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Washington, Thursday, February 10, 1949

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

[General Regs. 109, Rev.]

PART 14—PROCEDURE FOR GOVERNMENT ADVERTISING

FEBRUARY 7, 1949.

General Regulations No. 109, dated December 20, 1946, is hereby revised and the following standard forms and procedure for Government advertising, under the provisions of the act of June 20, 1878, 20 Stat. 216, 44 U. S. C. 322; section 3828, Revised Statutes, 44 U. S. C. 324; and sections 12 (3) of the act of August 2, 1946, 60 Stat. 809, 5 U. S. C. 22a, will be used in lieu thereof:

- Sec.
- 14.1 Standard forms for government advertising.
 - 14.2 Printing.
 - 14.3 Statutory provisions with respect to government advertising.
 - 14.4 Statements of rates.
 - 14.5 Delegation of authority.
 - 14.6 Composition of copy.
 - 14.7 Public voucher for advertising.
 - 14.8 Proof of publication.

AUTHORITY: §§ 14.1 to 14.8 issued under secs. 309, 311 (f), 42 Stat. 25; 31 U. S. C. 49, 52 (f).

§ 14.1 *Standard forms for government advertising.* The following revised standard forms for government advertising are hereby prescribed and published for general use throughout the U. S. Government service, in lieu of all other forms of like character now being used for this purpose:

- Standard Form No. 1142—Revised, Statement of Advertising Rates—Original.
- Standard Form No. 1142a—Revised, Statement of Advertising Rates—Memorandum.
- Standard Form No. 1143—Revised, Advertising Order—Original.
- Standard Form No. 1143a—Revised, Advertising Order—Memorandum.
- Standard Form No. 1144—Revised, Public Voucher for Advertising—Original.
- Standard Form No. 1144a—Revised, Public Voucher for Advertising—Memorandum.

§ 14.2 *Printing.* (a) The size of the above-prescribed forms will be 8 x 10½ inches. The original voucher for adver-

tising, Standard Form No. 1144—Revised, will be printed on the reverse of the original advertising order, Standard Form No. 1143—Revised. The memorandum voucher for advertising, Standard Form No. 1144a—Revised, will be printed on the reverse of the memorandum advertising order, Standard Form No. 1143a—Revised. The statement of advertising rates—original, the advertising order—original, and the voucher for advertising—original, will be printed on white paper. The statement of advertising rates—memorandum, the advertising order—memorandum, and the voucher for advertising—memorandum, will be printed on yellow paper.

(b) No departure from the exact specifications of the standard forms herein prescribed will be permitted, but this will not be construed to prevent a department or establishment from ordering printed on the forms used by it, when more economical and advantageous so to do, the name of the department or establishment and bureau or office, title of official(s) authorized to order publication, title of certifying officer(s), and designation of appropriation or fund chargeable.

(c) Upon receipt of the regulations in this part each department, establishment, and agency is requested to make requisition upon the Public Printer for a supply of the revised standard forms estimated to meet its needs, in order that all requisitions submitted may be combined and the forms printed in one edition. However, in the interest of economy, the present supply of unused Standard Forms Nos. 1142, 1142a, 1143, 1143a, 1144, and 1144a on hand in the departments and establishments and at the Government Printing Office will be used until exhausted.

§ 14.3 *Statutory provisions with respect to government advertising.* (a) The act of June 20, 1878, 20 Stat. 216, 44 U. S. C. 322, provides, in part, as follows:

All advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a

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FEDERAL REGISTER

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price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise. * * *

(b) Section 3828, Revised Statutes, 44 U. S. C. 324, provides that:

No advertisement, notice, or proposal for any executive department of the Govern-
ment, or for any bureau thereof, or for any
office therewith connected, shall be pub-
lished in any newspaper whatever, except
in pursuance of a written authority for such
publication from the head of such depart-
ment; and no bill for any such advertising,
or publication, shall be paid unless there be
presented, with such bill, a copy of such
written authority.

(c) Section 12 (3) of the act of August 2, 1946, 60 Stat. 809, 5 U. S. C. 22a, provides, in part, as follows:

The head of any department may delegate to subordinate officials . . . (3) the authority vested in him by section 3828, Revised Statutes (44 U. S. C. 324), to authorize the publication of advertisements, notices or proposals.

§ 14.4 *Statements of rates.* (a) Sworn statements of commercial advertising rates, rendered on Standard Form No. 1142—Revised, and memorandum therefor, Standard Form No. 1142a—Revised, must be furnished by the proprietors, publishers, or authorized representatives of newspapers or other publications in which Government advertisements are placed, to each department and establishment, or bureau or office thereof, advertising, and the rates so furnished shall govern the amount to be paid.

(b) Sworn statements of commercial advertising rates need not be renewed until rates are changed, or unless specially required.

(c) The original statement of advertising rates, Standard Form No. 1142—Revised, must be submitted to the General Accounting Office with the first voucher paid to the publisher for advertising under those rates.

§ 14.5 *Delegation of authority.* (a) A delegation by name or position of authority to advertise may be achieved by the issuance of a suitable letter or through the promulgation of suitable regulations, signed by the head of the department or establishment, and should specify the limitations of the authority granted, if any. It may not be redelegated by those to whom it is delegated by the head of the department. But the delegation of the basic authority to authorize advertising having been achieved by such letter or regulation, the administrative duties involved in accomplishing such advertising may be assigned by the official or officials to whom such authority was delegated to subordinates by name or position, by suitable instruments in writing setting forth the extent of the administrative duties involved and authorized to be performed by or through such subordinates. A-18608, November 15, 1948, 28 Comp. Gen. 305.

(b) Copies of the letter or regulation delegating authority to advertise and of instruments assigning administrative duties thereunder must either be attached to the first voucher submitted for payment and accompany same to the General Accounting Office, or such letter or regulation and instruments assigning administrative duties may be forwarded direct to the Audit Division (in the case of the military establishments to the pertinent subdivision thereof) or the Postal Accounts Division, General Accounting Office, immediately upon the issuance of same.

(c) Standard Form No. 1143—Revised will be signed by the person to whom authority to advertise has been delegated by letter or regulation, or by the person to whom authority to place the advertising order has been assigned by an instrument assigning administrative duties. When the person signing is acting under

an instrument assigning him authority as to administrative duties, reference will be made as to date and number of such instrument of assignment in the box on the revised standard form to the left of his signature in addition to the reference to date and number of the letter or regulation delegating authority to advertise by the head of the department or establishment in the box in the upper right corner of the form. The present supply of Standard Form 1143 in the departments and establishments and the Government Printing Office will continue to be used until exhausted, and at the next reprint of the form a box to the left of the line for the signature will be provided thereon for a reference to the instrument of assignment.

§ 14.6 *Composition of copy.* Extreme care should be exercised to insure that the specifications for advertising to be set other than solid be definite, clear, and specific since no allowance will be made for paragraphing or for display or leaded or prominent headings, unless specifically ordered, or for additional space required by the use of type other than that specified in the sworn statement of advertising rates on file in the General Accounting Office. Specifications for advertising other than solid will accompany the advertisement copy submitted to the publisher with the advertising order, and copies of both documents will be transmitted to the General Accounting Office with the voucher. A sample of solid line advertisement set up in accordance with the usual Government requirements is shown on Standard Form No. 1143—Revised, Advertising Order.

§ 14.7 *Public voucher for advertising.* The original voucher for advertising, Standard Form No. 1144—Revised, and memorandum therefor, Standard Form No. 1144a—Revised, will be used by publishers as the standard forms on which to bill their charges against all branches of the U. S. Government service for advertising published in accordance with official orders therefor stated on the advertising order, Standard Form No. 1142—Revised, printed on the reverse of the original advertising voucher form.

§ 14.8 *Proof of publication.* (a) Every account for official advertising rendered should be accompanied by a copy of each issue of the publication in which the advertisement appeared. However, if copies of the publication are not available, it will be satisfactory if an affidavit of publication is furnished in lieu thereof.

(b) Copies of newspapers submitted as proof of publication should not be forwarded to the General Accounting Office as a part of the disbursing officer's account, but should be attached to the memorandum voucher and retained in the administrative accounting office until settlement of the disbursing officer's account, after which they may be disposed of.

[SEAL] LINDSAY C. WARREN,
Comptroller General
of the United States.

[F. R. Doc. 49-1012; Filed, Feb. 9, 1949; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

REORGANIZATION OF CHAPTER

Correction

In the Editorial Note appearing at page 466 of the issue for Thursday, February 3, 1949, the seventh entry under the heading "Former designation", now reading "801.41 to 801.45", should read "801.71 to 801.75".

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

MISCELLANEOUS AMENDMENTS

Findings and determinations. Pursuant to the provisions of Order No. 4, as amended (12 F. R. 4921, 6426, 8667; 13 F. R. 1639, 9293) and of the Administrative Procedure Act (60 Stat. 237), a public meeting was held at Boston, Massachusetts, on January 14, 1949, to consider proposed amendments to the rules and regulations (12 F. R. 4983) issued by the market administrator to effectuate the terms and provisions of the order. The data, views, and arguments presented at this meeting and all written material received prior to January 18, 1949, have been considered and it is hereby found and determined that the following amendments to the aforesaid rules and regulations are necessary to effectuate the terms and provisions of Order No. 4, as amended, and as further amended effective January 1, 1949. Since the amendments contained herein are necessitated by the amendments to the order made effective January 1, 1949, and since none of the amendments herein require substantial or extensive preparation by persons affected, it is impracticable and unnecessary to delay the issuance of these amendments. The said rules and regulations are therefore amended as follows:

1. Delete § 904.102 and substitute the following:

§ 904.102 *Milk handled for pasteurizing or bottling.* The status and the payment obligations, under the order, of a handler or dealer who pasteurizes or bottles milk for another handler or dealer, without acquiring it for marketing, shall not change because of the handling of the milk. Similarly, there shall be no change in the status and the payment obligations of the handler or dealer for whom the pasteurizing or bottling service is performed. However, handlers involved in such service transactions shall include in their reports to the market administrator information regarding the quantities so handled.

2. In § 904.103 (c), add "condensed buttermilk" to the list of milk products, and delete the parenthetical phrase "unless found to be flavored milk" which now appears after the word "eggnog".

3. Delete § 904.103 (e) and substitute the following:

(e) *Inventories.* All milk products on hand at any plant at the close of the month may be classified tentatively as Class II milk. Final classification shall be made when disposition of the milk products takes place.

4. In § 904.104 (c), delete the last sentence of subparagraph (1) and of subparagraph (2).

5. Delete § 904.105 (a) and substitute the following:

(a) *Application of this section.* The provisions of this section shall apply in determining the quantity of butterfat subject to the butter and cheese adjustment provided in § 904.7 (e). As used in this section, the term "Cheddar-type cheese" shall mean Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese; and the term "salted butter" shall mean butter which contains not less than 1.5 percent of salt by weight. The definitions and standards of identity issued by the Food and Drug Administration of the Federal Security Agency, insofar as they are applicable, shall govern in determining whether a given product is Cheddar-type cheese or butter.

6. In § 904.107 (b) (4), change the reference from § 904.7 (d) of the order to § 904.7 (e) of the order.

7. Delete § 904.107 (b) (5).

8. In § 904.107 (c) (2), delete the phrase "including receipts from segregated dairy farmers".

Issued at Boston, Massachusetts, this 4th day of February 1949.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608 (c))

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 49-1024; Filed, Feb. 9, 1949;
8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 171—DISPLACED PERSONS RESIDING IN THE UNITED STATES

TEMPORARY ABSENCE OF APPLICANT; APPLICANTS NOT ELIGIBLE FOR ADJUSTMENT OF STATUS

JANUARY 17, 1949.

The following amendments to Part 171, Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

Subparagraph (1) of § 171.1 (a) is amended to read as follows:

§ 171.1 *Eligibility for adjustment of status—(a) Qualifications.* * * *

(1) The entry upon which his residence in the United States is based occurred prior to April 1, 1948, and was a lawful one as a nonimmigrant under section 3 or as a nonquota immigrant student under subdivision (e) of section 4

of the Immigration Act of 1924 as amended;

Section 171.1 is further amended by adding the following paragraph:

(c) *Temporary absence.* An applicant shall not be considered ineligible for adjustment of status under section 4 of the Displaced Persons Act of 1948 solely by reason of his absence from the United States after his entry as stated in paragraph (a) (1) of this section, provided that such absence was temporary and that during such absence he did not return to the country from which he claims to have been displaced and that he is again lawfully admitted to the United States as a nonimmigrant under section 3 or as a nonquota immigrant student under subdivision (e) of section 4 of the Immigration Act of 1924 as amended.

Section 171.4 is amended by designating the present text as paragraph (a) and by adding a new paragraph (b) as follows:

§ 171.4 *Documents and investigation.* * * *

(b) If upon receipt of the duplicate copy of the application, the officer in charge of the Immigration and Naturalization Service having jurisdiction over the applicant's place of residence concludes from the information appearing on the Form I-500 that the applicant does not appear to meet the eligibility qualifications stated in § 171.1, he shall immediately notify the applicant to appear for hearing and the provisions of paragraph (a) of this section shall be disregarded. The applicant shall then be accorded a hearing as provided in this part except that such hearing shall be terminated if and when it is determined definitely that the applicant is not eligible for adjustment of status. The record of hearing shall be completed in accordance with the provisions of this part except that the medical examination required by § 171.6 (f) need not be conducted. The provisions of paragraph (a) of this section shall be complied with and the medical examination required by § 171.6 (f) shall be conducted, if it becomes apparent during the hearing that the applicant may be eligible for adjustment of status.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary because the amendments to § 171.1 (a) relieve restrictions and are clearly advantageous to persons affected thereby and the amendment to § 171.4 pertains to agency procedure.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458)

[SEAL] WATSON B. MILLER,
Commissioner of
Immigration and Naturalization.

Approved: February 7, 1949.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 49-1013; Filed, Feb. 9, 1949;
8:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

ANNUAL REPORTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said act, hereby amends paragraph 3 under the caption "Instructions as to Exhibits" in the Instruction Books for Forms 12-K (17 CFR, 249.312) and 12A-K (17 CFR, 249.312a) to read as follows:

3. Notwithstanding the provisions of paragraph 1, above, any registrant filing a copy of Form A may, if it so desires, leave blank any or all pages, schedules or items of the form except the following:

Schedules 102; 103; 104A; 104B; 108; 109; 110; 200A; 200L; lines 40, 48, 56, 57, 58 and 59, of 211; 211B; 211C; 211D; 211E; 211F; 212; 213; 213A; 213B; 215; 217; 218; 222; 223; 224; 251; 251A; 252; 261E; 261-I; 261M; 261P; 263; 281A; 287; 291; 292; 293; 295; 300-I; 300P; 300D; 310; 320; 321; 350; 371; 371A; 383; 383A; 396; 411; 412; 422; classes 900, 910, 920, 930, 940, 950, 960, 970, and 980, of 541; divisions 1, 2, and 801, of 561; group I of 561C; 562; 563; 581; 591; and verifications; and in addition a copy of its annual report to stockholders for the comparable period.

All applicable instructions of the Interstate Commerce Commission shall be followed in filling out the various schedules subject to the provisions of paragraph 4 below.

Since the foregoing amendment merely continues a privilege heretofore granted to issuers reporting on Forms 12-K and 12A-K and such issuers are already familiar with the substance of such amendments and are not materially or adversely affected thereby, the Commission finds that the giving of notice and the institution of public rule-making procedure pursuant to section 4 of the Administrative Procedure Act are unnecessary. Since the adoption of the amendment is for the benefit of such issuers, and as they may desire to avail themselves of the privilege granted thereby, the amendment shall become effective February 4, 1949.

(Secs. 13, 23 (a), 48 Stat. 894, 901; 15 U. S. C. 78m, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 2, 1949.

[F. R. Doc. 49-1001; Filed, Feb. 9, 1949;
8:47 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter D—Employment Taxes

[T. D. 5685]

PART 405—COLLECTION OF INCOME TAX AT SOURCE ON OR AFTER JANUARY 1, 1945

WITHHOLDING EXEMPTIONS AND REDUCTION IN WITHHOLDING OF TAX AT SOURCE ON WAGES

Correction

In Federal Register Document 49-484, appearing at page 273 of the issue of Wednesday, January 19, 1949, the table headed "If the Pay-Roll Period With Respect to an Employee is Biweekly—" is corrected by changing the figure "102.8" in column 7 opposite the wage group \$260 to \$270 to read "12.80".

TITLE 29—LABOR

Subtitle A—Regulations of the Secretary of Labor

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

Rescission of Correction

The correction appearing on page 522 of the issue for Tuesday, February 8, 1949, should be disregarded. Federal Register Document 48-11306 is correct as it appears at page 8639 of the issue for Wednesday, December 29, 1948.

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter F—Personnel

PART 580—WOMEN'S ARMY CORPS

MISCELLANEOUS AMENDMENTS

Section 580.11 is redesignated as § 580.18, and §§ 580.1 through 580.10 are rescinded and new §§ 580.1 through 580.17 are prescribed, as follows:

- Sec.
- 580.1 Statutory basis.
- 580.2 Mission.
- 580.3 Composition of corps.
- 580.4 Organization of corps.
- 580.5 Director.
- 580.6 Branch.
- 580.7 Commissioned officers.
- 580.8 Warrant officers.
- 580.9 Enlisted women.
- 580.10 Utilization.
- 580.11 Assignment.
- 580.12 Discharge of enlisted women.
- 580.13 Discharge of officers and warrant officers.
- 580.14 Maternity care.
- 580.15 Retirement.
- 580.16 Organized Reserve Corps.
- 580.17 Applicability of laws.

