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Washington, Friday, July 22, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10070

AMENDING EXECUTIVE ORDER NO. 9975 OF JULY 7, 1948, PRESCRIBING REGULATIONS GOVERNING THE ALLOWANCE OF TRAVEL EXPENSES OF CLAIMANTS AND BENEFICIARIES OF THE VETERANS' ADMINISTRATION AND THEIR ATTENDANTS

By virtue of and pursuant to the authority vested in me by section 1 of the act of March 14, 1940, 54 Stat. 49, as amended by the act of June 16, 1948, 62 Stat. 471 (38 U. S. C. 76), section 2 of Executive Order No. 9975 of July 7, 1948, entitled "Regulations Governing the Allowance of Travel Expenses of Claimants and Beneficiaries of the Veterans' Administration and Their Attendants," is hereby amended to read as follows:

"2. The Administrator of Veterans' Affairs may authorize in lieu of actual expenses of travel, including lodging and subsistence, payment of an allowance of 5 cents a mile to any claimant or beneficiary of the Veterans' Administration traveling under prior authorization to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or for the purpose of examination, treatment, or care, or, in his discretion, to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence: *Provided*, that payment of mileage in connection with vocational rehabilitation or upon termination of examination, treatment, or care may be made prior to completion of such travel."

This order shall become effective on August 1, 1949.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 20, 1949.

[F. R. Doc. 49-6065; Filed, July 21, 1949; 10:36 a. m.]

EXECUTIVE ORDER 10071

CREATING AN EMERGENCY ORDER TO INVESTIGATE A DISPUTE BETWEEN THE SOUTHERN PACIFIC COMPANY (PACIFIC LINES) AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Southern Pacific Company (Pacific Lines), a carrier, and certain of its employees represented by the Brotherhood of Railroad Trainmen, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a large section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Southern Pacific Company (Pacific Lines) or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 20, 1949.

[F. R. Doc. 49-6066; Filed, July 21, 1949; 10:36 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Grain Sorghums Bulletin 1, Amdt. 1]

PART 621—GRAIN SORGHUMS

SUBPART—1949 GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

1949—CROP GRAIN SORGHUMS PRICE SUPPORT PROGRAM BULLETIN

The regulations issued by Commodity Credit Corporation and the Production

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

and Marketing Administration in 14 F. R. 2969, governing the making of loans and containing the requirements of the purchase agreement program on grain sorghums produced in 1949 are hereby amended as follows:

Under § 621.106, *Approved storage*, paragraph (a) is amended so that the section reads as follows:

§ 621.106 *Approved storage.* Approved storage for grain sorghums shall meet the following requirements:

(a) Under the loan program approved farm-storage shall consist of storage structures located on the farm, or off the farm provided no warehouse receipt is outstanding, which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of grain sorghums.

(b) Under the loan and purchase agreement programs, approved warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H, Revised), in effect for the 1949 crop, has been executed; or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect for the program year. The names of approved warehouses may be obtained from State offices and county committees.

Section 621.112, *Set-offs*, is amended to read as follows:

§ 621.112 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm-storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amount due prior lienholders.

If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above.

Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong.; sec. 1, Pub. Law 897, 80th Cong.)

Issued this 19th day of July 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-6032; Filed, July 21, 1949; 8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

PART 150—ARREST AND DEPORTATION

EXCHANGE VISITORS; CHANGE OF STATUS AND DEPORTATION

JUNE 6, 1949.

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

1. Section 110.31, *Officials, traders, visitors; change of status, conditions,* is amended by adding thereto the following sentence: "In the case of any alien admitted to the United States under section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7; Public Law 402, 80th Congress), a change in the status under which the alien was admitted shall not be authorized."

2. Paragraph (g), *Application for suspension of deportation, for departure in lieu of deportation, or for preexamination,* of § 150.6, is hereby amended by adding the following sentence: "No alien admitted to the United States under section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7; Public Law 402, 80th Congress) may apply for suspension of deportation."

3. Paragraph (b), *Eligibility,* of § 150.10, is amended by deleting the word "and" at the end of subdivision (v) of subparagraph (1) and inserting in its place the word "or", and by adding subdivision (vi) as follows:

(vi) Section 201 of the United States Information and Educational Exchange Act of 1948; and

This order shall become effective on the effective date of two joint orders of the Secretary of State and the Attorney General entitled, respectively, "Exchange Visitors; Visas" and "Exchange Visitors; Period and Conditions of Admission."[1] Those orders, to which section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is inapplicable because they involve foreign-affairs functions, become effective on the date of their publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act with respect to proposed rule making and delayed effective date is impracticable in this instance because the regulations prescribed by this order are so related to the regulations prescribed by the said orders of the Secretary of State and the Attorney General that all such regulations should become effective at the same time.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 201, Pub. Law 402, 80th Cong., 62 Stat. 7; 8 U. S. C. 102, 222, 458 (a), 22 U. S. C. 1446)

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: June 8, 1949.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 49-6006; Filed, July 21, 1949; 8:45 a. m.]

PART 119—VISITORS

EXCHANGE VISITORS; PERIOD AND CONDITIONS OF ADMISSION

Part 119, Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended by adding a new section as follows:

§ 119.8 *Exchange visitors; special provisions.* The case of any alien who presents a visitors visa which by its own terms shows issuance pursuant to section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7; 22 U. S. C. 1446; Public Law 402, 80th Congress) shall be handled in accordance with all of the provisions of this part with the following exceptions:

(a) No bond shall be required in connection with admission or extension of stay.

(b) The period of admission shall be for whatever period, not to exceed one year, is indicated in a written agreement, commitment, guarantee, or similar paper made by the alien's approved sponsor or intended employer and presented by the alien at the port where he applies for admission.

(c) An alien admitted under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948 may accept remunerative

[1] See Title 22, Chapter I, Part 42, and Part 119 of this chapter, *infra*, respectively.

employment in the United States consistent with the purposes of such act.

(d) Any application for extension of stay shall be supported by satisfactory written evidence from the alien's approved sponsor or employer, showing the time and terms of the continuation of the status under which the alien was admitted. Any application for extension of stay or any other application submitted by the alien shall be referred by the receiving field office of the Immigration and Naturalization Service with a report and recommendation to the Commissioner of Immigration and Naturalization for decision.

This order shall become effective upon 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) relative to notice of proposed rule making and delayed effective date is unnecessary because the regulations contained in this order involve foreign-affairs functions of the United States.

(Pub. Law 402, 80th Cong.; sec. 201, 62 Stat. 7; 22 U. S. C. 1446)

[SEAL] DEAN ACHESON,
Secretary of State.

JULY 19, 1949.

TOM C. CLARK,
Attorney General.

JUNE 17, 1949.

[F. R. Doc. 49-6011; Filed, July 21, 1949; 8:46 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter A—Meat Inspection Regulations

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture by the Meat Inspection Act, as amended (21 U. S. C. 71–91), the so-called Horse Meat Act (21 U. S. C. 96), and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) and after public notice (14 F. R. 2950) and due consideration of all relevant material presented pursuant thereto, the meat inspection regulations (9 CFR, Chapter I, Subchapter A, as amended) are hereby amended as follows:

PART 4—APPLICATIONS FOR INSPECTION OR EXEMPTION: RETAIL BUTCHERS, RETAIL DEALERS, AND FARMERS

Section 4.3 (a) is amended to read as follows:

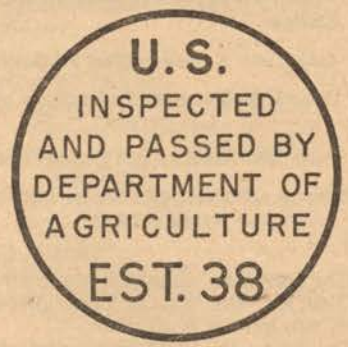
§ 4.3 *Exemption.* (a) Retail butchers and retail dealers in product, supplying their customers as provided in the Meat Inspection Act, upon making application, pursuant to § 4.1, may be exempted from inspection. To each one so exempted a numbered certificate of exemption shall be furnished. No certificate of exemption shall be issued unless all the premises on which the products are prepared and handled are maintained in a sanitary condition. Failure by certificate holders to maintain sanitary conditions or to conform to such of the regulations in this subchapter as apply to them shall be cause for withdrawal of exemption and the cancellation of certificates. Such exempted establishments shall conform to the same regulations as govern official establishments to the extent that such regulations are applicable, including but not limited to those regulations regarding labeling, the use of dyes, chemicals, and preservatives, and the prescribed treatment of pork to destroy trichinae as required under Part 18 of this subchapter.

PART 17—LABELING

1. Section 17.2 (b) is amended to read as follows:

§ 17.2 *Labels, what to contain, when and how used.* * * *

(b) Labels shall contain, prominently and informatively displayed, (1) the true name of the product; (2) the word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more ingredients, except in the case of products for which definitions and standards of identity have been prescribed under Part 28 of this subchapter; (3) the name and place of business of the manufacturer, packer, or person for whom the product is prepared; (4) an accurate statement of the quantity of contents; and (5) an inspection legend and the number of the establishment in the form shown herewith, on that portion of the label featuring the name of the product, or, when there are two or more panels, than on the principal display panels: *Provided,* That the name and place of business of the manufacturer, packer, or person for whom the product is prepared and the statement of quantity of contents may be omitted from labels for product not required to be labeled under § 17.1: *Provided further,* That the establishment number may be omitted from the labels on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such articles are enclosed in wrappers which bear an inspection legend and establishment number; and from a label lithographed directly on a can bearing the embossed or lithographed establishment number: *And provided further,* That a metal container on which an inspection legend is embossed or lithographed may, with the approval of the chief of division, bear an inspection legend of different design and in abbreviated form.



2. Section 17.2 (d) is amended to read as follows:

(d) The establishment number shall be either embossed or lithographed on all sealed metal containers of inspected and passed product filled in an official establishment, except that such containers which bear labels lithographed directly on the can and in which the establishment number is incorporated need not have the establishment number embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.

3. Section 17.8 (c) (1) is amended to read as follows:

§ 17.8 *False or deceptive names; established trade names; false indication of origin or quality; use of names of countries, States, etc.; "farm," "country," etc., qualified by word "style"; labeling of lard, oleo oil, oleo stearin, etc.* * * *

(c) * * *

(1) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type," or "brand," as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying statement identifying the country, State, Territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of product identified with and peculiar to the locality represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or deceptive. A geographical term which has come into general usage as a trade name and which has been approved by the chief of division as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter," "vienna," "bologna," "lebanon bologna," "braunschweiger," "thuringer," "genoa," "leona," "berliner," "holstein," "goteborg," "milan," "polish," and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "boston" as applied to pork shoulder butts, need not be accompanied with the word "style," "type," or "brand" or a statement identifying the locality in which the product is prepared.

4. Section 17.8 (c) (6) is amended to read as follows:

(6) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.

5. Section 17.8 (c) (29) is amended to read as follows:

(29) Product labeled "hash" shall contain not less than 35 percent of meat computed on the weight of the cooked

and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the fresh meat. Corned beef hash shall not be made with cereal, vegetable flour, dried skim milk, or similar substances. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap, may be used individually or collectively to the extent of 5 percent of the meat ingredient in the preparation of corned beef hash. When beef cheek meat, beef head meat, and beef heart meat are used in the preparation of this product, their presence shall be reflected in the statement of ingredients as required by this part.

6. Section 17.8 (c) (42) is amended to read as follows:

(42) Canned product labeled "Corned Beef" and canned product labeled "Roast Beef Parboiled and Steam Roasted" shall be prepared so that the weight of the finished product shall not exceed 70 percent by weight of the fresh beef, plus salt and flavoring material included in the product. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap may be used individually or collectively to the extent of 5 percent of the meat ingredient in the preparation of canned product labeled "Corned Beef" and canned product labeled "Roast Beef Parboiled and Steam Roasted". When beef cheek meat, beef head meat, and beef heart meat are used in the preparation of these products, their presence shall be reflected in the statement of ingredients as required by this part.

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

1. Section 18.7 (d) is amended by substituting a semicolon for the period at the end thereof and adding thereafter the word "or" and new subparagraphs designated as subparagraphs (9) and (10) respectively, reading as follows:

§ 18.7 *Use in preparation of meat food products of chemicals, preservatives, coloring matter; addition of cereal, vegetable starch, dried skim milk, water, etc., substances necessary for refining.* * * *

(d) * * *

(9) Thiodipropionic acid, dilauryl thiodipropionate, distearyl thiodipropionate or combinations thereof in quantities not to exceed 1/100 of 1 percent of thiodipropionic acid and 9/100 of 1 percent of either dilauryl thiodipropionate or distearyl thiodipropionate or combinations of the two; or

(10) Butylated hydroxyanisole (a mixture of 2-tertiarybutyl-4-hydroxyanisole and 3-tertiarybutyl-4-hydroxyanisole) and combinations of butylated hydroxyanisole with nordihydroguaiaretic acid or propyl gallate with or without the addition of citric acid or phosphoric acid, may be added as preservatives to animal fats and shortenings containing animal fats. The quantities used shall not exceed 2/100 of 1 percent of butylated hydroxyanisole, or 1/100 of 1 percent of nordihydroguaiaretic acid plus 2/100 of 1 percent of butylated hydroxyanisole, or 1/100 of 1 percent of propyl gallate plus 2/100 of 1 percent of butylated hydroxyanisole. Citric acid or phosphoric acid, not to exeeced 5/1000 of 1 percent may be added with butylated hydroxyanisole or with the combinations of butylated hydroxyanisole and nordihydroguaiaretic acid or propyl gallate.

