FEDERAL REGISTER

VOLUME 11 NUMBER 245

Washington, Wednesday, December 18, 1946

The President

EXECUTIVE ORDER 9811

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING THE CALENDAR YEAR 1947

By virtue of and pursuant to the authority vested in me by section 5 of the act of February 8, 1887, 24 Stat. 388, 389, by the act of June 21, 1906, 34 Stat. 325, 326, and by the act of March 2, 1917, 39 Stat. 969, 976, and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1947, be, and they are hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 17, 1946.

[F. R. Doc. 46-21748; Filed, Dec. 17, 1946; 11:16 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

DETERMINATION OF NATIONAL MARKETING QUOTA FOR RICE

CROSS REFERENCE: For notice of determination by the Secretary of Agriculture of the national marketing quota for rice for 1947–48 marketing year, see F. R. Doc. 46-21640, Department of Agriculture, Production and Marketing Administration, in Notices section, *infra*.

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 220—CREDIT BY BROKERS, DEALERS, MEMBERS OF NATIONAL SECURITIES EXCHANGES

EXERCISE OF RIGHTS TO SUBSCRIBE

The following interpretation under this part relating to credit by brokers, dealers, and members of national securities exchanges was issued by the Board of Governors of the Federal Reserve System on December 6, 1946:

§ 220.102 *Exercise of rights to subscribe.* With respect to the recent amendment to Part 220 (11 F. R. 13784) which added § 220.6 (1) relating to the acquisition of registered securities through the exercise of certain "rights to subscribe", the Board has ruled that exempted securities may be used to make the deposit required under the provision, and that for this purpose they may be assigned the customary good faith loan value as specified in § 220.3 (c) of this part. (Sec. 3 (a) and (b), sec. 7 (a), (b), (c) and (d), sec. 8 (a), sec. 17 (b) and sec. 23 (a), 48 Stat. 881, 886, 888, 897, and 901; sec. 8, 49 Stat. 1379; 15 U. S. C. 78c–(a) and (b), 78g–(a), (b), (c) and (d), 78h–(a), 78q–(b), 78w–(a))

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

[F. R. Doc. 46-21633; Filed, Dec. 17, 1946; 8:47 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indians Affairs, Department of the Interior

APPENDIX—EXTENSION OF THE TRUST OR RESTRICTED STATUS OF CERTAIN INDIAN LANDS

CROSS REFERENCE: For extension of trust periods on Indian lands expiring during the calendar year 1947, see Executive Order 9811, *supra*.

CONTENTS

THE PRESIDENT

REGULATIONS AND NOTICES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

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

CODIFICATION GUIDE—Continued

CODIFICATION GUIDE—Continued

TITLE 26—INTERNAL REVENUE

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

Subchapter A—Income and Excess Profits Taxes

[T. D. 5547]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

FIGURE TO BE USED IN DETERMINING RESERVE AND OTHER POLICY LIABILITY CREDIT FOR LIFE INSURANCE COMPANIES [1]

DECEMBER 12, 1946.

PARAGRAPH 1. By virtue of the authority vested in me by section 202 (b) of the Internal Revenue Code, as amended by section 163 of the Revenue Act of 1942 (53 Stat. 71, 56 Stat. 870; 26 U. S. C. and Sup., 202 (b)), it is hereby determined that the figure to be used in computing the "reserve and other policy liability credit" of life insurance companies for the taxable year 1946 shall be .9595.

PAR. 2. Prior general notice of proposed rule making and public procedure thereon are hereby found to be impracticable as delay in determination and proclamation of the figure announced herein would adversely affect the operations of the taxpayers involved.

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

(Sec. 202 (b) 53 Stat. 71, sec. 163, 56 Stat. 870; 26 U. S. C. and Sup. 202 (b))

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46–21661; Filed, Dec. 17, 1946; 8:47 a. m.]

[1] See § 29.202–1.

