CFR 5.21 (h) (1)), with the word "type" or an adjective indicating the true place of production, by revising the standards of identity of these whiskies to read substantially as follows:

(11) "Blended Scotch whisky" (Scotch whisky—a blend) is a distinctive product of Scotland, containing no whisky less than 3 years old and composed of:

(i) Not less than 20 percent by volume of 100° proof malt whisky or whiskies, distilled in pot stills at not more than 160° proof, solely from a fermented mash of malted barley dried over peat fire, whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof, and

(ii) Not more than 80 percent by volume of neutral spirits, or whisky distilled at more than 180° proof, whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof;

Provided, That if such product is composed entirely of a whisky under subdivision (i) of this subparagraph, it be designated as "Scotch Whisky" or "Scotch Malt Whisky", without the qualifying adjective "blended". "Scotch Whisky" shall not be designated as "straight".

(12) "Blended Irish whisky" (Irish whisky—a blend) is a distinctive product of Ireland, containing no whisky less than 3 years old and composed of:

(i) A mixture of distilled spirits distilled in pot stills at not more than 171° proof, from a fermented mesh of small cereal grains of which not less than 50 percent is dried malted barley, and unmalted barley, wheat, oats, or rye grains, whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof; or

(ii) A mixture consisting of:

(*a*) Not less than 20 percent by volume of 100° proof malt whisky or whiskies, distilled in pot stills at approximately 171° proof, solely from a fermented mash of dried malted barley, whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof; and

(*b*) Not more than 80 percent by volume of neutral spirits, or whisky distilled at more than 180° proof, whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof;

Provided, That if such product is composed entirely of one whisky under subdivisions (i) or (ii) (*a*) of this subparagraph, it may be designated as "Irish Whisky" without the qualifying adjective "blended". "Irish Whisky" shall not be designated as "straight".

(13) "Canadian whisky" is a distinctive product of Canada, composed entirely of whisky (except for normal and customary flavoring materials) distilled at more than a specified proof (such as 160°) from a fermented mash of grain of which not less than 50 percent is small grains, and containing no whisky less than 2 (or 3) years old: *Provided*, That if in fact such product as so manufactured is a mixture of whiskies such whisky is "blended Canadian whisky" (Canadian whisky—a blend). "Canadian whisky" shall not be designated as "straight."

to delete the standards of identity for "blended Scotch type whisky" and "blended Irish type whisky" set forth in section 21, Class 2 (*n*) and (*o*) (27 CFR 5.21 (b) (14) and (15)); and to delete the required statements of age and percentages for such whisky set forth in section 39 (*c*) (27 CFR 5.39 (c)).

7. To amend section 21, Class 2 (27 CFR 5.21 (b)) so as to provide a standard of identity for "Canadian type whisky" by adding at the end thereof a new subsection to read substantially as follows:

"Canadian type whisky" is whisky made outside the Dominion of Canada, distilled at more than a specified proof (such as 160°) from a fermented mash of grain of which not less than 50 percent is small grains, possessing the taste, aroma and characteristics generally attributed to "Canadian whisky" and aged for not less than 24 (or 36) calendar months: *Provided*, That if such products is a mixture of such whiskies or of such whiskies and Canadian whisky, it is "blended Canadian type whisky" (Canadian type whisky—a blend). "Canadian type whisky" shall not be designated as "straight."

and to amend section 39 (*c*) (27 CFR 5.39 (c)) so as to require that such whiskies be labeled with a statement of age similar to that required to appear on the labels of blended Scotch type and blended Irish type whisky.

8. To amend section 21, Class 2 (*n*) and (*o*) (27 CFR 5.21 (b) (14) and (15)) and other pertinent provisions of the regulations so as to require that "blended Scotch type whisky" and "blended Irish type whisky" be composed entirely of whiskies by eliminating the present provisions permitting the use of not more than 80 per cent by volume of neutral spirits; so as to require that all of the whiskies of which these products are composed be aged for not less than 3 years in new plain, or reused, oak containers; and so as to require that these products possess the taste, aroma and characteristics generally attributed to "blended Scotch whisky" and "blended Irish whisky" as produced in Scotland and Ireland, respectively; and to amend section 39 (27 CFR 5.39) and other pertinent sections of the regulations so as to specifically permit such products and their constituent whiskies to bear age statements, in lieu of storage statements, relating to any period of storage in reused cooperage; and so as to eliminate, from the required statements of age and percentage for such products, all references to neutral spirits; or any one or more of the above proposals; and, if proposal 7 relating to Canadian type whisky is approved, to take similar action, where appropriate, with respect to such whisky.

9. (Item 3 of the notice of hearing (11 F. R. 14696) held Jan. 13 and 30, 1947) To amend section 21, Class 2 (*n*) (27 CFR 5.21 (b) (14)) to provide that the minimum percentage of 100° proof malt whisky or whiskies distilled in pot stills at not more than 160° proof from a fermented mash of malted barley dried over

peat fire, now required in "blended Scotch type whisky", be distilled solely from such a mash and also that such required minimum percentage of malt whisky or whiskies be aged for not less than 3 years.

10. (Item 4 of the notice of hearing (11 F. R. 14696) held Jan. 13 and 30, 1947) To amend section 21, Class 2 (*o*) (27 CFR 5.21 (b) (15)) to provide that the distilled spirits distilled in pot stills at not more than 171° proof, from a fermented mash of small cereal grains of which not less than 50 percent is dried malted barley, and unmalted barley, wheat, oats, or rye grains, or the minimum percentage of 100° proof malt whisky or whiskies distilled in pot stills at approximately 171° proof, from a fermented mash of dried malted barley, now required in the alternative in "blended Irish type whisky", be aged for not less than 3 years and that the minimum percentage of 100° proof malt whisky or whiskies referred to in the latter alternative be distilled solely from such prescribed mash.

11. (Item 18 of the notice of hearing (11 F. R. 14696) held Jan. 13 and 30, 1947) To amend section 39 (*a*) (27 CFR 5,39 (a)), section 39 (c) (27 CFR 5.39 (c)) and other pertinent sections of the regulations to provide that the labels of "blended Scotch type whisky" and "blended Irish type whisky" shall contain a statement of age, rather than a statement of storage, for any "whisky" therein which was distilled in the United States, and stored for three years or more in reused cooperage.

And, if proposal 7 relating to Canadian type whisky is approved, to take similar action with respect to such whisky.

12. (Item 22 of the notice of hearing (11 F. R. 14696) held Jan. 13 and 30, 1947) To amend section 39 (*c*) (27 CFR 5.39 (c)) to permit a statement of the ages and percentages of each of the whiskies and malt whiskies in "blended Scotch type whisky" and "blended Irish type whisky" to be made on the labels of such whiskies.

And, if proposal 7 relating to Canadian type whisky is approved, to take similar action with respect to such whisky.

13. To amend section 21, Class 9 (*a*) (27 CFR 5.21 (i) (1)), section 34 (*f*) (27 CFR 5.34 (f)), section 32 (*c*) (27 CFR 5.32 (c)), section 39 (27 CFR 5.39), or any of them, and other pertinent sections of the regulations so as to require, in the case of any of the types of whisky defined in section 21, Class 2 (27 CFR 5.21 (b)) or any of the subsections of such class, which contain any whisky or whiskies produced in a country other than that indicated by the type designation, there shall be stated on the government label the country of origin of such whisky and the percentage of such whisky in the product. This statement shall appear either as a part of, or in direct conjunction with, any age and percentage statement required by section 39 (27 CFR 5.39).

14. To amend Article I (j) (27 CFR 5.1 (j)) so as to limit the size of the oak containers in which distilled spirits may be aged by adding at the end thereof a sentence similar to the following: "The term "oak container" means an oak barrel or cask of a capacity not greater than 150 gallons, but shall not in any case include a container larger than that customarily used for aging the particular class and type of distilled spirits which is to be stored therein."

15. To amend sections 46 (27 CFR 5.46) and 51 (27 CFR 5.51) so as to require that in all cases where a certificate issued by a duly authorized official of a foreign country is required to cover imported distilled spirits, such certificate shall, in addition to the matters now prescribed, also specify the capacity of such containers, and the minimum period the distilled spirits remained therein.

CARROLL E. MEALEY,
Deputy Commissioner.

[F. R. Doc. 48-7594; Filed, Aug. 24, 1948; 8:58 a. m.]

[27 CFR, Part 5]

LABELING AND ADVERTISING OF DISTILLED SPIRITS; PRESCRIBING A STANDARD OF IDENTITY FOR VODKA AND FOR OTHER PURPOSES

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981; 27 U. S. C. 205), of a public hearing to be held:

On October 6, 1948, at 2 p. m. in San Francisco, California, at The Palace Hotel.

On October 25, 1948, at 10 a. m. in Washington, D. C., at the Great Hall of the Department of Justice Building.

at which times and places all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to several proposals, the substance of which is stated below, to amend Regulations No. 5 (27 CFR Part 5), relating to labeling and advertising of distilled spirits.