AUTHORITY: §§ 580.1 to 580.17, issued under Pub. Law 625, 80th Cong.

DERIVATION: AR 625-5, 25 January 1949.

§ 580.1 *Statutory basis.* The Women's Army Corps is a corps in the Regular Army. See act, June 12, 1948 (Public Law 625, 80th Cong.)

§ 580.2 *Mission.* The mission of the Women's Army Corps is to provide for the assimilation and appropriate utilization within the Army, of volunteer woman-power of the nation.

§ 580.3 *Composition of corps.* (a) The Women's Army Corps shall consist of the Director of the Women's Army Corps who shall have the temporary rank of a colonel, and such commissioned officers of lower grade, warrant officers, and enlisted personnel as are, from time to time, authorized by the Secretary of the Army.

(b) The authorized commissioned, warrant, and enlisted strengths of the Women's Army Corps of the Regular Army shall, from time to time, be determined by the Secretary of the Army, within the authorized commissioned, warrant, and enlisted strengths of the Regular Army, but shall not exceed 2 percent of such authorized Regular Army strengths, respectively; *Provided,* That, for a period of 2 years immediately following June 12, 1948, the actual number of regular personnel in the Women's Army Corps of the Regular Army shall at no time exceed 500 commissioned officers, 75 warrant officers, and 7,500 enlisted women, and such number of commissioned officers shall be appointed in increments of not to exceed 40 percent, 20 percent, 20 percent, and 20 percent at approximately equally spaced intervals of time during the said period of 2 years.

(c) Officers shall be permanently commissioned in the Women's Army Corps of the Regular Army in grades from second lieutenant to lieutenant colonel, inclusive, and shall be appointed with permanent warrant in each of the several warrant officer grades of the Regular Army now or hereafter authorized. The authorized number in permanent grade of lieutenant colonel shall be such as the Secretary of the Army shall from time to time determine but shall not exceed 10 percent of the authorized commissioned strength of such corps.

(d) Initial appointments other than appointments authorized by section 108, Public Law 625, 80th Congress, or by any other law now or hereafter enacted, will be made in the grade of second lieutenant.

(e) From the officers permanently commissioned in the Women's Army Corps of the Regular Army, the Secretary of the Army shall select one officer to be Director of the Women's Army Corps. She shall, without vacation of her permanent grade, have the temporary rank, pay, and allowances of a colonel while so serving. After July 1, 1952, the director shall be selected from among commissioned officers in the permanent grade of lieutenant colonel. The director shall serve during the pleasure of the Secretary of the Army, but normally not to exceed 4 years.

(f) From the officers permanently commissioned in the Women's Army Corps of the Regular Army, the Secretary of the Army shall select one officer to be Deputy Director of the Women's Army Corps. She shall serve during his pleasure but normally not to exceed 4

years and, if permanently commissioned in a lower grade, shall, without vacation of her permanent grade, have the temporary rank, pay and allowances of a lieutenant colonel while so serving. After July 1, 1952, the deputy director shall be selected from among officers in the permanent grade of lieutenant colonel.

(g) From among officers of the Women's Army Corps (including Women's Army Corps officers of the Army of the United States or any component thereof, serving on extended active duty), the Secretary of the Army shall select to serve during his pleasure such number of officers as he may determine necessary to fill positions designated by him in the administration and training of the Women's Army Corps. Department of the Army directives will be published from time to time in which such positions and the appropriate grades, as determined by the Secretary of the Army, will be established. Officers holding such positions shall, if permanently commissioned in a lower grade, without vacation of permanent grade, have the temporary rank, pay, and allowances of a lieutenant colonel or major while so serving. After July 1, 1952, such officers shall be selected from among commissioned officers in the permanent grade of lieutenant colonel or major.

§ 580.4 *Organization of corps.* The corps will be organized into the Office of the Director; such training centers, schools, and other installations as may be required; and such units, detachments, and individuals as may be assigned for duty with the various continental and oversea commands.

§ 580.5 *Director.* The Director of the Women's Army Corps will be an advisor to the Secretary of the Army on all WAC matters. In addition to such other duties as may be prescribed, she will supervise activities relating to the Women's Army Corps, and she will:

(a) As advisor to the Secretary of the Army, be responsible that plans and policies applicable to women are promulgated by appropriate Department of the Army agencies for the supervision, morale, and well-being of WAC personnel.

(b) Act as Department of the Army staff advisor on plans and policies for the procurement, reception, classification, utilization, training, logistical support, assignment, and separation of WAC personnel, prepared by appropriate Department of the Army agencies.

(c) Inspect WAC units, detachments, and individuals in the zone of interior and overseas. In the exercise of these responsibilities, the director is authorized to consult directly with the commanding generals concerned or their appropriate staff officers.

(d) Work in close liaison, through responsible staff agencies, with appropriate civilian and governmental agencies and with the other women's services in the National Military Establishment.

§ 580.6 *Branch.* The basic branch of all WAC personnel will be Women's Army Corps. WAC officers who are detailed or enlisted women who are assigned in an arm or service, will use in their signature

the designation of the arm or service to which they are assigned or detailed as well as "(WAC)." When orders are issued directing change of assignment of WAC personnel who have been so assigned or detailed in an arm or service, the designation "(WAC)" will be included in the orders.

§ 580.7 *Commissioned officers*—(a) *Appointment.* (1) Officers of the Women's Army Corps may be appointed under appropriate regulations now or hereafter prescribed for the appointment of male officers in both the Regular Army and the Organized Reserve Corps, with the following additional requirements:

(i) *Marital status.* Women with no prior military service must be single, widowed, or divorced.

(ii) *Dependents.* Without dependent or dependents under 18 years of age, and without child or children under 18 years of age.

(2) Officers may be appointed in the Women's Army Corps of the regular army in accordance with the following regulations pertaining to the appointment of male officers in the Regular Army:

(i) AR 605-6, Appointment of Second Lieutenants, Regular Army, from Distinguished Graduates from Army Officer Candidate School, and from Regular Army Warrant Officers and Enlisted Men.

(ii) AR 605-8, Appointment of Lieutenants, Regular Army, from Officers on Extended Active Duty.

(iii) Other appointments may be made under the provisions of Department of the Army directives which are published from time to time and which are applicable to female personnel.

(3) Appointment of women officers in the Organized Reserve Corps, Army of the United States, will be made under the provisions of appropriate regulations prescribed for the appointment of male officers in the Organized Reserve Corps.

(b) *Promotions*—(1) *Permanent.* Effective June 12, 1950, permanent promotion of WAC officers will be made in accordance with current Department of the Army policy governing the promotion of Regular Army Officers, except that statutory provisions prohibit permanent promotion of WAC officers to the grade of colonel and restrict the percentage of lieutenant colonels to not to exceed 10 percent of the total authorized commissioned officer strength of the corps. The names of all promotion-list officers of the Women's Army Corps shall be placed on the WAC promotion list. Promotion of WAC officers to the grade of lieutenant colonel shall be made only when a vacancy exists in the number of lieutenant colonels authorized for the WAC promotion list. Such officers shall be appointed in that grade only when selected and recommended for that grade by a selection board under regulations prescribed by the Secretary of the Army.

(2) *Temporary.* Temporary promotion of WAC officers to the grades of first lieutenant, captain, major, and lieutenant colonel will be made under appropriate regulations applicable to temporary promotions of male officers. No temporary promotions of WAC officers to the temporary grade of colonel are authorized except that the officer who is

selected by the Secretary of the Army to be Director of the Women's Army Corps shall have the temporary rank, pay, and allowances of a colonel while serving as Director of the Women's Army Corps.

§ 580.8 *Warrant officers.* WAC personnel will be appointed warrant officers under appropriate current regulations.

§ 580.9 *Enlisted women.* (a) Any female citizen of the United States who is of excellent character, who meets the established mental and physical requirements, and who is eligible under current directives, may be enlisted or reenlisted in the Women's Army Corps, Regular Army, within authorized quotas. An applicant must have attained her eighteenth birthday; no woman under the age of 21 years shall be enlisted without the written consent of her parents or guardian.

(b) Regulations pertaining to the appointment and promotion of enlisted men are applicable to enlisted women.

§ 580.10 *Utilization.* WAC personnel will be utilized only in military occupational specialties established by the Department of the Army.

§ 580.11 *Assignment.* (a) All officers, warrant officers, and enlisted women of the Women's Army Corps will be assigned to duty in zone of interior and in oversea commands as the needs of the service require. Assignments will be accomplished in accordance with Department of the Army directives.

(b) The marriage of a WAC officer, warrant officer, or enlisted woman to a member of the armed forces will not affect an advantage or disadvantage to her assignment to duty.

(c) WAC officer, warrant officer, and enlisted women normally will not be transferred solely because of marriage to persons serving at the same station.

§ 580.12 *Discharge of enlisted women*—(a) *Marriage.* A married enlisted woman may be discharged at her own request, provided she has served on active duty for not less than 1 year in her current enlistment. Application for such discharge will be initiated by the enlisted woman and will be accompanied by a true copy of her marriage certificate.

(b) *Convenience of the Government.* If an enlisted woman gives birth to a living child, she shall be discharged from the Army for the convenience of the Government. Women who have children under 18 years of age are not eligible for the service, regardless of the legal custody of the child or children.

(c) *Laws and regulations.* All laws and regulations governing the discharge of enlisted men are also applicable to the discharge of enlisted women.

§ 580.13 *Discharge of officers and warrant officers*—(a) *Laws and regulations.* All laws and regulations governing the discharge or relief from active duty of male Regular Army or Reserve officers and warrant officers are applicable also to WAC Regular Army or Reserve officers and warrant officers.

§ 580.14 *Maternity care.* (a) A woman discharged from, or relieved from

active duty with, the Army under honorable conditions because of pregnancy is eligible for maternity care during the pregnancy and confinement, and for outpatient postnatal care for at least 6 weeks thereafter, at any Army medical installation with suitable maternity facilities. Such service is to be furnished without cost to the individual patient except for subsistence charges at the rate provided in Army Regulations when hospitalized.

(b) Any woman found to be pregnant at the time of terminal physical examination for separation from the service under honorable conditions will be eligible for maternity care under the provisions of these regulations. In such cases a notation of pregnancy will be made on WD AGO Form 63 (Report of Physical Examination) or 38 (Report of Physical Examination of Enlisted Personnel Prior to Discharge, Release From Active Duty, or Retirement), whichever is applicable, irrespective of the provisions under which the woman is being separated. Separation orders will include a statement "Eligible for medical care under provisions of AR 40-590."

(c) The maternity care to be provided includes all treatment or hospitalization necessary during the prenatal and immediate postnatal period for medical conditions incident to or deleterious to the pregnancy. This care will be provided within the limitations of facilities and qualified personnel currently available, and will take priority over all cases except medical service for military personnel.

(d) At the time of discharge, the unit commander or other personnel responsible for counseling these women will specifically advise them of their eligibility for maternity care at Army hospitals.

(e) If the individual desires maternity care at an Army hospital, a written request will be initiated by her at time of discharge. The request will be addressed to the surgeon of the army area wherein the individual contemplates residence following discharge, and forwarded by indorsement to the commanding officer of the installation at which the individual is discharged. The request will indicate eligibility of the individual for maternity care, any available pertinent data on the status of the individual's pregnancy, and her forwarding address. The request will be accompanied by a copy of separation orders.

§ 580.15 *Retirement.* (a) Enlisted personnel of the Women's Army Corps of the Regular Army shall be retired, and shall receive retirement benefits under laws applicable to retirement and retirement benefits of male enlisted personnel of the Regular Army.

(b) WAC officers of the Regular Army shall be retired or separated, as the case may be, under laws now or hereafter applicable to male officers of the Regular Army except that:

(1) Any of the officers of the Women's Army Corps of the Regular Army in the permanent grade of lieutenant colonel may be retained on the active list until 30 days after that date upon which 30 "years' service" is completed.

(2) Any officer of the Women's Army Corps of the Regular Army in the per-

manent grade of lieutenant colonel, who is serving in the temporary grade of colonel by virtue of occupying in the position of Director of the Women's Army Corps, may be retained on the active list while serving in such position, but in no event will be retained on the active list after age 60.

(3) After June 30, 1953, unless provided otherwise by some provision of law, each officer of the Women's Army Corps of the Regular Army, heretofore or hereafter appointed in the permanent grade of major, who is not retired or separated at an earlier date, shall be eliminated from the active list and retired on that date which is 30 days after the date upon which she completes 25 "years' service," unless she is appointed in the permanent grade of lieutenant colonel in the Regular Army before that date.

(4) "Years' service" as used in section 514 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.) means and includes for any officer appointed in the Women's Army Corps of the Regular Army under the provisions of section 108, title I, Women's Armed Services Integration Act of 1948 (Public Law 625, 80th Cong.) the period of service credited to such officer at the time of her appointment increased by the period of her active commissioned service in the Regular Army subsequent to such appointment.

§ 580.16 *Organized Reserve Corps.*

(a) Appointment and enlistment of women in the organized Reserve Corps of the Army of the United States is authorized. See Title I, act, June 12, 1948 (Public Law 625, 80th Cong.).

(b) Except as otherwise specifically provided, all laws and regulations applicable to male members of the Organized Reserve Corps and to their dependents and beneficiaries shall, in like cases, be applicable respectively to female members of the Organized Reserve Corps, except that the husbands of the women officers and enlisted personnel of any of the Reserve components of the Army of the United States shall not be considered dependents unless they are in fact dependent on their wives for their chief support, and the children of such personnel shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support.

§ 580.17 *Applicability of laws.* Except as otherwise specifically provided, all laws and regulations now or hereafter applicable to male commissioned officers, warrant officers, and enlisted men of the Regular Army, to former male commissioned officers, warrant officers, and enlisted men of the Regular Army, and to their dependents and beneficiaries, shall in like cases be applicable respectively to commissioned officers, warrant officers, and enlisted women of the Women's Army Corps of the Regular Army, except that the husbands of women officers and enlisted personnel of the Regular Army shall not be considered dependents unless they are in fact dependent on their wives for their chief support, and the children of such officers and enlisted personnel shall not be considered dependents unless their father is dead or they are in fact de-

pendent on their mother for their chief support. See section 107, Title I, act, June 12, 1948 (Public Law 625, 80th Cong.).

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

[F. R. Doc. 49-1014; Filed, Feb. 9, 1949;
8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

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

GREAT BRITAIN AND NORTHERN IRELAND

In § 127.268 *Great Britain and Northern Ireland* (13 F. R. 9158) amend paragraph (c) (2) to read as follows:

(c) U. S. A. gift parcels. * * *

(2) *Observations.* In addition to the conditions applicable to parcels generally, as set forth in paragraph (b) of this section, the following special requirements imposed by agreement between the Economic Cooperation Administration and the British authorities must be met in order for parcels to be accepted at the reduced postage rate as "U. S. A. Gift Parcels":

(i) Each parcel must be mailed as a gift by an individual sender to an individual addressee for the personal use of himself or his immediate family. The items which may be included in "U. S. A. Gift Parcels" are limited to nonperishable food, discarded wearing apparel, mailable medical supplies and soap.

(ii) The combined total domestic retail value of all soap, butter, and other edible fats and oils included in each parcel must not exceed \$5, and that the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each parcel also may not exceed \$5.

(iii) When a relief parcel is presented for mailing under these regulations the words "U. S. A. Gift Parcel" shall be conspicuously endorsed by the mailer on the address side of the parcel and also on the customs declaration. The use of the words "U. S. A. Gift Parcel" will be a certification by the mailer that the provisions of the ECA regulations have been met.

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

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-997; Filed, Feb. 9, 1949;
8:45 a. m.]

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

ITALY (INCLUDING THE REPUBLIC OF SAN MARINO)

In § 127.283 *Italy (Including the Republic of San Marino)* (13 F. R. 9174) amend paragraph (c) (2) to read as follows:

(c) U. S. A. gift parcels. * * *

(2) *Observations.* In addition to the conditions applicable to parcels generally, as set forth in paragraph (b) of this section, the following special requirements imposed by agreement between the Economic Cooperation Administration and the Italian authorities must be met in order for parcels to be accepted at the reduced postage rate as "U. S. A. Gift Parcels":

(i) Each parcel must be mailed as a gift by an individual sender to an individual addressee for the personal use of himself or his immediate family. The items which may be included in "U. S. A. Gift Parcels" are limited to nonperishable food, clothing and clothes-making materials, shoes and shoe-making materials, and mailable medical and health supplies. No such parcel may contain more than 2 kilograms (4 lbs. 6 oz.) of coffee or 3 kilograms (6 lbs. 9 oz.) of sugar. Saccharine is prohibited. Household supplies and utensils may not be included. Other permitted contents must be in such quantities as to be clearly intended for the personal use of the addressee and family.

(ii) The combined total domestic retail value of all butter, and other edible fats and oils included in each parcel must not exceed \$5, and that the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each parcel also may not exceed \$5.

(iii) When a relief parcel is presented for mailing under these regulations the words "U. S. A. Gift Parcel" shall be conspicuously endorsed by the mailer on the address side of the parcel and also on the customs declaration. The use of the words "U. S. A. Gift Parcel" will be a certification by the mailer that the provisions of the ECA regulations have been met.

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

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-998; Filed, Feb. 9, 1949;
8:46 a. m.]