TITLE 29—LABOR DEPARTMENT

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS OF THE DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY AND OFFICE OF THE SOLICITOR

Pursuant to the authority vested in me by R. S. 161 (5 U. S. C. 22), act of March 4, 1913 (37 Stat. 736, 5 U. S. C. 611), and otherwise, I hereby revise the General Regulations of the Department of Labor as follows:

1. Section 2.001 (a) (1) (viii) (11 F. R. 177A–339) is revised to read as follows:

(viii) Administration and enforcement of the Walsh-Healey Public Contracts Act (U. S. C., Title 41, secs. 35–45). This act is administered by the Secretary through the Wage and Hour and Public Contracts Divisions, whose functions are described in Part 500 of this Title. Certain final authority under the act, including promulgation of regulations, granting of exemptions, issuance of complaints, and making determinations as to the application of the ineligible list provisions under section 3, is exercised directly by the Secretary.

2. The first sentence of § 2.002 (b) (4) (11 F. R. 177A–339) is revised to read as follows:

(4) *The Legislative and Trial Examining Branch.* The Legislative and Trial Examining Branch includes the Trial Examining Section which consists of trial examiners who, at the designation and direction of the Secretary in specific cases, preside over administrative hearings and make initial decisions, in accordance with the rules of practice set forth in Part 203 of Title 41, in proceedings based on complaints of violations of contracts subject to the Walsh-Healey Public Contracts Act. * * *

(R. S. 161, 37 Stat. 736; 5 U. S. C. 22, 611)

Dated: December 12, 1946.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 46–21636; Filed, Dec. 17, 1946; 8:47 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter B—Helium and Coal

PART 9—PAYMENTS REQUIRED FROM OWNERS OF PRIVATE LANDS UPON WHICH THE BUREAU OF MINES PERFORMS EXPLORATION OR DEVELOPMENT WORK TO INVESTIGATE KNOWN COAL DEPOSITS

DETERMINATION OF REASONABLE PERCENTAGE

§ 9.1 *Reasonable percentage determined.* It is hereby determined that 5 mills per ton of 2000 pounds of coal is a reasonable percentage of the total value of minerals that may be produced from private property upon which the Bureau of Mines performs exploration or development work to investigate known coal deposits, to be paid by owners of such property. (Pub. Law 478, 79th Cong.; 60 Stat. 373)

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

DECEMBER 9, 1946.

[F. R. Doc. 46–21662; Filed, Dec. 17, 1946; 8:47 a. m.]

Chapter VI—Solid Fuels Administration for War

[SFAW Order 42]

PART 602—GENERAL ORDERS AND DIRECTIVES

FILING OF DATA BY PERSONS WHO RECEIVE BITUMINOUS COAL VIA GREAT LAKES

In order to effectuate the purposes of Executive Order No. 9332 (8 F. R. 5355), it is necessary that the Solid Fuels Administration for War obtain data concerning bituminous coal inventories, receipts and disposals of bituminous coal at docks and other facilities on the Great Lakes. Therefore, pursuant to the provisions of Executive Order No. 9332, it is ordered that:

§ 602.930 *Data to be filed by certain lake receivers.* Each person who receives coal by vessel or barge at a dock or other unloading facility located on the Great Lakes, either for resale or for his own use or consumption, shall file, on or before December 23, 1946, with the Solid Fuels Administration for War, Washington 25, D. C., a report on Form SFA No. 487 for each dock or other storage facility operated or maintained by him, setting forth the location thereof, the stocks on hand on May 1, 1946, receipts since May 1, 1946, disposals since May 1, 1946 and stocks on hand December 10, 1946, all by sizes as more particularly described on Form SFA No. 487.

§ 602.931 *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942 and regulations issued thereunder.

§ 602.932 *Penalty provisions.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies information furnished pursuant to this order, is subject, upon conviction, to fine or imprisonment, or both.

This order shall take effect immediately.

(Sec. 2 (a), 54 Stat. 676; 55 Stat. 236; 56 Stat. 176; 58 Stat. 827; 59 Stat. 658; 60 Stat. 345, P. L. 475, 79th Cong.; 41 U. S. C. prec. 1; 50 U. S. C. App. Sup. 1152 (a), 1162, 633, 645; E. O. 9125, Apr. 7, 1942, 7 F. R. 2719; E. O. 9332, Apr. 19, 1943, 8 F. R. 5355)

Issued this 13th day of December 1946.