2. Section 18.7 is further amended by adding thereto a new paragraph designated as 18.7 (p), reading as follows:

(p) Harmless bacterial starters of the acidophilus type may be used in the preparation of such kinds of sausage as thuringer, lebanon bologna, cervelat, salami and pork roll in an amount not to exceed 1/2 of 1 percent. When used, the harmless bacterial starter shall be included in the list of ingredients in the order of its predominance as required by Parts 16 and 17 of this subchapter.

PART 24—EXPORT STAMPS AND CERTIFICATES

Section 24.1 (a) is amended to read as follows:

§ 24.1 *Manner of affixing stamps and marking product for export.* (a) A numbered meat-inspection stamp shall be affixed to each outside container (except cloth wrappings) of any inspected and passed product for export except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or distribution. So far as possible stamps shall be issued serially.

PART 27—IMPORTED PRODUCTS

Section 27.16 (c) (1) is amended to read as follows:

§ 27.16 *Marking and labeling of product U. S. inspected and passed for importation; application of inspection legend.* * * *

(c) * * *

(1) All outside containers of product which have been inspected and passed in compliance with this part shall be marked by the inspector, or under his supervision, "U. S. inspected and passed by Department of Agriculture," or authorized abbreviation thereof and with the name or abbreviation of the name of the official station having jurisdiction over the inspection. The 2 1/2 inch circular rubber import meat brand bearing an authorized abbreviation of the inspection legend and the abbreviated name of the official station shall be used for marking shipping containers of product which conforms to the requirements of this part.

Effective date. The foregoing amendments shall be effective 30 days after the date of their publication in the FEDERAL REGISTER.

The purpose of the foregoing amendments is to bring into the regulations, orders and instructions that have been given to the field operating force of the Meat Inspection Division and inspected establishments during the past year, and to incorporate new material controlling the composition of certain meat food products along lines which have been thoroughly investigated by that Division.

(34 Stat. 1260, as amended, 41 Stat. 241, sec. 306, 46 Stat. 689; 21 U. S. C. 71–91, 96, 19 U. S. C. 1306)

Done at Washington, D. C., this 18th day of July 1949. Witness my hand and seal of the United States Department of Agriculture.

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

[F. R. Doc. 49-6003; Filed, July 21, 1949; 8:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.92]

PART 42—VISAS: DOCUMENTATION OF ALIENS ENTERING THE UNITED STATES

EXCHANGE VISITORS; VISAS

The following amendments to Part 42, Chapter I, Title 22, of the Code of Federal Regulations, are hereby prescribed:

1. Paragraph (d) of § 42.134, *Temporary visitors,* is amended to read as follows:

(d) The term "business" is construed as including not only intercourse of a commercial character but also any other legitimate activity of a temporary nature classifiable within the ordinary meaning of the term "business", but not classifiable as pleasure or labor. It does not include employment contravening the contract-labor clause in section 3 of the Immigration Act of February 5, 1917, as amended, unless a waiver of the contract-labor clause shall have been granted. The term "business" is further construed to include the activity of an alien, hereinafter referred to as an "exchange visitor", who is coming to the United States as a student, trainee, teacher, guest instructor, professor, or leader in a field of specialized knowledge or skill, in accordance with the provisions of section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7, 22 U. S. C. 1446; Public Law 402, 80th Congress).

2. Section 42.135, *Evidence of temporary-visitor status,* is hereby amended by adding at the end thereof the following paragraph:

(d) Each applicant for a temporary visitors visa under section 201 of the United States information and Educational Exchange Act of 1948 shall be required to present a written notification from his sponsor, showing his selection as a participant in a designated Exchange-Visitor Program, such designation having been duly notified to the American diplomatic and consular offices concerned. In addition, such an applicant must comply with the documentary requirements of § 42.106, subject to the exceptions provided therein, and in § 42.107, of this part, and be otherwise entitled to receive a visa as a nonimmigrant under section 3 (2) of the act. The officer to whom application is made may, in his discretion, require a confir-

mation of the alien's status from the sponsor.

3. Section 42.136, *Temporary visitors who will be employed in the United States,* is amended by adding at the end of paragraph (a) thereof the following subparagraph:

(7) An alien who is coming to the United States under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948.

4. Section 42.137, *Trainees, students, and candidates for religious orders coming as temporary visitors,* is amended by adding at the end thereof the following paragraph:

(d) An alien who is coming to the United States as an exchange visitor under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7; 22 U. S. C. 1446; Public Law 402, 80th Congress) shall be classified as a temporary visitor for business under section 3 (2) of the act. Such alien may, however, accept remunerative employment in the United States consistent with the purposes of the United States Information and Educational Exchange Act of 1948.

5. Paragraph (c) of § 42.114, *Form of passport visa,* is amended to read as follows:

(c) In granting a nonimmigrant passport visa to an alien having no official status and classifiable under section 3 (2) of the act, the figure "2" should be inserted in the parentheses and the words "temporary visitor" should be written in the visa on the line provided for the classification of the bearer. Whenever such a visa is granted to an alien whose case falls within one of the classes mentioned in section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7; 22 U. S. C. 1446; Public Law 402, 80th Congress) the words "student", or "trainee", or "teacher", or "guest instructor", or "professor", or other appropriate designation identifying leaders in fields of specialized knowledge or skill, as the case may be, should be inserted on the line provided in the visa form for classification and immediately followed in parentheses by the words "Sec. 201, P. L. 402, 80th Cong."

6. Section 42.117, *Fees for passport-visa services,* is hereby amended by adding at the end thereof the following paragraph:

(c) The fee to be charged for a passport visa granted to an alien who is coming to the United States pursuant to the provisions of section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7; 22 U. S. C. 1446; Public Law 402, 80th Congress), and the application therefor, shall be determined in accordance with the provisions of paragraphs (a) and (b) of this section.

This order shall become effective upon 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) relative to notice of proposed rule making and delayed effective date is unnecessary because the regulations contained in this order involve foreign-affairs functions of the United States.

(Pub. Law 402, 80th Cong., sec. 201, 62 Stat. 7; 22 U. S. C. 1446)

[SEAL] DEAN ACHESON,
Secretary of State.

JULY 19, 1949.

TOM C. CLARK,
Attorney General.

JUNE 17, 1949.

[F. R. Doc. 49-6009; Filed, June 21, 1949; 8:46 a. m.]

[Departmental Reg. 108.90]

PART 68—EXCHANGE-VISITOR PROGRAM

Administrative regulations under the United States Information and Educational Exchange Act of 1948.

Under the authority contained in R. S. 161, 5, U. S. C. 22, and section 4, 63 Stat. 111, Title 22 of the Code of Federal Regulations is amended by the addition of a new Part 68, as follows:

Sec.
68.1 Definitions.
68.2 Application.
68.3 Action on application.
68.4 Notification to exchange-visitor.

AUTHORITY: §§ 68.1 to 68.4 issued under R. S. 161, 5 U. S. C. 22, and section 4, 63 Stat. 111. Interprets and applies secs. 201, 1005, and 1009, 62 Stat. 7, 14; 22 U. S. C. 1446, 1437, and 1440.

CROSS REFERENCES: For consular procedure see 22 CFR Part 42, particularly §§ 42.134 to 42.136.

For immigration procedure with respect to entry, see 8 CFR Part 119, particularly §§ 119.8 to 119.10.

§ 68.1 *Definitions.* (a) As used in this part, the term "act" refers to the United States Information and Educational Exchange Act of 1948.

(b) As used in this part, the term "sponsor" means any existing reputable United States agency or institution, public or private, which makes application, as hereinafter prescribed, to the Secretary of State for designation of a program under its sponsorship as an "Exchange-Visitor Program."

(c) As used in this part, the term "Exchange-Visitor Program" means a program of a sponsor designed to promote the objectives of the act which has been designated as such by the Secretary of State, and which is concerned with one or more of the categories of exchage-visitors defined in paragraph (e) of this section.

(d) As used in this part, the term "Secretary of State" means either the Secretary of State or an officer duly designated by him.

(e) As used in this part, the term "exchange-visitor" means any alien who has been selected by a sponsor to participate in an Exchange-Visitor Program and who is seeking to enter the United States temporarily in one of the following categories:

(1) A "student," for the purpose of study or to perform research, or both, at or in connection with an established institution of learning, or

(2) A "trainee," for the purpose of obtaining practical training in public administration, industry, medicine, agriculture, or some other specialized field of knowledge or skill, or

(3) A "teacher," for the purpose of teaching in established primary or secondary schools, or established schools offering specialized instruction at the primary or secondary level, or

(4) A "guest instructor," for the purpose of imparting information or knowledge through lectures or special instruction, or

(5) A "professor," for the purpose of teaching or performing advanced research or both in an established institution of higher learning, or

(6) A "leader in a field of specialized knowledge or skill," for the purpose of observation, advanced research, consultation, or the sharing of such specialized knowledge or skill.

§ 68.2 *Application.* (a) Any sponsor may apply to the Secretary of State for designation of a program under its sponsorship as an "Exchange-Visitor Program". Such application shall be made on Form DSP-37, "Exchange-Visitor Program Application". The application shall be completed by the sponsor in all details and shall be submitted to the Secretary of State. The sponsor shall assume, inter alia, in the application the obligation that:

(1) If any exchange visitor ceases to pursue the activity for which he was admitted to the United States, the sponsor shall immediately notify the officer in charge of the Immigration and Naturalization Service at the port of entry at which the exchange-visitor entered the United States, giving the name and present address of the alien, nationality, date of admission, and facts as to present activities of the alien. In the cases of exchange-visitors who are continuing to pursue the activities for which they were admitted to the United States, a notification to that effect shall be made at six months' intervals on Form I-502 to the officer in charge of the Immigration and Naturalization Service at the port of entry at which such exchange-visitors entered the United States.

(2) Applications of exchange-visitors for extension of stay shall be submitted, whenever necessary, on Form I-539 to the Immigration and Naturalization Service at least 30 days before the expiration of the visitor's stay in the United States, and shall be accompanied by a supporting letter from the sponsor.

§ 68.3 *Action on application*—(a) *Evidence.* Whenever an application on Form DSP-37 is submitted to the Secretary of State, it shall be examined to ascertain the adequacy of the information furnished. If sufficient information has not been furnished, the sponsor shall be requested to supply any information in which the application is deficient. In addition to the information furnished on Form DSP-37, the Secretary of State may require a sponsor to present any evidence of a documentary nature, e. g., program

reports, institutional catalogs, which he may consider necessary in making his determination of the program's eligibility to be designated an Exchange-Visitor Program.

(b) *Decision by the Secretary of State.* Upon receipt and consideration of the application on Form DSP–37, including any required additional evidence, the Secretary of State may in his discretion designate the sponsor's program as an Exchange-Visitor Program. The Secretary of State will notify the sponsor in writing of his decision. If such designation is made, a serial number will be assigned to the Program and the sponsor will thereafter refer to such serial number in any correspondence with the Secretary of State, consular officers, or the Immigration and Naturalization Service concerning the Exchange-Visitor Program or any individual included in such program. The Secretary of State may in his discretion revoke the designation for any sufficient cause.

(c) *Notification to consuls and the Immigration and Naturalization Service.* When a program has been designated as an Exchange-Visitor Program, the American consular offices concerned and the Commissioner of Immigration and Naturalization shall be notified by the Department of State of the title, serial number, sponsor, and nature and purpose of such Program.

§ 68.4 *Notification to exchange-visitor.* A sponsor whose program has been designated as an Exchange-Visitor Program shall notify each exchange-visitor in writing of his selection to participate in the particular Exchange-Visitor Program. Such notification shall include the serial number of the Program, instructions concerning the procedure to be followed in applying for a passport visa, including the presentation to the Consul of the sponsor's notification to the selected exchange-visitor, and information that the exchange-visitor will be subject to all pertinent provisions of immigration laws and regulations, and that if the exchange-visitor is granted a visa the sponsor's notification shall also be presented by the exchange-visitor to the immigration inspector and other appropriate authorities at the port of entry in the United States.

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

[SEAL] DEAN ACHESON,
Secretary of State.

JULY 19, 1949.

[F. R. Doc. 49–6008; Filed, July 21, 1949; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Rent Regs., Corr.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

TEXAS

The Rent Regulations under the Housing and Rent Act of 1947, as amended, are corrected in the following respects:

1. In Item 2 of Amendment 126 (§§ 825.1 to 825.12),[1] the description of the counties in Corsicana, Texas, Defense-Rental Area, is corrected to read as follows:

Ellis, except the City of Waxahachie; and Kaufman, except the City of Kaufman.

2. In Item 3 of Amendment 121 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92),[1] the description of the counties in the Corsicana, Texas, Defense-Rental Area, is corrected to read as follows:

Ellis, except the City of Waxahachie; and Kaufman, except the City of Kaufman.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This correction is effective as of July 7, 1949.

Issued this 19th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49–6007; Filed, July 21, 1949; 8:53 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 52—GRANTS FOR CANCER CONTROL PROGRAMS

Sec.
52.1 Definitions.
52.2 Basis of allotments.
52.3 Allotments; time of making; duration.
52.4 State plans; mode of submittal.
52.5 State plans; contents.
52.6 State plans; time of submittal and approval.
52.7 Payments to States.
52.8 Required expenditure of State and local funds.
52.9 Expenditure of Federal funds.
52.10 Use of Federal funds for training.
52.11 Personnel administration on a merit basis.
52.12 Fiscal accounting and control.
52.13 Reports.
52.14 Audits.
52.15 Project grants; eligibility; submission of plan; approval.
52.16 Project plans; contents.
52.17 Payment to project grantees; unused funds.
52.18 Project expenditures; required reports; audits.