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

VATICAN CITY STATE

In § 127.375 *Vatican City State* (13 F. R. 9234) amend paragraph (c) (2) to read as follows:

(c) U. S. A. gift parcels. * * *

(2) *Observations.* In addition to the conditions applicable to parcels generally, as set forth in paragraph (b) of this section, the following special requirements imposed by agreement between the Economic Cooperation Administration and the Italian authorities must be met in order for parcels to be accepted at the reduced postage rate as "U. S. A. Gift Parcels":

(i) Each parcel must be mailed as a gift by an individual sender to an individual addressee for the personal use of himself or his immediate family. The items which may be included in "U. S. A.

Gift Parcels" are limited to nonperishable food, clothing and clothes-making materials, shoes and shoe-making materials, and mailable medical and health supplies. No such parcel may contain more than 2 kilograms (4 lbs. 6 oz.) of coffee or 3 kilograms (6 lbs. 9 oz.) of sugar. Saccharine is prohibited. Household supplies and utensils may not be included. Other permitted contents must be in such quantities as to be clearly intended for the personal use of the addressee and family.

(ii) The combined total domestic retail value of all butter, and other edible fats and oils included in each parcel must not exceed \$5, and that the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each parcel also may not exceed \$5.

(iii) When a relief parcel is presented for mailing under these regulations the words "U. S. A. Gift Parcel" shall be conspicuously endorsed by the mailer on the address side of the parcel and also on the customs declaration. The use of the words "U. S. A. Gift Parcel" will be a certification by the mailer that the provisions of the ECA regulations have been met.

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

[SEAL]

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-999; Filed, Feb. 9, 1949;
8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Federal Security Agency

PART 403—VENDING STAND PROGRAM FOR BLIND IN FEDERAL AND OTHER BUILDINGS

EXTENSION OF TIME FOR COMPLIANCE BY LICENSING AGENCIES

Correction

In Federal Register Document 49-861, appearing on page 509 of the issue for

Saturday, February 5, 1949, incorrectly designated Part 402, should be designated Part 403 as set forth above and §§ 402.7 and 402.18, referred to therein, should be designated §§ 403.7 and 403.18, respectively.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

PART 301—REPORTS

CARRIERS BY WATER; ANNUAL REPORT FORM K-A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of January A. D. 1949.

The matter of annual reports from carriers by water being under consideration: It is ordered, that the order dated December 24, 1947, in the matter of annual reports from carriers by water of Class A and of Class B (49 CFR, 120.51) be, and it is hereby cancelled. It is further ordered, that:

§ 301.10 *Annual report form prescribed for carriers by inland and coastal waterways of Class A and Class B:* All inland and coastal waterways of Class A and Class B (49 CFR, 126.2) subject to the provisions of section 313, Part III of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1948, and for each succeeding year until further order, in accordance with Annual Report Form K-A (Inland and Coastal Waterways of Class A and Class B),¹ which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of

¹ Filed as part of the original document.

the year following the one to which it relates. (54 Stat. 944; 49 U. S. C. 913)

NOTE: Budget Bureau No. 60-R105.5.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 49-1011; Filed, Feb. 9, 1949;
8:49 a. m.]

PART 301—REPORTS

CARRIERS BY WATER; ANNUAL REPORT FORM M

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of January A. D. 1949.

The matter of annual reports from carriers by water being under consideration: It is ordered, that:

§ 301.20 *Annual report form prescribed for Maritime Carriers of Class A and Class B.* Each Maritime Carrier of Class A and Class B (49 CFR, 126.2) subject to the provisions of section 313, Part III of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1948, and for each succeeding year until further order, in accordance with Annual Report Form M (Maritime Carriers of Class A and Class B),¹ which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates. (54 Stat. 944; 49 U. S. C. 913)

NOTE: Budget Bureau No. 60-R259.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 49-1010; Filed, Feb. 9, 1949;
8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 180]

LIQUORS AND ARTICLES FROM PUERTO RICO AND VIRGIN ISLANDS

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing,

in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2800, 2803, 3030, 3176, 3360 and 4041 (26 U. S. C. secs. 2800, 2803, 3030, 3176, 3360 and 4041).

[SEAL]

FRED S. MARTIN,
Acting Commissioner of
Internal Revenue.

1. Regulations 24 (26 CFR, Part 180), approved June 16, 1941, are amended by adding to Subpart I thereof a new article, numbered and titled "XI-A—Taxpayment in Puerto Rico after Withdrawal for Rectification or Bottling" and a new section numbered "93a"

2. These amendments are designed to establish a procedure for the taxpayment of distilled spirits and other alcoholic beverages in Puerto Rico after withdrawal for rectification or bottling, in order to make stocks of such liquors available for shipment to the United States under the Puerto Rican law as amended.

TAXPAYMENT IN PUERTO RICO AFTER WITHDRAWAL FOR RECTIFICATION OR BOTTLING

§ 180.93a *Requirements*—(a) *Applicable procedure.* Distilled spirits of less than 190 degrees of proof, wines and fermented malt liquor (hereinafter referred to as "liquors," unless otherwise indicated) intended for shipment to the United States, which are withdrawn from producing or storage premises for entry

into bonded rectification sections, bottling sections, or bonded warehouses, in accordance with the Spirits and Alcoholic Beverages Act, as amended, of Puerto Rico, shall be subject to the requirements of this section, and §§ 180.1 to 180.93, insofar as such sections may be applicable.

(b) *Formula.* Following entry into a bonded rectification or bottling section for rectification or bottling, all liquors shall be rectified and/or bottled in accordance with an approved formula prescribed by §§ 180.13 to 180.17.

(c) *Gauging.* The alcoholic constituents of all liquors constituting a specific bottling lot shall be ascertainable from records maintained in accordance with insular requirements. In gauging liquors for taxpayment, the internal revenue agent will prepare Form 1520 to show separately all distilled spirits and wines according to taxable gallonage. See paragraph (d) of this section, and §§ 180.31, 180.32, and 180.43. The formula number under which the liquors were produced or manufactured for shipment to the United States will also be shown on the Form 1520.

(d) *Basis for taxpayment.* The taxes on distilled spirits shall be paid on the basis of wine gallons, if below proof, or proof gallons, if 100 proof or above, in accordance with the proof ascertained by the insular gauger prior to entry of the spirits into the bonded rectification section, or bonded bottling section, pursuant to appropriate entries in records prescribed by the insular authorities.

(e) *Taxpayment.* Taxpayment shall be made at the rate prescribed by law. The prescribed taxes shall be paid at the time of withdrawal of the liquors pursuant to issuance of the appropriate insular permit. A copy of the Form 1520 covering the gauging of the liquors shall accompany the insular permit, Form 487A, when presented to the deputy collector for taxpayment. See §§ 180.32, 180.36, 180.39, and 180.44.

(f) *Red strip stamps.* United States internal revenue red strip stamps may be procured from the deputy collector in the manner provided by the regulations in this part for attachment to bottles of spirits intended for shipment to the United States. Such stamps may not be attached to the bottles prior to taxpayment.

(g) *Withdrawal for shipment to United States.* Withdrawal of liquors for shipment to the United States may be made only after taxpayment, if so required by the insular withdrawal permit, Form 487B. Any liquors, upon which the United States internal revenue taxes have not been paid, intended for shipment to the United States, must be withdrawn, shipped, and taxpaid upon arrival in the United States, in accordance with applicable provisions of the regulations in this part. (Secs. 2800, 2803, 3030, 3176, 3360, and 4041, I. R. C.)

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 40-1026; Filed, Feb. 9, 1949; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE
Production and Marketing
Administration
[7 CFR, Part 990]

HANDLING OF IRISH POTATOES GROWN IN CALIFORNIA (NOT INCLUDING THE COUNTIES OF MODOC AND SISKIYOU)

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR and Supps. 901.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held in the Masonic Temple, 1920 Eighteenth Street, Bakersfield, California, beginning at 9:30 a. m., p. s. t., March 2, 1949, with respect to a proposed marketing agreement and order regulating the handling of Irish potatoes grown in the State of California (not including the counties of Modoc and Siskiyou) and with respect to proposed modifications, changes, additions, and substitutions thereof. The proposed marketing agreement and order and the proposed changes or substitutions thereto, have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed marketing agreement and order, or to the provisions of the changes or substitutions thereto, which are hereinafter set forth.

The growers and shippers of Irish potatoes in the State of California (not including the counties of Modoc and Siskiyou) as represented by a committee of growers drafted a proposed marketing agreement and order regulating the handling of potatoes in the proposed production area and requested a hearing on the following proposed marketing agreement and order.

§ 990.1 *Definitions.* As used in this part, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

(d) "Production area" means all territory, except Modoc and Siskiyou counties, in the State of California.

(e) "Potatoes" means all varieties of Irish potatoes grown within the production area which are harvested and prepared for market during the period beginning April 1 and ending July 15 of each year.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form.

(g) "Ship" or "handle" means to sell, store or place in storage, transport, prepare for transportation, offer for transportation, load in a conveyance for transportation, or in any other way to place potatoes in the current of interstate or foreign commerce, or so as to directly burden, obstruct, or affect interstate or foreign commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on January 1 of each year and ending December 31 following.

(j) "Committee" means the California Potato Committee established pursuant to § 990.2.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of an official seed potato certifying agency of the State of California or other agency recognized by the Committee.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

(n) "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

(o) "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

(p) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the Department of Agriculture on September 10, 1941, effective June 1, 1942 (12 F. R. 3651), or amendments thereto, or modifications thereof, or variations based thereon; or

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture on November 3, 1947, effective December 8, 1947 (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(q) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(r) "District" means each one of the geographical divisions of the production area hereby established as follows:

District No. 1: Merced and Madera County.
 District No. 2: Fresno and Kings County.
 District No. 3: Tulare County.

District No. 4: Kern County.

District No. 5: All counties, except Kern County, south of the Sixth Standard parallel, in the production area.

District No. 6: All counties, except Merced, Madera, Fresno, Kings, and Tulare, north of the Sixth Standard Parallel, in the production area:

§ 990.2 *Administrative Committee—*

(a) *Establishment and membership.*

(1) The California Potato Committee consisting of 9 members, all of whom shall be producers is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) Persons selected as committee members or alternates shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(b) *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of January and continuing until the end of the then current fiscal year, and until their successors are selected and have qualified. Committee members and alternates shall serve during the fiscal year for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Selection.* The Secretary shall select one member of the committee, with his respective alternate, from district number 1, one member, with his respective alternate, from district number 2, one member, with his respective alternate, from district number 3, four members, with their respective alternates, from district number 4, one member, with his respective alternate, from district number 5, and one member, with his respective alternate, from district number 6, as defined in § 990.1 (r), which members and alternates shall represent the respective district from which they are selected.

(d) *Nomination.* The Secretary may select the members of the California Potato Committee and their respective alternates from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The California Potato Committee shall hold or cause to be held prior to November 1 of each year, after the effective date hereof, a meeting or meetings of producers in each of the districts designated in § 990.1 (r).

(ii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(iii) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(iv) Only producers may participate in designating nominees for committee members and their alternates.

(v) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(e) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (d) (2) of this section, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be, on the basis of the representation provided for herein.

(f) *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (d) (2) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(h) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(i) *Procedure.* (1) Six members of the committee shall be necessary to constitute a quorum and six concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communications and any

vote cast at such a meeting shall be confirmed promptly in writing; *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(j) *Expenses and compensation.* Committee members or their respective alternates when acting as members, shall serve without compensation but shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder.

(k) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(l) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(5) To furnish to the Secretary such available information as he may request;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(8) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary, and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(9) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with

all proper committee activities and objectives hereunder.

§ 990.3 *Expenses and assessments*—

(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions hereunder during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships potatoes shall pay for the account of the grower to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers for the account of the grower.

(2) At any time during a fiscal year, the Secretary may increase the rate of assessment in order to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him for the account of the grower.

(2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds.* All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a committee member, or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and

shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 990.4 *Regulation*— (a) *Marketing policy.* Prior to March 15 of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall promptly notify producers and handlers of the contents of such reports.

(b) *Recommendation for regulations.*

(1) It shall be the duty of the committee to investigate supply and demand conditions for grade, size, and quality of potatoes of all varieties. In such investigations, the committee shall give due consideration to the following factors:

(i) Market prices of potatoes, including prices by grade, size and quality in wholesale or in consumer packs, or any other shipping unit;

(ii) Potatoes on hand in the market areas as manifested by supplies enroute and on track at the principal markets;

(iii) Supply of potatoes, by grade, size and quality, in the State of California and other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) The committee shall recommend regulation to the Secretary, in accordance herewith, whenever it finds, on the basis of the foregoing investigation, that such conditions make it advisable:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs (or any other shipping unit), for tablestock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality.

(c) *Issuance of regulations.* (1) The Secretary shall limit the shipment of potatoes as hereinafter set forth, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for differ-

ent portions of the production area, for consumer or wholesale packs, for tablestock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grade, sizes or both, minimum standards of quality.

(2) The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Inspection and certification.* During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions hereof, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Each such handler shall make arrangements with the inspection agency to forward promptly to the committee a copy of such inspection certificate.

(e) *Exemptions.* (1) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers.

(2) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee (i) That by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (ii) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of sale.

(3) The committee shall be permitted at any time to make a thorough investigation of any producer's claim pertaining to exemptions.

(4) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(5) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(6) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all

exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

§ 990.5 *Regulation of surplus*—(a) *Recommendation.* It shall be the duty of the committee to investigate supply and demand conditions of potatoes. Whenever the committee finds that a surplus of potatoes exists, it shall determine the extent of such surplus of potatoes of any grade, size or quality thereof. If it is deemed advisable, the committee shall recommend the control and disposition of surplus potatoes and plans for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules established by the committee and approved by the Secretary.

(b) *Issuance of regulations.* (1) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among producers and handlers thereof.

(2) At any time during which the Secretary provides for the control and disposition of surplus potatoes, the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of surplus potatoes.

§ 990.6 *Shipments for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to § 990.3 or § 990.4 or both, hereof, in order to facilitate shipments of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act; adequate safeguards may be established, pursuant to paragraph (c) of this section, to prevent such shipments from entering channels of trade for other than the specified purpose:

(1) Shipments of potatoes for export;

(2) Shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions;

(3) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(4) Shipments of potatoes for live-stock feed or for other specified purposes.

(b) Whenever the shipments of seed potatoes are not subject to the same regulations as shipments of table stock potatoes, issued pursuant to § 990.3 or § 990.4, or both, hereof, the committee, with the approval of the Secretary, may prescribe

adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b), which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 990.4 (d) and pay the pro rata share of expenses provided by § 990.3, in connection with potato shipments effected under the provisions of this section: *Provided*, That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of this section. The committee with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make a weekly report to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any shipper if evidence is obtained that potatoes shipped by him for the purposes stated above have entered the current of interstate or foreign commerce, or have directly burdened, obstructed, or affected such commerce contrary to the provisions hereof.

(d) The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to § 990.3 or § 990.4, or both, hereof.

(e) (1) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

§ 990.7 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 990.8 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been

prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 990.9 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 990.10 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes; *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before November 15 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.*

(1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instru-

ments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 990.11 *Effect of termination or amendments.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 990.12 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 990.13 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

§ 990.14 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in

the premises whenever such action is deemed advisable.

§ 990.15 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 990.16 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 990.17 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

§ 990.18 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.¹

§ 990.19 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.¹

¹ Applicable only to the proposed marketing agreement.

§ 990.20 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement, and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.¹

§ 990.21 *Effective date.* This marketing agreement shall become effective upon the execution of a counterpart by the Secretary of Agriculture in accordance with § 900.14 (a) of the rules of practice and procedure effective under the Agricultural Marketing Agreement Act of 1937, as amended.¹

The Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., has proposed the following substitution in the proposed marketing agreement and order: Change § 990.1 (e) to read as follows:

(e) "Potatoes" means all varieties of Irish potatoes grown within the production area.

The Fruit and Vegetable Branch, Production and Marketing Administration, further proposed that consideration be given to such other changes in the proposed marketing agreement and order as may be necessary to make such marketing agreement and order conform to the provisions of the changes and substitutions proposed by it.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 7th day of February 1949.

[SEAL]

JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-1025; Filed, Feb. 9, 1949; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 8

FEBRUARY 3, 1949.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50, 451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sec. 682 (a)), as amended, the following described public lands in the Anchorage, Alaska land district, embracing 64.84 acres:

For leasing and sale for home, cabin and business sites:

HOMER AREA

T. 6 S., R. 14 W., Seward Meridian,

Sec. 22: Lot 4.

Sec. 23: Lot 4.

T. 5 S., R. 14 W., Seward Meridian,

Sec. 19: S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 32: E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

2. The lands are located approximately from two to six miles from Homer, and accessible by means of a road leading from Miller's Landing, and will also be served by the Homer-Kenai road when completed. The land is subject to coastal weather with the usual extended period of precipitation. Churches, schools and marketing facilities are available at Homer. It is expected that electric transmission lines will be extended and made available to

the area under a REA project which it is reported will be completed during 1949.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on April 7, 1949. At that time such land shall, sub-

ject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on April 7, 1949, to close of business on July 6, 1949, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C., secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on February 3, 1949, or thereafter, up to and including 10:00 a. m. on April 7, 1949, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on July 7, 1949, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous nonpreference right filings.* Applications under the Small Tract Act by the general public filed on February 3, 1949, or thereafter, up to and including 10:00 a. m. on July 7, 1949, shall be treated as simultaneously filed.

5. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Other persons entitled to credit for service shall file evidence of their right to credit in accordance with 43 CFR 181.36. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the district office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate

officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of \$5.00 for home and cabin sites, payable in advance for the entire lease period. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of \$20.00 payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts of approximately 5 acres, in accordance with the classification maps on file in the District Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, being approximately 330 by 660 feet, in compact units.