DAN H. WHEELER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 46—21657; Filed, Dec. 17, 1946; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 34, as Amended Dec. 17, 1946]

§ 944.55 *Priorities Regulation 34*—(a) *What this regulation does.* There is a shortage in the supply of certain materials, held by the Reconstruction Finance Corporation and various government agencies for defense, for private account and for export. This regulation states the rules applicable to purchases of these materials from the RFC either directly from its own stock or from the stocks of other government owning agencies. The regulation indicates in respect to which materials a purchase from the RFC must first be authorized by the Civilian Production Administration and explains who may apply for such authorization and in what manner. The regulation applies only to the materials listed on Table A below. This Table includes, but is not limited to, certain so-called strategic and critical materials covered by War Assets Administration Regulation 17 (11 F. R. 9573, 12306).

(b) *Materials for the purchase of which from RFC an authorization is required from CPA.* Before a person may purchase from RFC certain of the materials on Table A, he must obtain an authorization from CPA. Whether or not an authorization is required, is indicated in Column 2. In Column 3 appears a reference to the Branch or Division of the CPA responsible for the materials. In Column 4 is specified the class of persons who may apply for an authorization to purchase from the RFC, and in respect to those materials in which the distribution is covered by CPA orders, a reference to the appropriate order is made. In some instances, Column 4 indicates that a certification will be required from the applicant.

Where Column 4 indicates applications are to be made by letter, the applicant should state: (1) the purpose for which the material is required; (2) his present inventory of the material requested; (3) the number of days supply represented by the present inventory, plus the amount requested, based on his current or scheduled rate of operation; (4) the efforts he has made to obtain the material from private sources of supply, foreign or domestic; (5) the efforts he has made to obtain and use a suitable substitute and (6) any other information pertinent to the application. In general, CPA will authorize the purchase of the material from RFC only if the material is not available from private sources of supply, foreign or domestic; no suitable substitute material is available; and the proposed purchase conforms with applicable CPA inventory restrictions on the material in question. Authorization for the purchase will be made by the CPA on Form CPAI–3669 to RFC. CPA will notify the applicant of the action taken.

(c) *Materials for the purchase of which no authorization is required from CPA.* If Column 2 in Table A indicates that no CPA authorization is required, the material may be purchased directly from RFC upon filing with the purchase order the certificate required in Column 4.

(d) *Restrictions on purchasers.* A purchaser from the RFC of any of the materials listed on Table A below, must not violate any CPA order or regulation controlling the amount of any such material he may receive or the use or disposition he may make of it. Persons buying for resale are subject to all applicable inventory restrictions, and any materials obtained under this regulation by such persons must be offered for sale promptly in accordance with applicable CPA orders and regulations.

NOTE: The application and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

Material (1)	CPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
METALS AND MINERALS			
Aluminum: primary pig	Yes	Aluminum and magnesium branch.	Primary producers may apply by letter.
Antimony: metal, ore and concentrates; liquated (needle) antimony.	Yes	Tin, lead and zinc branch	Applications may be filed in accordance with General Preference Order M–112.
Asbestos: Rhodesian Chrysotile fiber (grade C and GI, C&G/2 and C&G3; African Amosite fiber (grades M1 and 3/DM1); and Cape Blue.	Yes	Cork, asbestos and fibrous glass branch.	Manufacturers of building materials may apply by letter.
Beryl: Ores or concentrates	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Bismuth: Metal	Yes	Tin, lead and zinc branch	Processors and users may apply by letter. However, in view of the extremely limited supply, sales will be authorized only for the urgent needs of the Armed Forces or where bismuth metal is required for emergency use for public health and safety and it cannot be supplanted by drugs ordinarily furnished to hospitals and similar institutions.
Alloys, or scrap, containing 50 percent or more by weight of metallic bismuth.	No	do	May be sold only to smelters and reprocessors who give the seller in writing a certificate in substantially the form shown in Note 1 to this table.
Cadmium: Metal	Yes	do	Users may apply by letter. However, in view of the extremely limited supply, sales will be authorized only in cases of emergency.
Finished alloys containing metallic cadmium (including but not limited to low melting point alloys).	No	do	May be sold only to smelters, reprocessors or users who give the seller, in writing, a certificate in substantially the following form: "The undersigned certifies to the seller and CPA, subject to the penalties of Section 35A of the United States Criminal Code that (i) he is a smelter, reprocessor or user of finished alloys containing metallic cadmium; (ii) he is unable to get the material obtained with this certificate from private sources of supply, foreign or domestic; (iii) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding 30 days' requirements; (iv) material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations."
Scrap containing metallic cadmium but not containing 50 per cent or more by weight of any other one metal.	No	do	May be sold only to smelters and reprocessors who give the smelter, in writing, a certificate in substantially the form shown in Note 1 below this table.
Chromite: metallurgical and chemical ores and concentrates.	Yes	Steel branch	Processors and users may apply by letter.