Written data, views or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of said hearing (1) by mailing the same addressed to the Deputy Commissioner in charge of the Alcohol Tax Unit, Bureau of Internal Revenue, Washington 25, D. C., provided that they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. Material relating to each proposal shall be submitted separately and shall bear the number of the proposal to which it relates. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for the examination of the record and for the submission of briefs.

SUBSTANCE OF PROPOSALS

1. To amend Section 21, Class 1 (27 CFR 5.21 (a)) by adding a new paragraph thereto prescribing a standard of identity for vodka similar to one of the following:

"Vodka" is neutral spirits so produced, treated and stored as to be without distinctive character, aroma or taste, and reduced in proof to not more than 110° proof nor less than 80° proof.

or

"Vodka" is neutral spirits distilled from any material at or above 190° proof, reduced to not more than 110° proof and not less than 80° proof and, after such reduction in proof, treated with vegetable charcoal by one of the following methods:

(1) By causing the distillate to flow continuously through a tank or a series of tanks containing 1½ pounds of charcoal for each gallon of distillate contained therein at any one time so that the distillate is in intimate contact with the charcoal for a period of not less than 8 hours, not less than 10 percent of the charcoal being replaced by new charcoal at the expiration of each 40 hours of operation, at a rate which will replace 6 pounds of charcoal for every 100 gallons of spirits treated; or

(2) By keeping the distillate in constant movement by mechanical means in contact for not less than 8 hours with at least 6 pounds of new charcoal for every 100 gallons of distillate.

After such treatment the distillate is stored in metal, porcelain or glass containers or paraffin-lined tanks, and bottled at not less than 80° proof. If any flavoring material is added to the distillate it shall be designated "flavored vodka" and may be further qualified with the name of the flavoring material used.

2. To amend section 21, Class 6 (27 CFR 5.21 (f)) so as to prescribe standards of identity for certain cordials and liqueurs by adding at the end thereof two new subparagraphs (5) and (6) substantially similar to the following:

(5) "Bourbon liqueur", "rye liqueur" and "malt liqueur" (bourbon, rye or malt cordial) are liqueurs bottled at not less than 70° proof, in which not less than 51 percent, on a proof basis, of the distilled spirits used are, respectively, straight bourbon whisky, straight rye whisky or straight malt whisky, and which possess a predominant characteristic bourbon, rye, or malt flavor derived from such straight whisky.

(6) "Rock and rye", "rock and bourbon", "rock and rum" and "rock and brandy" are liqueurs bottled at not less than 70° proof in which, in the case of "rock and rye" and "rock and bourbon", not less than 51 percent, on a proof basis, of the distilled spirits used are, respectively, straight rye whisky, rye whisky or whisky distilled from rye mash, or straight bourbon whisky, bourbon whisky, or whisky distilled from bourbon mash and, in the case of "rock and rum" and "rock and brandy", the distilled spirits used are all rum or grape brandy distilled at not in excess of 170° proof; containing rock candy or sugar syrup, with or without the addition of fruit, fruit juices or other natural flavoring materials and possessing, respectively, a predominant characteristic rye, bourbon, rum or brandy flavor derived from the distilled spirits used.

3. To amend section 34 (*b*) (27 CFR, Cum. Supp., 5.34 (b)) so as to provide that no highball, cocktail, or other prepared specialty, shall bear a designation

which indicates, either through trade understanding or otherwise, that it is composed of a certain class or type of distilled spirits unless, in fact, the distilled spirits used in its preparation conform to such class or type.

4. (Item 13 of the notice of hearing (11 F. R. 14696) held Jan. 13 and 30, 1947). To amend section 34 (c) (27 CFR 5.34 (c)), section 41 (27 CFR 5.41) and other pertinent sections of the regulations to prohibit the use in connection with cordials and liqueurs of designations such as "bourbon liqueur", "rye liqueur", "malt liqueur" and other similar designations.

5. To amend section 34 (*d*) and (*e*) (27 CFR 5.34 (d) and (e)) so as to require that the statements "colored and flavored with wood chips" and "distilled from rye (or bourbon, wheat, malt or rye malt) mash", now required to be stated in direct conjunction with the class and type designations of certain distilled spirits, be stated as a part of such designations, by substituting for the phrase "in direct conjunction with the class and type designation", now appearing in these paragraphs, the phrase "as a part of the class and type designation."

6. To amend section 32 (c) (27 CFR 5.32 (c)) and section 39 (27 CFR 5.39) so as to require, in the case of whisky, blended whisky, blended rye whisky, blended bourbon whisky, blended corn whisky, etc., a blend of straight whiskies, and spirit whisky as defined in section 21, Class 2, Class 2 (*g*), (*h*), (*i*) and (*j*) (27 CFR 5.21 (b) (7), (8), (9) and (10)) a statement of the percentages and types of each of the different types of whisky contained therein.

7. To amend section 39 (*e*) and 64 (*c*) (27 CFR 5.39 (e) and 5.64 (c)) and other pertinent sections of the regulations so as to permit general, inconspicuous references to age and maturity to appear on the labels and in the advertisements of whiskies and brandies in all cases where, under the regulations, age may, but need not, be stated on the label.

8. To amend section 39 (*a*) (3) (27 CFR 5.39 (a) (3)) by deleting the word "other" whenever it appears in the phrase "__ per cent other whisky" in the prescribed forms of age statement for "blended whisky", "blended rye whisky", "blended bourbon whisky", etc.

9. To amend section 39 (*a*) (4) (27 CFR 5.39 (a) (4)) so as to require a statement of the amount and type of the predominant straight whisky in "blends of straight whisky" where reference is made to such predominant type in connection with the designation of the blend, by substituting a colon for the period at the end of the second sentence thereof and adding the following proviso to that sentence:

Provided, That, if the blend contains 51 per cent or more of one type of straight whisky and the class and type designation is preceded by the name of such predominant type of whisky, the statement of age shall be "the straight whiskies in this product are __ (years and/or months) or more old, __ per cent straight _____ whisky, __ per cent straight _____ whisky, and __ per cent straight _____ whisky", the blanks to be filled in with the age of the youngest straight whisky, the percentage and type of the predominant straight whisky followed by the percentages and types of the other straight whiskies in the blend.

10. To amend sections 39 (*d*) and (*e*) (27 CFR 5.39 (d) and (e)), 64 (*c*) (27 CFR 5.64 (c)) and other pertinent sections of the regulations so as to except from the prohibition against statements and representations relating to age in the case of neutral spirits, general and inconspicuous references of an informative nature, on back labels or in advertisements, to production methods involving "mellowing", "softening", "velveting" or "smoothing" neutral spirits through storage in oak cooperage for a period of not less than 6 months.

11. To amend section 38 (*d*) (27 CFR 5.38 (d)) so as to permit the use of the statement "U. S. certified color added" in lieu of the statement "artificially colored" now required to appear on the labels of certain distilled spirits, where such statement is required solely because the product contains coloring materials which have been certified as suitable for use in foods, including beverages, by the Food and Drug Administration.

12. To amend section 39 (*e*) (5) (27 CFR 5.39 (e) (5)) so as:

a. To prohibit the appearance of the word "old", or other word denoting age, even when used as a part of the brand name, on the labels of neutral spirits, gins, liqueurs, cordials, vodka, cocktails, gin fizzes, highballs and bitters, by deleting the phrase "in the case of such distilled spirits, or", appearing in the second sentence of this subparagraph; and

b. To provide that the appearance of the word "old", or other word denoting age, appearing as part of the brand name on the labels of other distilled spirits, shall be deemed to be an age representation regardless of whether or not it is qualified by the word "brand" unless the context clearly indicates that no reference is made to the age of the product itself, by substituting for the phrase "unless the word 'brand' appears in direct conjunction with such brand name in letters of equally conspicuous color and at least one-half the size of the type in which such brand name is printed" in the third sentence of this subparagraph, the phrase "unless the brand name (whether or not qualified by the word 'brand') as a whole clearly indicates that no reference is made to the age of the product."

CARROLL E. MEALEY,
Deputy Commissioner.

[F. R. Doc. 48-7595; Filed, Aug. 24, 1948; 8:58 a. m.]

No. 166——3

[27 CFR, Part 6]

FURNISHING OF EQUIPMENT, FIXTURES, SIGNS, SUPPLIES, MONEY, SERVICES, OR OTHER THINGS OF VALUE TO RETAILERS OF DISTILLED SPIRITS, WINE AND MALT BEVERAGES

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981; 27 U. S. C. 205), of a public hearing to be held:

On October 29, 1948, at 10 a. m. in Washington, D. C., at the Great Hall of the Department of Justice Building.

at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to several proposals, the substance of which is stated below, to amend Regulations No. 6 (27 CFR Part 6), relating to furnishing of equipment, fixtures, signs, supplies, money, services, or other things of value to retailers of distilled spirits, wine and malt beverages.

Written data, views or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of said hearing (1) by mailing the same addressed to the Deputy Commissioner in charge of the Alcohol Tax Unit, Bureau of Internal Revenue, Washington 25, D. C., provided that they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. Material relating to each proposal shall be submitted separately and shall bear the number of the proposal to which it relates. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for the examination of the record and for the submission of briefs.