AUTHORITY: §§ 52.1 to 52.18 issued under sections 215 and 402 (f), 58 Stat. 690, 707, as amended, 42 U. S. C. 216, 282; and Public Law 141, 81st Congress.

§ 52.1 *Definitions.* As used in this part:

(a) "Act" means the "Public Health Service Act" approved July 1, 1944, 58 Stat. 682, as amended.

(b) "Allotment" means funds allotted to a State on the basis of the formula prescribed in the regulations of this part and to be expended under plans submitted by the State health authority. (Sections 52.2 to 52.14, relate to allotted funds.)

(c) "Exception" means the amount of Federal funds expended contrary to this part or the State plan.

(d) "Federal funds" means funds appropriated by Congress for carrying out the purposes of Title IV of the act.

(e) "Extent of cancer problem" means the ratio which the average annual number of deaths from cancer during the years 1942–1946, inclusive, in each State bears to the total cancer mortality in the United States.

(f) "Financial need" as applied to any State means the relative per capita income, as shown by data supplied by the Bureau of Foreign and Domestic Commerce for the period 1943–1947, inclusive.

(g) "Grantee" includes any State agency administering a cancer program and any university, hospital, laboratory, institution, or professional nonprofit organization whether public or private dealing with the cancer problem which receives a grant of Federal funds under the regulations in this part.

(h) "Official forms" means forms and instructions supplied by the Public Health Service to the State health authority for use in the submittal of State plans or information required with respect to the operation of such plans.

(i) "Political subdivision" includes counties, health districts, municipalities, and other subdivisions of the State established for governmental purposes.

(j) "Population" as applied to any State or political subdivision, means the total population thereof, as of July 1, 1947, according to the estimates of the Bureau of the Census.

(k) "Program" means the activities and services planned for the prevention, control, and eradication of cancer.

(l) "Project grant" means funds allotted to a grantee for carrying out special projects. (Sections 52.15 to 52.18 relate specifically to projects.)

(m) "Public Health Service" means the Public Health Service in the Federal Security Agency.

(n) "Special projects" means specific programs of a noncontinuing nature relating to the prevention, control, and eradication of cancer, including training. Research projects other than for statistical research are excluded.

(o) "State" includes any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(p) "State health authority" means the official State agency administering the State health program.

(q) "State plan" refers to the information and proposals, including budgets, submitted by the State health authority pursuant to the regulations in this part for activities of the States and political subdivisions thereof for the prevention, control, and eradication of cancer.

§ 52.2 *Basis of allotments.* Of the total sum determined by the Surgeon General to be available for the fiscal year 1950 for grants to States on a formula basis, allotments to the several States shall be as follows:

60 percent on the basis of population weighted by financial need.

35 percent on the basis of the extent of the cancer problem.

5 percent on the basis of relative population density.

[1] 14 F. R. 3813, 3811.

§ 52.3 *Allotments; time of making; duration.* (a) Allotments for the first six months shall be made prior to the beginning of the fiscal year or as soon thereafter as practicable, and shall equal not less than 60 percent nor more than 70 percent of the total sum determined to be available for allotment. At the end of the second quarter, the amounts of allotments for the first six-month period which have not been certified for payment to the respective States pursuant to § 52.7 shall become available for allotment among the States in the same manner as moneys which had not previously been allotted.

(b) Allotments for the remaining six months shall be made prior to the beginning of the third quarter or as soon thereafter as practicable, and shall equal the total sum remaining unpaid and unallotted from the amount available for allotment during the fiscal year.

(c) The Secretary of the Treasury and the respective State health authorities shall be notified of the amounts of allotments and of the period for which they are made.

§ 52.4 *State plans; mode of submittal.* (a) Each State making application for grants for a cancer control program shall submit plans through its State health authority. A State making such an application may consolidate its plan with the plans submitted in accordance with section 314 of the act: *Provided*, That the information specifically required for a State plan is distinguished with respect to each purpose.

(b) The State plan shall be prepared in accordance with official forms supplied by the Public Health Service for the purpose and may be amended with the approval of the Surgeon General or his designee.

§ 52.5 *State plans; contents.* A State plan for a cancer-control program shall include:

(a) A description of the current organization for and health services included in the program and the proposals for extending, improving, and otherwise modifying such organization and services;

(b) Provision for cancer services in substantial accordance with nationally accepted standards;

(c) A budget by project totals for carrying out the services described under paragraph (a) of this section;

(d) A statement that the plan if approved will be carried out as described and in accordance with the regulations in this part.

§ 52.6 *State plans; time of submittal and approval.* (a) A State plan shall be submitted prior to July 1, 1949, or as soon thereafter as practicable.

(b) A plan or amendment thereto shall not be approved for any period antedating receipt of such plan by the Public Health Service: *Provided*, That exceptions to this rule may be made by the Surgeon General when necessary to meet emergencies.

(c) The budget for cancer services shall not be approved unless each item thereof relates to activities described in the State plan.

§ 52.7 *Payments to States.* Payments from allotments to a State having an approved plan shall not exceed the allotment to such State or the total estimated expenditure necessary for carrying out the State plan, whichever is less. Subject to the foregoing limitations, payments shall be made as follows:

(a) Payment for the first quarter shall be based upon an application for funds showing the State's estimated requirement for such quarter.

(b) Payment for the second quarter shall be the amount of the difference between the unpaid balance of the allotment of the respective State for the first six months and the unencumbered cash balance of the Federal funds in the State Treasury at the beginning of the first quarter, adjusted for exceptions.

(c) Payment for subsequent quarters from the allotment for the final six-month period shall be made once in each quarter and shall be based upon an application for funds showing the estimated requirements for such quarter and the estimated unencumbered balance of Federal funds in the State Treasury at the beginning of the quarter for which payment is to be made. All such payments shall be in the amount of the difference between the estimated requirement and the estimated unencumbered cash balance adjusted for exceptions, except that the amount paid for either the third or the fourth quarter, together with the estimated unencumbered balance of Federal funds in the State Treasury at the beginning of the quarter, shall not exceed 35 percent of the total amount available to the State for the year.

(d) Any amount in excess of 35 percent of the total allotment to a State remaining unpaid after the third quarter payment, and any unpaid balance in the allotment of a State remaining unpaid after the final payment to a State, shall be available for special project grants.

(e) Payments from allotments shall not be certified unless an application for payment and all reports and documents prescribed by the regulations in this part to be due have been received.

§ 52.8 *Required expenditure of State and local funds.* (a) Moneys paid to any State for carrying out an approved State plan shall be paid on the condition that there be expended in the State, during the fiscal year 1950 and for purposes specified in the State plan, public funds of the State and its political subdivisions (excluding any funds derived by loan or grant from the United States) and contributions made available by voluntary agencies for carrying out the State plan in an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

Required expenditures of State and local funds may include funds available specifically for cancer programs and funds for generalized service to the extent that such expenditures contribute to the cancer program and are not used to meet the requirements for State and local expenditures of other Federal grant programs.

(b) Federal funds paid to a State for its cancer control program shall not be used to conserve State and local funds otherwise available for such purpose.

§ 52.9 *Expenditure of Federal funds.* (a) Federal funds paid to a State shall be expended solely for the purposes specified in plans approved by the Surgeon General or his designee, and in accordance with the regulations in this part.

(b) Except as otherwise authorized by the Surgeon General, the provisions of State law which are applicable to the expenditure of moneys appropriated by the State shall apply to the expenditure of Federal moneys paid to the State.

(c) All encumbrances of Federal funds shall be liquidated within the period required by State law for the liquidation of encumbrances of State appropriated funds unless otherwise authorized by the Surgeon General, and, in any event, within two years after the end of the fiscal year in which the encumbrance was incurred. The amount of encumbrances not so liquidated will be treated for the purpose of determining payments under the regulations in this part as constituting a part of the unencumbered cash balance at the end of the second succeeding fiscal year.

§ 52.10 *Use of Federal funds for training.* Use of Federal funds for training personnel for State and local health work shall be authorized by the State health authority in accordance with "Minimum Standards for Sponsored Training of the Public Health Service." Records of authorized training shall be maintained in the State health agency and shall be audited for compliance with these standards.

§ 52.11 *Personnel administration on a merit basis.* A system of personnel administration on a merit basis shall be established and maintained for personnel employed in the program, the budget of which provides for the expenditure of Federal funds or of State or local funds for matching purposes. Standards for evaluating compliance with this requirement shall be contained in "merit system standards of the Public Health Service" in effect at the time of the expenditure.

§ 52.12 *Fiscal accounting and control.* (a) The principal State accounting officer shall maintain either (1) a separate and distinct fund account for Federal cancer funds; or (2) a separate and distinct fund account for each State agency in which all Public Health Service grants may be commingled with other Federal grants (but no other funds) available to such agency.

(b) The State and local public health agencies receiving cancer funds under the regulations in this part shall establish and maintain efficient methods for conducting fiscal affairs (including financial and property controls). Each State agency shall maintain a separate and distinct fund account for the Public Health Service cancer grant.

§ 52.13 *Reports.* The Surgeon General may require the submission of information pertinent to the operation of the State plan and to the purpose of the

grant, including the following, which wherever possible may be consolidated with data furnished in accordance with section 314 of the act: *Provided*, That the information specifically required for the cancer control program is identified:

(a) A certification on an official form as to the amount of State and local funds available for carrying out the State plan shall be due in duplicate prior to October 1, 1949.

(b) Quarterly reports on official forms showing (1) total receipts, expenditures, unliquidated encumbrances, and balances of Federal funds, and (2) for the first three quarters, total quarterly expenditures from Federal grants and other sources for each activity shown in the budget for cancer control shall be due in duplicate 45 days after the close of the quarter.

(c) An annual report on an official form showing total expenditures from Federal funds and other sources for each activity shown in the budget for cancer control shall be due in duplicate on October 1, 1949.

(d) A report on an official form showing personnel, facilities, and services for each local health organization included in the current State plan shall be due in duplicate on September 15, 1949.

§ 52.14 *Audits.* Audit of the activities and program described in the State plan may be made after prior consultation with the State health authority. Records, documents, and information available to the State health authority pertinent to the audit shall be accessible for purposes of audit.

§ 52.15 *Project grants; eligibility; submission of plan; approval.* State health agencies, universities, hospitals, laboratories, institutions, or professional nonprofit organizations, public or private, will be eligible to apply for funds for projects relating to cancer control. The applicant shall submit plans for such projects through the State health authority.

§ 52.16 *Project plans; contents.* A project plan with respect to a cancer grant shall describe:

(a) The current organization and functions of the applicant, personnel available for cancer activities, objectives of the project and techniques for operation; and

(b) The amount of funds available to the applicant for the project, the amount of Federal funds required, the personnel needed, the cost of permanent equipment, consumable supplies and travel, and the period during which the project will be operated.

§ 52.17 *Payment to project grantees; unused funds.* Upon the approval of a project plan the total amount of the project will be paid directly to the grantee. A separate and distinct fund account shall be maintained by the grantee for the Federal funds paid hereunder. Any balances of the grant remaining unspent at the close of the project shall be returned to the Treasury of the United States.

§ 52.18 *Project expenditures; required reports; audits.* Federal funds paid to a project grantee shall be expended solely for the purposes specified in the project plan approved by the Surgeon General and in accordance with the regulations in this part. Progress and financial reports shall be submitted to the Surgeon General by the grantee after nine months of project operation, and at the end of the approved project period. Audit of the activities described in the project plan may be made after prior consultation with the grantee. Records, documents, and information available to the grantee pertinent to the audit shall be accessible for purposes of audit.

Effective date; prior regulations superseded. The regulations in this part which become effective upon the date of their publication in the FEDERAL REGISTER, shall apply for the fiscal year 1950, and with respect to such fiscal year, shall supersede the regulations heretofore contained in this part.

Dated: July 15, 1949.

[SEAL] A. P. DEARING,
Acting Surgeon General.

Approved: July 15, 1949.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 49-6002; Filed, July 21, 1949; 8:59 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 595]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF NAVY

By virtue of the authority contained in the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas in the Cibola National Forest, New Mexico, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Navy for experimental purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 N., R. 4½ E.,
Secs. 13 and 24.
T. 8 N., R. 5 E.,
Secs. 1, 2, and 3, those parts north of Isleta Pueblo Grant.
T. 9 N., R. 5 E.,
Secs. 13 to 18, inclusive;
Sec. 19, N½;
Sec. 20, E½, NW¼, E½SW¼, and NW¼SW¼;
Secs. 21 to 27, inclusive;
Sec. 28, E½, NW¼, E½SW¼, and N½NW¼SW¼;
Sec. 29, NE¼NW¼, N½NE¼, and N½SE¼NE¼;
Sec. 33, E½;
Secs. 34, 35, and 36.

The areas described, including both public and non-public lands, aggregate approximately 13,948 acres.

This order shall take precedence over, but not otherwise affect, the Proclamations of November 6, 1906, and April 16, 1908, withdrawing lands for national forest purposes, so far as such orders effect the above-described lands.

J. A. KRUG,
Secretary of the Interior.

JULY 18, 1949.