TABLE A—Continued

Material (1)	CPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
METALS AND MINERALS—continued			
Copper:			
Electrolytic or fire refined copper; cathodes, wire bars, cakes, slabs, ingots, ingot bars, billet, or bars.	Yes	Copper branch	Brass mills, wire mills and ingot makers may apply on Form CPA-4542.
Cartridge brass ingots, slabs, discs, bars, partly or completely manufactured ammunition cases, fired cases or remelt ingot; gilding metal mill forms or remelt ingot.	Yes	do	Brass mills, wire mills, smelters and refiners may apply on Form CPA-4513.
Leaded brass mill forms or remelt ingot; and copper or copper base alloy scrap.	No	do	
Corundum: crystal or boulder ores or concentrates; primary grains and black cleavable.	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Cryolite: ore, natural	Yes	Aluminum and magnesium branch.	Processors or refiners may apply by letter.
Graphite: Madagascar flake and fines and Ceylon lump.	Yes	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Kyanite: ore	Yes	do	Do.
Lead:			
Pig	Yes	Tin, lead and zinc branch	Applications may be filed in accordance with General Preference Order M-38.
Alloys, or scrap, containing 50 percent or more by weight of metallic lead; residues.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
Manganese: metallurgical ores	Yes	Steel branch	Processors and users may apply by letter.
Mica: Muscovite block, film and splittings; Phlogopite block and splittings.	Yes	Miscellaneous minerals and mining branch.	Fabricators may apply by letter.
Nickel: oxide	No	Steel branch	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
Platinum, refined	Yes	Miscellaneous minerals and mining branch.	Apply by letter.
Quartz crystals: raw quartz, radio grade, and scrap	Yes	do	Processors may apply by letter.
Tin:			
Pig	Yes	Tin, lead and zinc branch	Applications may be filed in accordance with Conservation Order M-43.
Alloys, or scrap, containing 50 per cent or more by weight of metallic tin; residues.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
Zinc:			
Slab, ores and concentrates, and die cast alloys	Yes	do	Processors and users may apply by letter. However, in view of the extremely limited supply, sales of metal (slab) will be authorized only in cases of emergency.
Other alloys, or scrap, containing 50 percent or more by weight of metallic zinc; residues.	No	do	May be sold only to smelters and reprocessors who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
OTHER MATERIALS			
Ethyl alcohol	Yes	Chemicals division	Industrial alcohol producers may apply on CPA Form 2947.
Manila fiber	Yes	Textile division	Applications may be filed in accordance with Conservation Order M-84.
Molasses	Yes	Chemicals division	Applications may be filed in accordance with Conservation Order M-54.
Quinidine and salts	Yes	do	Applications may be filed in accordance with Conservation Order M-131.
Quinine and salts	Yes	do	Do.
Rubber: natural rubber, natural rubber latex, butyl, GR-S synthetic.	Yes	Rubber division	Applications may be filed in accordance with Rubber Order R-1.
Sisal fiber	Yes	Textile division	Applications may be filed in accordance with Conservation Order M-84.

NOTE 1: Where required by a note in Column 4, a certificate in substantially the following form should be used by smelters and reprocessors:

The undersigned certifies to the seller and CPA, subject to the penalties of section 35A of the United States Criminal Code, that (i) he is a smelter or reprocessor and will use the material obtained with this certificate in his smelting or reprocessing operations; (ii) he is unable to get these materials from private sources of supply, foreign or domestic; (iii) his inventory of the type of materials covered by this purchase order (include this lot) will not be in excess of applicable CPA inventory restrictions; and (iv) the material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations.

[F. R. Doc. 46-21753; Filed, Dec. 17, 1946; 11:25 a. m.]