SUBSTANCE OF PROPOSALS

1. To amend section 3 (*b*) (27 CFR 6.3 (b)) so as to increase from $10 to a specified amount not greater than $50 the limitation upon the total value of signs and other similar advertising materials which may, under certain conditions, be furnished by an industry member to a retailer for use at any one time inside a retail establishment.

2. To amend section 3 (*e*) (2) (27 CFR 6.3 (e) (2)) so as to increase from $10 to a specified amount not greater than $50 the limitation upon the aggregate cost in any one calendar year to the industry member of all retail advertising specialties (trays, coasters, mats, menu cards, paper nakpins, clocks, etc., bearing advertising matter) which may, under certain conditions, be furnished by an industry member to a retailer in connection with any one retail establishment.

CARROLL E. MEALEY,
Deputy Commissioner.

[F. R. Doc. 48-7596; Filed, Aug. 24, 1948; 8:59 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

ORGANIZATION AND DELEGATION OF AUTHORITY UNDER RENEGOTIATION ACT OF 1948

Correction

In Federal Register Document 48-7052, appearing at page 4522 of the issue for Thursday, August 5, 1948, the name "Army Services Renegotiation Board," which appears in paragraph 1 (a), should read "Armed Services Renegotiation Board".

DEPARTMENT OF THE INTERIOR

Geological Survey

SHOSHONE RIVER, WYOMING

POWER SITE CANCELLATION N. 92 AFFECTING POWER SITE CLASSIFICATION NO. 253

AUGUST 19, 1948.

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 253, approved May 12, 1930, is hereby canceled insofar as and to the extent that it affects the following described lands:

Sixth Principal Meridian

T. 53 N., R. 101 W.,
Sec. 12, lots 5 and 6, NE¼NE¼, and SW¼ NE¼.

The area described aggregates 140.08 acres.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 48-7601; Filed, Aug. 24, 1948; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 7943]

SARKES TARZIAN

ORDER CONTINUING HEARING

Sarkes Tarzian and Mary Tarzian, a partnership, d/b as Sarkes Tarzian, Bloomington, Indiana, Docket No. 7943, File No. BP-5278; in re a petition filed by WDEF Broadcasting Company (WDEF) requesting reconsideration of the Commission's grant in this case.

The Commission having under consideration a petition filed August 11, 1948, by Sarkes Tarzian, Bloomington, Indiana, requesting an indefinite continuance in the hearing presently scheduled for August 16, 1948, upon his above-entitled application for construction permit;

It is ordered, This 13th day of August 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued indefinitely.

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

[F. R. Doc. 48-7604; Filed, Aug. 23, 1948; 8:54 a. m.]

[Docket Nos. 8791, 8902]

SUSQUEHANNA BROADCASTING CO. AND HELM COAL CO.

ORDER CONTINUING HEARING

In re applications of Susquehanna Broadcasting Company, York, Pennsylvania, Docket No. 8791, File No. BPCT-302; H. J. Williams, M. E. Cousler, Lowell W. Williams, and Edward C. Hale, partners, d/b as The Helm Coal Company, York, Pennsylvania, Docket No. 8902, File No. BPCT-356; for construction permits.

Whereas, the above-entitled applications are scheduled to be heard on September 13, 1948, at York, Pennsylvania; and

Whereas, there is a proposal to allocate an additional channel to the York, Pennsylvania, area;

It is ordered, This 13th day of August 1948, that the said hearing on the above-entitled applications be, and it is hereby, continued indefinitely pending termination of the proceeding in the matter of the amendment of § 3.606 of the Commission's rules and regulations (Docket Nos. 8975 and 8736) pursuant to Paragraph 2 of the Public Notice dated May 21, 1948, entitled "Procedure Governing Holding of Television Hearings."

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

[F. R. Doc. 48-7605; Filed, Aug. 23, 1948; 8:54 a. m.]

[Docket Nos. 8011, 8012, 8162, 8338, 8672]

AMERICAN BROADCASTING CO., INC. (KGO)

ORDER CONTINUING HEARING

In re applications of American Broadcasting Company, Inc. (KGO), San Francisco, California, Docket No. 8011, File No. BMP-2157; KCMO Broadcasting Company (KCMO), Kansas City, Missouri, Docket No. 8338, File No. BMP-2556; for modification of construction permits. Denver Broadcasting Company, Denver, Colorado, Docket No. 8012, File No. BP-5141; Tampa Times Company (WDAE), Tampa, Florida, Docket No. 8672, File No. BP-6266; for construction permits: General Electric Company (WGY), Schenectady, New York, Docket No. 8162, File No. BS-264; for order to show cause.

The Commission having under consideration a petition filed August 5, 1948, by General Electric Company (WGY), Schenectady, New York, requesting a 90-day continuance in the hearing presently scheduled for September 13, 1948, upon the above-entitled applications;

It is ordered, This 13th day of August 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, December 13, 1948, at Washington, D. C.

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

[F. R. Doc. 48-7606; Filed, Aug. 23, 1948; 8:54 a. m.]

OUTSTANDING GENERAL MOBILE CLASS 2 EXPERIMENTAL STATIONS

ORDER EXTENDING LICENSE TERM

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 18th day of August 1948;

The Commission, having before it a proposal to extend the license term of Class 2 Experimental Stations, authorized for the purpose of conducting experimentation in connection with the development and testing of General Mobile Communications Systems, which will end on November 1, 1948; and

It appearing, that renewals of such licenses which have been issued prior to August 1, 1948 must be requested by September 1, 1948 in accordance with the provisions of § 5.32 of the Commission's rules; and

It further appearing, that the General Mobile Service may not be established on a regular basis prior to November 1, 1948; and

It further appearing, that it would be desirable further to extend the terms of present licenses;

It is ordered, That the license term of every General Mobile Experimental Class 2 radio station which normally expires November 1, 1948, is extended to November 1, 1949 in exact accordance with the terms contained therein, but subject to such earlier termination as the Commission may fix in its decision with respect to the proceedings in Dockets Nos. 8658, 8965, 8972, 8973, 8974, 9001, 9018, 9046 and 9047, respectively.

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

[F. R. Doc. 48-7603; Filed, Aug. 23, 1948; 8:54 a. m.]

KFRU, INC.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on August 12, 1948, there was filed with it an application (BTC–668) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of KFRU, Inc., licensee of station KFRU from Star-Times Publishing Company to H. J. Waters, Jr., and Mahlon R. Aldridge, Jr. The proposal to transfer control arises out of a contract of July 14, 1948, pursuant to which the transferor proposes to sell the transferees all of the outstanding capital stock of KFRU, Inc., consisting of 1,000 shares of $100 par value common stock for a consideration of $85,000 cash. Ten thousand dollars ($10,000) cash has been deposited with the Boone County National Bank, Columbia, Missouri, as escrow agent, and the balance of $75,000 is to be paid on the closing date. In the event that the contract is not completed due to the fault of transferees the $10,000 deposited in escrow shall be paid to the seller as liquidated damages. The said stock represents all assets of the said corporation including all cash, accounts receivable, property and effects including, but not by way of limitation, leases and advertising accounts. From the date of the agreement to the date of closing, no cash or earnings are to be withdrawn from said corporation by transferor other than for payment of operating expenses incurred in the ordinary course of business, and no liabilities are to be incurred other than those existing as of the date of the execution of the agreement, excepting those incurred in the ordinary course of business. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 12, 1948, that starting on August 17, 1948, notice of the filing of the application would be inserted in the Columbia Daily Tribune, a newspaper of general circulation at Columbia, Missouri, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from August 17, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

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

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

[F. R. Doc. 48–7607; Filed, Aug. 23, 1948; 8:54 a. m.]

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

KSDJ

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on July 20, 1948, there was filed with it an application (BAL–760) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KSDJ, San Diego, California from Clinton D. McKinnon to Charles E. Salik. The proposal to assign the license arises out of a contract of June 29, 1948, pursuant to which the assignor will assign the license of Station KSDJ "together with all of the furniture, fixtures, equipment, transmitter, accounts receivable, goodwill, and other assets thereof at and for a total price of Two Hundred Seventy-Two Thousand Dollars ($272,000.00). * * * Included also with the assets to be transferred hereby, is certain real property upon which a part of the transmitter and radiation system is located. * * *" The assets to be transferred are all of the assets of Station KSDJ of whatsoever kind, nature or description, tangible or intangible. The purchase price is to be paid as follows: $30,000 upon the execution of contract; $120,000 upon the date approval is received from the FCC of the transfer; and the balance of the purchase price, $122,000, by Transferee's promissory note payable in 5 annual equal installments, at 5% interest. Said note is to be secured by a chattel mortgage upon all personal property and a deed of trust upon all real property of Station KSDJ. Buyer agrees to pay 4% per annum on the sum of $242,000 from June 29, 1948, to date of FCC approval. Between July 1, 1948 and date of such approval any profits from operation of KSDJ are for benefit of Buyer and any losses are at Buyer's risk. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 3, 1948, that starting on July 21, 1948, notice of the filing of the application would be inserted in the San Diego Daily Journal, a newspaper of general circulation at San Diego, California, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 26, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

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

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

[F. R. Doc. 48–7608; Filed, Aug. 23, 1948; 8:54 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21–414]

SHRINKAGE OR DIMENSIONAL CONTROL OF WOOL AND WOOL PRODUCTS

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 20th day of August 1948.