[F. R. Doc. 49-5993; Filed, July 21, 1949; 8:57 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

PART 290—FORMS

STANDARD PROVISIONS OF OPERATING DIFFERENTIAL SUBSIDY AGREEMENT

§ 290.11 *Operating Differential Subsidy Agreement; Part II, General Provisions.* The United States Maritime Commission, on July 13, 1949, adopted a revised standard form of Operating Differential Subsidy Agreement, incorporating general provisions applicable to existing and future Operating Differential Subsidy Agreements made under authority of Title VI of the Merchant Marine Act, 1936, as amended.

Copies of the Agreement, identified as Part II, General Provisions, may, upon request, be obtained by persons having a proper interest, upon application at the Office of the Secretary, United States Maritime Commission, Washington 25, D. C.

(49 Stat. 1987, as amended; 46 U. S. C. 1114)

By order of United States Maritime Commission.

Dated: July 13, 1949.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 49-6021; Filed, July 21, 1949; 9:03 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

SHIP RADIO STATION EQUIPMENT

In the matter of revision of F. C. C. Form 500, Ship Radio Station Equipment.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of July 1949;

The Commission having under consideration the revision of F. C. C. Form 500, Ship Radio Station Equipment, used in the Ship Service; and

It appearing, that since the submission of this form is no longer required in the case of voluntarily equipped ships the proposed revision is designed to eliminate certain requirements and no new information is requested; and

It further appearing, that such revision will be in the public interest and that in view of the nature of the proposed amendment the procedure described in section 4 of the Administrative Procedure Act is not applicable; and

It further appearing, that authority to make the changes in the form is contained in sections 303 (e), 303 (n) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, F. C. C. Form 500, Ship Radio Station Equipment, is revised as set forth below:

Delete "License No." and put word "Date" in lieu thereof.

Delete 7th block "Nature of Service [3]" and utilize the space for "Licensee".

Delete corresponding footnote "3" on back of form.

Delete the whole line "Normal routes [5]".

Delete corresponding footnote "5" on back of form.

Delete the whole line "If for ship-harbor radiotelephone, in vicinity of what port(s) will vessel operate?"

Delete "Crystal detector" under Receivers.

Delete "London, 1929" in footnote 7 on back of form.

Change footnotes 4 to 3, 6 to 4, and 7 to 5.

It is further ordered, That this order shall become effective immediately.

(Sec. 303 (r), 50 Stat. 191; 47 U. S. C. Applies sec. 303 (e), (n), 48 Stat. 1082; 47 U. S. C. sec. 303 (e), (n))

Released: July 14, 1949.

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

[F. R. Doc. 49-6018; Filed, July 21, 1949; 8:54 a. m.]

PART 2 — FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

OPERATION DURING EMERGENCY

In the matter of amendment of Part 2 of the Commission's rules and regulations—operation during emergencies.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of July 1949;

The Commission having under consideration requests by various classes of licensees, including police, for permission to engage, during emergencies, in communication with stations in other services, including aeronautical and ship, on frequencies allocated under the Commission's rules to such other services; and

It appearing, that the basis of such requests is an interpretation of § 2.405 to permit emergency operation without regard to the basic limitations of power and frequency, whereas the rule was intended only to remove restrictions in respect to the scope of service and points of communication; and

It further appearing, that a clarification of § 2.405 of the Commission's rules by way of amendment is immediately necessary in order to avoid possible confusion of communications in time of emergency, and that general notice of proposed rule making in accordance with section 4 (a) of the Administrative Procedure Act would, therefore, be contrary to the public interest; and

It further appearing, that authority for this proceeding is contained in sections 4(i) and 303(b), (c), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That § 2.405 of the Commission's rules (general rules and regulations) be amended, effective immediately, to read as follows:

§ 2.405 *Operation during emergency.* The licensee of any station, except amateur, may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization; *Provided:* (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D. C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and (c) That the Commission at Washington, D. C. and the Engineer in Charge shall be notified immediately when such special use of the station is terminated; *Provided further,* (d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law, *And provided further,* (e) That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

(4 (i), 48 Stat. 1066; sec. 303 (r), 50 Stat. 191; 47 U. S. C. 154 (i), 303 (r). Applies sec. 303 (b), (c), (f), 48 Stat. 1082, 47 U. S. C. 303 (b), (c), (f))

By direction of the Commission.

Released: July 14, 1949.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6019; Filed, July 21, 1949; 8:54 a. m.]

TITLE 50—WILDLIFE

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

Subchapter C—Management of Wildlife Conservation Areas

PART 34—SOUTHEASTERN REGION

FISHING IN EVERGLADES NATIONAL WILDLIFE REFUGE, FLA.

Basis and purposes. In conformity to the policy adopted upon the establishment of the Everglades National Wildlife Refuge, and on the basis of observations and reports of the field representatives of the Fish and Wildlife Service, it has been determined that commercial and noncommercial fishing in accordance with State laws can be permitted on the refuge.

Since the following regulations are relaxations of the present prohibition against fishing on the Everglades National Wildlife Refuge, the notice and public rule-making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001, et seq.) are hereby found to be impracticable and the effective date requirement of the Administrative Procedure Act does not apply.

Effective on the date of publication of this document in the FEDERAL REGISTER, the following subpart is added:

SUBPART—EVERGLADES NATIONAL WILDLIFE REFUGE, FLORIDA

FISHING

Sec.
34.47 Fishing permitted.
34.48 Entry.
34.49 State fishing laws.

AUTHORITY: §§ 34.47 to 34.49 issued under 50 CFR 21.41; 13 F. R. 9351.

§ 34.47 *Fishing permitted.* Commercial and noncommercial fishing are permitted in the waters of the Everglades National Wildlife Refuge in accordance with the provisions of § 34.48 and § 34.49.

§ 34.48 *Entry.* Entry upon and use of the refuge for any purpose are governed by Parts 18 and 21 of this chapter and strict compliance therewith is required.

§ 34.49 *State fishing laws.* Each person fishing in the refuge shall comply with the applicable laws and regulations of the State of Florida. Each person fishing in the refuge shall possess and shall exhibit to any authorized Federal or State official whatever license if any is required by laws or regulations of the State of Florida, which license shall serve as a permit for fishing in the waters of the refuge.

Dated: July 15, 1949.

[SEAL] O. H. JOHNSON,
Acting Director.

[F. R. Doc. 49-5995; Filed, July 21, 1949; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR, Part 101]

ALASKA COMMERCIAL FISHERIES

NOTICE OF INTENTION TO ADOPT AMENDMENTS TO EXISTING REGULATIONS FOR THE PROTECTION OF THE COMMERCIAL FISHERIES OF ALASKA

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237; 5 U. S. C. 1003), and the authority contained in the act of June 6, 1924 (43 Stat. 465, 48 U. S. C. 221, et seq.), as amended and supplemented, notice is hereby given that the Secretary intends to take the following action:

Adopt amended regulations permitting and governing the time, means, and methods for the taking of commercial fish in the waters of Alaska, and related matters.

The foregoing regulations are to be effective beginning February 1, 1950, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., or by presenting their views at a series of open discussions scheduled to be held at the following designated places on the dates specified:

Naknek	July 30
Juneau	Sept. 12
Sitka	Sept. 14
Craig (Klawock)	Sept. 17
Petersburg	Sept. 19
Wrangell	Sept. 20
Ketchikan	Sept. 22
Kodiak	Sept. 27
Anchorage	Sept. 30
Cordova	Oct. 3
Seattle	Nov. 14, 15

[SEAL] WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JULY 15, 1949.

[F. R. Doc. 49-5996; Filed, July 21, 1949; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 1]

[Docket No. 9061]

HANDLING OF BROADCAST APPLICATIONS

NOTICE REGARDING PROPOSED RULE MAKING

In the matter of revision of procedure relating to the handling of broadcast applications.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of July 1949;

The Commission having under consideration written comments and oral argument held before the Commission en banc on June 27, 1949 with respect to the Notice of Proposed Rule Making, adopted February 21, 1949, in the above-entitled proceeding proposing amendments to the Commission's procedural rules and regulations relating to the handling of broadcast applications; and

It appearing, that on June 9, 1949, the Commission adopted an order taking final action with respect to such portion of the said Notice of Proposed Rule Making as looked toward a revision of § 1.321 of the Commission's rules and regulations, sometimes known as the AVCO Rule; and

It further appearing, that, upon consideration of all the matters urged in said written comments and at said oral argument, the Commission is of the opinion that, except for the revision of § 1.321 heretofore made final, the amendments proposed in said Notice of Proposed Rule Making should not be adopted;

It is ordered, That the said Notice of Proposed Rule Making in the above-entitled proceeding, except such portion thereof as has heretofore been adopted in the said order of June 9, 1949, is vacated.

Released: July 15, 1949.

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

[F. R. Doc. 49-6020; Filed, July 21, 1949; 8:54 a. m.]

[47 CFR, Part 35]

[Docket No. 9376]

UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) of the Commission's rules and regulations, Docket No. 9376.

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

2. It is proposed to amend Part 35 of the Commission's rules and regulations as set forth below to become effective 6 months after the adoption of a final order herein, with the provision, however, that, if the amendment is adopted, any carrier may commence using the retirement units prescribed thereby at any time from the date of such order. The proposed amendment will complete the list of retirement units for wire-telegraph and ocean-cable plant.

3. This proposed amendment is issued under the authority of sections 4 (i) and 220 (a) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner set forth herein, may file with the Commission on or before August 26, 1949, a statement or brief setting forth his comments. At the same time persons favoring the amendment as proposed may file statements in support thereof. Before taking action in the matter, the Commission will consider all such comments that are presented, and, if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

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

Adopted: July 13, 1949.

Released: July 14, 1949.

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

1. Amend § 35.1-6-1 by inserting after item (4) under the classification "*Pneumatic tubes (Account 29)*", the following items:

Message transmitting and receiving equipment (Account 41) and Repeater and terminal equipment (Account 42)

Each principal item of equipment, such as:
- Amplifier or magnifier—signal shaping or synchronizing power.
- Anti-induction equipment, wired and equipped—cabinet or rack of.
- Artificial line (ocean cable).
- Bay, alternator.
- Cabinet (wired)—balancing, cable switching relay, concentrator equipment, fork control, impulse unit, self-service telegraph, or switching equipment.
- Concentration unit or concentrator.
- Console, printer.
- Modulator group.
- Network, balancing or sending (ocean cable).
- Pacer, transmission.
- Perforator or reperforator (cable code).
- Printer or printer-perforator.
- Rack (wired), with or without equipment.
- Reactor, resonant.
- Recorder (facsimile).
- Recorder or relay (ocean cable).
- Repeater.
- Selector, way station.
- Set—composite, Morse, terminal, or test.
- Shunt, magnetic.
- Speed matcher (ocean cable).
- Station, telephone.
- Table (wired), with or without equipment.
- Tape puller, motor driven.
- Temperature control—artificial line (not part of building).
- Terminal, carrier or carrier channel.
- Transceiver (facsimile).
- Translator (ocean cable).
- Transmitter (facsimile or ocean cable).
- Turret, reperforator switching.
- Writer, direct.

Switchboards and distributing frames (Account 43)

Each principal item of equipment, such as:
Frame—cross or distributing—section thereof.
Set, test.
Switchboard or section thereof.

Pneumatic tube and conveyor equipment (Account 44)

Each principal item of equipment, such as:
Blower plant.
Compressor plant.
Conveyor—belt, cord, or strap.
Framework.
Gravity drop or duct (not part of building or belt conveyor).
Terminal equipment—distant, home, or intermediate station.
Tubing, pneumatic—complete run in a building between terminals.

Power equipment (Account 45)

Each principal item of equipment, such as:
Battery—primary or storage (except dry cells)—with or without rack.
Bench or panel—motor-generator (separate or combined).
Board or panel—battery charging.
Circuit breaker (not a component part of other listed items).
Generator—motor, engine, or turbine.
Meter—watt-hour or demand.
Power distribution installation.
Rectifier.
Transformer.

Messenger call circuit equipment (Account 46)

Each principal item of equipment, such as:
Annunciator.
Box, call.
Register, call circuit.
Switchboard, call circuit.

Time service equipment (Account 47)

Each principal item of equipment, such as:
Clock—control, master, or service.
Control equipment, time stamp.
Repeater, time service.
Switchboard—time service, or time-messenger.
Synchronizing equipment, motor driven.

Ticker and commercial news service equipment (Account 48)

Each principal item of equipment, such as:
Bench, work.
Keyboard, ticker-transmitter.
Pedestal, ticker.
Perforator, keyboard.
Printer.
Printer-perforator.
Repeater.
Switchboard or section thereof (ticker).
Table, ticker—auxiliary switchboard, operating, or test.
Ticker.
Unit, ticker branch station.

Office cable and conduit (Account 49)

The entire cable and conduit installation in a single office.

A replacement at a single office under a single (but not unduly parceled) project when the cost of the plant retired exceeds $1,000 or 10% of the cost of all the plant represented in the account for that office.

Equipment furnished customers (Account 51)

The retirement units for this account shall correspond to those designated for comparable equipment in carriers' offices.

Other inside communication plant (Account 59)

Each principal item of equipment.

NOTE: The retirement units for equipment in schools shall correspond to those designated for comparable equipment in operating offices.