PART 1046—SUPPLIERS

[Limitation Order L-63, as Amended Dec. 17, 1946]

SUPPLIERS' INVENTORIES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain supplies for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1046.1 *Suppliers' Inventory Limitation Order L-63*—(a) *Definitions.* (1) "Supplies" means all the supplies listed below:

(i) Automotive supplies.
(ii) Automotive replacement batteries.
(iii) Aviation supplies.
(iv) Builders' supplies.
(v) Construction supplies.
(vi) Dairy supplies.
(vii) Electrical supplies.
(viii) Farm supplies.
(ix) Foundry supplies.
(x) Grain elevator supplies.
(xi) Hardware supplies.
(xii) Industrial supplies.
(xiii) Plumbing and heating supplies.
(xiv) Refrigeration supplies.
(xv) Restaurant supplies.
(xvi) Textile mill supplies.
(xvii) Transmission supplies.
(xviii) Welding and cutting supplies.

even though such items or materials may be "consumers' goods" within the meaning of that term as used in Limitation Order L-219. List A explains how certain items may be excluded from the provisions of this order by suppliers.

(2) "Supplier" means any person (other than a producer) located in the 48 states or the District of Columbia, whose business consists, in whole or in part, of the sale from stock or inventory of supplies. "Supplier" includes wholesalers, distributors, jobbers, dealers, retailers, branch warehouses of producers and other persons performing a similar function.

(3) "Producer" means any person including any branch, division or section of any enterprise, which manufactures, processes, fabricates, assembles or otherwise physically changes any material.

(4) "Sales" means sales from stock including consigned stocks and excluding direct shipments (i. e., excluding sales made by a supplier of supplies which such supplier has never received delivery of but has ordered from the producer thereof with instructions that they be shipped directly to the supplier's customer).

(5) "Seasonal lines" means any line of supplies in which a minimum of 40% of the supplier's total annual sales are made during a period of 90 days, or less.

(6) "Maximum permissible inventory" means:

(i) In the case of a supplier located in Arizona, California, Colorado, Idaho,

Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, an inventory (owned or consigned to him) of supplies of a total dollar value at cost (by physical or book inventory, at the option of the supplier) equal to the sales of such supplies at net sales figures, shipped from his inventory, during the four preceding calendar months.

(ii) In the case of a supplier located in the District of Columbia or any of the forty-eight states not enumerated in paragraph (a) (6) (i) above, an inventory (owned or consigned to him), of supplies of a total dollar value at cost (by physical or book inventory, at the option of the supplier) equal to sales of such supplies at net sales figures shipped from his inventory during the three preceding calendar months.

(b) *Limitation of supplier's inventories.* (1) Except as provided in paragraph (b) (3), (4), (5) and (6), no supplier shall accept any delivery of supplies from any person which will effect an increase in the inventories of the supplier above his maximum permissible inventory; and

(2) Except as provided in paragraphs (b) (3), (4), (5) and (6), no person shall make to any supplier any delivery of supplies which such person knows or has reason to believe will effect an increase in such supplier's inventory of supplies above the supplier's maximum permissible inventory.

(3) Any supplier, regardless of where located, shall be permitted to purchase and store an amount of seasonal lines equal to those which he purchased in the peak period of a comparable period of the previous year, but this peak period shall not exceed 120 days.

(4) A supplier may accept delivery of supplies which will increase his stock above the maximum permissible inventory, if such supplier's inventory of supplies is at the time of delivery less than his maximum permissible inventory and the delivery of the minimum quantity of such supplies that can be commercially procured.

(5) A supplier may accept delivery of specific items of supplies when his stock of all items in the aggregate exceeds, or will by virtue of such acceptance exceed, his maximum permissible inventory, but only to the extent necessary to bring such supplier's inventory of those specific items (owned or consigned to him) up to a total dollar value equal to the sales of such items shipped from such supplier's inventories during the preceding month.

(6) The Civilian Production Administration may, from time to time, exempt specified suppliers or classes of suppliers from the provisions of this order, subject to such restrictions as the Civilian Production Administration may impose. Application for exemption should be made by letter.

(7) The provisions of this order shall not apply to any supplier whose total inventory at cost, including consigned stocks, of all supplies is less than $70,000.

(8) Any person who wishes to establish an initial inventory of supplies with a value at cost of more than $70,000, including consigned stocks, may apply for authorization to do so by filing a letter in triplicate stating the value of the inventory for which he requests authorization, the class of supplies he desires to purchase, the type of business he is entering and any other facts he considers pertinent to his case. All such applications will be processed on an equitable basis. Any amount authorized shall become his maximum permissible inventory for the next four complete calendar months in the case of a supplier located in the area covered by paragraph (a) (6) (i), above, or for the next three complete calendar months in the case of a supplier located in the area covered by paragraph (a) (6) (ii), above. After this period, his maximum permissible inventory is determined by the provisions of paragraph (a) (6) (i) or paragraph (a) (6) (ii), as the case may be.