Notice is hereby given that a trade practice conference will be held by the Federal Trade Commission on the subject of representations relating to shrinkage or dimensional control of wool and wool products in the Keystone Room of the Hotel Pennsylvania, Seventh Avenue and Thirty-third Street, New York City, on September 16, 1948, commencing at 10 a. m., daylight saving time.

The conference will be concerned with the consideration and formulation of suggested trade practice rules respecting labeling, advertising, and sales promotional designations, representations, or claims relating to shrinkage and dimensional control of wool products. Representations or claims regarding washability of wool products will also be embraced therein. The subject-matter will be considered not only in its relation to wool and wool products, but also in relation to compounds, processes, or treatments applied thereto. Representatives of all segments of the industries and trades concerned in the matter are cordially invited to attend and take part.

The conference and further proceedings in the matter will be directed toward the establishment and promulgation by the Commission of trade practice rules on the subjects considered under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48–7609; Filed, Aug. 24, 1948; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1886]

KANSAS GAS AND ELECTRIC CO.

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 18th day of August 1948.

Notice is hereby given that Kansas Gas and Electric Company ("Kansas"), a subsidiary of American Power & Light Company, in turn a subsidiary of Electric Bond and Share Company, both registered holding companies, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 of the act as applicable to the transactions proposed therein.

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

Kansas proposes to call a special meeting of stockholders and upon receipt of the required vote amend its Certificate of Incorporation in the following respects: (a) By increasing its authorized common stock from 600,000 shares without par value to 2,500,000 shares without par value; (b) by providing that the life of the Corporation shall be perpetual; (c) by providing that any of the authorized shares of stock may be issued and sold for such considerations as the Board of Directors may deem advisable, including cash, labor done, real or personal property, or the use thereof; and, (d) by providing that the location of the principal office of the Company may be established at 201 North Market Street, Wichita, Kansas.

It is stated that it is desirable to increase the authorized amount of common stock and to provide that additional common stock may be sold for such considerations as the Directors shall approve in order to facilitate and make more flexible the issue and sale of additional common stock.

In addition, Kansas proposes upon receipt of the required vote to amend its by-laws so as to (a) change the date of its annual meeting; (b) to reduce the number of directors required to constitute a quorum for the transaction of business from a majority to five; (c) confer upon the Board of Directors the power to authorize compensation and fees to be paid to directors; and, (d) provide that the Board of Directors may amend the by-laws without vote of stockholders.

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 declaration and that said declaration shall not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on August 25, 1948, at 10:00 a. m., e. d. s. t., at the offices of the 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 persons desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before August 23, 1948, a written request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are 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 having advised the Commission that it has made a preliminary examination of the declaration and upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed amendments to the Articles of Incorporation and by-laws of Kansas will result in an unfair or inequitable distribution of voting power among holders of the securities of Kansas or are otherwise detrimental to the public interest or the interest of investors or consumers.

2. Generally, whether the proposed transactions comply with applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

3. Whether, in the event the declaration is permitted to become effective, it is necessary or appropriate to impose any terms or conditions to ensure compliance with the standards of the act, or for the protection of investors or consumers.

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

It is further ordered, That the Secretary of the Commission serve a copy of this order by registered mail on the declarant herein and that notice of said hearing shall be given to all other persons by general release of this Commission which publication shall be distributed to the press and mailed to persons whose names appear on the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 48-7582; Filed, Aug. 24, 1948; 8:53 a. m.]

[File Nos. 7-874, 7-877]

UTAH POWER AND LIGHT CO.

FINDINGS AND OPINION GRANTING APPLICATIONS

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.

In the matter of applications by the New York Curb Exchange and the Salt Lake Stock Exchange to extend unlisted trading privileges to Utah Power and Light Company, common stock, without par value.

The New York Curb Exchange and the Salt Lake Stock Exchange have made application pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the common stock, without par value, of Utah Power and Light Company.

A public hearing having been held after appropriate notice, the Commission, being duly advised, makes the following findings:

(1) That there is available from registration statements filed pursuant to the Securities Act of 1933, and the Public Utility Holding Company Act of 1935, and periodic reports filed pursuant to rules and regulations of the Securities Exchange Act of 1934 and the Public Utility Holding Company Act of 1935 information substantially equivalent to that which would be available if the common stock of Utah Power and Light Company were duly listed and registered on a national securities exchange; that the issuer and its officers and directors [1] will be subject to duties substantially equivalent to the duties which would arise under the Securities Exchange Act of 1934 if the common stock of Utah Power and Light Company were duly listed and registered on a national securities exchange;

(2) That the geographical area deemed to constitute the vicinity of the New York Curb Exchange for the purpose of its application is the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania and Ohio; that 333,453½ shares of the common stock of Utah Power and Light Company are owned by 1605 stockholders in the vicinity of the New York Curb Exchange; and that 78,100 shares of this security were traded on the New York Curb Exchange during the period from February 2, 1946 to May 18, 1946;

(3) That the geographical area deemed to constitute the vicinity of the Salt Lake Stock Exchange for the purpose of its application is the entire State of Utah; that 493,037 shares of the common stock of Utah Power and Light Company are owned by 3,967 stockholders in the vicinity of the Salt Lake Stock Exchange; and that 3,832 shares of this security were traded on the Salt Lake Stock Exchange during the period from January 1, 1947, to December 31, 1947;

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

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

Accordingly, it is ordered, Pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934, that the applications be, and they are hereby granted, subject, however, to the following terms and conditions:

(1) That the privilege to trade the said common stock of Utah Power and Light Company unlisted on the New York Curb Exchange and the Salt Lake Stock Exchange shall end if and when the said Utah Power and Light Company shall cease to be a registered holding company pursuant to the Public Utility Holding Company Act of 1935.

(2) That the said privilege shall be subject to re-examination and with-

[1] There are no beneficial owners of more than 10 per centum of the equity securities of Utah Power and Light Company.

drawal or modification, after appropriate notice and opportunity for hearing, if it should appear that there is a beneficial owner of more than 10 per centum of the equity securities of Utah Power and Light Company, which owner shall not be a registered holding company under the Public Utility Holding Company Act of 1935.

(3) That notwithstanding Rule X-12F-4 of the general rules and regulations under the Securities Exchange Act of 1934, the provisions of section 16 (c) shall be applicable to the officers and directors of Utah Power and Light Company, and the provisions of section 14 (b) of the said act shall be applicable respecting the common stock of the said company.

(4) That the New York Curb Exchange and the Salt Lake Stock Exchange shall forthwith mail to each officer and director of Utah Power and Light Company a copy of this order and of section 16 of the Securities Exchange Act of 1934.

(5) That the right is reserved to the Commission to modify this order after appropriate notice and opportunity for hearing.

By the Commission.

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

[F. R. Doc. 48-7583; Filed, Aug. 24, 1948; 8:53 a. m.]

[File Nos. 54-75, 54-161, 59-8, 59-20]

COMMONWEALTH & SOUTHERN CORP. (DEL.) ET AL.

NOTICE AND ORDER REOPENING RECORD AND RECONVENING HEARINGS FOR LIMITED PURPOSES

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.

In the matter of The Commonwealth & Southern Corporation (Delaware), File No. 54-161; The Commonwealth & Southern Corporation (Delaware) respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware) and its subsidiary companies, respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed with the Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") an application for approval of a plan dated July 30, 1947, for compliance with sections 11 (b) (1) and 11 (b) (2) of the act; and

The Commission in its notice of filing and order for hearing issued August 22, 1947 (Holding Company Act Release No. 7667) having consolidated proceedings on said plan with certain prior proceedings and said order having contained a summary of the terms of said plan and a direction that Commonwealth mail to its security holders a copy of said notice and order prior to the date set for hearing and at the same time notify such security holders that Commonwealth might modify the plan by amendment without further communication to security holders unless otherwise ordered by the Commission or unless information with respect thereto was requested by individual stockholders, and having ordered a hearing thereon, and hearings having been held pursuant to said notice, at which representatives of all classes of security holders of Commonwealth appeared; and

Subsequent to the close of the record herein, certain of the participants in these proceedings representing various preferred and common stockholders of Commonwealth having filed with the Commission a copy of a letter dated May 7, 1948, addressed to Commonwealth, in which letter the said participants set forth a proposal ("compromise proposal") with respect to certain suggested modifications of Commonwealth's said plan; and

On June 11, 1948, the staff of the Division of Public Utilities of the Commission having issued its proposed findings and recommended opinion recommending that the Commission disapprove the plan filed by Commonwealth unless such plan be amended to include, among other things, allocations to the preferred and common stockholders of Commonwealth consistent with the suggested modifications in the aforesaid compromise proposal; and

On July 7, 1948, Commonwealth having filed amendments to its plan of July 30, 1947, which amendments were stated to be consistent with the recommendations of the staff and of the compromise proposal, and Commonwealth having stated that it had given notice of the filing of such amendments together with a summarization thereof to all of its stockholders; and