9. The leases will be made subject to the reservation of a road right-of-way for use of the public, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, as shown on the classification maps on file in the District Land Office, Anchorage, Alaska.

10. All inquiries relating to these lands shall be addressed to the Manager, District Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 49-994; Filed, Feb. 9, 1949;
8:45 a. m.]

NEW MEXICO

CLASSIFICATION ORDER

JANUARY 25, 1949.

1. Pursuant to authority delegated to me by the Director, Bureau of Land Management, by Order No. 323 of August 3, 1948 (43 CFR 50, 451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938, (52 Stat. 609, 43 U. S. C. sec. 682 (a)), as amended, the following described public lands in the Santa Fe, New Mexico land district, embracing 140 acres:

NEW MEXICO SMALL TRACT CLASSIFICATION No. 16

For lease and sale for all purposes mentioned in the act except business.

T. 10 N., R. 6 E., N. M. P. M. in New Mexico
Sec. 5: SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

2. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR, Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 8:30 a. m., mountain standard time, on March 20, 1946, and (b) are for the type of site for which the land subject thereunder has been classified. As to

such applications, this order shall become effective upon the date on which it is signed.

3. As to the land not covered by the applications referred to in paragraph 2, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on March 30, 1949. At that time such lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m., on March 30, 1949 to close of business on June 28, 1949 inclusive, to (1) application under the Small Tract Act of June 1, 1938 by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at 8:30 a. m. on March 20, 1946, or thereafter, up to and including 10:00 a. m. on March 30, 1946, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on June 29, 1949, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous nonpreference right filings.* Applications under the Small Tract Act by the general public filed at 8:30 a. m. on March 20, 1946, or thereafter, up to and including 10:00 a. m. on June 29, 1949 shall be treated as simultaneously filed.

4. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Other persons entitled to credit for service shall file evidence of their right to credit in accordance with 43 CFR 181.36. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications referred to in paragraphs 2 and 3, which shall be filed in the district office at Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the

Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938 will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than 5 years at an annual rental of \$5.00, payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$10.00 per acre, or \$50.00 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

7. All of the lands will be leased and/or sold in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions extending north and south. The tracts, whenever possible, must conform in description with the rectangular system of surveys as one compact unit; i. e., the E $\frac{1}{2}$ or the W $\frac{1}{2}$ of a quarter-quarter-quarter section.

8. Preference right leases referred to in paragraph 2 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract conforms or is made to conform to the area and dimensions specified above.

9. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, the Manager is authorized to accept applications for the remaining 5-acre tract extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified in paragraph 7.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes. Such rights-of-way may be utilized by the Federal Government, or the State, county, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All leases and patents issued shall contain a reservation to the United States of all fissionable material sources and all minerals, together with the right to prospect for, mine, and remove the same under applicable laws and regulations.

12. All inquiries relating to these lands shall be addressed to the Manager, United States District Land Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 49-995; Filed, Feb. 9, 1949; 8:45 a. m.]

NEW MEXICO

SMALL TRACT CLASSIFICATION ORDER NO. 17
JANUARY 25, 1949.

1. Pursuant to authority delegated to me by the Director, Bureau of Land Management by Order No. 323 dated August 3, 1948 (50.451 (b) (3), 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682 (a)), as amended, the following described public lands in the Santa Fe, New Mexico, land district, embracing approximately 327 acres:

NEW MEXICO SMALL TRACT CLASSIFICATION,
No. 17

For lease and sale for combination business and home sites.

T. 9 N., R. 6 E., N. M. P. M., in Bernalillo County, New Mexico.

Sec. 20: S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

containing approximately 17.5 acres.

For home, cabin, camp, health, convalescent and recreational sites.

T. 9 N., R. 6 E., N. M. P. M., in Bernalillo County, New Mexico.

Sec. 19: Lots 5, 6, 7, 8, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 20: E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 28: S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 30: W $\frac{1}{2}$ NW $\frac{1}{4}$.

Sec. 31: E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 8, 9, 10, 11, 12, 13, 14, 15, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

containing approximately 309.5 acres.

2. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 8:30 a. m. mountain standard time on March 20, 1946, and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

3. As to the land not covered by the applications referred to in paragraph 2, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on March 29, 1949. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on March 29, 1949 to close of business on June 28, 1949 inclusive, to (1) application under the Small Tract Act of June 1, 1938 by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279), as amended, and by other qualified persons entitled to credit for-service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims sub-

ject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at 8:30 a. m. on March 20, 1946 or thereafter, up to and including 10:00 a. m. on March 29, 1949, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on June 29, 1949, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous nonpreference right filings.* Applications under the Small Tract Act by the general public filed at 8:30 a. m., on March 20, 1946, or thereafter, up to and including 10:00 a. m. on March 29, 1949 shall be treated as simultaneously filed.

4. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Other persons entitled to credit for service shall file evidence of their right to credit in accordance with 43 CFR 181.36. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications referred to in paragraphs 2 and 3, which shall be filed in the district land office at Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938 will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued.

Leases will be for a period of not more than five years, payable for the entire lease period in advance of the lease. Leases will contain an option to purchase clause at appraised prices as follows:

(a) Combination business and home sites of approximately 2 $\frac{1}{2}$ acres each, \$40.00 per acre or \$100.00 per tract.

(b) Sites of approximately five acres each for all other purposes covered by this order, approximately \$10.00 per acre or \$50.00 per tract.

7. All combination business and home-sites will be leased and/or sold in tracts of approximately 2 $\frac{1}{2}$ acres, each 330 x 330 feet. Sites for other purposes will be leased and/or sold in tracts of approxi-

mately five acres, each approximately 330 x 660 feet with the longer dimensions extending east and west. In accordance with § 257.17 of Title 43 of the Code of Federal Regulations, as amended, lots 5, 6, 7, and 8 of section 19 and lots 8, 9, 10, 11, 12, 13 and 14 of section 31 will be leased and/or sold as units although somewhat in excess of five acres and under the same regulations lot 15 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 31 will be consolidated and handled as a single unit.

8. Preference right leases referred to in paragraph 2 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract conforms or is made to conform to the area and dimensions specified above.

9. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, the Manager is authorized to accept applications for the remaining 5-acre tract extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified in paragraph 7.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All fissionable material sources and all minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the same under applicable laws and regulations.

12. All inquiries relating to these lands shall be addressed to the Manager, United States District Land Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 49-996; Filed, Feb. 9, 1949;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD, FM AND TV BROADCAST STATIONS ASSIGNMENT AND USE OF COMMON CALL LETTERS

The Federal Communications Commission on January 6, 1949, adopted the following general policy with regard to assignment and use of common call letters for Standard, FM, and TV broadcast stations:

Common call letters for the identification of Standard, FM, and TV broadcast stations, with the suffix FM or TV for such associated stations, will be assigned only where the following two elements are present:

(1) That the Standard, FM and TV broadcast stations concerned are located in the same community; and

(2) That the Standard, FM and TV broadcast stations concerned are oper-

ated by the same licensee or by licensees under common control.

For example, a Standard broadcast station using the call letter WXXX, located in City X, will be permitted to use the call letters WXXX-FM or WXXX-TV for its FM or TV stations only if the FM and TV stations are also located in City X. Similarly, an FM station (where the licensee does not also operate a Standard station) located in City Z using the call letters WZZZ or WZZZ-FM will be permitted to use the call letters WZZZ-TV for its TV station only if the TV station is located in City Z.

Where a Standard broadcast station is located in one of several cities comprising a metropolitan district and the FM or TV station is located in another city, although both are part of the same metropolitan district, it will not be permitted to use common call letters for its FM or TV stations.

In this connection, reference is made to §§ 3.30, 3.205, and 3.603 through 3.605 of the Commission's rules and regulations for definitions as to where a station is considered to be located.

The Commission feels that the adoption and administration of this policy will assist station licensees and permittees in avoiding some of the confusion which has arisen in the past with regard to assignment and use of call letters.

The vast majority of existing Standard, FM and TV broadcast stations conform at present with the requirements of the policy set forth above. There are, however, a few cases where Standard and FM or TV stations are operated by the same licensees in different cities and are using common call letters with the suffix FM or TV. The FM and TV stations in these isolated cases will be required to change the call letters of their FM or TV stations to conform with this policy. They will be given until July 1, 1949 within which to make the necessary arrangements.

Released: January 13, 1949.

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

[F. R. Doc. 49-1015; Filed, Feb. 9, 1949;
8:51 a. m.]

[Docket Nos. 9227, 9228]

MATHESON RADIO Co., INC. (WHDH),
AND NATIONAL BROADCASTING Co., INC.
(KOA)

CORRECTED ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re petitions of Matheson Radio Company, Inc. (WHDH), Boston, Massachusetts, Docket No. 9227; and National Broadcasting Company, Inc. (KOA), Denver, Colorado, Docket No. 9228; for reconsideration of Commission action granting the modification of construction permit application (BMP-3757) of Champlain Valley Broadcasting Corporation (WXXK) Albany, New York; for designation of the said modification construction permit application and permittee's license application (BL-3347) for hearing; for termination or modifi-

cation of authority for WXXK to conduct program tests; and for other relief.

At a session of the Federal Communications Committee held at its offices in Washington, D. C. on the 26th day of January, 1949;

The Commission having under consideration (1) a petition, filed August 16, 1948, by Matheson Radio Company, Inc. (WHDH, Boston, Massachusetts) requesting the Commission to reconsider its July 22, 1948 action granting the above-entitled application of Champlain Valley Broadcasting Corporation to modify its construction permit (File No. BP-4740) (850 kc, with 10 kw power, using directional antenna day and night at Albany, New York) so as to specify tolerance values in the pertinent directions; to designate the said modification application and permittee's license application (File No. BL-3347) for hearing; to terminate or modify authority for WXXK to conduct program tests; and for other relief and WHDH's supplemental petition, filed October 18, 1948; (2) a petition, filed August 18, 1948, by National Broadcasting Company, Inc. (KOA, Denver, Colorado) containing requests similar to those set forth in WHDH's August 16, petition; and (3) Champlain Valley Broadcasting Corporation's August 26 and 27 and October 28, 1948 oppositions to the respective WHDH and KOA petitions and the WHDH supplemental petition;

It appearing, that the said petitions raise questions of fact upon which the petitioners should be afforded an opportunity to be heard;

It is ordered, That the said petitions of Matheson Radio Company, Inc. (WHDH, Boston, Massachusetts) and National Broadcasting Company, Inc. (KOA, Denver, Colorado) be, and they are hereby, designated for hearing at 10:00 a. m. on March 1, 1949 at Washington, D. C. upon the following issues:

1. To determine whether the operation of Station WXXK, with the radiation of energy toward the KOA and WHDH service areas restricted to the values contemplated in WXXK's modification of construction permit application (BMP-3757) and the construction permit issued pursuant thereto would result in interference within those service areas and, if so, to determine the extent thereof and the populations affected thereby and the nature of other broadcast services available to such areas and populations.

2. To determine whether the basic design and the actual installation of the WXXK nighttime directional antenna system are such that the array can be adjusted and maintained so as to not radiate more energy toward the KOA or WHDH service areas than is contemplated by the application BMP-3757 and the permit issued pursuant thereto.

3. To determine whether the manner and means of operating and monitoring the WXXK nighttime directional system are in accord with Commission rules and normal Commission requirements and are sufficient to insure operation of the array within the limits contemplated by the application BMP-3757 and the permit issued pursuant thereto, and to determine whether additional operational and maintenance requirements are necessary and feasible.

4. To determine the adequacy of the original and supplemental WKKW proofs of performance, and, if such proofs are inadequate, whether, until an adequate proof has been made, the authority granted WKKW to conduct program tests should be terminated, or, as an alternative, whether the Commission should require a reduction of operating power.

It is further ordered, That Champlain Valley Broadcasting Corporation, permittee of Station WKKW, Albany, New York, be, and it is hereby, made a party to this proceeding.

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

[F. R. Doc. 49-1016; Filed, Feb. 9, 1949;
8:51 a. m.]

[Docket No. 8398]

EVERETT BROADCASTING CO., INC. (KRKO)

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of The Everett Broadcasting Company, Incorporated (KRKO), Everett, Washington, Docket No. 8398, File No. BP-5030; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of January 1949:

The Commission having under consideration the above-entitled application which requests a construction permit to change the facilities of Station KRKO, Everett, Washington, now operating on 1400 kilocycles, with 250 watts power, unlimited time to 1380 kilocycles, 1 kilowatt power, unlimited time, using a directional antenna night;

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

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

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

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

4. To determine whether the installation and operation of the station from

the site proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to blanketing interference, proximity to residential district, and coverage to the city.

5. To determine whether in view of the null and minor lobe over the city broadcast service of adequate quality would be rendered to the city and whether such service would be an efficient utilization of the frequency to serve the area of Everett.

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

[F. R. Doc. 49-1006; Filed, Feb. 9, 1949;
8:47 a. m.]

[Docket No. 9224]

FORT INDUSTRY CO. (WLOK)

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of The Fort Industry Company (WLOK), Lima, Ohio, Docket No. 9224, File No. BP-6865; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of January 1949:

The Commission having under consideration the above-entitled application requesting a construction permit to make changes in the vertical antenna and to mount the FM antenna on top of the AM tower, and to change transmitter location (Geographic coordinates only);

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

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

2. To determine whether the operation of station WLOK as proposed would involve objectionable interference with stations WHBU, Anderson, Indiana, and WHIZ, Zanesville, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

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

It is further ordered, That, the Anderson Broadcasting Corporation, licensee of WHBU, Anderson, Indiana, and South-eastern Ohio Broadcasting System, Inc., licensee of WHIZ, Zanesville, Ohio, be, and they are hereby, made parties to the proceeding.

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

[F. R. Doc. 49-1004; Filed, Feb. 9, 1949;
8:47 a. m.]

[Docket No. 9226]

WESTERN MASSACHUSETTS BROADCASTING
Co.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Western Massachusetts Broadcasting Company, Great Barrington, Massachusetts, Docket No. 9226, File No. BP-6869; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of January 1949:

The Commission having under consideration the above-entitled application which requests a permit to construct a new standard broadcast station to operate on the frequency 1240 kilocycles, with 100 watts power, unlimited time, in Great Barrington, Massachusetts;

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

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

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

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

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

It is further ordered, That the Colgren Broadcasting Company, licensee of Station WHUC, Hudson, New York, be, and

it is hereby, made a party to this proceeding.

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

[F. R. Doc. 49-1005; Filed, Feb. 9, 1949;
8:47 a. m.]

[Docket Nos. 9227, 9228]

MATHESON RADIO Co., Inc. (WHDH),
ET AL.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re petitions of Matheson Radio Company, Inc. (WHDH), Boston, Massachusetts, Docket No. 9227, and National Broadcasting Company, Inc. (KOA), Denver, Colorado, Docket No. 9228; for reconsideration of Commission action granting the modification of construction permit application (BMP-3757) of Champlain Valley Broadcasting Corporation (WXXW), Albany, New York; for designation of the said modification construction permit application and permittee's license application (BL-3347) for hearing; for termination or modification of authority for WXXW to conduct program tests; and for other relief.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 26th day of January 1949;

The Commission having under consideration (1) a petition, filed August 16, 1948, by Matheson Radio Company, Inc. (WHDH, Boston, Massachusetts) requesting the Commission to reconsider its July 22, 1948, action granting the above-entitled application of Champlain Valley Broadcasting Corporation to modify its construction permit (File No. BP-4740) (850 kc, with 10 kw power, using directional antenna day and night at Albany, New York) so as to specify tolerance values in the pertinent directions; to designate the said modification application and permittee's license application (File No. BL-3347) for hearing; to terminate or modify authority for WXXW to conduct program tests; and for other relief and WHDH's supplemental petition, filed October 18, 1948; (2) a petition, filed August 18, 1948, by National Broadcasting Company, Inc. (KOA, Denver, Colorado) containing requests similar to those set forth in WHDH's August 16, petition; and (3) Champlain Valley Broadcasting Corporation's August 26 and 27 and October 28, 1948 oppositions to the respective WHDH and KOA petitions and the WHDH supplemental petition;

It appearing, that the said petitions raise questions of fact upon which the petitioners should be afforded an opportunity to be heard;

It is ordered, That the said petitions of Matheson Radio Company, Inc. (WHDH, Boston, Massachusetts) and National Broadcasting Company, Inc. (KOA, Denver, Colorado) be, and they are hereby, designated for hearing at

10:00 a. m. on March 1, 1949 at Washington, D. C. upon the following issues:

1. To determine whether the operation of Station WXXW, with the radiation of energy toward the KOA and WHDH service areas restricted to the values contemplated in WXXW's modification of construction permit application (BMP-3757) and the construction permit issued pursuant thereto, would result in interference within those service areas and, if so, to determine the extent thereof and the populations affected thereby and the nature of other broadcast services available to such areas and populations.

2. To determine whether the basic design and the actual installation of the WXXW nighttime directional antenna system are such that the array can be adjusted and maintained so as to not radiate more energy toward the KOA or WHDH service areas than is contemplated by the application BMP-3757 and the permit issued pursuant thereto.

3. To determine whether the manner and means of operating and monitoring the WHDH nighttime directional system are in accord with Commission rule and normal Commission requirements and are sufficient to insure operation of the array within the limits contemplated by the application BMP-3757 and the permit issued pursuant thereto, and to determine whether additional operational and maintenance requirements are necessary and feasible.