(c) *Provisions of other orders.* (1) No provision of this order shall be construed to permit the accumulation of inventories of any item of material in contravention of the provisions of any other applicable order or regulation of the Civilian Production Administration. Specifically, a supplier may not accept delivery of any material if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation unless the material appears in Part II of List A of this order.

(2) [Revoked Dec. 17, 1946.]

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(e) *Records and reports.* Each supplier (other than those who are exempt under paragraph (b) (6) or (b) (7)) must keep an up-to-date record of his total net monthly sales of supplies from stock, and his total inventory of supplies at the end of each month. He need not keep a separate record of his sales and inventory of each type of supplies. A record of his sales and inventory of all kinds of supplies in the aggregate will be satisfactory. In preparing his sales record he should use net selling prices, including sales from consigned stock and excluding direct shipments. His inventory record may be based either on book inventory or physical count. Inventory valuations must be at cost and must include consigned stock. The sales and inventory data required by this paragraph must be preserved for a period of at least two years, available for inspection by authorized representatives of the Civilian Production Administration. This record keeping plan has the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Subject to the approval of the Bureau of the Budget, the Civilian Production Administration may at any time ask for the submission of this data.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the Civilian Production Administration, as amended from time to time.

(g) *Communications.* All communications concerning this order shall be addressed to Civilian Production Administration, Wholesale and Retail Branch, Washington 25, D. C., Ref.: L–63.

(h) [Deleted Feb. 15, 1946.]

Issued this 17th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: List A revised Dec. 17, 1946.

PART I

The following essential items do not readily lend themselves to the specific inventory restrictions of Order L–63. Accordingly, any supplier may exclude from his computations under Order L–63, if he does so consistently, his receipts, sales and inventories of the following items.

(1) The following general products and merchant trade products:

GENERAL STEEL PRODUCTS

	Types of steel included		
	Carbon	Stainless	Other alloy
Ingots, blooms, billets, slabs, tube rounds, die blocks, sheet and tin bars	X	X	X
Structural shapes and piling	X	------	X
Plates (universal and sheared including skelp)	X	X	X
Rails and track accessories	X	------	X
Hot rolled bars—except concrete reinforcing bars but including forged, galvanized, and wrought iron bars	X	X	X
Cold finished bars	X	X	X
Tool steel, including drill rod	X	------	X
Mechanical tubing	X	X	X
Pressure tubing	X	X	X
Wire rods (for wire drawing only)	X	X	X
Sheet and strip, hot rolled	X	X	X
Sheets and strip, cold reduced	X	X	X
Tin mill black plate	X	------	------
Sheets and strip, all other (except tin plate, short ternes, and galvanized)	X	------	------
Wheels and axles (including steel tires and rims)	X	------	X
Castings (rough castings only)	X	X	X
Concrete reinforcing bars (unfabricated)	X	------	------

MERCHANT TRADE PRODUCTS

Standard and line pipe, water well tubular products, and couplings (includes steel and wrought iron pipe).
Oil country casing, tubing, and drill pipe and couplings.
Tin plate and terne plate (short ternes).
Galvanized, lead coated, or painted sheets and strip (including galvanized flat sheets purchased for the manufacture of roofing and siding), formed roofing and siding (painted, black, galvanized, or lead coated) valley, ridge roll, and flashing.
Wire rope and strand.
Nails (cut and wire), fence and netting staples.
Wire, drawn.
Wire bale ties.
Wire (barbed and twisted), and wire fence (woven or welded).
Wire netting.
Fence posts.
Welded wire concrete reinforcing fabric.

(2) Automotive replacement parts: For the purpose of this order "automotive replacement parts" means any part or assembly and

the components entering into such parts and assemblies produced for use in the repair, maintenance or improvement of light, medium and heavy motor trucks, truck trailers, passenger carriers, off-the-highway motor vehicles, motorized fire equipment and passenger automobiles. The term includes attachment third axles but does not include tires, tubes, batteries or items which are not standard equipment on new vehicles.