Furniture and office appliances (Account 61)

Each principal item of equipment, such as:
Air-conditioning unit (not part of building).
Bed, cot, couch, chest, dresser, or stand.
Book case.
Cabinet or locker—file or storage (except in storerooms).
Caldron or kettle, large.
Carpet, rug, or other floor covering.
Cart, utility service.
Cash register.
Cashier's cage—detachable.
Chair, stool, or bench.
Clock.
Counter or bin.
Crockery or glassware—all at one location.
Cutlery or silverware—all at one location.
Desk or table.
Dictaphone.
Disposal unit, garbage.
Fire extinguisher—refillable.
Heater, electric.
Inter-office communicating system.
Lamp—floor or desk.
Machine—addressing, baling, billing, bookkeeping, computing, dishwashing, grinding, ironing, mixing, polishing, pressing, punching, recording, scrubbing, sewing, shoe-shining, slicing, sorting, stenographic, tabulating, washing.
Movie projector.
Oven (not part of a building).
Platform, movable.
Pots, pans, and other cooking utensils—all at one location.
Rack or costumer.
Rack, bicycle.
Radio or phonograph.
Range or hotplate—gas or electric.
Recreation equipment (such as a pool table).
Refrigerator.
Safe.
Scales.
Screen, folding.
Shelving, removable—all at one location.
Stamp, time.
Table—kitchen, cold, or steam.
Tank, movable.
Toaster, percolator, or other electric appliance.
Typewriter.
Urn, coffee or hot water.
Vacuum cleaner.
Vat (not attached to building).
Vending machine.
Ventilator.
Water cooler.
Wringer, copy—motor driven.

Other office and messenger equipment (Account 69)

Each principal item of equipment.

2. Make the following editorial changes in § 35.1–6–1:

Delete the center caption reading "Outside Plant" following paragraph (e); change center caption reading *"Land improvement (Account 14)"* to read *"Land improvements (Account 14)"*; and in the list of items thereunder, after the item reading "Trees, shrubbery, etc.—entire group in a specific area," insert a center caption reading *"Buildings (Account 15)"*.

[F. R. Doc. 49–6017; Filed, July 21, 1949; 8:54 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR, Part 122]

[No. 1876]

FEDERAL HOME LOAN BANK SYSTEM

PROPOSED AMENDMENT RELATING TO INDEMNIFICATION OF DIRECTORS, OFFICERS AND EMPLOYEES OF FEDERAL HOME LOAN BANKS

JULY 15, 1949.

Resolved that notice is hereby given pursuant to § 108.12 of the general regulations of the Home Loan Bank Board (24 CFR 108.12) of the proposed amendment of Part 122 of the regulations for the Federal Home Loan Bank System (24 CFR Part 122) by adding a new § 122.72 (24 CFR 122.72) thereto as follows:

§ 122.72 *Indemnification.* A Federal Home Loan Bank which has duly adopted a bylaw so providing shall indemnify or reimburse each present and future director, officer or employee of the bank (and his heirs, executors and administrators) against all reasonable expenses (subject to approval by the Home Loan Bank Board as to the reasonableness thereof), and against all liabilities to third persons, incurred by him in connection with or arising out of any action, suit or proceeding brought against him by reason of any act or omission in the performance of his official duties as such director, officer or employee of the bank (whether or not he continues to be a director, officer or employee at the time of incurring such expenses or liabilities). Such expenses and liabilities shall include, but not be limited to, court costs and attorneys' fees, judgments, and the costs of reasonable settlements. The bank shall not, however, indemnify such director, officer or employee against either expenses or liabilities with respect to matters as to which he shall be finally adjudged in any such action, suit or proceeding to be liable for negligence or willful misconduct in the performance of his official duties as such director, officer or employee, or shall be finally adjudged or shall agree by way of settlement to be liable to the bank for any reason. Indemnification in the event of a settlement or compromise shall be subject to prior approval by the Home Loan Bank Board and shall be had only where it is determined that such director, officer or employee is not liable for negligence or willful misconduct in the performance of his official duties with respect to the matters involved and that such settlement or compromise is ir the best interest of the bank. The foregoing right of indemnification shall not be exclusive of other rights to which any director, officer or employee may be entitled as a matter of law.

(Sec. 17, 47 Stat. 736; 12 U. S. C. 1437; 61 Stat. 954, 5 U. S. C. 133y–16)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 49–6030; Filed, July 21, 1949; 8:47 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 10]

CHIEF OF DIVISION OF EXCHANGE OF PERSONS

DELEGATION OF AUTHORITY

Pursuant to the authority contained in section 4 of Public Law 73, 81st Congress, which provides that:

The Secretary of State may promulgate such rules and regulations as may be necessary to carry out the functions now or hereafter vested in the Secretary of State or the Department of State, and he may delegate authority to perform any of such functions to officers and employees under his direction and supervision.

It is hereby ordered, That the authority to perform the functions as prescribed for the Secretary of State by Departmental Regulation 108.90 [1] is delegated to the Chief of the Division of Exchange of Persons.

This notice shall become effective immediately upon publication in the FEDERAL REGISTER.

[SEAL] DEAN ACHESON,
Secretary of State.

JULY 19, 1949.

[F. R. Doc. 49-6010; Filed, July 21, 1949; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

JULY 6, 1949.

1. 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 under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Carson City, Nevada, land district, embracing 80 acres,

NEVADA SMALL TRACT CLASSIFICATION NO. 42

For lease and sale for homesites only:

T. 21 S., R. 61 E., M. D. M.,
Sec. 35, E½SW¼.

This land is situated in Clark County, Nevada, and approximately 6 miles from the city of Las Vegas, Nevada. A county highway extends along the south side of the land and connects with the main highway from Las Vegas to Los Angeles, California. The area is one that is used extensively for health and recreational purposes.

2. As to applications regularly filed prior to 10:00 a. m., June 23, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., September 7, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., September 7, 1949, to the close of business on December 6, 1949.

(b) Advance period for veterans' simultaneous filings from 10:00 a. m., June 23, 1949, to the close of business on September 7, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., December 7, 1949.

(a) Advance period for simultaneous nonpreference filings from 10:00 a. m., June 23, 1949, to the close of business on December 7, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Leases will be for a period of five 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 $75.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

9. Tracts will be subject to rights-of-way for road purposes and public utilities as follows:

33 feet along the east side of the E½SW¼.
16½ feet along the west side of the E½E½SW¼.
16½ feet along the east side of the W½E½SW¼.
16½ feet along the south side of the NE¼SW¼.
16½ feet along the north side of the SE¼SW¼.

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.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-6012; Filed, July 21, 1949; 8:53 a. m.]

COLORADO

AIR-NAVIGATION SITE WITHDRAWAL NO. 256

JULY 18, 1949.

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (49 U. S. C. sec. 214), and pursuant to the authority delegated by the Secretary of the Interior (43 CFR 4.275 (a) (80iii)), it is ordered as follows:

Subject to valid existing rights, the following-described public land in Colorado is hereby withdrawn from all forms of appropriation under the public land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 256:

SIXTH PRINCIPAL MERIDIAN

T. 9 S., R. 102 W.,
Sec. 18, lot 1.

The area as described contains 39.40 acres.

This order shall take precedence over but shall not modify the order of the Acting Secretary of the Interior dated October 12, 1940, establishing Colorado Grazing District No. 7, so far as it affects the above-described land.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. R. BRADSHAW,
Acting Director.

[F. R. Doc. 49-5997; Filed, July 21, 1949; 8:58 a. m.]

NEW MEXICO

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF NAVY [1]

For a period of 30 days from the date of publication of the above entitled

[1] See Title 22, Chapter I, Part 68, *supra*.

[1] See F. R. Doc. 49-5993, Title 43, Chapter I, Appendix, *supra*.

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

J. A. KRUG,
Secretary of the Interior.

JULY 18, 1949.

[F. R. Doc. 49-5994; Filed, July 21, 1949; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

UNION STOCK YARDS, LA FAYETTE, INDIANA

NOTICE RELATIVE TO POSTED STOCKYARDS

Notice is hereby given that after consideration of all relevant matter, presented pursuant to the notice of proposed deposting published in the FEDERAL REGISTER on June 30, 1949 (14 F. R. 3589), it has been ascertained that the Union Stock Yards at La Fayette, Indiana, originally posted on November 1, 1921, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication thereof in the FEDERAL REGISTER.

(7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 19th day of July 1949.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 49-6004; Filed, July 21, 1949; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9375]

RCA COMMUNICATIONS, INC.

ORDER INSTITUTING INVESTIGATION

In the matter of RCA Communications, Inc., Docket No. 9375; charges, classifications, regulations and practices for Scheduled Press Transmission/Reception Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 13th day of July 1949;

The Commission, having under consideration new and revised tariff schedules filed by RCA Communications, Inc., on June 22, 1949, to become effective July 23, 1949, as follows:

RCA COMMUNICATIONS, INC.

Tariff F. C. C. No. 57

2d Revised Title Page.
5th Revised Page 2.
3d Revised Page 3.
Original Page 3A.
3d Revised 6.
Original Page 6A.
Original Page 9.

It appearing, that the above-cited tariff schedules propose the establishment of a "Scheduled Press Transmission/Reception Service" and charges therefor, for the transmission and reception of multiple address press traffic between San Francisco, California, and Honolulu, T. H.;

It further appearing, that a question is presented as to whether, in violation of section 202 (a) of the Communications Act of 1934, as amended, the proposed charges, classifications, regulations and practices set forth in the above-cited tariff schedules are unjustly or unreasonably discriminatory or unduly or unreasonably preferential or advantageous, especially in relation to the charges, classifications, regulations and practices set forth in the currently effective tariff schedules of RCA Communications, Inc., for and in connection with scheduled transmission and reception services;

It is ordered, That pursuant to sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing and investigation concerning the lawfulness of the charges, classifications, regulations and practices set forth in the above-cited new and revised tariff schedules;

It is further ordered, That pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited new and revised tariff schedules is hereby suspended until October 23, 1949, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in said tariff schedules, or in any charges, classifications, regulations or practices which may be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That without in any way limiting the scope of the hearing and investigation herein, they shall include inquiry into the following specific matters;

(1) The lawfulness, under sections 201 and 202 of the Communications Act of 1934, as amended, of the proposed charges, classifications, regulations and practices of RCA Communications, Inc., for and in connection with Scheduled Press Transmission/Reception Service;

(2) Whether, in violation of section 202 (a) of the Communications Act of 1934, as amended, the proposed charges, classifications, regulations and practices set forth in the tariff schedules herein suspended are unjustly or unreasonably discriminatory or unduly or unreasonably preferential or advantageous, especially in relation to the charges, classifications, regulations and practices set forth in the currently effective tariff schedules of RCA Communications, Inc., for and in connection with scheduled transmission and reception services;

(3) Whether, in the light of the facts developed in connection with above items (1) and (2), the Commission, in accordance with section 205 of the Communications Act of 1934, as amended, should prescribe just and reasonable charges, and just, fair and reasonable classifications, regulations and practices for and in connection with Scheduled Press Transmission/Reception Service, and, if so, what should be so prescribed;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that RCA Communications, Inc., is hereby made party respondent to this proceeding; and that a copy hereof be served on such respondent;

It is further ordered, That a public hearing shall be held herein at the offices of the Federal Communications Commission in Washington, D. C., on the 8th day of August 1949, beginning at 10:00 a. m.

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

[F. R. Doc. 49-6013; Filed, July 21, 1949; 8:53 a. m.]

[Docket Nos. 8691, 8692, 9231, 9382]

MARION BROADCASTING CO. (WMRN) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Marion Broadcasting Company (WMRN), Marion, Ohio, Docket No. 9382, File No. BP-7023; E. Harold Munn tr/as Hico Broadcasters, Jonesville, Michigan, Docket No. 9231, File No. BP-6889; Detroit Broadcasting Company (WJBK), Detroit, Michigan, Docket No. 8691, File No. BP-6235; James Gerity, Jr. (WABJ), Adrian, Michigan, Docket No. 8692, File No. BP-6251; for construction permits.

At a session of the Federal Communications Commission, held at its offices in

Washington, D. C., on the 13th day of July 1949;

The Commission having under consideration the above-entitled application of Marion Broadcasting Company, licensee of Station WMRN, Marion, Ohio, for construction permit to install a new vertical antenna and to mount FM antenna on AM tower and also having under consideration a petition for immediate consideration and grant without hearing of the said application filed April 12, 1949, by Marion Broadcasting Company;

It appearing, that, the above entitled applications of Detroit Broadcasting Company for a construction permit to change the facilities of Station WJBK, Detroit, Michigan, from 1490 kilocycles, 250 watts power, unlimited time to 1500 kilocycles, 10 kw.–25 kw. power, unlimited time and of James Gerity, Jr. (formerly Gail D. Griner and Alden M. Cooper d/b as The Adrian Broadcasting Company) for a construction permit to change the facilities of Station WABJ, Adrian, Michigan, from 1500 kilocycles, 250 watts power, daytime only to 1490 kilocycles, 250 watts power, unlimited time were designated for hearing December 18, 1947, in a consolidated proceeding and Marion Broadcasting Company, licensee of Station WMRN, Marion, Ohio, made a party to the proceeding; and

It further appearing, that the above entitled application of E. Harold Munn tr/as Hico Broadcasters for a permit to construct a new standard broadcast station to operate on frequency 1480 kilocycles, with 500 watts power, daytime only at Jonesville, Michigan, was designated for hearing February 9, 1949, in the aforementioned consolidated proceeding;

It is ordered, That, the said petition of Marion Broadcasting Company is denied and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Marion Broadcasting Company is designated for hearing in the aforementioned consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

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

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

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

4. To determine whether the operation of Station WMRN as proposed would involve objectionable interference with Stations WBEX, Chillicothe, Ohio; WSRS, Cleveland Heights, 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.