4. To determine the adequacy of the original and supplemental WXXW proofs of performance, and, if such proofs are inadequate, whether, until an adequate proof has been made, the authority granted WXXW to conduct program tests should be terminated, or, as an alternative, whether the Commission should require a reduction of operating power.

It is further ordered, That Champlain Valley Broadcasting Corporation, permittee of Station WXXW, Albany, New York, be, and it is hereby, made a party to this proceeding.

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

[F. R. Doc. 49-1003; Filed, Feb. 9, 1949;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 485]

GEORGIA POWER Co.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

FEBRUARY 7, 1949.

Notice is hereby given that, on February 4, 1949, the Federal Power Commission issued its order entered February 3, 1949, authorizing amendment of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-1008; Filed, Feb. 9, 1949;
8:48 a. m.]

[Project No. 765]

UTAH POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (TRANSMISSION LINE)

FEBRUARY 7, 1949.

Notice is hereby given that, on February 4, 1949, the Federal Power Commission issued its order entered February 1, 1949, authorizing amendment of license (transmission line) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-1007; Filed, Feb. 9, 1949;
8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATIONS OF AUTHORITY

The fourth paragraph of the Delegations of Authority in the Notices section (14 F. R. 327, January 25, 1949) is amended by changing "February 1, 1949" in the seventh line to read "April 1, 1949."

Approved: February 3, 1949.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 49-993; Filed, Feb. 9, 1949;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte 168]

INCREASED FREIGHT RATES, 1948

NOTICE TO PARTIES AND COUNSEL

FEBRUARY 4, 1949.

The above entitled proceeding is assigned for further hearing at the times and places specified below, before the presiding officers named or such other officers (members of the Commission or hearing examiners) as may be designated hereafter.

Washington, D. C., at the Auditorium of the Department of Commerce, 14th Street and Pennsylvania Avenue NW., March 1, 1949, before Division Two, Commissioners Aitchison, Splawn, and Alldredge, with Chairman Mahaffie designated as an additional member.

Chicago, Illinois, at Hotel Morrison, March 14, 1949, before Division Two.

Montgomery, Alabama, at the State Capitol, March 21, 1949, before Commissioner Alldredge.

San Francisco, California, at the offices of the Public Utilities Commission, State of California, State Office Building, Civic Center, March 28, 1949, before Commissioner Aitchison.

Salt Lake City, Utah, at Hotel Utah, April 4, 1949, before Commissioner Aitchison.

Oklahoma City, Oklahoma, at Hotel Skirvin Tower, April 4, 1949, before Commissioner Splawn.

The hearings will commence at 10 o'clock a. m., Standard Time of the zone in which the city is situated, on the day specified, and will be continued as an-

nounced by the respective presiding officers.

The proceeding is assigned for oral argument before the Commission at its offices in Washington, commencing at 10 o'clock Eastern Standard Time, May 16, 1949.

Scope of hearings. The Commission expects that the hearing at Washington before Division Two, commencing March 1, 1949, will be primarily for the purposes of developing any changes in the situation since the prior hearings in November and December 1948, and of receiving evidence of protestants, as later indicated. Petitioners and interveners will be expected to present the latest figures available showing traffic, revenues, expenses, and earnings together with their best forecast for the year 1949. Petitioners may also present any desired further evidence with respect to the reasonableness of increased rates and charges for protective service.

At the Washington hearing may be presented evidence of a general character by protestants, and also testimony of protesting shippers and others as to specific commodities in eastern territory, including the Pocahontas region. Evidence bearing chiefly on interterritorial relations should be presented here, as far as practicable. It is also expected that testimony as to rates on coal, coke, and iron ore, nation-wide, will be presented at this hearing.

At the regional hearing in Chicago should be presented all testimony of shippers and receivers with respect to rates on grain, forest products, livestock, fresh meat, and packinghouse products, so far as possible.

At the regional hearing in Oklahoma City it is urged that all testimony with respect to the rates on petroleum and petroleum products be presented, so far as possible.

At the regional hearings in Montgomery and San Francisco, testimony with respect to the rates of the water carriers in Gulf coastal and Pacific coast-wise services, respectively, may be presented.

At the regional hearing in Salt Lake City may be presented testimony with respect to the rates on non-ferrous metals.

Notice of intention to produce testimony; verified statements. Parties expecting to present testimony should notify the Commission at its Washington office by February 25th for the Washington hearing, and at least one week in advance of the regional hearing, of their intention to produce oral testimony, and as to the approximate time required, or of their intention to file a verified statement, designating the particular hearing at which such oral testimony or verified statement will be presented. Verified statements, if mailed or sent by express, should be addressed to the Commission at Washington, D. C., for the Washington hearing March 1. Such statements, forwarded for introduction at a regional hearing, should be addressed to the presiding Commissioner named above, at the public building or hotel named, in a package plainly marked "Interstate Commerce Commission Hearing".

Briefs, and oral argument. Opening briefs for all parties will be due May 2, 1949, and reply briefs will be received up until the date of the oral argument, May 16, 1949.

To lighten the burden in service and to lessen the expense of printing unduly large numbers of briefs, the Commission will compile a list of counsel and parties upon whom briefs shall be served. Counsel and parties having a common interest are requested to agree among themselves to receive one brief wherever possible. Particular attention is directed to the requirements of the Commission's General Rules of Practice with regard to the specifications for briefs.

Counsel and parties desiring to receive copies of briefs should notify the Commission on or before April 6, 1949, and indicate (1) whether they desire to receive all briefs, or (2) briefs of the railroads, water carriers, or freight forwarders, or (3) briefs relating to certain named commodities. Failure to respond by April 6, 1949, will be considered as indicating that the counsel or party does not desire to be served with briefs.

As soon as practicable after April 6, 1949, the Commission will compile a service list indicating the names and addresses of those counsel and parties who desire to be served with (1) all briefs, or (2) briefs of the railroads, water carriers, or freight forwarders, or (3) briefs relating to certain named commodities. Such list will be filed in the docket and made public at the office of the Commission in Washington, D. C., and will be sent to parties requesting it.

Seventy-five copies of all briefs should be furnished to the railroad petitioners and interveners, which include copies for the state commissions, and 25 copies should be furnished to the Commission.

General. Proceedings at each hearing will be governed by the special rules of practice attached to the original order of October 4, 1948, in addition to the general rules of practice. Those rules should be consulted and followed.

This notice supersedes the tentative and preliminary notice issued February 1, 1949. Various local difficulties have required modification of the tentative schedule then announced.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-1009; Filed, Feb. 9, 1949; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ORGANIZATION

SUBMITTALS AND REQUESTS

- Sec.
1. General statement.
 2. General organization.
 3. Office of the Secretary.
 4. Division of Hearing Examiners.
 5. Division of Opinion Writing.
 6. Office of the General Counsel.
 7. Office of the Chief Accountant.
 8. Division of Corporation Finance.
 9. Division of Trading and Exchanges.
 10. Division of Public Utilities.
 11. Division of Administrative Services.

- Sec.
12. Division of Personnel.
 13. Division of Budget and Finance.
 14. Regional Offices.
 15. Information, requests and submittals.

SECTION 1. General statement. The Securities and Exchange Commission was created by act of Congress entitled the Securities Exchange Act of 1934. It is an independent agency of the United States Government. The Commission's central office is located at 425 Second Street, Northwest, Washington 25, D. C. It has ten regional offices located in principal cities of the country. The location of these offices is set forth in section 14.

The functions of the Commission are set forth in the following statutes which it administers: The Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. In addition, the Commission has certain duties in connection with court proceedings under Chapter X of the National Bankruptcy Act.

The Securities Act of 1933 is designed to provide disclosure, chiefly through the mechanism of a registration statement and prospectus, of pertinent information concerning securities publicly offered and sold in interstate commerce or through the mails, and makes unlawful fraudulent practices in the sale of such securities.

The Securities Exchange Act of 1934 provides for registration of national securities exchanges, securities listed on such exchanges, brokers and dealers trading in the over-the-counter securities markets, and associations of such brokers and dealers. Market manipulations, deceptive devices, and other fraudulent practices in the purchase or sale of securities are made unlawful and dealings in equity securities by insiders must be reported. The Commission is empowered to regulate the solicitations of proxies or other authorizations from the holders of listed securities, the hypothecation of securities held by brokers or dealers for the account of customers, the business of specialists and odd-lot dealers, and such trading activities as short sales, stabilizing, and excessive dealings by members of national securities exchanges; and to exercise certain supervisory powers over the rules of national securities exchanges and national associations of brokers and dealers. The act authorizes the Commission if in its opinion the public interest so requires, with the approval of the President, summarily to suspend all trading on any national securities exchange for a period not exceeding ninety days.

The Public Utility Holding Company Act of 1935 requires the registration of companies in holding company systems engaged in the electric utility business or in the retail distribution of gas and their geographic integration and corporation simplification, provides for the regulation of security transactions, acquisitions and sales of assets, dividend payments, solicitation of proxies, intercompany loans, service, sales and construction contracts and accounting practices of such companies and makes unlawful

political contributions by such companies, and makes unlawful political contributions by such companies.

The Trust Indenture Act of 1939 provides that issues of debt securities, with certain exceptions, may not be offered for sale to the public unless they are issued under a trust indenture which conforms to specific statutory standards designed to safeguard the interests of purchasers.

The Investment Company Act of 1940 requires the registration of investment companies and provides for their regulation. The act prescribes qualifications and affiliations of officers and directors, requires that certain matters receive stockholder approval and requires Commission approval of certain transactions such as dealings between affiliates and insiders.

The Investment Advisers Act of 1940 requires the registration of persons engaged in the business of advising others with respect to security transactions and outlaws fraudulent practices and certain specified transactions by them.

SEC. 2. General organization. The Commission is composed of five members, not more than three of whom may be members of the same political party. They are appointed by the President, with the advice and consent of the Senate, for five-year terms, one of which expires each year. One of the five commissioners is elected chairman annually. The Commission is assisted in the performance of its duties by a staff of professional employees, including lawyers, accountants, engineers, and corporation analysts, and by administrative and clerical employees. The staff has been organized into the following separate divisions and offices, which are directly responsible to the Commission and act pursuant to its directions and orders:

- Office of the Secretary.
- Division of Hearing Examiners.
- Division of Opinion Writing.
- Office of the General Counsel.
- Office of the Chief Accountant.
- Division of Corporation Finance.
- Division of Trading and Exchanges.
- Division of Public Utilities.
- Division of Administrative Services.
- Division of Personnel.
- Division of Budget and Finance.
- Regional Offices.

A description of the organization and functions of each of these divisions and offices appears below.

SEC. 3. Office of the Secretary. The Secretary (or his assistant) attends meetings of the Commission and is responsible for the preparation and maintenance of the official Minute Record of its actions. He is custodian of the Commission's official seal, with power to certify and authenticate documents reflecting official action of the Commission, and performs other and related duties.

The Office of the Secretary is the chief information center of the Commission to which inquiries of press representatives and general inquiries of the public should be directed.

SEC. 4. Division of Hearing Examiners. The hearing examiners preside at hearings, make rulings relating thereto, and in certain cases issue recommended deci-

sions. In addition to presiding at hearings required to be conducted pursuant to sections 7 and 8 of the Administrative Procedure Act, hearing examiners occasionally preside over hearings held pursuant to the Commission's power to make examinations and investigations; in such instances the hearing examiners' duties are primarily to maintain order, to receive evidence and to rule impartially on objections; they take no part in the development of the facts nor do they consult privately with those members of the Commission's staff engaged in the investigative or prosecuting functions. The hearing examiners are assigned by the Commission to cases in rotation so far as practicable.

SEC. 5. Division of Opinion Writing. This Division assists the Commission in the preparation of its opinions in contested and certain other cases and performs related functions and other special assignments. In the preparation of opinions in contested cases it functions independently of the Commission's staff.

This Division is headed by a Director, assisted by an Assistant Director, supervising attorneys, staff attorneys and a financial analyst.

SEC. 6. Office of the General Counsel. The General Counsel is the Commission's chief legal officer. The office coordinates all the legal activities of the Commission, providing advice and assistance to the operating divisions, regional offices, and the Commission with respect to the interpretation of statutory provisions, rule making, analysis of proposed legislation, and other legal problems arising in the administration of the several laws. It directs and supervises all contested litigation in the district courts (other than certain enforcement proceedings under the Holding Company Act, the Division in charge having its own counsel) and represents the Commission in all cases in the appellate courts, filing briefs and presenting oral arguments in behalf of the Commission. It also reviews all reports recommending reference to the Department of Justice for criminal prosecution and advises the Commission with respect thereto.

This office has a staff composed of the General Counsel, the Associate General Counsel, the Assistant General Counsel, Special Counsels, and staff attorneys.

Inquiries relating to the work of this office may be directed to the General Counsel or the Associate or Assistant General Counsel.

SEC. 7. Office of the Chief Accountant. The Chief Accountant is the Commission's chief adviser on all accounting matters. He has general supervision over the execution of Commission policy with respect to accounting and auditing principles or practices and over the procedures to be followed in audits or accounting investigations. He is responsible for the drafting and interpretation of rules and regulations governing the form and content of financial statements to be filed with the Commission, including uniform systems of accounts. He also prepares for publication releases on accounting questions of general interest and application.

This office is composed of the Chief Accountant, Assistant Chief Accountant, and a number of staff accountants. In addition, the Chief Accountant supervises the work of three Assistant Chief Accountants assigned to and directly responsible for the accounting work in the various divisions.

Questions of accounting and auditing procedure involving particular registrants may be presented to the Assistant Chief Accountant of the division involved, or may be presented directly to the Chief Accountant where controversial or novel issues are involved. Registrants or others interested may also request the Chief Accountant to review accounting interpretations made in the divisions. General questions should be presented to the Chief Accountant.

SEC. 8. Division of Corporation Finance. (a) This Division has certain duties and responsibilities in connection with the Commission's administration and enforcement of the provisions of the Securities Act of 1933, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the registration, reporting, proxy and certain fraud provisions of the Securities Exchange Act of 1934 (exclusive of all provisions relating specifically to brokers and dealers and national securities exchanges and associations), and the provisions of the Public Utility Holding Company Act of 1935 relating to certain proxies, ownership reports; and in connection with the Commission's advisory functions under Chapter X of the National Bankruptcy Act.

(b) *Office of the Director.* Supervision of all activities of the Division rests in the Director. His office includes an Associate Director, Special Advisers to the Director on certain phases of the Division's work such as reorganization matters under Chapter X of the National Bankruptcy Act and the promulgation of forms and regulations, and a Records and Statistics Section which assigns all incoming material for examination, maintains a central record system, collates and tabulates data for Commission publication, and furnishes statistical data to regional offices and other government agencies.

Directly under the Office of the Director are the Assistant Directors, and the Office of Assistant Chief Accountant.

(c) *Examining Staff.* This staff is responsible for the examination of and initial action upon registration statements, prospectuses, offering sheets, proxy statements, periodic and ownership reports, applications for qualification of indentures, requests for confidential treatment, and other documents filed with the Commission, and also the various documents filed, and plans and proposals arising, in court proceedings under Chapter X of the National Bankruptcy Act in which the Commission is interested. Members of this staff also represent the Division in administrative proceedings arising in connection with the work of the Division.

There are a number of Examining Sections, the work of which is under the supervision and review of the Assistant Directors. Each section consists of a

Section Chief, accountants, attorneys and corporation analysts.

In addition, there are the following special sections which are charged with certain exclusive examining functions as well as duties in connection with the work of the Examining Sections: A Mines Section, headed by an engineer; an Oil and Gas Section, which is headed by a Petroleum Engineer and includes petroleum geologists and attorneys, and which receives and processes filings pursuant to Regulations B and B-T (17 CFR, 230.306 et seq. and 230.360 et seq.) promulgated under section 3 (b) of the Securities Act; and an Ownership Reports Section.

In addition, a Registration Unit, headed by a chief and including accountants, attorneys and corporation analysts, is maintained in the Commission's regional office at San Francisco.

The Division contains a special unit which reviews the material filed in the Regional Offices pursuant to Regulations A and A-M (17 CFR, 230.220 et seq. and 17 CFR, 1945 Supp. 230.240) promulgated under section 3 (b) of the Securities Act of 1933.

Inquiries as to the required form and contents of registration statements, reports and other filings may be addressed to the Director of the Division, the Associate Director, or an Assistant Director if he has handled previous filings of the registrant or applicant.

This Division also renders advice to members of the public on inquiries relating to the interpretation and application of statutes which are under its cognizance. Inquiries on such matters should, therefore, be directed to this Division.

(d) *Office of Assistant Chief Accountant.* Under the supervision of the Chief Accountant, the Office of Assistant Chief Accountant is directly responsible for and supervises the accounting work of the examining staff and the Registration Unit in the San Francisco Regional Office. The Office of the Assistant Chief Accountant acts in a consulting capacity and renders assistance to other sections and officers of the Division.

Inquiries of an accounting nature relating to the work of the Division should be directed to this office.

Sec. 9. Division of Trading and Exchanges. (a) This Division has certain duties and responsibilities in connection with the administration of the Securities Exchange Act of 1934 relating to registration and regulation of national securities exchanges, national securities associations, and over-the-counter brokers and dealers, including regulation of trading on exchange markets and over-the-counter markets. It also has duties and responsibilities with respect to registration of investment advisers under the Investment Advisers Act of 1940. It has administrative supervision of the investigative and enforcement activities of the Commission under the Securities Exchange Act (except sections 14 and 19 (a) (2)), the Investment Advisers Act, the Securities Act (except section 8), and the Investment Company Act (other than investigations incident to the administrative processing of applications, reports, and other statements or docu-

ments required to be filed under that act, and investigations incident to administrative proceedings under that act). The Division also has charge of investigative and enforcement activities under section 12 (h) of the Public Utility Holding Company Act which prohibits certain political contributions.