(3) Replacement parts specially designed to fit only one model and brand of machinery or equipment, and adaptable to no other use: *Provided*, That in no event shall the supplier accept delivery of any such parts where his inventory thereof is, or will by virtue of such delivery become in excess of six times his sales of such parts during the second preceding calendar month.

(4) Industrial materials and finished products sold to the supplier by a special sale under Priorities Regulation No. 13.

(5) Repair and replacement parts for commercial and industrial refrigeration equipment.

(6) Furniture.

(7) Pottery and china.

(8) Glassware.

(9) Electric mangles, electric water heaters, mechanical refrigerators, ranges—gas and electric, sewing machines, vacuum cleaners, washing machines.

However, if a supplier excludes the above items from his computations, the items remain subject to the practicable minimum working inventory provisions of paragraph (c) (1) of Priorities Regulation 32.

PART II

The following items are no longer in short supply or are not considered to be essential to the national economy. Accordingly, any supplier may exclude from his computations under Order L–63, if he does so consistently, his receipts, sales and inventories of the following items:

All items listed on Table 3 of Priorities Regulation 32.
Antiques.
Christmas ornaments and supplies.
Clocks and watches.
Flowers and [illegible]nts.
Garden sup[illegible] and seeds for garden use.
Giftwares (including jewelry accessories).
Jewelry and silverware.
Luggage and other leather goods.
Musical instruments (including pianos and organs).
Oriental rugs.
Phonograph records and supplies.
Phonographs.
Picture frames and mirrors.
Radio receiving sets.
Radio and phonograph combinations.
School supplies.
Smoking equipment.
Sporting goods and cameras.
Stationery and books.
Toilet articles and toiletries (such as cosmetics and shaving equipment).
Toys and games.
Wheeled goods.

If a supplier excludes the above items from his computations, there is no limitation on his inventory of them.

[F. R. Doc. 46–21750; Filed, Dec. 17, 1946; 11:24 a. m.]

PART 3293—CHEMICALS

[Conservation Order M–300,[1] Direction 6]

METHANOL

The following direction is issued pursuant to Conservation Order M–300:

(a) *What this direction does.* The present coal emergency has sharply reduced the production of methanol which is necessary for the production of certain drugs essential to the maintenance of public health. The principal methanol producers have been directed to hold a limited reserve of methanol to meet minimum requirements for the production of critical drugs. Authorizations to certify orders for the purchase of methanol will be issued for requirements necessary to maintain the production of streptomycin, penicillin and sulfa drugs. This direction provides that producers of streptomycin, penicillin and sulfa drugs may apply for authorization to place certified orders for methanol to be filled by the producers from the reserve which has been set aside. This direction is necessary and appropriate in the public interest and to promote the national defense.

(b) *Definition.* "Methanol" (methyl alcohol), known also as wood alcohol, means methyl alcohol in any form or from whatsoever source derived.

(c) *Applications for methanol*—(1) *What producers may apply.* The producers of streptomycin, penicillin or sulfa drugs or intermediates used in the production of streptomycin, penicillin or sulfa drugs may apply under this direction for authority to place a "certified order" for methanol.

(2) *Authorizations.* The CPA may authorize the placing of certified orders for methanol required to make streptomycin, penicillin or sulfa drugs or intermediates to be used in the production of streptomycin, penicillin or sulfa drugs, if it determines that such authorization is necessary. Such authorizations will be granted to the producers of intermediates where the intermediates are to be sold to producers of streptomycin, penicillin and sulfa drugs for the production of such drugs.

(d) *Filing of applications.* Applications should be filed on Form CPA–2945 so as to be received by CPA on or before the 20th day of the month in which delivery is requested. File separate set of forms for each supplier; send three copies (one certified) to the Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref. M–300, Direction 6. The unit of measure is gallons. In the heading of Table I substitute the word "current" for the word "next." Fill in columns 2, 3 and 4. In Table II fill in columns 13, 14, 15–c and 16. Fill in Table III and Table IV. Applicants requiring methanol for the production of intermediates necessary in the manufacture of streptomycin, penicillin or sulfa drugs shall also fill in Table V showing their delivery of such intermediates during the preceding month by listing the names of the consignees in column 23 and the quantity delivered to each such consignee in column 24. Fill in columns 3 and 20 in terms of the following: Streptomycin, penicillin, sulfa drugs (specified) other (specified).