Alfred J. Snyder and Elizabeth C. Lownsbury, on behalf of various common stockholders and option warrant holders of Commonwealth, having by a petition dated July 7, 1948, and filed with the Commission on July 8, 1948, requested that the Commission (1) require Commonwealth to send to all its security holders and others affected notice of the filing of the amendments dated July 7, 1948, which amendments are alleged to represent a "new plan," together with a complete, specific and accurate statement thereof, (2) that hearings be set upon such alleged "new plan" and notice thereof given to the stockholders, (3) that Commonwealth be required to submit evidence in support of said plan and an opportunity be granted to stockholders to cross-examine and submit evidence for and against the plan, and (4) that proceedings on the plan of July 30, 1947, be discontinued; and

On July 13, 1948, the Commission having issued a notice of filing of amendments to Commonwealth's plan and notice to all interested persons affording such persons an opportunity to be heard on July 29, 1948, on Commonwealth's plan as amended as well as on all the various other plans or suggestions filed herein (Holding Company Act Release No. 8345); and

Oral argument having been had before the Commission on July 29, 1948, in accordance with said notice and at the close of such oral argument and subsequently on August 2, 1948, by written communication to all of the participants, the Commission having requested that all persons desiring to introduce proof in connection with the plan as amended should file on or before August 9, 1948, offers of proof as to the matters they wish to establish, listing the witnesses they wish to call and the evidence they seek to adduce, and having directed that, thereafter, all participants would have an opportunity to file statements of views on or before August 12, 1948, with respect to such offers of proof; and

No offers of proof having been filed in response to said request except that Alfred J. Snyder and Elizabeth C. Lownsbury on August 9, 1948, filed a document entitled "Request for orderly procedure, with statement of proofs requested from proponents of July 7, 1948 plan, and statement of proofs intended to be produced to refute the same, as requested by Securities and Exchange Commission August 2, 1948," which document calls upon Commonwealth to produce certain evidence and requests the opportunity to refute such evidence and makes certain other requests concerning procedure with respect to hearings on the plan as amended; and

Statements of views having been filed by Commonwealth, The United Gas Improvement Company, the Committee for holders of preferred stock and Arthur M. Loew, all of which statements of views take the position that the record in these proceedings is full and complete and encompasses all of the evidence necessary to be adduced in connection with the amendments to the plan; and

The staff of the Division of Public Utilities of the Commission having filed a statement of views taking the position that the record in these proceedings be reopened for certain limited purposes; and

The Commission having considered the aforesaid documents filed by Alfred J. Snyder and Elizabeth C. Lownsbury, and likewise having considered the statements of views with respect thereto filed by the above-named participants; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the record in these proceedings be reopened and that hearings be reconvened solely for the limited purposes hereinafter set forth: *It is ordered,* That:

1. The record in these consolidated proceedings be and it hereby is reopened and a hearing shall be held, for the limited purposes hereinafter provided, on the 8th day of September 1948, at 10:00 a. m., e. d. s. t., at the offices of this 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 shall be held;

2. The evidence to be adduced at such reconvened hearing shall be limited solely to matters bearing upon the circumstances leading up to aforesaid compromise proposal of May 7, 1948, and to the filing by Commonwealth of the amendments to the plan on July 7, 1948:

3. Any persons desiring to be heard or otherwise wishing to participate in these proceedings and who have not previously been granted leave therefor shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice on or before September 3, 1948;

It is further ordered, That Richard Townsend or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. 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; *Provided, however,* That such officer is directed to require that the hearings ordered herein shall proceed from day to day with all due expedition and is directed to permit no adjournments thereof except upon further order of the Commission;

It is further ordered, That the Secretary of the Commission shall serve notice of the matters contained herein by mailing forthwith a copy of this Notice and Order by registered mail to Commonwealth and to all parties and persons who were heretofore granted leave to be heard and to participate in these proceedings, or to their respective counsel of record herein, and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the Act, and that further notice shall be given to all persons by publication of this order in the FEDERAL REGISTER;

It is further ordered, That the aforesaid petition and request of Alfred J. Snyder and Elizabeth C. Lownsbury dated July 7, 1948, and August 9, 1948, respectively, be and the same are hereby denied except to the extent hereinbefore set forth.

By the Commission.

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

[F. R. Doc. 48-7584; Filed, Aug. 24, 1948; 8:53 a. m.]

[File No. 812-375]

PETROLEUM AND TRADING CORP.

ORDER GRANTING APPLICATION

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

Petroleum and Trading Corporation, a Delaware corporation, registered under the Investment Company Act of 1940 and doing business in New York, New York, has filed an application pursuant to the provisions of section 23 (c) (3) of the act for an order amending a previous order of this Commission, dated November 8, 1945, so as to permit it to repurchase its preferred shares (Class A stock) which are in arrears on the payment of dividends, when the asset value of said stock equals or exceeds the preferential value, at a price of not less than 95 percent of such preferential value, not more than 1,000 prefererd shares to be purchased in each period of six calendar months. The term "preferential value" includes, pursuant to the articles of incorporation, the $25 per share liquidating preference, accrued dividends and 75 percent of the remaining net assets.

Rule N-23C-1 permits a closed-end company to purchase its own stock if, pursuant to paragraph (a) (1) thereof, the stock is not in arrears in dividends and if all other conditions of the rule are met. Since applicant was unable to meet the condition in paragraph (a) (1) of said rule, it filed an application and was granted relief therefrom by our previous order of November 8, 1945, subject to the conditions therein. One of the conditions was that no purchase of Class A stock be made when the asset value equals or exceeds the preferential value thereof. In view of the fact that the asset value has equalled or exceeded the preferential value since May 28, 1948, applicant ceased repurchasing its Class A stock as of that date, and filed the instant application for amendment of said condition of our previous order of November 8, 1945.

It appearing to the Commission, upon consideration of the application, that of the 96,487 preferred shares outstanding, 76,216 shares are owned by members of Carl H. Pforzheimer & Co. (promoter of applicant and owner of all its Class B stock), their families and the management of applicant; that the remaining 20,271 shares are owned by 104 public stockholders; that as of June 30, 1948, after allowing for Federal and State income taxes on unrealized appreciation, the preferential value per preferred share amounted to approximately $35.06 as compared to an asset value of approximately $35.18; that the Class A stock has never been listed or traded in on any securities exchange; that the highest bid presently obtainable is $30 per share; and that applicant agrees that all stockholders from whom purchases are made will be advised at the time of purchase of the asset value and preferential value per share; and

Said application having been filed on July 16, 1948, and notice of the filing thereof having been duly given in the manner and form prescribed by Rule N-5 under the act, and the Commission not having received a request for a hearing within the period specified in said notice, or otherwise, and a hearing not appearing necessary or appropriate in the public interest or for the protection of investors;

The Commission, having considered all the facts and circumstances, finds that purchases, when conditioned as set forth below, would be within the standard prescribed by Rule N-23C-1 that purchases be made in a manner or on a basis which does not unfairly discriminate against any holder of said Class A stock; and

It is ordered, That said application be, and the same hereby is granted: *Provided, however,* That applicant shall pay out all of its net income (without regard to profits or losses on sales of portfolio securities) as dividends on its Class A stock; that applicant shall not solicit purchase of its Class A stock, purchases to be made only when such holders indicate a desire to sell; that controlling stockholders of applicant shall not make purchases of Class A stock for their own account; that applicant shall pay for its Class A stock not less than 95% of said preferential value and shall purchase not more than 1,000 shares in each period of six calendar months if the asset value equals or exceeds said preferential value; that if the asset value of the Class A stock is less than the preferential value thereof, applicant shall not purchase more than 2,500 shares in each period of six months and shall pay not less than the following minima: 75% of asset value when such value is 11/14ths (78.57%) or less of the preferential value, 80% of asset value when such value is more than 11/14ths (78.57%) but not greater than 12/14ths (85.71%) of the preferential value, 85% of asset value when such value is more than 12/14ths (85.71%) but not greater than 13/14ths (92.85%) of the preferential value, 90% of asset value when such value is more than 13/14ths (92.85%) but less than the value of the preferential value; that all stockholders from whom purchases shall be made shall be advised at the time of purchase of the asset value and preferential value per share; that applicant meet all the conditions of Rule N-23C-1 other than that prescribed by paragraph (a) (1) thereof; and that this order may be revoked, suspended, or modified after appropriate notice and opportunity for hearing.

By the Commission.

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

[F. R. Doc. 48-7585; Filed, Aug. 24, 1948; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 11743]

ROBERT HOHN

In re: Stock owned by Robert Hohn. F-28-25803-D-1.

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

1. That Robert Hohn, 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: Thirty-six (36) shares of no par value common stock of International Harvester Company, 180 North Michigan Avenue, Chicago 1, Illinois, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number FC-59720, registered in the name of Robert Hohn, together with all declared and unpaid dividends thereon;

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 29, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7610; Filed, Aug. 24, 1948; 8:49 a. m.]

[Vesting Order 11745]

KENSUKU KAYA ET AL.