(b) The Director supervises all activities of the Division. His office includes an Associate Director. Directly under the office of the Director are the Assistant Directors in charge of the various branches of the Division, and the office of Assistant Chief Accountant.

(c) The Division is divided into four branches: branch of trading practices and exchange markets, branch of over-the-counter markets, branch of enforcement and interpretation, and branch of industry and financial analysis, the work of which is under the supervision and review of the assistant directors.

The branch of trading practices and exchange markets includes the section of exchange registration and regulation which is responsible for examination of and initial action upon registration statements and amendments thereto filed by national securities exchanges and for the review of the rules of such exchanges; and the section of stabilization and manipulation which makes studies of market prices of securities, supervises investigations of market manipulations and possible violation of the Commission's stabilization regulations, and advises issuers, underwriters, and their counsel concerning technical application of the stabilizing rules.

The branch of over-the-counter markets includes the section of broker-dealer and investment adviser registration which is responsible for examination of and initial action upon applications for registration and periodic reports filed by brokers and dealers and investment advisers; and the over-the-counter enforcement section which reviews broker-dealer inspection reports and has general direction of investigations of alleged violations by over-the-counter brokers and dealers and investment advisers and administrative proceedings before the Commission relating to such violations. This branch also includes a special consultant who is responsible for the examination of and initial action upon registration statements and amendments thereto filed by national securities associations of over-the-counter brokers and dealers, the review of their rules, and the performance of other functions relating to such associations.

The branch of enforcement and interpretation has administrative supervision over investigations and complaints except those involving manipulation of markets and possible violation of the stabilization rules, those involving brokers and dealers and investment advisers, and those directed primarily to the institution of administrative proceedings. It conducts investigations involving violations of section 12 (h) of the Public Utility Holding Company Act of 1935 and such other investigations as may be directed by the Commission. Within the scope of the Division's duties as set forth in paragraph (a) hereof, this branch has general supervision of uncontested civil

actions handled by regional offices. This branch also has general supervision of interpretation of the statutes, rules and regulations under the jurisdiction of the Division and one of the attorneys in this branch reviews interpretations and opinions given by regional offices and by the various branches of the Division. This branch also includes a special counsel who handles all applications for the delisting of securities from national securities exchanges and performance of other functions related thereto.

The branch of industry and financial analysis includes the section of financial analysis which prepares quarterly data on the volume and composition of individual and corporate savings and the sources and uses of corporate funds, including analyses of the working capital position and capital expenditures of corporations, quarterly balance sheet and income data on all manufacturing corporations, monthly statistics on new securities offerings, quarterly data on securities retirements, and also prepares special studies in the field of capital markets; and the section of market and industry analysis which prepares a series of reports entitled "The Survey of American Listed Corporations" containing financial data concerning corporations that file reports with the Commission, conducts special statistical studies in securities transactions, data on quarterly sales, data on investment companies and registered broker-dealers, and statistics on registrations of securities, underwritings, and costs of flotation of these securities.

Inquiries relating to the work of the aforementioned branches should be directed to the Director of the Division.

(d) The office of the Assistant Chief Accountant, under the supervision of the Chief Accountant, is responsible for and supervises the accounting work of the Division. Inquiries of an accounting nature relating to the work of the Division should be directed to the Assistant Chief Accountant.

Sec. 10. Division of Public Utilities. (a) This Division has certain duties and responsibilities in connection with the Commission's administration and enforcement of the provisions of the Public Utility Holding Company Act of 1935, except those provisions relating to certain proxies, ownership reports and political contributions.

(b) *Office of the Director.* The Director supervises all activities of the Division. His office includes an Associate Director.

Under the Office of the Director are the Assistant Directors in charge of the examining staff, the Office of Chief Counsel, the Office of Assistant Chief Accountant, and the Engineering and Special Studies Sections.

(c) *Branch of Examination and Enforcement.* This branch is responsible for the examination of an initial action upon registration statements, applications, declarations and other documents filed with the Commission pursuant to the Public Utility Holding Company Act of 1935. Members of the branch represent the Division in administrative proceedings before the Commission.

There are a number of examining sections, the work of which is under the direct supervision of the Assistant Directors. Each of these sections, which has assigned to it a number of holding company systems, is headed by a Section Chief and includes accountants, attorneys, and financial analysts.

Inquiries as to a holding company or its subsidiaries may be directed to the Director or the Assistant Director to whom the holding company system has been assigned.

(d) *Office of Chief Counsel.* To the extent that the functions of the Division are involved, the Chief Counsel has primary responsibility for trial court litigation and assists the General Counsel in appellate and amicus curiae litigation. The Chief Counsel consults with and advises the Commission and also other officers and sections of the Division on legal problems. He is also responsible for the drafting of rules and regulations.

This office consists of the Chief Counsel, Special Counsel, and staff attorneys. The Chief Counsel renders advice to members of the public on procedural and legal aspects of the Division's work. Inquiries on such subjects should be directed to this office.

(e) *Branch of Accounting.* Under the supervision of the Chief Accountant, the Assistant Chief Accountant is directly responsible for and supervises the accounting work in the examining sections of the Division. This branch acts in a consulting capacity and renders assistance to the examining staff and officers of the Division. This branch has a Section of Original Cost Study.

Inquiries of an accounting nature relating to the work of the Division should be directed to this branch.

(f) *Section of Engineering.* This section is composed of a staff of engineers and accountants and is assigned special problems of research relating to the work of the Division.

(g) *Section of Special Studies.* This section is composed of accountants and analysts and is assigned special problems relating to the work of the Division.

SEC. 11. Division of Administrative Services. This division, headed by a Director, is responsible for the administrative, clerical and other business management activities of the Commission and has custody of the dockets and files of the Commission.

SEC. 12. Division of Personnel. This division, headed by the Director of Personnel, is responsible for all personnel administration and management functions.

SEC. 13. Division of Budget and Finance. This Division, headed by the Director, is responsible for the preparation and justification of the Commission's budget estimates and for all fiscal matters.

SEC. 14. Regional Offices. (a) The administration of the statutes over which the Commission has jurisdiction (with the exception of those provisions of the Public Utility Holding Company Act which are effectuated by the Division of Public Utilities) is expedited through the maintenance of 10 regional

offices located in the principal cities of the country. A list of these offices and the zones assigned to each is set forth in paragraph (e) below. The operation of the regional offices is directed, supervised and reviewed by the central office divisions.

(b) The regional offices advise on the requirements of the acts (with the exception noted above) and render interpretive opinions, except that where novel questions are presented they are referred directly to the central office. They conduct preliminary investigations of alleged statutory violations and investigations formally ordered by the Commission. They make reports of their investigations to the Division of Trading and Exchanges and, where criminal action is recommended, to the Office of the General Counsel. The regional offices also conduct periodic inspections of the books and records and methods of doing business of all registered brokers and dealers and investment advisers within their respective region. Under the supervision of the Division of Trading and Exchanges in uncontested cases and under the supervision of the General Counsel in contested cases, the regional offices generally represent the Commission in connection with litigation pending in the trial courts, as well as in certain types of administrative proceedings, and follow closely reorganization proceedings under Chapter X of the Bankruptcy Act in which the Commission is interested, and with respect to such proceedings appear in court, participate in conferences and submit recommendations to the Division of Corporation Finance.

(c) The regional offices receive and initially review certain conditional exemption filings, namely, filings under Regulation A (17 CFR, 230.220 et seq.) and under Regulation A-M (17 CFR, 1945 Supp. 230.240). As will be noted under "Submittals" (section 15 (b)), the regional offices in Cleveland and San Francisco are also authorized to accept the filing of certain registration statements under the Securities Act of 1933 and certain applications for qualification of indentures under the Trust Indenture Act of 1939. The examination and processing of registration statements and applications for qualification of indentures filed in the San Francisco Regional Office are conducted by that office under the direction of the central office, whereas those filed in the Cleveland Regional Office are forwarded to the central office to be examined and processed.

(d) Each regional office is headed by a Regional Administrator, who is responsible to the Commission, and is staffed with such attorneys, accountants, and investigators as are required to execute the functions of the office. In addition, the regional offices at New York City and Chicago each have an Assistant Regional Administrator, and the New York Office has a Reorganization Unit headed by a Special Counsel.

(e) *Regional and Branch Offices—(1) Regional offices.*

ZONE 1: New York, New Jersey, and Pennsylvania. Regional office—Room 2006, Equitable Building, 120 Broadway, New York 5, N. Y.

ZONE 2: Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and Maine. Regional office—Room 501, Post Office Square Building, 79 Milk Street, Boston 9, Mass.

ZONE 3: Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, and the portion of Louisiana east of the Atchafalaya River. Regional office—Room 322, Atlanta National Building, Whitehall and Alabama Streets, Atlanta 3, Ga.

ZONE 4: Ohio, Michigan, Indiana, and Kentucky. Regional office—Room 1608, Standard Building, 1370 Ontario Street, Cleveland 13, Ohio.

ZONE 5: Minnesota, Wisconsin, Iowa, Illinois, Missouri, and Kansas City, Kansas. Regional office—Room 630, Bankers Building, 105 West Adams Street, Chicago 3, Ill.

ZONE 6: Oklahoma, Arkansas, Texas, Kansas (with the exception of Kansas City), and the portion of Louisiana west of the Atchafalaya River. Regional office—Room 103 United States Courthouse, Tenth and Lamar Streets, Fort Worth 2, Tex.

ZONE 7: Wyoming, Colorado, New Mexico, Nebraska, North Dakota, South Dakota, and Utah. Regional office—Room 822, Midland Savings Building, 444 Seventeenth Street, Denver 2, Colo.

ZONE 8: California, Nevada, Arizona, and Hawaii. Regional office—Room 308, Appraisers Building, 630 Sansome Street, San Francisco 11, Calif.

ZONE 9: Washington, Oregon, Idaho, Montana, and Alaska. Regional office—Room 810, 1411 Fourth Avenue, Seattle 1, Wash.

ZONE 10: Virginia, West Virginia, Maryland, Delaware, and District of Columbia. Regional office—425 Second Street NW. (South Building), Washington 25, D. C.

(2) *Branch offices.* The Commission also maintains the branch offices set forth below, which are generally under the supervision of the regional office for the zone in which the branch office is located. These offices are maintained primarily to assist the Commission in its investigative activities. In addition, the Los Angeles office offers generally assistance similar to that afforded by the regional offices and the Tulsa office renders advice in connection with problems relating to oil and gas securities.

Room 1074, Federal Building, Detroit 26, Mich.

Room 1006, United States Courthouse and Customs House, 1114 Market Street, St. Louis 1, Mo.

Room 500, Pioneer Building, Fourth and Roberts Streets, St. Paul 1, Minn.

Room 1737, United States Post Office and Courthouse, 312 North Spring Street, Los Angeles 12, Calif.

Room 327, Wright Building, Tulsa 3, Okla.

SEC. 15. Information, requests, and submittals—(a) Information and requests. The officers to whom inquiries should be directed have been noted above. In addition, a detailed description of the various methods that may be employed to secure advice and to consult with members of the staff on problems relating to the statutes and regulations administered by the Commission is discussed in connection with available informal procedures described in the material published at 17 CFR, Part 202.

The Commission maintains public reference rooms at its central office and in its regional offices in New York City and Chicago.

Copies of all public information on file with the Commission, contained in registration statements, applications, reports, declarations, and other public

documents, are available for inspection in the public reference room at Washington, D. C.

In the Commission's New York Regional Office facilities are provided for the inspection of certain public information, including applications for registration of securities on all national securities exchanges, except the New York Stock Exchange and the New York Curb Exchange (which are available at the respective exchanges), together with copies of annual reports, supplemental reports and amendments thereto, and annual reports filed pursuant to the provisions of section 15 (d) of the Securities Exchange Act of 1934.

In the Chicago Regional Office copies of applications for registration of securities on the New York Stock Exchange and the New York Curb Exchange, together with copies of all annual reports, supplemental reports and amendments thereto, are available for public inspection.

In addition, there are available in each of the Commission's regional offices copies of all prospectuses used in public offerings of securities effectively registered under the Securities Act of 1933. Duplicate copies of applications for registration of brokers or dealers transacting business on over-the-counter markets, together with supplemental statements thereto, filed under the Securities Exchange Act of 1934, and duplicate copies of applications for registration of investment advisers and supplemental statements thereto filed under the Investment Advisers Act of 1940, are available for inspection in the regional office having jurisdiction over the zone in which the registrant's principal office is located. Also, copies of letters of notification under Regulation A (17 CFR 230.220 et seq.) are available for inspection at the particular regional office where filed. Copies of registration statements of national securities exchanges and supplemental amendments thereto are also available for inspection in the regional office for the zone in which the stock exchange is located.

In the Commission's San Francisco and Cleveland Regional Offices copies of registration statements and applications for qualifications of indentures filed at those offices are available for public inspection.

Copies of all applications for permanent registrations of securities on national securities exchanges are available for public inspection at the respective exchanges upon which the securities are registered.

Photocopies of registration statements, reports, and other public material filed with the Commission, or portions thereof, as well as transcripts of public hearings, may be obtained from the Administrative Division at the cost of photocopying.¹

¹ Photocopies of any material filed with the Commission and available for public inspection will be sold to the public at the following rates per photocopy, except Registration Record Reference Cards, whether several copies of a single original page or one or more copies of several original pages are ordered: 10 cents per photocopy of each page, for all copies up to and including 100 in a

The Commission's decisions, reports, orders, rules and regulations are published initially in the form of releases and mailed to persons on the mailing lists to receive them. The decisions and reports thereafter are printed in bound volumes entitled "Securities and Exchange Commission Decisions and Reports"; these volumes may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C. Other material is also released in mimeograph form, and interested persons may have their names placed on the Commission's mailing lists to receive any one or more of the several classes of these releases. A classification of releases appears below as Appendix A of this paragraph. Copies of certain rules and regulations, guides to forms, and certain reports set forth in Appendix B of this paragraph may be procured from the Division of Administrative Services. Copies of the statutes, certain rules and regulations, release compilations, and certain reports set forth in Appendix C of this paragraph may be procured from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C. The Commission has published material set forth in Appendix D of this paragraph which is now out of print but may be examined in the Commission's Washington Office.

The Commission also publishes its annual report to the Congress which sets forth the results of the Commission's operations during the past fiscal year under the various statutes committed to its charge. The Commission's report to the Congress for the fiscal year ended June 30, 1944, surveyed the Commission's activities and operations during the first ten years of its existence. Printed copies of the annual reports may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Current reports not available in printed form at the Government Printing Office may be obtained from the Division of Administrative Services.

APPENDIX A

Mailing lists are maintained in the following classifications only:

1. *The Registration Record.* A daily summary of all the registration events occurring

single order; 7 cents per photocopy of each page, for all copies over 100 in a single order.

Estimates as to prices for copies and the time required for their preparation will be furnished upon request. Payment should accompany the order, if practicable. If an order is received and insufficient or no payment accompanies it, the party requesting the photocopies will be informed of the actual charge before preparation of the photocopies is started.

Photocopies of Registration Record Reference Cards, which comprise a daily summary of all the registration events occurring under the Securities Act of 1933 and the Trust Indenture Act of 1939 for a particular company, will be sold to the public at 25 cents per copy.

Payment must be made in cash, or by United States postal money order or certified bank check payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission. Postage stamps will not be accepted.

under the Securities Act of 1933 and the Trust Indenture Act of 1939.

2. *Securities Exchange Act of 1934.* Gists of opinions, orders, hearing notices, rules, and all other announcements relating to this act, but excludes any announcements (including rules) relating to the over-the-counter securities business.

3. *Over-the-Counter Securities Business.* Gists of opinions, orders, rules, and all other announcements relating to over-the-counter brokers and dealers.

4. *Gists of Holding Company Act Releases.*

5. *Holding Company Act Opinions, Plus Gists.* Above classifications relate to releases under the Public Utility Holding Company Act of 1935, including opinions, orders, hearing notices, rules, and all other announcements under the act, for which the two mailing lists (4 and 5) are maintained. Selection of gists only is recommended wherever they will serve one's needs.

6. *Securities Act of 1933; Trust Indenture Act of 1939.* Gists of opinions, orders, rules, and all other announcements relating to these acts, but excludes the Registration Record and any announcements (including rules) relating to oil and gas royalty securities and dealers.

7. *Corporate Reorganizations.* Gists of announcements relating to the Commission's activities under, and advisory reports filed with Courts pursuant to Chapter X of the Bankruptcy Act, as amended.

8. *Accounting Releases.* Includes published opinions by the Chief Accountant and other accounting material.

9. *Rules.* A special classification for those who wish to receive all rules, and amendments to all rules, adopted under all of the acts administered by the Commission.

10. *Oil and Gas Royalties Securities and Dealers.* Includes all announcements and rules relating to oil and gas royalties securities and dealers.

11. *Investment Advisers Act of 1940.* Gists of opinions, orders, hearing notices, rules, and all other announcements relating to this act.

12. *Investment Company Act of 1940.* Gists of opinions, orders, rules, and all other announcements relating to this act.

13. *Transaction Summary.* A monthly summary of security transactions and holdings reported under the provisions of the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Investment Company Act of 1940 by officers, directors, and certain other individuals.

14. *Securities Traded on Exchanges.* Annual directory and monthly supplements of securities traded on national securities exchanges.