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

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

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

It is further ordered, That, the orders of the Commission of December 18, 1947, and February 9, 1949, designating for hearing in a consolidated proceeding the above-entitled applications of E. Harold Munn tr/as Hico Broadcasters; Detroit Broadcasting Company; and James Gerity, Jr. are amended to include the above-entitled application of Marion Broadcasting Company.

It is further ordered, That, Shawnee Broadcasting Company, licensee of Station WBEX, Chillicothe, Ohio, and WSRS, Incorporated, licensee of Station WSRS, Cleveland Heights, Ohio, are made parties to the proceeding with respect to all applications therein.

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

[F. R. Doc. 49-6014; Filed, July 21, 1949; 8:53 a. m.]

[Docket Nos. 9377-9379]

GENE HOWE ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Gene Howe et al. (transferor), Express Publishing Company (transferee), BTC-722, Docket No. 9377; for consent to transfer of control of Sunshine Broadcasting Company, KTSA, KTSA-FM.

Kansas Broadcasting, Inc. (assignor), Taylor Radio and Television Corporation (assignee), BAL-822, BALRY-59, BALRE-60, Docket No. 9378; for consent to assignment of license of KANS, et al., Wichita, Kansas.

KRGV, Inc. (assignor), Taylor Radio and Television Corporation (assignee), BAPL-43, Docket No. 9379; for consent to assignment of license of KRGV, Weslaco, Texas.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of July 1949;

The Commission having under consideration the above entitled applications for consent to the transfer of control of Sunshine Broadcasting Company, licensee of station KTSA and permittee of KTSA-FM, for assignment of the license of station KANS and associated facilities, and for assignment of the license of station KRGV, and not being satisfied that it is in possession of full information as required by the Communications Act of 1934, as amended, and more particularly sections 310 (b) and 319 (b) thereof;

It is ordered, That pursuant to sections 310 (b) and 319 (b) of the Communications Act, as amended, the above entitled applications be designated for hearing in a consolidated proceeding, at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine the full contractual arrangements between the proposed assignors and proposed assignees with respect to stations KANS and KRGV, and between the proposed transferor and the proposed transferee with respect to station KTSA, including the consideration to be paid, the manner of payment and the properties to be received therefor.

2. To secure full information as to the plans of each of the proposed assignees and the transferee for programming and staffing stations KRGV, KANS and KTSA.

3. To determine whether the proposed assignees and proposed transferee are legally, technically, financially and otherwise qualified to own and control stations KRGV, KANS and KTSA.

4. To determine whether approval of the proposed transfer with respect to station KTSA would give approval to trafficking in frequencies or licensed privileges.

5. To determine whether, in the light of the evidence adduced under the foregoing issues, grants of the above applications would be in the public interest.

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

[F. R. Doc. 49-6015; Filed, July 21, 1949; 8:54 a. m.]

[Docket Nos. 9380, 9381]

DOROTHY SCHIFF (THACKREY) (KLAC) (KYA) AND WARNER BROS. PICTURES, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Dorothy Schiff (Thackrey), (transferor) (KLAC), Warner Bros. Pictures, Inc. (transferee), Docket No. 9380, File No. BTC-693; Dorothy Schiff (Thackrey), (transferor) (KYA), Warner Bros. Pictures, Inc. (transferee), Docket No. 9381, File No. BTC-694; for consent to transfer of control of KMTR Radio Corporation, licensee of AM station KLAC and permittee of television station KIAC-TV, Los Angeles, California, and Palo Alto Radio Station, Inc., licensee of AM station KYA, San Francisco, California.

At a session of the Federal Communications Commission, held at its offices

in Washington, D. C. on the 13th day of July 1949;

The Commission having under consideration the above entitled applications for consent to the transfer of control of KMTR Radio Corporation, licensee of AM station KLAC and permittee of television station KLAC–TV, Los Angeles, California, and Palo Alto Radio Station, Inc., licensee of AM station KYA, San Francisco, California, and being unable to determine upon consideration of the applications on their merits that the proposed transfer of control would be in the public interest;

It is ordered, That, pursuant to sections 310 (b) and 319 (b) of the Communications Act of 1934, as amended, the above applications be designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine whether the proposed transferee is legally, technically, financially and otherwise qualified to own and control KMTR Radio Corporation and Palo Alto Radio Station, Inc., and to operate stations KLAC and KYA and to construct and operate television station KLAC–TV.

2. To determine the full contract arrangements between the transferor and the transferee, including the price and the manner of payment and the properties to be received therefor.

3. To secure full information as to the plans of the proposed transferee for staffing and programming stations KYA, KLAC and KLAC–TV, and all other plans or arrangements for operating said stations.

4. To secure full information concerning litigation with respect to involvements of the proposed transferee in violations of the Sherman Anti-Trust Act in the production, distribution and exhibition of moving picture films, and to further determine the relationship of these violations to (a) the character qualifications of the proposed transferee to operate broadcast stations and, more particularly, television station KLAC–TV and (b) whether a grant of the application would be in the public interest.

5. To secure full information with respect to the amounts and nature of advances made or to be made by or on behalf of Warner Bros. Pictures, Inc., to KMTR Radio Corporation and/or Palo Alto Radio Station, Inc.

6. To determine whether the arrangements between the transferor and the transferee for advancement of funds constitute a relinquishment of control by the transferor of the licensee corporations in contravention of section 310 (b) and 319 (b) of the Communications Act of 1934, as amended.

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

[F. R. Doc. 49–6016; Filed, July 21, 1949; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1239]

BILLINGS GAS CO.

NOTICE OF APPLICATION

JULY 15, 1949.

Take notice that Billings Gas Company (Applicant), a Montana corporation, address Billings, Montana, filed on July 11, 1949, a petition presumably as an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and utilization of a certain gas reservoir for underground storage, hereinafter described.

Applicant owns and operates a natural-gas transmission system extending generally northward from the Garland field in Wyoming to the City of Billings, Montana. Applicant proposes to acquire and utilize for underground storage a gas reservoir located in portions of the States of Wyoming and Montana, known as the Elk Basin Cloverly gas reservoir. All gas now purchased and handled by Applicant, excepting only the minor Northwest Elk Basin field, passes through the area in which the Elk Basin Cloverly gas reservoir is located. Applicant estimates that approximately one billion cubic feet of gas will be needed for injection and withdrawal annually, the cycle being completed in each 12-month period.

Applicant proposes to purchase all gas rights in the reservoir, including the fee owner's consent to the use thereof for storage. Applicant states that 61/64th of such rights are now committed, and that it anticipates consents can be secured at a nominal price, the total purchase price approximating $280,000. Rearrangement and enlargement of its existing facilities, Applicant estimates will cost $20,000. No new operating expenses will be incurred. The price to be paid for reservoir gas rights covers also more than six billion cubic feet of gas still in place, which can and will be taken out in later years.

Applicant's current annual demand is slightly more than four billion cubic feet, and is expected to increase to 4.25 billion within the next five years. Its 1948 peak-day demand was 26.9 million cubic feet. Applicant presently has under contract 12 million cubic feet of gas a day ready to enter its pipe lines, with a potential peak-day demand approximating 30 million cubic feet.

Applicant asserts that with use of the Elk Basin Cloverly reservoir for storage purposes, it can more reliably meet its obligation as to annual and peak-day demands; it can utilize to best advantage its existing facilities; it can conserve gas produced concurrently with oil in the Elk Basin area for which no other market exists or is in immediate prospect, and which will be irretrievably lost and wasted if not stored for withdrawal as needed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure, within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49–5991; Filed, July 21, 1949; 8:57 a. m.]

[Docket No. G–1238]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 15, 1949.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, address El Paso, Texas, filed on July 8, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe line facilities hereinafter described.

Applicant proposes to transport natural gas for (1) sale to the Sacramento Corporation to be resold to the White Sands Proving Ground of the U. S. Army, to the Holloman Air Force Base of the U. S. Air Forces and to customers in Alamagordo, New Mexico; (2) sale for resale to the City of Willcox, Arizona; and (3) sale of additional natural gas to Central Arizona Light and Power Company for resale in the Phoenix, Arizona, area. For such purposes, Applicant proposes to construct and operate approximately 81.1 miles of lateral pipe lines, consisting of varying lengths of 6⅝ inch, 4½ inch, 3½ inch and 2⅜ inch lines from a point on Applicant's existing 26-inch transmission pipe line near its El Paso Compressor Station to delivery points at the White Sands Proving Ground in Dona Ana County, New Mexico, the Holloman Air Force Base in Otero County, New Mexico, and the Town of Alamagordo, in Otero County, New Mexico, said lines to have an initial delivery capacity totalling 5,200,000 cubic feet per day of natural gas, and three (3) meters, regulating stations and taps to provide natural gas service to each of said delivery points; approximately 12 miles of 10¾ inch loop pipe line paralleling Applicant's existing 10¾ inch pipe line near Tempe, Maricopa County, Arizona, and having an initial delivery capacity of 9,000,000 cubic feet per day of natural gas; and a meter, regulating station and tap in Cochise County, Arizona, serving the Town of Willcox, Arizona, and located on an 8⅝ inch pipe line between Applicant's 26-inch pipe line and the Town of Safford, Arizona, having an initial delivery capacity of 84,000 cubic feet per day of natural gas.

The estimated cost of the proposed facilities is $690,630.00 which will be financed from company funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure

within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5992; Filed, July 21, 1949; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-902]

HARBAUER CO.

DISMISSAL OF PROCEEDINGS TO WITHDRAW SECURITY FROM REGISTRATION AND LISTING ON AN EXCHANGE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of July A. D. 1949.

The Harbauer Company, an Ohio corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, on May 16, 1949, filed application to the Commission to withdraw its Common Stock, No Par Value, from registration and listing on the Cleveland Stock Exchange.

The Harbauer Company on July 11, 1949, filed with the Commission a withdrawal of the above application.

Accordingly it is ordered, That the application of The Harbaurer Company to withdraw its Common Stock, No Par Value, from registration and listing on the Cleveland Stock Exchange be withdrawn and the proceedings be, and the same are, hereby dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-5998; Filed, July 21, 1949; 8:58 a. m.]

[File No. 54-175]

MONONGAHELA POWER CO. ET AL.

MEMORANDUM FINDINGS, OPINION AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of July A. D. 1949.

On August 15, 1945, the Commission adopted findings and issued an order[1] with respect to Monongahela Power Company ("Monongahela"), a subsidiary in The West Penn Electric Company ("West Penn Electric") holding company system, which order, among other things, contained the following restriction on the payment of common stock dividends by Monongahela: "That so long as the serial notes to be issued by Monongahela remain outstanding and not discharged, Monongahela shall not pay dividends on its common stock in any calendar year exceeding in the aggregate $800,000".

West Penn Electric and three of its subsidiaries, including Monongahela, have recently filed a joint application-declaration with this Commission concerned primarily with a plan of partial simplification of The West Penn Electric Company holding company system pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935. Included in the joint application-declaration is a petition on the part of Monongahela for an order of the Commission rescinding and revoking the dividend restriction imposed in 1945 and quoted above.

Hearings with respect to this joint application-declaration have been held. At the public hearing, applicants-declarants stated, with respect to the request for revoking the dividend restriction on Monongahela, that Monongahela's financial position has so substantially improved since 1945 that the restriction is no longer appropriate. In addition, it is represented that prompt revocation of the restriction would facilitate the overall section 11 program of the system. Under the circumstances the Commission has determined that it is appropriate to take action with respect to the application of Monongahela in this matter separately from the action to be taken with respect to the section 11 (e) plan.

Having considered the record with respect to Monongahela's request for the removal of the common stock dividend restriction, the Commission makes the following findings:

Monongahela, together with its four subsidiaries, operates electric and gas utility facilities principally in central and northern West Virginia but also in eastern Ohio and western Pennsylvania.

The order of August 15, 1945, permitted the issuance and sale by Monongahela of $22,000,000 principal amount of First Mortgage Bonds: $9,000,000 aggregate par value of Cumulative Preferred Stock; 52,500 shares of new common stock; and $4,000,000 face amount of Serial Notes, sold to three banks. In an opinion accompanying that order, we stated that a dividend restriction on Monongahela's common stock was being imposed for the reason ". . . that an unduly high proportion of senior securities will remain outstanding immediately following the proposed transaction." It was apparent at that time that the capital structures of Monongahela's parent holding companies were so complex and in need of simplification that the parent companies could not then serve the function of providing needed common capital for Monongahela and that the only way in which Monongahela could be assured of adequate equity capital was by means of a restriction on its common stock dividends.

Attached hereto, as Appendix A, are consolidated balance sheets of Monongahela and its subsidiaries as at April 30, 1945, and March 31, 1949. Applicants-declarants represent that property, plant and equipment of Monongahela and subsidiaries are carried at original cost with the exception of $2,644,203, which is classified as Account 100.5—Utility Plant Acquisition Adjustments. The record indicates that, in accordance with orders of the Federal Power Commission and the Public Service Commission of West Virginia, substantially all of the amount in Account 100.5 is being amortized by charges to income over a 15-year period, beginning July 1, 1945. The following Table I, based on these balance sheets, contrasts certain capitalization and property ratios for these two periods.