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Kensuku Kaya, also known as Kensuke Kaya, deceased. F-39-6111-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 the personal representatives, heirs, next of kin, legatees and distributees of Kensuku Kaya, also known as Kensuke Kaya, deceased, whose last known address is 564 Oaza Waki, Wakimura, Kuga-gun, Yamaguchi-ken, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Kensuku Kaya, also known as Kensuke Kaya, deceased, by Honolulu Rapid Transit Company, Limited, 1140 Alapai Street, Honolulu, T. H., in the amount of $1,330.52, as of July 12, 1946, 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 personal representatives, heirs, next of kin, legatees and distributees of Kensuku Kaya, also known as Kensuke Kaya, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Kensuku Kaya, also known as Kensuke Kaya, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

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

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

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

Executed at Washington, D. C., on July 29, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7611; Filed, Aug. 24, 1948; 8:49 a. m.]

[Vesting Order 11753]

H. SHIROKANE

In re: Stock and a bank account owned by H. Shirokane. F-39-6313-D-1; F-39-6313-D-2.

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

1. That H. Shirokane, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Five (5) shares of $12.50 par value common capital stock of Waimea Electric Co., Limited, Waimea, Kauai, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificates numbered 39 for two (2) shares, 58 for two (2) shares and 101 for one (1) share registered in the name of H. Shirokane, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of Bishop National Bank of Hawaii at Honolulu, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 2219, entitled N. Miyake, Trustee for H. Shirokane, maintained at the branch office of the aforesaid bank located at Waimea, Kauai, T. H., 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, H. Shirokane, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 29, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7612; Filed, Aug. 24, 1948; 8:49 a. m.]

[Vesting Order 11755]

DR. YOSHIHIRO SUGAMURA

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Dr. Yoshihiro Sugamura, deceased. F-39-1146-C-3.

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 personal representatives, heirs, next of kin, legatees and distributees of Dr. Yoshihiro Sugamura, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Dr. Yoshihiro Sugamura, deceased, by Frank Huff Agency, P. O. Box 426, Hilo, Hawaii, T. H., in the amount of $191.88, arising out of the collection by said agency of accounts payable to Dr. Yoshihiro Sugamura, deceased, 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 evi-

dence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Dr. Yoshihiro Sugamura, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Dr. Yoshihiro Sugamura, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

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

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

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

Executed at Washington, D. C., on July 29, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7613; Filed, Aug. 24, 1948; 8:49 a. m.]

[Vesting Order 11763]

MRS. KIMIYO MATSUMOTO ET AL.

In re: Debts owing to Mrs. Kimiyo Matsumoto and others.

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

1. That Mrs. Kimiyo Matsumoto, George Higashida, also known as George Ichiro Higashida and as Ichiro Higashida, Kyutaro Asakawa, Gensaburo Saiki, Mrs. Fumiko Isaka, Shomasa Funakoshi, K. Hiramoto and S. Nekomoto, also known as Shunichi Nekomoto, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: All those certain debts or other obligations aggregating $515.34, owing to Mrs. Kimiyo Matsumoto and others identified on Exhibit A, attached hereto and by reference made a part hereof, by Frank Nichols, Limited, arising out of the collection by the said Frank Nichols, Limited, of accounts payable to the aforesaid persons listed on Exhibit A, hereof, in the amounts appearing opposite their respective names, 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 nationals of a designated enemy country (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 2, 1948.

For the Attorney General.

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

EXHIBIT A

Name of national	Amount	OAP file No.
Mrs. Kimiyo Matsumoto	$30.63	F-39-6338-C-1.
George Higashida, also known as George Ichiro Higashida and as Ichiro Higashida.	39.38	D-39-970-C-1.
Kyutaro Asakawa	38.72	D-39-15261-C-1.
Gensaburo Saiki	131.34	F-39-6337-C-1.
Mrs. Fumiko Isaka	20.67	F-39-6335-C-1.
Shomasa Funakoshi	84.36	F-39-6336-C-1.
K. Hiramoto	40.23	F-39-6334-C-1.
S. Nekomoto, also known as Shunichi Nekomoto.	130.01	D-39-17663-C-2.
Total	515.34	

[F. R. Doc. 48-7614; Filed, Aug. 24, 1948; 8:49 a. m.]

[Vesting Order 11778]

ARAMO-STIFTUNG

In re: Debts owing to and securities owned by Aramo-Stiftung.

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,

1. It having been found and determined by Vesting Order 10746, dated February 24, 1948, that Aramo-Stiftung, a Lichtenstein corporation, partnership, association or other organization, is a national of a designated enemy country (Germany);

2. It is hereby found that the property described as follows:

a. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, N. Y., arising out of dividends received by said Brown Brothers Harriman & Co. on the securities listed in Exhibit A, attached hereto and by reference made a part hereof, and proceeds of sales of stock rights issued with respect to said American Home Products Corporation; Montgomery Ward & Co., Inc.; and National Distillers Products Corporation shares, together with any and all accruals thereto and any and all rights to enforce, demand and collect the same,

b. Two hundred (200) shares common capital stock of American Home Products Corporation evidenced by certificate Nos. 78827/8, registered in the name and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, N. Y., representing a stock distribution heretofore declared on 100 shares of American Home Products Corporation capital stock evidenced by certificate No. 40164, together with any and all declared and unpaid dividends thereon,

c. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, N. Y., arising out of dividends received by said Brown Brothers Harriman & Co. on 200 shares common capital stock of American Home Products Corporation, referred to in subparagraph 2b hereof, together with any and all accruals thereto, and any and all rights to enforce, demand and collect the same,

d. Four hundred (400) shares common capital stock of the Bethlehem Steel Corporation evidenced by certificate Nos. K157002/3, 172865, registered in the name and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, N. Y., representing a stock distribution heretofore declared on 200 shares common capital stock of Bethlehem Steel Corporation evidenced by certificate Nos. K70751 and K66540, together with any and all declared and unpaid dividends thereon,

e. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, N. Y., arising out of dividends received by said Brown Brothers Harriman & Co., on 400 shares common capital stock of Bethlehem Steel Corporation, referred to in subparagraph 2d hereof, together with any and all accruals thereto and any and all rights to enforce, demand and collect the same.

f. Eight hundred (800) shares common capital stock of National Distillers Products Corporation evidenced by certificate Nos. C205442/9, registered in the name and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, N. Y., representing a stock distribution heretofore declared on 400 shares National Distillers Products Corporation evidenced by certificate Nos. C79964/5, C80045, F118224, and F77712, together with any and all declared and unpaid dividends thereon,

g. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, N. Y., arising out of dividends received by said Brown Brothers Harriman & Co. on 800 shares common capital stock of National Distillers Products Corporation, referred to in subparagraph 2f hereof, together with any and all accruals thereto and any

and all rights to enforce, demand and collect the same,

h. Six hundred (600) shares capital stock of Sears Roebuck & Co. evidenced by certificate Nos. N315749/54, registered in the name and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, N. Y., representing a stock distribution heretofore declared on 200 shares capital stock of Sears Roebuck & Co. evidenced by certificate Nos. N134511 and N149820, together with any and all declared and unpaid dividends thereon,

i. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, N. Y., arising out of dividends received by said Brown Brothers Harriman & Co., on 600 shares capital stock of Sears Roebuck & Co., referred to in subparagraph 2h hereof, together with any and all accruals thereto, and any and all rights to enforce, demand and collect the same,

j. That certain debt or other obligation of Edward Rice Co. (successors of August Belmont & Co.) 43 Cedar Street, New York 5, N. Y., arising out of dividends received by said Edward Rice Co., on 100 shares U. S. Steel Corporation preferred capital stock, evidenced by certificate No. D215347, together with any and all accruals thereto, and any and all rights to enforce, demand and collect the same,

k. That certain debt or other obligation of Swiss Bank Corporation, 15 Nassau Street, New York 5, N. Y., arising out of dividends received by said Swiss Bank Corporation on the securities listed in Exhibit B, attached hereto and by reference made a part hereof, together with any and all accruals thereto, and any and all rights to enforce, demand and collect the same,

l. Two hundred (200) shares common capital stock of Bethlehem Steel Corporation, evidenced by a certificate or certificates presently in the custody of Swiss Bank Corporation, in a deposit account entitled Unclaimed Dividend Account B, representing a stock distribution heretofore declared on 100 shares of Bethlehem Steel Corporation common capital stock, evidenced by certificate No. K74187, registered in the name of Gunther & Co., together with all declared and unpaid dividends thereon,

m. Fifty (50) shares of capital stock of Consolidated Natural Gas Company, evidenced by a certificate or certificates presently in the custody of Swiss Bank Corporation, in a deposit account entitled Unclaimed Dividend Account B, representing a stock distribution heretofore declared on 500 shares of Standard Oil Company of New Jersey capital stock, evidenced by certificate Nos. B539812/4 and B40488/9, registered in the name of Gunther & Co., together with all declared and unpaid dividends thereon,

n. Two (2) shares of capital stock and one (1) scrip (expiring 11/1/54) of New York, Chicago and St. Louis Railroad Company, evidenced by certificates presently in the custody of Swiss Bank Corporation in a deposit account entitled Unclaimed Dividend Account B, representing a dividend heretofore declared and paid on 100 shares of The Chesapeake and Ohio Railroad Company evidenced by certificate No. 185029, registered in the name of Gunther & Co., together with any and all declared and unpaid dividends thereon,

o. Two (2) shares common capital stock and one (1) scrip (expiring 7/1/50) of the Pittston Company, evidenced by certificates presently in the custody of Swiss Bank Corporation in a deposit account entitled Unclaimed Dividend Account B, representing a dividend heretofore declared and paid on 100 shares of The Chesapeake and Ohio Railroad Company evidenced by certificate No. 185029 registered in the name of Gunther & Co., together with any and all declared and unpaid dividends thereon,

p. That certain debt or other obligation of Swiss Bank Corporation, 15 Nassau Street, New York 5, N. Y., arising out of dividends received by said Swiss Bank Corporation on the shares of stock described in subparagraphs 2l, 2m, 2n and 2o hereof, including particularly but not limited to those received on:

200 shs. Bethlehem Steel Corporation, referred to in subparagraph 2 (l) hereof;
2 shs. Pittston Company, referred to in subparagraph 2 (o) hereof;
50 shs. Consolidated Natural Gas Company, referred to in subparagraph 2 (m) hereof

together with any and all accruals thereto, and any and all rights to enforce, demand 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, Aramo-Stiftung, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That Aramo-Stiftung is controlled by or acting for or on behalf of a designated enemy country (Germany) or a person or persons within such country and is a national of a designated enemy country (Germany); and

4. That the national interest of the United States requires that Aramo-Stiftung be treated as a national of a designated enemy country (Germany).

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

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, 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.

EXHIBIT A—SECURITIES

Number of shares	*Description*
100	American Home Products Corp.—capital stock—certificate No. 40164.
200	Bethlehem Steel Corp.—common capital stock—certificate Nos. K70751-K66540.
500	The Borden Co.—capital stock—certificate Nos. C3378/82.
200	Commercial Solvents Corp.—common capital stock—certificate Nos. A133654-A133238.
100	Corn Products Refining Co.—common capital stock—certificate No. C153066.
300	E. I. duPont deNemours & Co.—common capital stock—certificate Nos. F166343/4-F175016.
200	General Electric Co.—common capital stock—certificate Nos. NYC 746894/5.
200	Gillette Safety Razor Co.—common capital stock—certificate Nos. NC-65214/5.
100	International Harvester Co.—common capital stock—certificate No. HN86028.
1,500	The International Nickel Co. of Canada, Limited—common capital stock—certificate Nos. NA310118/130-NA372873-NA353143.
342	Montgomery Ward & Co., Inc.—common capital stock—certificate Nos. NC271459-NC229648-NC0435253-NC-0565533-NC0521394-NC0572345.
400	National Distillers Products Corp.—common capital stock—certificate Nos. C79964/5-C80045-F118224-F77712.
200	Pacific Gas & Electric Co.—common capital stock—certificate Nos. NC-79084/5.
200	Sears Roebuck & Co.—capital stock—certificate Nos. N134511-N149820.

EXHIBIT B—SECURITIES

Number of shares	*Description*
550	American Telephone & Telegraph Co.—capital stock—certificate Nos. NM74269—G130740/4.
100	Bethlehem Steel Corp.—common capital stock—certificate No. K74187.
100	The Chesapeake & Ohio Railway Co.—common capital stock—certificate No. 185029.
500	Standard Oil Co. of New Jersey—capital stock—certificate Nos. B539812/4-B540488/9.
485	Tubize Chatillon Corp.—common capital stock—certificate Nos. C017572-C11464/7.
200	United States Steel Corp.—preferred capital stock—certificate Nos. D226022/3.
2	The Chesapeake & Ohio Railway Co.—preferred capital stock, Series A—certificate No. PA/O 37750.

[F. R. Doc. 48-7615; Filed, Aug. 24, 1948; 8:50 a. m.]

[Vesting Order 11788]

CITY OF NEU BRANDENBURG

In re: Debt owing to City of Neu Brandenburg. D-28-11856-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 City of Neu Brandenburg, Germany, is a political subdivision of the

Government of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Frank P. Anderwald, as Liquidating Agent for Mannhardt & von Helmolt, 77 West Washington Street, Chicago 2, Illinois, representing the distributive share of the aforesaid City of Neu Brandenburg, Germany in the estate of Agnes Eltzholtz, deceased, in the amount of $3,332.42, as of May 10, 1947, 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, 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 term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7616; Filed, Aug. 24, 1948; 8:50 a. m.]

[Vesting Order 11798]

AMERICAN INVESTMENT CO. LTD.

In re: Stock in American Investment Co., Ltd., owned by S. Yamase and Others. D-39-2059-D-1; F-39-6325-D-1.

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

1. That S. Yamase, Haruno Fujikawa and Shiro Yamauchi, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That Yoshimasa Iwasaki, K. and Y. Mitamura, Hoichi Masuda and Y. Suyehiro, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Tokuichi Sato, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

4. That the property described as follows: One thousand three hundred one (1,301) shares of $1 par value preferred capital stock of American Investment Co., Ltd., 1402 Punahou Street, Honolulu, T. H., (formerly American-Japanese Investment Co., Limited) a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name:

Registered owner	Certificate No.	Number of shares	OAP file No.
S. Yamase	408	100	F-39-4054-D-1.
Yoshimasa Iwasaki	758	210	E-39-2705-D-1.
K. & Y. Mitamura	51	90	F-39-3484-D-1.
	D-95	27	
Hoichi Masuda	95	225	F-39-3476-D-1.
	D-87	67	
Haruno Fujikawa	682	450	F-39-1502-D-1.
Y. Suyehiro	449	22	D-39-15332-D-1.
	D-156	5	
Shiro Yamauchi	1056	105	F-39-2779-D-1.

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraphs 1 and 2 hereof, the aforesaid nationals of a designated enemy country (Japan);

5. That the property described as follows: Eighty-five (85) shares of $1 par value common capital stock of American Investment Co., Ltd., 1402 Punahou Street, Honolulu, T. H. (formerly American-Japanese Investment Co., Limited) a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name:

Registered owner	Certificate No.	Number of shares
K. & Y. Mitamura	47	10
Hoichi Masuda	90	25
Haruno Fujikawa	639	50

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, K. & Y. Mitamura, Hoichi Masuda and Haruno Fujikawa, the aforesaid nationals of a designated enemy country (Japan);

6. That the property described as follows:

a. Ten (10) shares of $1 par value common capital stock of American Investment Co., Ltd., 1402 Punahou Street, Honolulu, T. H., (formerly American-Japanese Investment Co., Limited) a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 231, registered in the name of Tokuichi Sato (deceased), together with all declared and unpaid dividends thereon, and

b. One hundred seventeen (117) shares of $1 par value preferred capital stock of American Investment Co., Ltd., 1402 Punahou Street, Honolulu, T. H. (formerly American-Japanese Investment Co., Limited) a corporation organized under the laws of the Territory of Hawaii, evidenced by certificates numbered 231 for ninety (90) shares and D-142 for twenty-seven (27) shares, registered in the name of Tokuichi Sato (deceased), together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Tokuichi Sato, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

7. That to the extent that the persons named in subparagraphs 1 and 2 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Tokuichi Sato, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (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 4, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7617; Filed, Aug. 24, 1948; 8:50 a. m.]

[Vesting Order 11808]

ADOLPH CONVERT ET AL.

In re: Stock owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Adolph Convert, also known as Adolf Convert, deceased. F-28-530-E-2; F-28-530-D-1; F-28-530-D-2; F-28-530-C-1; F-28-530-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 personal representatives, heirs, next of kin, legatees and distributees of Adolph Convert, also known as Adolf Convert, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Eighty-four (84) shares of $5.00 par value capital stock of the Central Republic Company, 209 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 4618, registered in the name of Dr. Herman Rumpf, Executor under the Last Will and Testament of Adolph Convert, Deceased, together with all declared and unpaid dividends thereon,

b. One hundred Twenty-seven (127) shares of $5.00 par value common stock of Central Illinois Security Company, now known as Strong, Carlisle & Hammond Company, 1392 West Third Street, Cleveland 13, Ohio, evidenced by a certificate numbered 1609, registered in the name of Dr. Herman Rumpf, Executor under the Last Will and Testament of Adolph Convert, Deceased, together with all declared and unpaid dividends thereon,

c. That certain debt or other obligation of the City National Bank & Trust Company of Chicago, 208 La Salle Street, Chicago, Illinois, evidenced by its check, No. TSD 129067, dated December 13, 1940, payable to Dr. Herman Rumpf, Executor of the Will of Adolf Convert, in the amount of $31.24, representing final distribution of $1.42 per share on 22 shares of Colonial Land Company capital stock, and presently in the custody of said City National Bank & Trust Company of Chicago, and any and all rights to demand, enforce, and collect the aforesaid debt or other obligation, together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for correction and payment of the aforesaid 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 the personal representatives, heirs, next of kin, legatees and distributees of Adolph Convert also known as Adolf Convert, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Adolph Convert also known as Adolf Convert, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated encountry (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. 48-7618; Filed, Aug. 24, 1948; 8:50 a. m.]