15. *Trading Data on New York Exchanges.* Issued weekly presenting daily round-lot and odd-lot transactions effected on the New York Stock Exchange and the New York Curb Exchange. (Material also included in Statistical Bulletin.)

16. *Individuals' saving.* Releases issued quarterly presenting data on the Volume and Composition of Individuals' Saving. (Material also included in Statistical Bulletin.)

17. *Plant and equipment expenditures.* Releases issued quarterly presenting data on plant and equipment of U. S. business, both actual and anticipated. (Material also included in Statistical Bulletin.)

18. *Industrial financial data.* Quarterly releases presenting (a) balance sheet and income data for all U. S. Manufacturing Corporations, a joint study of SEC and Federal Trade Commission; and (b) data on Net Working Capital of all U. S. Corporations. (Working Capital data also included in Statistical Bulletin.)

19. *Statistical Bulletin.* Issued monthly, presenting analyses of registrations and underwritings of securities; of new securities

offered for cash sale; of trading on stock exchanges, round-lot and odd-lot trading on New York exchanges, special offerings, and secondary offerings by exchange members; and other financial data, including that released under Classification 15, 16, 17, and Working Capital data under 18.

20. *Working capital, registered companies.* Supplemental schedules issued semi-annually showing detailed working capital figures for registered companies reporting to the Commission.

21. *Survey series annual reports.* Announcements of and summarized data included in reports compiled by SEC Survey of American Listed Corporations, containing data (by company and by industry) contained in corporate reports filed with the Commission. Survey Reports available for inspection only in SEC offices and selected list of libraries.

22. *Survey series quarterly sales data.* Compilation of quarterly sales data reported by listed companies (two releases, issued quarterly; one showing aggregate quarterly sales figures for last five quarters and the other individual company and industry figures for last two quarters and previous year's comparable quarter).

23. *Survey series investment company data.* Includes quarterly data on open-end and closed-end investment companies filing reports with the Commission.

24. *Survey series annual data on brokers and dealers.* Includes principal resources and liabilities of brokers and dealers registered with the Commission showing aggregate data for all brokers and dealers reporting, for New York Stock Exchange Members, and for firms in each of ten geographical areas.

25. *Table of decisions and reports.* A periodic index to decisions and reports made public by the Commission and not currently available in bound volume.

APPENDIX B

Copies of the material listed below may be procured from the Division of Administrative Services of the Commission:

Rules, regulations, and forms

Guide to Forms Adopted under the Securities Act of 1933.

Guide to Forms Adopted under the Securities Exchange Act of 1934.

General Rules and Regulations under the Trust Indenture Act of 1939.

General Rules and Regulations under the Investment Company Act of 1940.

Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies.

Uniform System of Accounts for Public Utility Holding Companies.

Reports submitted by the Commission to the Congress

Report on the Feasibility and Advisability of the Complete Segregation of the Functions of Dealer and Broker (1936).

Report on Proposals for Amendments to the Securities Act of 1933 and the Securities Exchange Act of 1934 (1941).

Reports submitted by the several divisions to the Commission.

Report on Secondary Distributions of Exchange Stocks (1942).

Statistical and other data

Cost of Flotation for Small Issues—1925-29 and 1935-38.

Cost of Flotation for Registered Securities—1938-39, 1940-41.

Work of the Securities and Exchange Commission. (This pamphlet describes briefly the duties and activities of the Commission.)

Miscellaneous

List of Companies Registered under the Investment Company Act of 1940 including

Classification, Date of Registration, and Securities and Exchange Commission File Number.

APPENDIX C

The following publications may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.:

<i>Acts</i>	<i>Price</i>
Securities Act of 1933, as amended.....	\$0.10
Securities Exchange Act of 1934, as amended.....	.10
Public Utility Holding Company Act of 1935.....	.10
National Bankruptcy Act, as amended June 22, 1938.....	.15
Trust Indenture Act of 1939.....	.10
Investment Company Act of 1940.....	.15
Investment Advisers Act of 1940.....	.15
<i>Rules and regulations</i>	
General Rules and Regulations under the Securities Act of 1933.....	.15
General Rules and Regulations under the Securities Exchange Act of 1934.....	.25
Regulation S-X Form and Content of Financial Statements, under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Company Act of 1940.....	.25
General Rules and Regulations under the Public Utility Holding Company Act of 1935.....	.15
Rules of Practice.....	.05
<i>Compilation of releases</i>	
Compilation of Accounting Series Releases, to and including Aug. 5, 1947, (Nos. 1 to 63, inclusive).....	.35
Accounting Series Release No. 64.....	.10
Accounting Series Release No. 65.....	.05
Accounting Series Release No. 66.....	.05

Decisions and reports of the Commission (buckram bound)

Volume 1 (July 2, 1934, to Dec. 31, 1936).....	1.75
Volume 2 (Jan. 1, 1937, to Dec. 31, 1937).....	1.75
Volume 3 (Jan. 1, 1938, to Oct. 31, 1938).....	1.75
Volume 4 (Nov. 1, 1938, to May 31, 1939).....	2.00
Volume 5 (June 1, 1939, to Sept. 30, 1939).....	2.00
Volume 6 (Oct. 1, 1939, to Mar. 31, 1940).....	2.00
Volume 7 (Apr. 1, 1940, to Aug. 31, 1940).....	2.00
Volume 8 (Sept. 1, 1940, to Mar. 31, 1941).....	2.00
Volume 9 (Apr. 1, 1941, to Aug. 31, 1941).....	2.00
Volume 10 (Sept. 1, 1941, to Feb. 28, 1942).....	2.50
Volume 11 (Mar. 3, 1942, to Aug. 31, 1942).....	3.50
Volume 12 (Sept. 1, 1942, to Mar. 31, 1943).....	3.00
Volume 13 (Apr. 1, 1943, to Aug. 15, 1943).....	2.50
Volume 14 (Aug. 16, 1943, to Dec. 15, 1943).....	3.25

Judicial decisions

Volume 1 (buckram bound volume comprising court decisions, reported and unreported, in civil and criminal cases involving statutes administered by the Commission to Dec. 31, 1939).....	2.00
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Reports submitted by the Commission to the Congress

Annual Reports of the Commission. These reports number 13 to date; the tenth includes a "Ten Year Survey" of the work and activities of the Commission (prices submitted upon request).

Reports submitted by the Commission to the Congress—Continued

Report on the Study and Investigation of the Work, Activities, Personnel, and Functions of Protective and Reorganization Committees:	
Part I. Strategy and Techniques of Protective and Reorganization Committees (1937).....	\$1.00
Part II. Committees and Conflicts of Interest (1937).....	.60
Part III. Committees for the Holders of Real Estate Bonds (1936).....	.25
Part IV. Committees for Holders of Municipal and Quasi-Municipal Obligations (1936).....	.15
Part V. Protective Committees and Agencies for Holders of Defaulted Foreign Governmental Bonds (1937).....	1.00
Part VI. Trustees Under Indentures (1936).....	.20
Part VII. Management Plans Without Aid of Committees (1938).....	.60
Part VIII. A Summary of the Law Pertaining to Equity and Bankruptcy Reorganizations and of the Commission's Conclusions and Recommendations (1940).....	.50
Report on the Study of Investment Trusts and Investment Companies:	
Part 1. The Nature, Classifications, and Origins of Investment Trusts and Investment Companies (1938).....	1.20
Part 2. Statistical Survey of Investment Trusts and Investment Companies (1939).....	1.25
Part 3. Abuses and Deficiencies in the Organization and Operation of Investment Trusts and Investment Companies:	
Chapters 1 and 2 (1939).....	1.00
Chapters 3 and 4, and 5 (1939).....	1.00
Chapter 6 (1940).....	1.00
Chapter 7 (1941).....	.35
Part 4. Control and Influence Over Industry and Economic Significance of Investment Companies:	
Chapters 1 and 2 (1941).....	.45
Part 5. Conclusions and Recommendations (1941) (parts 4 and 5 are included in one book).....	.45
<i>Reports submitted by the Commission to the Congress</i>	
Supplemental reports issued in connection with the Report on the Study of Investment Trusts and Investment Companies:	
Investment Trusts in Great Britain (1939).....	.15
Investment Counsel, Investment Management, Investment Supervisory, and Investment Advisory Services (1939) (Out of print, but may be examined at the Commission's central office).....	.15
Commingle or Common Trust Funds Administered by Banks and Trust Companies (1939).....	.10
Fixed and Semifixed Investment Trusts (1940).....	.40
Companies Sponsoring Installment Investment Plans (1939).....	.25
Companies Issuing Face Amount Installment Certificates (1940).....	.25
A Proposal to Safeguard Investors in Unregistered Securities, recommending amendments to the Securities Exchange Act of 1934 (1946).....	.15

Reports of investigations

In the matter of Richard Whitney et al.:	
Volume 1. Report of the Commission (1938).....	.20
Volume 2. Transcript of Hearing (1938).....	1.00
Volume 3. Exhibits (1938).....	.55

APPENDIX D

The following material has been published but is now out of print; it may be examined in the Commission's Washington Office or (in some instances) at Depository Libraries:

Compilation of Releases under the Securities Act of 1933, to and including December 31, 1936.

Compilation of Releases under the Securities Exchange Act of 1934, to and including December 31, 1936.

Compilation of Releases under the Public Utility Holding Company Act of 1935, to and including December 31, 1936.

Report on Trading in Unlisted Securities upon Exchanges, recommending amendments to the Securities Exchange Act of 1934 (1936).

Report on Protection of Clients' Securities and Funds in Custody of Investment Advisers, recommending amendments to the Investment Advisers Act of 1940 (1945).

Report on the Problem of Maintaining Arms-Length Bargaining and Competitive Conditions in the Sale and Distribution of Securities of Registered Public Utility Holding Companies and Their Subsidiaries (1940).

Report on Floor Trading, also supplemental report on Floor Trading on the New York Exchanges (1945).

Report on Financial Statements of Management Investment Companies (1946).

Selected Statistics on Securities and Exchange Markets.

Official Summary of Holdings of Officers, Directors, and Principal Stockholders as of December 31, 1935.

Charts Showing Location of Operating Electric and/or Gas Subsidiaries of Registered Public Holding Companies (1939).

Dividend Status of Preferred Stocks of Registered Public Utility Holding Companies and Their Electric and Gas Utility Subsidiaries as of December 31, 1938.

In the Matter of McKesson & Robbins, Inc.:

Volume 1. Testimony of Expert Witnesses (1939).

Volume 2. Report on Investigation (1940).

APPENDIX E

The following is a list of Senate and House Committee Reports and Documents on legislation administered by the Commission:

Securities Act of 1933

73d Congress, 1st session:
Senate Report No. 47 (to accompany S. 875).

Senate Report No. 41 (to accompany S. 882).

House Report No. 85 (to accompany S. 5480).

House Conf. Report No. 152 (to accompany H. R. 5480).

74th Congress, 1st session:
Senate Report No. 482 (to accompany S. 1629).

House Report No. 1645 (to accompany S. 1629).

76th Congress, 1st session:
Senate Report No. 248 (to accompany S. 2065).

House Report No. 1049 (to accompany H. Res. 248).

House Report No. 1016 (to accompany S. 2065).

79th Congress, 1st session:
Senate Report No. 110 (to accompany S. 681).

Senate Report No. 123 (to accompany S. 62).

House Report No. 489 (to accompany S. 62).

Securities Exchange Act of 1934

73d Congress, 2d session:
Senate Report No. 1455 (to accompany S. Res. 84 [72d Cong.], 56 and 97).

Senate Report No. 792 (to accompany S. 3420).

House Report No. 1383 (2 parts) (to accompany H. R. 9323).

House Conf. Report No. 1838 (to accompany H. R. 9323).

Senate Document No. 185 (to accompany H. R. 9323).

74th Congress, 1st session:
House Document No. 85 (to accompany H. R. 9323 [73d Cong.]).

74th Congress, 2d session:
Senate Report No. 1739 (to accompany S. 4023).

House Report No. 2601 (to accompany S. 4023).

75th Congress, 3d session:
Senate Report No. 1455 (to accompany S. 3255).

House Report No. 2307 (to accompany S. 3255).

78th Congress, 2d session:
Senate Report No. 542 (to accompany S. 1146).

House Report No. 1150 (to accompany S. 1146).

Public Utility Holding Company Act of 1935

74th Congress, 1st session:
Senate Report No. 1272 (to accompany S. Res. 165).

Senate Report No. 621 (2 parts) (to accompany S. 2796).

House Report No. 1438 (to accompany H. Res. 288).

House Report No. 1443 (to accompany H. Res. 284).

House Report No. 1318 (2 parts) (to accompany S. 2796).

House Conf. Report No. 1903 (to accompany S. 2796).

House Document No. 137 (to accompany S. 2796).

Corporate Reorganization Act of 1938

75th Congress, 1st, 2d and 3d sessions:
Senate Report No. 1916 (2 parts) (to accompany H. R. 8046).

House Report No. 1409 (to accompany H. R. 8046).

Trust Indenture Act of 1939

76th Congress, 1st session:
Senate Report No. 248 (to accompany S. 2065).

House Report No. 1049 (to accompany H. Res. 248).

House Report No. 1016 (to accompany S. 2065).

Investment Company and Investment Advisers Act of 1940

76th Congress, 3d session:
Senate Report No. 1775 (to accompany S. 4108).

House Report No. 2639 (to accompany H. R. 10065).

(b) *Submittals.* All required statements, reports, applications, etc., must be filed with the central office of the Commission, except that (1) letters of notification filed pursuant to Regulation A (17 CFR, 230.220 et seq.) under the Securities Act of 1933, prospectuses, filed pursuant to Regulation A-M (17 CFR, 1945 Supp. 230.240) under the Securities Act of 1933, and reports of financial condition by exchange members, brokers, and dealers required by Rule X-17A-5 (17 CFR, 240.17a-5) under the Securities Exchange Act of 1934 must be filed with the appropriate regional office as provided in Rules 222 (b) (17 CFR, 230.222 (b)) and 240 (f) (17 CFR, 230.240 (f)) under the Securities Act of 1933 and Rule X-17A-5 (17 CFR, 240.17a-5) under the Securities Exchange Act of 1934, respectively; and (2) registration statements under the Securities Act of 1933 and applica-

tions for qualification of trust indentures under the Trust Indenture Act of 1939 may be filed by certain registrants and applicants with the Regional Offices at Cleveland and San Francisco, as provided by Rule 921 (17 CFR, 230.921) under the Securities Act of 1933 and Rule T-7A-3 (17 CFR, 260.7a-3) under the Trust Indenture Act of 1939, respectively.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

FEBRUARY 4, 1949.

[F. R. Doc. 49-1000; Filed, Feb. 9, 1949; 8:46 a. m.]

[File Nos. 54-174, 70-1741]

SIoux CITY GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING, ORDER FOR CONSOLIDATION, 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 3d day of February 1949.

In the matter of Sioux City Gas and Electric Company, Iowa Public Service Company, Nebraska Public Service Company, Penn-Western Service Corporation, File No. 54-174; Sioux City Gas and Electric Company, South Dakota Public Service Company, Yankton Gas Company, File No. 70-1741.

Notice is hereby given that Sioux City Gas and Electric Company ("Sioux City"), an Iowa corporation which is a registered holding company and a public utility company, Iowa Public Service Company ("IPS"), a Delaware corporation which is a direct public utility subsidiary of Sioux City and also a registered holding company, and Nebraska Public Service Company, a Nebraska corporation which is a wholly owned public utility subsidiary of IPS, have filed a plan of merger under section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act"), for compliance with section 11 (b) thereof. The application for approval of the plan has been joined in by the Penn-Western Service Corporation, an affiliated service company, incorporated in the State of New York.

Notice is further given that Sioux City, South Dakota, Public Service Company ("South Dakota"), and Yankton Gas Company ("Yankton"), both South Dakota corporations and wholly owned public utility subsidiaries of Sioux City, have filed joint applications-declarations, pursuant to sections 9 (a) (1), 10 and 12 (b), (c) and (d) of the act and Rules U-42, 43, 44, 45 and 46 thereunder, proposing that South Dakota and Yankton be dissolved and liquidated and all the assets thereof transferred to, and the liabilities thereof assumed by, Sioux City.

Sioux City owns approximately 66.32% of the outstanding common stock of IPS. Sioux City and IPS together own 62.38% of the outstanding common stock of Penn-Western Service Corporation, the balance of which is owned by subsidiaries of Pennsylvania Gas & Electric Corporation, a registered holding company. Sioux City, IPS and Pennsylvania Gas

& Electric Corporation were formerly subsidiaries of Penn-Western Gas & Electric Company, a registered holding company which was liquidated and dissolved pursuant to an order of this Commission.

The outstanding securities of Sioux City and IPS as of December 29, 1948, were as follows:

	Sioux City	IPS
<i>Long-term debt</i>		
First mortgage and collateral trust bonds:		
2¾% Series due 1975.....	\$7,920,000	-----
3% Series due 1978.....	1,000,000	-----
First mortgage bonds:		
2¾% Series due 1976.....	-----	\$13,750,000
3% Series due 1977.....	-----	3,500,000
3¼% Series due 1978.....	-----	3,000,000
Notes.....	700,000	700,000
<i>Capital stock</i>		
3.90% cumulative preferred stock (38,000 shares of \$100 par value).....	3,800,000	-----
3.75% cumulative preferred stock (42,500 shares of \$100 par value).....	-----	4,250,000
Common stock (428,176 shares of \$12.50 par value).....	5,352,200	-----
Common stock (769,065 shares of \$15 par value).....	-----	11,535,975

All interested persons are referred to said plan and applications-declarations which are on file in the offices of this Commission for a statement of the transactions therein proposed. The transactions proposed under the plan are summarized as follows:

(a) IPS will merge into Sioux City which will become the surviving corporate entity and change its name to Iowa Public Service Company. In connection with such merger, Sioux City will assume the debts of IPS including its bank loans and all its outstanding bonds.