TABLE I

	Apr. 30, 1945	Mar. 31, 1949	Increase or (decrease)
Capitalization ratios	*Percent*	*Percent*	*Percent*
All debt	57.88	54.85	(3.03)
Preferred stock	20.23	19.15	(1.08)
Common stock equity	21.89	26.00	4.11
Property ratios			
Bonds to net plant and property	57.99	57.96	(.03)
All debt to net plnat and property and net current assets	64.77	56.88	(7.89)
All debt and preferred stock to net plant and property and net current assets	87.40	76.75	(10.65)
Depreciation reserve to depreciable property	20.5	20.1	(.4)

Reference to Table I above indicates that the proportion of outstanding senior securities has been substantially reduced and the common stock equity increased since the imposition of the dividend restriction. It will be noted particularly that the ratio of debt and preferred stock to net plant and property and net current assets has decreased from 87.40%, as of April 30, 1945, to 76.75%, as of March 31, 1949. As indicated in Appendix A attached, during the period from April 30, 1945 to March 31, 1949, the Serial Notes of Monongahela, because of the serial maturities, have been reduced from $4,000,000 face amount to $2,600,000 face amount.

Set forth in Table II below are condensed statements of income of Monongahela and its subsidiaries for the twelve months ended April 30, 1945, and for the twelve months ended March 31, 1949.

[1] *Monongahela Power Company et al.* — S. E. C. — (1945) Holding Company Act Release No. 5988. August 15, 1945.

TABLE II

	12 months ended Apr. 30, 1945	12 months ended Mar. 31, 1949	Increase or (decrease)
Gross income before fixed charges	$2,932,587	$4,320,461	$1,367,874
Fixed charges	1,261,871	1,046,456	(215,415)
Net income for dividends	1,690,716	3,274,005	1,583,289
Preferred stock dividends	396,000	588,000	192,000
Balance net income for dividends on common stock	1,294,716	2,686,005	1,391,289
Common stock dividends paid	800,000	800,000	
Balance of net income after dividends on common stock	494,716	1,886,005	1,391,289
	Percent	*Percent*	
Percent of applicable earnings paid as dividends on common stock	61.79	29.78	
Times fixed charges earned	2.34	4.13	
Times fixed charges and preferred dividends earned	1.78	2.64	
Earned per share on common:			
1,000,000 shares	$1.29		
1,067,000 shares		$2.52	

Table II indicates that in 1945, when we imposed the condition that so long as Monongahela's serial notes remain outstanding Monongahela shall not pay common stock dividends in excess of $800,000 a year, Monongahela's balance of net income available for common stock was only $1,294,716, of which $800,000 was 61.79 percent. As at March 31, 1949, $800,000 was only 29.78 percent of the total amount available for common stock dividends. Furthermore, fixed charges in 1945 were earned 2.34 times; in 1949 this has become 4.13 times. Fixed charges plus preferred stock dividends were earned 1.78 times in 1945 and are earned 2.64 times in 1949.

We also note that since 1945 the top holding company in the holding company system of which Monongahela is a part, American Water Works and Electric Company, Inc., has been dissolved, that West Penn Electric, now the top company, has a partial simplification plan before us at this time, and that removal of the instant restriction on Monongahela's common stock dividends will facilitate the carrying out of needed steps under section 11 in the further simplification of The West Penn holding company system.

Although Monongahela's common stock equity is now only 26 percent, the Commission is persuaded, in the light of the substantial improvements in the company's financial position since 1945 and other restrictions on the company's dividends, mentioned below, which become operative, generally speaking, if ratios deteriorate, that the special dividend restriction limiting common dividends to not more than $800,000 a year may now be appropriately removed.[2]

Upon the removal of this special dividend restriction, Monongahela will continue, as long as its preferred stock remains outstanding, to be subject to our standard requirement that common stock dividends may not exceed 75 percent of current earnings applicable to the common stock if the common capital amounts to less than 25 percent of total capitalization and 50 percent if such common capital becomes less than 20 percent. Monongahela will also continue to be subject to a provision, contained in the Fifth Supplemental Indenture securing certain of its outstanding bonds, to the effect that the earned surplus of the company and its subsidiaries, as at November 30, 1948, amounting to $6,784,000, with the exception of $750,000 thereof, is restricted against the payment of dividends on the common stock of the company.

It is therefore ordered, That the restriction heretofore imposed on Monongahela, by Commission Order dated August 15, 1945, restricting dividends on its common stock to not more than $800,000 in any calendar year be, and same hereby is, removed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[2] Applicants-declarants represent that Monongahela's note holders have been consulted with respect to the elimination of the dividend restriction on Monongahela and expressed no opposition.

APPENDIX A

MONONGAHELA POWER COMPANY AND SUBSIDIARY COMPANIES CONDENSED CONSOLIDATED BALANCE SHEETS

	Apr. 30, 1945	Mar. 31, 1949
Assets and other debits		
Property, plant and equipment:		
Original cost	$46,213,342	$73,323,678
Utility plant acquisition adjustments	2,706,900	2,644,203
Miscellaneous	551,015	268,214
Excess of carrying value of investments of the company in securities of its subsidiaries over the underlying book equity of such subsidiaries at their respective dates of acquisition as adjusted	366,491	277,922
Investments and other assets	197,780	31,000
Current and accrued assets:		
Cash and temporary cash investments	2,161,187	7,304,819
Other currents and accrued assets	1,416,435	3,676,144
Deferred debits:		
Unamortized debt discount, call premium and expense	1,756,990	695,247
Unamortized expense on capital stock	45,000	31,486
Other deferred debits	132,500	181,136
Total assets and other debits	55,547,640	88,433,849
Liabilities and other credits		
Capital stock:		
Common	6,500,000	6,935,500
Preferred	9,000,000	13,000,000
Premiums on capital stock	1,925,167	2,537,766
Long term debt:		
Funded debt	22,016,000	34,612,000
Serial notes	4,000,000	2,600,000
Current and accrued liabilities	1,372,941	5,663,860
Deferred credits:		
Unamortized premium on debt	80,000	353,636
Other deferred credits	94,115	117,487
Reserves:		
Depreciation and depletion	8,801,594	13,187,110
Other reserves	63,892	744,214
Contributions in aid of construction	189,152	199,780
Surplus:		
Capital	355,169	340,291
Earned	1,149,610	8,142,305
Total liability and other credits	55,547,640	88,433,849

[F. R. Doc. 49-5999; Filed, July 21, 1949; 8:58 a. m.]

[File Nos. 59-32, 70-2179]

ROCHESTER GAS & ELECTRIC CORP. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING, ORDER RECONVENING PROCEEDING, AND ORDER OF CONSOLIDATION OF PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of July 1949.

In the matters of Rochester Gas and Electric Corporation, General Public Utilities Corporation, File No. 70-2179; General Public Utilities Corporation, File No. 59-32.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Rochester Gas and Electric Corporation ("Rochester"), have filed with this Commission a joint application-declaration, pursuant to the provisions of the Public Utility Holding Company Act of 1935. Applicants-declarants have designated sections 6, 7, 11, 12, and 15 of the act and Rules U-44, U-45 and U-50 promulgated thereunder as applicable to the proposed transactions.

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

GPU proposes to dispose of its investment in Rochester by means of issuing to its shareholders rights to purchase, during a fixed period of time, shares of the common stock of Rochester as reclassified. During the initial portion of such period, GPU will purchase such rights from the initial record holders thereof who request GPU so to do and will pay to such initial record holders a

stated minimum price per right, or the value attributable to such rights upon the sale by GPU of the shares covered thereby, whichever is higher. GPU will offer for sale through a Dealer-Manager Group to be selected by it such number of shares of Rochester's common stock as (1) are not covered by the rights issued to stockholders, (2) are covered by the rights purchased by GPU from the initial record holders thereof, or (3) become available to GPU upon the expiration of the rights by reason of the nonexercise of such rights. The exact details of the distribution program will be supplied by amendment.

In connection with the disposition by GPU of its investment in Rochester, it is proposed that:

(a) Rochester (1) transfer the amount of $1,210,000 to the stated value of its no par value common stock from its earned surplus accumulated on or before December 31, 1944, (2) increase the number of shares of its outstanding common stock from 775,914 shares to 835,000 shares, and (3) amend its certificate of incorporation so as to (i) increase the number of its authorized shares of common stock to 1,250,000 shares, (ii) provide for cumulative voting for the election of directors, (iii) restrict (unless the holders of two-thirds of Rochester's then outstanding preferred stock otherwise consent) the issuance by Rochester of additional shares of preferred stock, or any stock ranking prior thereto or on a parity therewith, unless Rochester's Common Stock Equity (as defined) is at least equal to the aggregate amount payable by Rochester on involuntary liquidation to the holders of its preferred stock or of any stock ranking prior thereto or on a parity therewith, which will be outstanding after the issuance of such proposed additional shares, and (iv) restrict (unless the holders of two-thirds of Rochester's then outstanding preferred stock otherwise consent) the declaration or payment of dividends on Rochester's common stock so long as any shares of its preferred stock are outstanding, so as to provide in effect that, if Rochester's Common Stock Equity (as defined), is less than 25% of its Total Capitalization (as defined), the amount of the dividends payable on its common stock may not exceed 75% of its Net Income Available for Common Stock (as defined) in the preceding twelve calendar months, and that, if its Common Stock Equity is less than 20% of its Total Capitalization, the amount of dividends payable on its common stock may not exceed 50% of its Net Income Available for Common Stock in the preceding twelve calendar months.

(b) GPU, which now owns all the outstanding 40,000 shares of no par value common stock of Canadea Power Corporation ("Canadea") (a corporation owning a storage dam with necessary control gates and a water storage reservoir, all of whose property is leased to Rochester and is used by Rochester as a necessary part of its operations), will make a capital contribution to Rochester of such 40,000 shares of no par value common stock of Canadea.

GPU contemplates that the bulk of the proceeds to be received by GPU from the sale of its investment in Rochester will be invested by GPU in Associated Electric Company so as to enable Associated Electric Company to redeem the balance of its outstanding debentures and to make further investments in its subsidiaries. The details of the proposed utilization of the proceeds to be received by GPU from the sale of its investment in Rochester will be supplied by amendment.

GPU requests that the Commission find that the carrying out of the proposed capital contribution by GPU to Rochester of the shares of the common stock of Canadea and the proposed sale by GPU of its investment in the shares of the common stock of Rochester are necessary and appropriate to effectuate the provisions of section 11 (b) of the act, and that the order of the Commission granting and permitting to become effective the application-declaration direct, pursuant to section 11 (b) of the act, the divestment by GPU of its interests in Rochester and Canadea. GPU also requests that the order of the Commission be in such form as will meet the requirements of sections 371–373, inclusive, and 1808 (f) of the Internal Revenue Code.

Applicants-declarants state that the Public Service Commission of the State of New York has jurisdiction over the reclassification by Rochester of its common stock and the amendments to its articles of incorporation. Applicants-declarants also state that no commission, other than this Commission, has jurisdiction over any of the other proposed transactions.

The Commission having heretofore instituted a proceeding (designated as File No. 59–32) with respect to GPU to determine the status of the GPU system under section 11 (b) (1) of the act wherein, among other things, one of the matters and questions involved is whether an order should be entered requiring GPU to divest itself of all its interests in Rochester and in Canadea; and

It appearing appropriate to the Commission that the hearing in the proceeding instituted with respect to GPU, pursuant to section 11 (b) (1) of the act, be reconvened for the purpose of affording an opportunity to the parties and any interested persons to complete the presentation of evidence in such proceeding insofar as it relates to the property of the retention by GPU of its interests in Rochester and Canadea; and

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

It further appearing to the Commission that the proceeding instituted pursuant to section 11 (b) (1) of the act with respect to GPU (File No. 59–32) in so far as it relates to its retention of its interests in Rochester and Canadea involves questions of law and fact common to the proceeding with respect to the joint application-declaration filed by GPU and Rochester (File No. 70–2179) and that the evidence offered in respect of each of the matters may have a bearing on the other, and that substantial savings in time, effort and expense will result if said matters are consolidated:

It is hereby ordered, That the proceeding instituted under section 11 (b) (1) of the act with respect to GPU (File No. 59–32) and the joint application-declaration filed by GPU and Rochester (File No. 70–2179) be, and hereby are, consolidated.

It is further ordered, Pursuant to sections 6, 7, 9, 10, 11 (b) (1), 12, 15 and 18 of the act that a hearing be held on said matters, as consolidated, on August 9, 1949, at 2:00 p. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with these proceedings or proposing to intervene therein shall file with the Secretary of the Commission, on or before August 5, 1949, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

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

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

1. Whether an order should be entered forthwith, pursuant to the provisions of section 11 (b) (1) of the act, requiring GPU to divest itself of all its interests in Rochester and Canadea.

2. Whether the proposed offering by GPU of rights to its shareholders to subscribe for shares of the common stock of Rochester is in any respect detrimental to the public interest or the interest of investors.

3. Whether the arrangements to be entered into by GPU with the Dealer-Manager Group are, in all respects, appropriate in the public interest and in the interest of investors.

4. Whether compliance by GPU with the competitive bidding requirements of Rule U-50, if it be applicable, with respect to the sale by GPU through the Dealer-Manager Group of the shares of common stock of Rochester not subscribed for by the shareholders of GPU, is not necessary or appropriate under the circumstances.