[Vesting Order 11831]

JENPEI OKA

In re:Debt owing to Jenpei Oka, also known as Zenbei Oka and as Zempei Oka.

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 Jenpei Oka, also know as Zenbei Oka and as Zempei Oka, whose last known address is Okayama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Jenpei Oka, also known as Zenbei Oka and as Zempei Oka, by The Yokohama Specie Bank, Limited, Los Angeles Office, Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Limited, Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco (4), California, arising out of demand deposit account number 61658, 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 10, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7619; Filed, Aug. 24, 1948; 8:50 a. m.]

[Return Order 161]

LES USINES DE MELLE

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

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

Claimant and claim No.	Notice of intention to return published	Property
Les Usines de Melle Saint-Leger-les Melle Deux-Sevres Department France, 3781.	July 2, 1948 (13 F. R. 3712).	Property described in Vesting Order No. 666 (8 F. R. 4995, Apr. 17, 1943) relating to United States Letters Patent Nos. 2,230,318 and 2,063,223; property described in Vesting Order No. 2491 (8 F. R. 16340, Dec. 4, 1943) relating to United States Letters Patent No. 2,054,736. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7620; Filed, Aug. 24, 1948; 8:50 a. m.]

[Bar Order 5]

FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

ORDER FIXING BAR DATE

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said Act and Executive Order 9788, January 3, 1949, is hereby fixed as the date after which the filing of claims shall be barred in respect of debtors, any of whose property was first vested in or transferred to the Attorney General between January 1, 1947 and June 30, 1947, inclusive.

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

For the Attorney General.

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

[F. R. Doc. 48-7624; Filed, Aug. 24, 1948; 8:51 a. m.]

[Return Order 163]

OTTO CONSTRUCTION CORP.

The claim set forth below having been allowed after hearing by decision of the Hearing Examiners which is incorporated by reference herein and filed herewith, and no petition for review respecting this claim having been filed within the period prescribed by § 504.22 of the rules of procedure for claims, and it appearing that return is in the interest of the United States,

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

Claimant and claim No.	Notice of intention to return published	Property
Otto Construction Corp., 225 West 34th St., New York, N. Y., Claim No. 4318.	July 10, 1948 (13 F. R. 3875).	Property described in Vesting Order No. 201 (8 F. R. 625, Oct. 2, 1942) relating to United States Letters Patent Nos. 1,674,007, 1,696,446, 1,698,272, 1,760,770, 1,798,129, 1,805,922, 1,810,495, 1,824,922, 1,830,958, 1,833,494, 1,847,098, 1,887,214, 1,904,516, 1,918,926, 1,949,177, 1,990,089, 2,003,271, 2,004,266, 2,008,658, 2,018,223, 2,037,587, 2,065,288, 2,126,239, 2,132,641, and in Vesting Order No. 664 (8 F. R. 4989, Jan. 18, 1943) relating to United States Letters Patent Nos. 1,707,537, 1,748,142, 1,827,328, 1,858,220, and in Vesting Order No. 671 (8 F. R. 5004, Jan. 18, 1943) relating to United States Letters Patent No. 2,158,491.

This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7621; Filed, Aug. 24, 1948; 8:51 a. m.]

[Return Order 164]

ERVIN OTVOS

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

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

Claimant and claim No.	Notice of intention to return published	Property
Ervin Otvos, Budapest, Hungary; 5932.	July 7, 1948 (13 F. R. 3771).	Property described in Vesting Order No. 201 dated Oct. 2, 1942 (8 F. R. 625, Jan. 16, 1943) relating to United States Letters Patent No. 2,138,555. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

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

[F. R. Doc. 7622; Filed, Aug. 24, 1948; 8:51 a. m.]

[Return Order 165]

DINES CHRISTIAN PEDERSEN

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

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

Claimant and claim No.	Notice of intention to return published	Property
Dines Christian Pedersen, No. 6480.	June 30, 1948 (13 F. R. 3618)	Property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent Nos. 1,778,334; 1,971,938; 2,012,434 and 2,049,661. This return shall not be deemed to include the rights of any licensees under any of the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7623; Filed, Aug. 24, 1948; 8:51 a. m.]

[Vesting Order 11815]

HEIDI YAMANOUCHI

In re: Bank account owned by Heidi Yamanouchi, also known as Heide Yamanouchi. D-27-837-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 Heidi Yamanouchi, also known as Heide Yamanouchi, whose last known address is 66,3 Chone, Kitamachi Aoyama, Akasaka, Tokie, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Bank of New York and Fifth Avenue Bank, New York, New York, arising out of a blocked account, maintained at the branch office of the aforesaid bank, located at 530 Fifth Avenue, New York 19, New York, said account representing four payments of $50.00 each under a trust agreement of The Fifth Avenue Bank of New York and Inace Bounty Barrett with Maria Kennedy Tod, said agreement having terminated, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heidi Yamanouchi, also known as Heide Yamanouchi, 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. 48-7573; Filed, Aug. 23, 1948; 8:49 a. m.]

ELIAS FELDMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant	Claim No.	Property
Elias Feldmann, Liseleje, Denmark.	9363	An undivided three-fourths part of the whole right, title and interest in and to property described in Vesting Order No. 664 (8 F. R. 4989, Apr. 17, 1943) relating to United States Letters Patent No. 2,126,865.

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

For the Attorney General.

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

[F. R. Doc. 48-7625; Filed, Aug. 24, 1948; 8:51 a. m.]

[Vesting Order 11816]

TAKETARO YOSHIZUMI

In re: Debt owing to Taketaro Yoshizumi, also known as Taketaro Yoshidzumi. F-39-3319-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 Taketaro Yoshizumi, also known as Taketaro Yoshidzumi, whose last known address is 470-15 Takagi, Aza, Nakenotsanbo, Nishinounijashi, Hyohoken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Taketaro Yoshizumi, also known as Taketaro Yoshidzumi, by Scott & Williams, Inc., 266 Union Avenue, Laconia, New Hampshire, in the amount of $230.00, as of July 15, 1948, 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. 48-7574; Filed, Aug. 23, 1948; 8:49 a. m.]

JULIUS FLEISCHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication thereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses;

Claimant	Claim No.	Property and location
Julius Fleischer	5868	$10,533.47 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Julius Fleischer, in and to the Trust created under the will of Ben F. Sternheim, also known as Benjamin F. Sternheim, and as B. F. Sternheim, deceased; Wells Fargo Bank & Union Trust Co., trustee.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

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

[F. D. Doc. 48-7626; Filed, Aug. 24, 1948; 8:51 a. m.]

[Vesting Order 11824]

META SCHNIBBEN

In re: Bank account owned by Meta Schnibben, also known as Meta Hernge. F-28-28672-C-1, F-28-28672-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 Meta Schnibben also known as Meta Hernge, whose last known address is Bremen-Lesum, Nelkenstrasse 13, 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 Weehawken Trust Company, 4800 Bergenline Avenue, Union City, New Jersey, arising out of a checking account, entitled George Rose (Held for benefit of Mrs. Meta Schnibben), 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, Meta Schnibben, also known as Meta Hernge, 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 10, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7575; Filed, Aug. 23, 1948; 8:49 a. m.]

[Vesting Order 11825]

DIETRICH GUNTHER

In re: Stock owned by Dietrich Gunther. F-28-29091-D-1.

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

1. That Dietrich Gunther, whose last known address is 16 Muhelbach, KRS—Marburg Grosshessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: 5.3 shares of $10 par value common capital stock of Cities Service Company, 60 Wall Street, New York, New York, a corporation organized under the laws of Delaware, evidenced by certificates numbered BL 62709 and XL 275834, registered in the name of Dietrich Gunther, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, 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 18, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7627; Filed, Aug. 24, 1948; 8:51 a. m.]

[Vesting Order 11827]

ARNOLD KRUMM HELLER, M. D.

In re: Bank account owned by Arnold Krumm Heller, M. D., also known as Arnaldo Krumm Heller, M. D. F-28-6365-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 Arnold Krumm Heller, M. D., also known as Arnaldo Krumm Heller, M. D., whose last known address is (16) Marburg/Lahn, Liebigstrasse 29, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Arnold Krumm Heller, M. D., also known as Arnaldo Krumm Heller, M. D., by First National Bank, Eagle Pass, Texas, arising out of a checking account, entitled Arnaldo Krumm Heller, M. D., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 10, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7577; Filed, Aug. 23, 1948; 8:49 a. m.]

ARTHUR HERMAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Arthur Herman, Manfred Herman, Eric Herman, and Meta Mayer, nee Herman, all of San Francisco, Calif.	6704	All right, title, interest and claim of any kind or character whatsoever of Lina Lyon Hermann in and to the Trust Estate of Meier Katten, deceased, in equal shares to the claimants. $3,379.80 in the Treasury of the United States in equal shares of $844.95 to the claimants.

Executed at Washington, D. C., on August 10, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7577; Filed, Aug. 23, 1948; 8:49 a. m.]