In said merger Sioux City will acquire the securities of Nebraska Public Service Company which will thereafter be dissolved and liquidated and its assets transferred to and its liabilities assumed by Sioux City.

(b) A supplemental indenture will be executed under the Mortgage and Deed of Trust of IPS which will provide, among other things, for the assumption of the bonds of IPS by Sioux City and for the issuance of two new series of bonds under such indenture. One series, to be designated "First Mortgage Bonds, 2¾% Series due 1975", will be issued in an aggregate principal amount of \$7,920,000 and will be exchanged dollar for dollar for Sioux City's outstanding First Mortgage and Collateral Trust Bonds, 2¾% Series due 1975. The second series will be designated "First Mortgage Bonds, 3% Series due 1978" and will be issued in an aggregate principal amount of \$1,000,000 and will be exchanged dollar for dollar for Sioux City's outstanding First Mortgage and Collateral Trust Bonds, 3% Series due 1978. The new bonds will have the same interest rates, interest payment dates, maturity dates and redemption prices as the bonds for which they are exchanged. It is stated that the exchanges of bonds will be made in such manner that neither gain nor loss in interest to the holders thereof will occur as a result of the exchange. A sinking fund similar to that provided for the First

Mortgage Bonds 3¼% Series due 1978 of IPS will be provided for each of the new series. The filing states that the supplemental indenture will be executed by Sioux City with the Trustee of the Mortgage and Deed of Trust of IPS in accordance with the provisions of Article Fourteen of said Mortgage.

(c) The Agreement of Merger will authorize the issuance by Sioux City of a new series consisting of 42,500 shares of \$100 par value cumulative preferred stock which shall be issued share for share in exchange for the outstanding preferred stock of IPS. The new series will be designated as "3.75% Cumulative Preferred Stock". The provisions for preference in liquidation and redemption prices of the new series will be the same as those of the outstanding 3.75% Cumulative Preferred Stock of IPS and such series shall otherwise have the preferences and rights and be subject to the qualifications, limitations or restrictions of such rights, as are presently set forth in the Articles of Incorporation, as amended, of Sioux City. It is stated that the exchanges of the shares of preferred stock will be made in such manner that neither gain nor loss in current dividends to the holders thereof will occur as a result of the exchange.

(d) The Agreement of Merger will provide for a total authorized issue of 2,500,000 shares of common stock of the surviving corporation with a par value of \$5 per share ("new common stock"). The new common stock will be issued to the holders of Sioux City Common Stock on the basis of 2.2 shares of new common stock for each share of Sioux City Common Stock presently outstanding, and to the holders of IPS Common Stock (other than Sioux City) on the basis of one share of new common stock for each share of IPS Common Stock. The IPS Common Stock presently owned by Sioux City will be cancelled. Shares of the new common stock, together with any dividends which have become payable thereon, will be issued only upon surrender for cancellation of the shares in exchange for which they are issued.

(e) No certificates for fractional shares of stock will be issued. In lieu thereof, non-dividend bearing and non-voting scrip certificates representing fractional shares will be issued. Such scrip certificates in combination with other scrip certificates, will be exchangeable for full shares of new common stock represented thereby. Sioux City, or a designated scrip agent, will handle orders placed by stockholders for the purchase or sale of scrip, and may match or combine buying and selling orders. The plan provides that scrip certificates not exchanged for full shares shall become void after a period to be designated by the Board of Directors of Sioux City, which period shall be not less than five years.

(f) The plan provides that the Board of Directors of Sioux City shall fix a date or dates for the proposed exchange of securities and that such date or dates shall be as soon as practicable after the effective date of the plan. After the date fixed for any exchange of securities under the plan, the holders of the securities required to be so exchanged shall be en-

titled to receive only such securities and cash if any, as shall be distributable to them under the plan. Upon the expiration of five years from the date fixed for any exchange of securities, any of the new securities remaining unclaimed by holders of the old securities, including any accrued interest or unpaid dividends thereon, shall become the property of Sioux City, and the holders of any such old securities shall have no right to or claim against the new securities or to the accrued interest or unpaid dividends thereon.

(g) Sioux City and IPS will cancel all existing contract relations with Penn-Western Service Corporation and resell to it, at a price to be supplied by amendment, all stock of Penn-Western Service Corporation owned by them. Penn-Western Service Corporation in turn proposes to repurchase such stock.

(h) The plan provides that no person who is an officer or director of Sioux City shall, on the 31st day after the effective date of the plan, be at that time an officer or director or be eligible for election as an officer or director at the next annual stockholders' meeting thereof of any corporation in the Pennsylvania Gas & Electric Corporation holding company system or Penn-Western Service Corporation: *Provided, however*, That the foregoing restriction as to common officers and directors shall not be effective to prevent specified persons who are officers or directors of Sioux City from being officers or directors of the other aforementioned companies for such period or periods subsequent to any such date, as may, on application, be approved by the Commission.

(i) Sioux City will pay all expenses, fees and remuneration for services rendered and make such reimbursement for proper costs incurred in connection with the plan and proceedings relating thereto as the Commission shall finally determine, award, allow or allocate upon application of any interested person.

Consummation of the plan is conditioned upon specified findings to be made by the Commission and other action to be taken by the Commission, by an appropriate District Court of the United States and by the Commissioner of Internal Revenue. The plan provides that as soon as practicable after conditions precedent to its consummation have been satisfied the Board of Directors of Sioux City shall declare the plan effective.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that the plan as submitted, or as amended, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected thereby; and

It appearing appropriate to the Commission that notice be given and a hearing be held upon said plan and applications-declarations, to afford all interested persons an opportunity to be heard with respect thereto; and

It further appearing to the Commission that the foregoing matters under File Nos. 54-174 and 70-1741 may involve common questions of law or fact and that substantial savings of time and expense

will be achieved if such matters are consolidated.

It is ordered. That the proceeding in the matter of Sioux City Gas and Electric Company, et al., File No. 70-1741 be, and it hereby is, consolidated with the proceeding in the matter of Sioux City Gas and Electric Company, et al., File No. 54-174.

It is further ordered. That a hearing on such matters under the applicable provisions of the act and the rules thereunder be held at 10 a. m., e. s. t., on March 8, 1949 in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 101. In the event that amendments to the plan or to the applications-declarations are filed during the course of said proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any amendments should request such notice of Sioux City or IPS. Any person desiring to be heard or otherwise wishing to participate in these consolidated proceedings, shall file with the Secretary of the Commission, on or before 5:30 p. m., e. s. t., March 2, 1949, a written request relative thereto as provided in Rule XVII of the rules of practice of the Commission.

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

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

(1) Whether the plan, as submitted or as it may be amended, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

(2) Whether the exchanges of securities proposed in the plan are fair and equitable and, in particular, whether the amounts of new common stock proposed to be issued in exchange for present common stock of either Sioux City or IPS should be increased or decreased.

(3) Whether and to what extent the plan, as submitted or as it may be amended, should be modified, or terms and conditions imposed, to ensure adequate protection of the public interest and the interest of investors and consumers, and to prevent circumvention of the act and rules and regulations thereunder.

(4) Whether the accounting entries in connection with the proposed transactions are appropriate and in accordance with sound accounting principles.

(5) Whether it is necessary to impose any terms or conditions with

respect to servicing arrangements, interlocking officers or directors, and inter-company transactions.

(6) Whether the fees, expenses and other remuneration which may be claimed in connection with the plan, and transactions incident thereto, are for necessary services and are reasonable in amount.

(7) Whether the transactions proposed in such plan and applications-declarations comply with the requirements of the applicable provisions of the act and the rules promulgated thereunder.

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 shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Sioux City and IPS, the Federal Power Commission and the Mayors of Sioux City and Waterloo, Iowa; 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 the mailing list for releases under the act, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered. That Sioux City and IPS, respectively, shall mail a copy of this notice and order to each of its security holders (insofar as the identity of such security holders is known or available to Sioux City and IPS) at least 15 days prior to the date set for hearing; and that Sioux City and IPS shall enclose therewith a statement that Sioux City and IPS may modify the plan by amendment without further communication to security holders, unless otherwise ordered by the Commission or unless information with respect thereto is requested by individual stockholders from the companies.

It is further ordered. That additional notice shall be given to the security holders of Sioux City and IPS by publication once a week for two consecutive weeks, the first of such publications to be made not less than twenty days prior to the hearing date herein, in a newspaper of general circulation published in each of the Cities of New York, New York, Chicago, Illinois and Sioux City, Iowa, in a form which shall be submitted to the Commission for review prior to publication.

It is further ordered. That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with this proceeding other filings or matters pertaining to said plan or to take such other action as may appear necessary or appropriate to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 49-1002; Filed, Feb. 9, 1949; 8:47 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, 1945, 11 F. R. 11981.

[Vesting Order 12698]

FRED ASENDORF

In re: Estate of Fred Asendorf, deceased. File No. F-28-2966.

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 Alice Asendorf, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That such property is in the process of administration by T. Channon Press and Fred Krumme, as executors, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

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

[F. R. Doc. 49-1017; Filed, Feb. 9, 1949; 8:51 a. m.]

[Vesting Order 12709]

FRANK KANIS

In re: Estate of Frank Kanis, a/k/a Franz Kanis, deceased. File No. D-28-12194; E. T. sec. 16407.

Under the authority of the Trading With the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Schoenfelder and Alice Steminger, the names Mary and Alice being fictitious, their true first names being unknown, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown, of Frank Kanis, also known as Franz Kanis, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

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

4. That such property is in the process of administration by Francis J. Mulligan, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the heirs, names unknown, of Frank Kanis, also known as Franz Kanis, 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 (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 January 26, 1949.

For the Attorney General.

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

[F. R. Doc. 49-1018; Filed, Feb. 9, 1949;
8:51 a. m.]

[Vesting Order 12710]

MARY KLASSEN

In re: Estate of Mary Klasen, deceased. File No. D-28-8323; E. T. Sec. 9591.

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 Joseph Klasen and Michael Welter, whose last known address is Germany, are residents of Germany and na-

tionals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Mary Klasen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Margaret Fien Richards, as administratrix with the will annexed, acting under the judicial supervision of the Probate Court for Houghton County, Michigan;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

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

[F. R. Doc. 49-1019; Filed, Feb. 9, 1949;
8:51 a. m.]

[Vesting Order 12714]

NICHOLAUS (NICHOLAUS) LIETH

In re: Estate of Nicholas (Nicholaus) Lieth, deceased, and trust under the will of Nicholas (Nicholaus) Lieth, deceased. File No. D-28-10538; E. T. sec. 16657, and D-28-10538 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 John D. Lieth, Lena Schieback and Katherine Eckert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of John D. Lieth, of Lena Schieback and of Katherine Eckert, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

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

4. That such property is in the process of administration by R. F. Wertz and Katherine Lieth Ehni, as executors and trustees, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania; and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of John D. Lieth, of Lena Schieback and of Katherine Eckert, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

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

[F. R. Doc. 49-1020; Filed, Feb. 9, 1949;
8:51 a. m.]

[Vesting Order 12715]

JOHN (JOHANN) MICHAEL LOCHNER

In re: Estate of John (Johann) Michael Lochner, deceased. File No. 017-23793.

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 Katharina Amon and Margarita Loehr, whose last known address is Germany, are residents of Germany and national of a designated enemy country (Germany);

2. That the descendants, names unknown, of Christine Hoos, deceased, and the descendants, names unknown, of Adam Lochner, deceased, except Maria Lochner and Paul Lochner, residents of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all claims of the persons identified in subparagraphs 1 and 2 hereof, except Maria Lochner and Paul Lochner, residents of the United States, in and to the assets of John Michael Lochner (Johann Lochner) at the time of his

death and all claims of said persons against Alphonse Amon, Paul Lochner and Maria Lochner, and each of them, arising by reason of the receipt by said Alphonse Amon, Paul Lochner and Maria Lochner, of any of said assets.

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 (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the descendants, names unknown, of Christine Hoos, deceased, and the descendants, names unknown, of Adam Lochner, deceased, except Maria Lochner and Paul Lochner, residents of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

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

[F. R. Doc. 49-1021; Filed, Feb. 9, 1949;
8:52 a. m.]

[Return Order 248]

GERTRUDE PHILIPPOVICH

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, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, Property

Gertrude Philippovich, Gasthof Breitmooß, Mittersill, Land Salzburg, Austria, Claim No. 6525; December 11, 1948 (13 F. R. 7698); \$7,402.73 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Gertrude H. Philippovich (nee Robinson) in and to the trust estate created under the Will of Elizabeth M. Richardson, deceased; Co-trustees, Miners National Bank, 8-18

West Market Street, Wilkes-Barre, Pennsylvania and Z. Platt Bennett, 4 North Main Street, Wilkes-Barre, Pennsylvania.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-1022; Filed, Feb. 9, 1949;
8:52 a. m.]

HENRI MICHEL MEER AND MARTINE MEER
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., and Property

Henri Michel Meer and Martine Meer, 15 Rue Saint Senoch, Paris 17, France; 36634; All interests and rights created in Raymond Meer (to the extent owned by Raymond Meer immediately prior to the vesting thereof by Vesting Order No. 1511 subparagraph (d), 8 F. R. 10526, dated July 28, 1943) by virtue of an agreement dated June 1, 1937 (including all modifications thereof and supplements thereto, if any), by and between Raymond Meer and American Security Company of Delaware relating, among other things, to United States Patent No. 1,999,337, including sums accrued thereunder in the amount of \$8,000.00.

Executed at Washington, D. C., on February 4, 1949.

For the Attorney General.

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

[F. R. Doc. 49-1023; Filed, Feb. 9, 1949;
8:52 a. m.]

[Vesting Order 12742]

SHIGEKI MURATANI

In re: Debt owing to Shigeki Muratani. File No. F-39-4832-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 Shigeki Muratani, whose last known address is Otowa, Omizo-Machi, Takashima-Gun, Shiga-Ken, 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 Shigeki Muratani, by New York Life Insurance Company, 51 Madison Avenue, New York, New York, in the

amount of \$460.56, as of June 18, 1946, representing commissions earned by Isosaburo Muratani, 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 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 January 26, 1949.

For the Attorney General.

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

[F. R. Doc. 49-987; Filed, Feb. 8, 1949;
8:56 a. m.]

[Vesting Order 12743]

TOKUMATSU MURATANI

In re: Debt owing to Tokumatsu Muratani. F-39-4831-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 Tokumatsu Muratani, whose last known address is Otowa, Omizo-Machi, Takahsima-Gun, Shiga-Ken, 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 Tokumatsu Muratani, by New York Life Insurance Company, 51 Madison Avenue, New York, New York, in the amount of \$2,604.78, as of June 18, 1946, representing a mortuary benefit payment, pursuant to an agreement entered into between the aforesaid New York Life Insurance Company and Isosaburo Muratani, 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 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 January 26, 1949.

For the Attorney General.

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

[F. R. Doc. 49-988; Filed, Feb. 8, 1949;
8:56 a. m.]

[Vesting Order 12750]

FRITZ WILLEKE ET AL.

In re: Interest in real property, property insurance policies and claim owned by Fritz Willeke and others.

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

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany):

Names and Last Known Addresses

Fritz Willeke, Westphalia, Germany.
Lena Montag, Hanover, Germany.
William Willeke, Westphalia, Germany.
Anna Maria Willeke, Westphalia, Germany.
Franz Frederick Willeke, Westphalia, Germany.
Gertrude Willeke, Westphalia, Germany.
Theodore Willeke, Westphalia, Germany.
Fritz Jesse, Warstein, Germany.
Joseph Jesse, Warstein, Germany.
Louisa Jesse, Warstein, Germany.
Wilhelm Jesse, Warstein, Germany.
Maria Ostermann, Warstein, Germany.
John Lefarth, Westphalia, Germany.
Wilhelm Lefarth, Westphalia, Germany.
Frances Pohle, Westphalia, Germany.
Maria Sauerland, Westphalia, Germany.
Lena Mueller, Westphalia, Germany.

2. That the property described as follows:

a. An undivided 17/56ths interest in real property situated in the City of St. Louis, State of Missouri, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to the following property insurance policies:

1. Fire and Extended Coverage Insurance Policy No. 693643, in the amount of \$4,000.00, issued by Republic Insurance Company, 3415 Cedar Springs Road, Dallas, Texas, which policy expires July 2, 1951 and insures the real property described in subparagraph 2-a hereof,

2. Owners and Tenants Liability Policy No. 374290, issued by Fidelity & Casualty Company of New York, 80 Maiden Lane, New York, New York, which policy expires July 2, 1950 and insures the real property described in subparagraph 2-a hereof, and

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by Jos. P. Texier Realty Company, 722 Chestnut Street, St. Louis, Missouri, arising out of their share of the rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

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 nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested 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 February 1, 1949.

For the Attorney General.

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

EXHIBIT A

A lot in City Block number twenty nine hundred and sixteen (2916) of the City of St. Louis, Missouri, at the South West corner of Pennsylvania Avenue and Fillmore Street pointing Ninety-eight feet five inches (98' 5") on the West Side of Pennsylvania Avenue by a depth along the South side of Fillmore Street of one hundred and thirty seven feet (137').

[F. R. Doc. 49-990; Filed, Feb. 8, 1949;
8:57 a. m.]