5. Whether the proposed transfer by Rochester of the $1,210,000 from earned surplus to the stated value of its no par value common stock is detrimental to the

public interest or the interest of investors.

6. Whether the increase by Rochester of the number of shares of its outstanding no par value common stock conforms to the requirements of section 7 of the act.

7. Whether the proposed amendments to Rochester's articles of incorporation will result in an unfair or inequitable distribution of voting power among its security holders or is otherwise detrimental to the public interest or the interest of investors.

8. Whether the proposed capital contribution by GPU of the shares of the common stock of Canadea and the acquisition thereof by Rochester will tend toward the economical and efficient development of an integrated public-utility system.

9. Whether the proposed accounting treatment of the several transactions on the books of the respective parties is proper.

10. Whether the fees, commissions, and other expenses to be incurred are for necessary services and reasonable in amount.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

By the Commission.

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

[F. R. Doc. 49-6000; Filed, July 21, 1949; 8:59 a. m.]

[File No. 70-2182]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of July 1949.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Wisconsin Public Service Corporation ("Wisconsin"), a public utility subsidiary of Standard Gas and Electric Company, a registered holding company. Wisconsin has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any person may, not later than July 28, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

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

Wisconsin proposes to issue and sell notes in the total principal amount of $1,500,000 to several banks, the names of which are to be supplied by amendment to the declaration. The notes will be dated August 1, 1949, to be due November 1, 1949, will bear interest at a rate to be determined and to be supplied by amendment, but in any event not to exceed 2¼%, and provide for prepayment without penalty when permanent financing is completed.

Wisconsin states that it will need an estimated $9,600,000 during 1949 for construction expenditures plus $1,200,000 for its commitment to purchase common stock of its subsidiary, Wisconsin River Power Company. Of these total requirements, it is estimated that $2,800,000 will be secured from corporate funds. It is represented that proceeds from proposed permanent financing to be consummated later in 1949 will be used in part to pay bank loans then outstanding.

Wisconsin states that no commission other than this Commission has jurisdiction over the proposed transactions.

Wisconsin has requested that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

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

[F. R. Doc. 49-6001; Filed, July 21, 1949; 8:59 a. m.]

[File No. 70-2174]

NORTHERN STATES POWER CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of July A. D. 1949.

In the matter of Northern States Power Company, Interstate Light & Power Co., The Elizabeth Light and Power Company, and Interstate Light and Power Corporation, File No. 70-2174.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Northern States Power Company ("Minnesota"), a Minnesota corporation, which is a registered holding company and also an operating public utility; Interstate Light & Power Co. ("Delaware"), a Delaware corporation and a subsidiary of Minnesota, which is also a registered holding company and an operating public utility; The Elizabeth Light and Power Company ("Elizabeth"), an Illinois corporation, which is a subsidiary of Delaware and an operating public utility; and Interstate Light and Power Corporation ("Illinois"), an Illinois corporation and a subsidiary of Minnesota. Delaware and Elizabeth furnish electric service in Galena, Menominee, Elizabeth, Schapville and Woodbine, Illinois, and surrounding territory. Illinois is inactive and has no physical properties. The parties designate sections 6, 7, 9, and 12 of the act and Rule U-45 thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

As of April 30, 1949, Delaware and Illinois are to be merged with and into Elizabeth, pursuant to the appropriate provisions of the Delaware Corporation Act and the Illinois Business Corporation Act. Upon the effectuation of the merger the name of Elizabeth will be changed to Interstate Light and Power Company ("Surviving Corporation").

The merger agreement provides that the present outstanding capital stock of Elizabeth consisting of 198 shares of common stock, $50 par value, be canceled and reclassified into 75,000 shares of common stock, $10 par value, of the Surviving Corporation; and that 50,000 shares of the Surviving Corporation will be issued to Minnesota in lieu of the existing capital stocks of Delaware and Illinois, which will be surrendered and canceled.

The foregoing conversion of stocks will reduce by $333,500.00 the amount applicable to the capital stocks of the merging companies, creating an equivalent capital surplus. Minnesota will surrender the $1,000,000.00 promissory note of Delaware held by it bearing interest at the rate of 6% per annum, in exchange for a five-year promissory note of the Surviving Corporation in the principal amount of $500,000.00 bearing interest at the rate of 5% per annum, and will also cancel open account indebtedness in the amount of $434,348.71 due from Delaware and $2,517.75 due from Illinois, creating capital surplus of $936,866.46. There will thus be made available in the combined capital surplus account an aggregate of $1,270,366.46 against which to apply a deficit of the same amount in the combined earned surplus account of the merging companies.

It is stated that the merger will enable Delaware to dispose of electric plant adjustments arising from recording its properties at original cost as required by the Federal Power Commission and the Illinois Commerce Commission, thus bringing about the deficit in the combined earned surplus in the amount of $1,270,366.46; will consolidate the public utility operations of Delaware and Elizabeth into the Surviving Corporation; will effect further simplification of the capital structure of the holding company system of Minnesota, and will enable Minnesota to state its investments in Delaware and Illinois on a more realistic basis.

The application-declaration contains exhibits showing in detail the adjustments incidental to the merger and the effect thereof on the accounts of the several companies involved. It is proposed that the Surviving Corporation will have outstanding the following securities, all of which will be owned by Minnesota:

Five-year promissory note	$500,000
Common stock, par value $10 per share, 50,000 shares	500,000
	1,000,000

Minnesota proposes to record these securities in its accounts at their face and par value amounts. Minnesota presently carries its investments in the participating companies at an aggregate amount of $2,284,275.17 and it proposes to substitute therefor the underlying book value of the securities of the Surviving Corporation which it will receive, writing off the difference of $1,284,275.17 to its paid-in surplus account. This paid-in surplus was created at the time of the accounting reorganization of Minnesota (as of December 31, 1943) for the purpose of providing for possible adjustments of this character.

The application-declaration states that the properties of Elizabeth are recorded on the basis of original cost as determined by that company and by representatives of Federal Power Commission and the Illinois Commerce Commission, and that amounts lodged in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, have been disposed of. The properties of Delaware are also recorded on the basis of original cost; and Delaware now has in Account 107, Electric Plant Adjustments, and in other accounts in its balance sheet amounts aggregating $960,665.98 which will be disposed of in connection with the merger by charging $925,415.44 to Earned Surplus and $35,250.54 to Depreciation Reserve.

The balance in the depreciation reserves of Delaware and Elizabeth, aggregating $342,223.18, after certain adjustments, will be increased to $605,911.70; which amount the management considers adequate for the combined properties. Further adjustments, amounting in the aggregate to $81,775.55, in the accounts include the write-off of organization expenses of Delaware and Illinois, a provision for the accrual of Federal income taxes, and other miscellaneous items.

The pro forma balance sheet reflects the payment of estimated expenses of $7,500.00 in connection with the merger, which amount will be charged to organization expenses in the plant account.

It is stated that the only State commission having jurisdiction in the matter is the Illinois Commerce Commission, which has jurisdiction over the transaction insofar as it affects Delaware, Elizabeth and Illinois. A joint petition of said companies seeking appropriate authorization by the State commission is now pending.

The parties request that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than July 29, 1949 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date this application-declaration, as filed or as amended, may be granted and become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereunder.

By the Commission.

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

[F. R. Doc. 49-6041; Filed, July 21, 1949; 9:57 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 13520]

ELLEN KRAUSE

In re: Securities owned by and debts owing to Ellen Krause, also known as Ellen Abel-Musgrave Krause. F-28-6932-D-1; D-2.

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

1. That Ellen Krause, also known as Ellen Abel-Musgrave Krause, whose last known address is Anna Strasse 9, Berlin, Laukowitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of $1.00 par value capital stock of Cortlandt & Dey Streets Corporation, 20 Exchange Place, New York, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 265, and registered in the name of Mrs. Ellen Krause, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation, matured or unmatured, evidenced by one (1) participation certificate in bond and mortgage numbered 7900 issued by City Bank Farmers Trust Company, 22 William Street, New York 15, New York, covering premises 471 Fifth Avenue to 477 Fifth Avenue, inclusive, New York, New York, and premises 2 East 41st Street to 6 East 41st Street, inclusive, New York, New York, said participation certificate registered in the name of (Mrs.) Ellen Krause and in the amount of $875.59, together with any and all rights to demand, enforce and collect the aforesaid debt or obligation, and any and all rights in, to and under said participation certificate,

c. All rights and interests in and under one (1) certificate of beneficial interest, evidencing five hundred three millionths (500/3,000,000) interest in a deficiency judgment against Benenson Building Corporation, said certificate issued by City Bank Farmers Trust Company, 22 William Street, New York, New York, numbered 195, and registered in the name of Mrs. Ellen Krause, and

d. Those certain debts or other obligations, matured or unmatured, evidenced by 20-Year 4% Debenture Bonds of Cortlandt & Dey Streets Corporation, 20 Exchange Place, New York, New York, said bonds in the aggregate face value of $300.00, and registered in the name of Mrs. Ellen Krause, together with any and all rights to demand, enforce and collect the aforesaid debts or obligations, and any and all rights in, to and under said bonds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6022; Filed, July 21, 1949; 8:46 a. m.]

[Vesting Order 13540]

GORO NAKAHAMA

In re: Rights of Goro Nakahama under insurance contract. File No. F-39-6323-H-1.

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

1. That Goro Nakahama, who on or since the effective date of Executive Order 8389, as amended, and on or since December 8, 1941, has been a resident of Japan, is a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance

evidenced by policy No. 423710, issued by The Manufacturers Life Insurance Company, Toronto, Canada, to Goro Nakahama, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

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 the national interest of the United States requires that said Goro Nakahama be treated as a national of a designated enemy country (Japan).

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

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

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

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6023; Filed, July 21, 1949; 8:46 a. m.]

[Vesting Order 13541]

KAZUYOSHI NAKATA

In re: Rights of Kazuyoshi Nakata under insurance contract. File No. F-39-5961-H-1.

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

1. That Kazuyoshi Nakata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 313972, issued by The Manufacturers Life Insurance Company, Toronto, Canada, to Kazuyoshi Nakata, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6024; Filed, July 21, 1949; 8:47 a. m.]

[Vesting Order 13544]

JUKICHI SAIKI

In re: Rights of Jukichi Saiki under insurance contract. File No. F-39-1289-H-2.

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

1. That Jukichi Saiki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 050507, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Jukichi Saiki, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6025; Filed, July 21, 1949; 8:47 a. m.]

[Vesting Order 13546]

TORAKICHI YAMAMOTO

In re: Rights of Torakichi Yamamoto under insurnce contracts. Files Nos. D-39-17458-H-1, H-2.

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

1. That Torakichi Yamamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 1012583 and 1315629, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Torakichi Yamamoto, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6026; Filed, July 21, 1949; 8:47 a. m.]

[Bar Order 7]

ORDER FIXING BAR DATE FOR FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said Act and Executive Order 9788, January 3, 1950, is hereby fixed as the date after which the filing of claims shall be barred in respect of debtors, any of whose property was first vested in or transferred to the Attorney General between January 1, 1948, and June 30, 1948, inclusive.

Executed at Washington, D. C., this 18th day of July 1949.

For the Attorney General.

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

[F. R. Doc. 49-6029; Filed, July 21, 1949; 8:47 a. m.]

[Vesting Order 13547]

RETSU YOSHIHARA

In re: Rights of Retsu Yoshihara under insurance contract. File No. F-39-5796-H-1.

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

1. That Retsu Yoshihara who, on or since the effective date of Executive Order 8389, as amended, and on or since December 8, 1941, has been a resident of Japan, is a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7908328, issued by the New York Life Insurance Company, New York, N. Y., to Retsu Yoshihara, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

3. That the national interest of the United States requires that the said Retsu Yoshihara be treated as a national of a designated enemy country (Japan).

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

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

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

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6027; Filed, July 21, 1949; 8:47 a. m.]

[Vesting Order 13552]

ELSE GRAU

In re: Stock owned by and debt owing to Else Grau. F-38-583-A-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 Else Grau, whose last known address is Hinterstrasse 115, St. Andreasberg, Harz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One Hundred Forty (140) shares of $20.00 par value common capital stock of Ewa Plantation Company, P. O. Box 2990, Honolulu, Hawaii, a corporation organized under the laws of the Territory of Hawaii, evidenced by certificates numbered SF49 for one hundred (100) shares and SF/0248 for forty (40) shares registered in the name of Else Grau and presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

b. Twenty (20) shares of $100.00 par value 7% cumulative preferred capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered C714590, registered in the name of Dominick & Dominick, 14 Wall Street, New York, New York, and presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

c. Those certain bonds described in Exhibit A attached hereto and by reference made a part hereof, in bearer form and presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation owing to Else Grau by Dominick & Dominick, 14 Wall Street, New York 5, New York, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

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

EXHIBIT A

Description of issue	Face value	Bond No.
International Great Northern Railroad Co., 1st 6% due 1952	$500.00	D102
Berlin City Electric Co., Inc., Ext. 6½% due 1951	1,000.00 1,000.00	10471 7788
Conversion Office for German Foreign Debts 3% due 1946	[1] 100.00	C044508/10
Conversion Office for German Foreign Debts 3% due 1946 Series B	5.00 20.00	63895 262215
Konversionskasse fuer Deutsche Auslandsschulden, Series A, 1934	[1] RM 40 RM 30	NR0384365/6 497117

[1] Each.

[F. R. Doc. 49-6028; Filed, July 21, 1949; 8:47 a. m.]