(e) *How to place a certified order.* A purchase order for methanol may be certified by furnishing a certification in substantially the following form to the producer, signed as provided in Priorities Regulation 7 (9 F. R. 721):

I certify, subject to the penalties of section 35A of the United States Criminal Code, that I am authorized to place this order for methanol under Direction 6 to Order M–300, Serial Number ——.

(f) *Periods for which certified orders may be placed.* Orders may be certified for delivery only in the months specifically authorized on Form CPA–2945.

(g) *Producers of methanol.* A producer of methanol must not deliver any methanol which it has been required to set aside on direction of the Civilian Production Administration except on purchase orders certified according to this direction. Any purchase order certified according to this direction is subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 (11 F. R. 8002).

(h) *Authorizations to place certified orders other than as provided in paragraph (c).* The Civilian Production Administration may grant authorizations to place certified orders for methanol required for drugs other than streptomycin, penicillin or sulfa drugs where the maintenance of the production of such other drugs is found necessary to the public health.

(i) *Reports.* Producers of streptomycin, penicillin and sulfa drugs must furnish such reports as may be required by the Civilian Production Administration from time to time subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Expiration date.* This order shall be in effect until January 1, 1947.

Issued this 17th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–21752; Filed, Dec. 17, 1946; 11:24 a. m.]

[1] 10 F. R. 6583.

PART 1046—SUPPLIERS' INVENTORIES

[Limitation Order L–63, Interpretation 1, Revocation]

SUPPLIES

Interpretation 1 to Limitation Order L–63 is hereby revoked.

Issued this 17th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–21749; Filed, Dec. 17, 1946; 11:24 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M–21,[1] Direction 18]

STEEL FOR PRODUCTION OF EXPORT FREIGHT CARS

The following direction is issued pursuant to General Preference Order M–21:

(a) *What this direction does.* There is a critical shortage in the supply of freight cars and steel needed to make them. To aid in meeting the minimum steel requirements for the production of freight cars which are essential to the maintenance of the domestic transportation system, it is necessary that production of cars for export be delayed. This direction restricts the placing of orders by car builders for steel to be used in the production of export cars. As used in this direction, the word "steel" means all steel in the forms and shapes listed in Schedule I to Order M–21 (11 F. R. 12383).

(b) *Restriction on placing orders.* Unless authorized in writing to do so by the Civilian Production Administration, no freight car builder shall place any order for steel which is to be used in the production of freight cars to be shipped for export outside the United States, its territories or possessions, or the Dominion of Canada on orders placed with the car builder after November 30, 1946. Authorizations to place orders for steel for these export freight cars will be granted only if it appears clearly that such orders will not interfere with the production of domestic freight cars.

[1] 11 F. R. 12383.

(c) *How to apply.* Applications for authorization to place orders for steel under paragraph (b) may be made by letter in duplicate, addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: M-21, Direction 18, furnishing information as to (1) the present production schedule of freight cars classified by domestic cars, export cars ordered on or before November 30, 1946, and export cars ordered after November 30, 1946; (2) the steel tonnage on hand or already on order for use in cars, classified by steel products and suppliers; (3) the additional tonnage for which authorization is requested, classified by steel products and suppliers; and (4) the effect which authorization, if granted, would have on production of domestic cars.

NOTE: The reporting provisions of this direction have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 17th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21751; Filed, Dec. 17, 1946; 11:24 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND RUBBER PRODUCTS THEREOF

[Rubber Order R-1, Appendix II, as Amended Nov. 29, 1946, Amdt. 1]

Appendix II to Rubber Order R-1, as amended November 29, 1946, is hereby amended as follows:

1. By deleting the whole of List 15.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9246, 7 F. R. 7379, as amended by E. O. 9475, 9 F. R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F. R. 64

Issued this 17th day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21754; Filed, Dec. 17, 1946; 11:25 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 1,[1] Amdt. 2 to Order 3]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

FORMS FOR DECLARATION OF SURPLUS

War Assets Administration Regulation 1, Order 3, June 13, 1946, as amended through Aug. 21, 1946, entitled "Forms for Declaration of Surplus" (11 F. R. 6774, 9572) is hereby further amended by adding two new paragraphs as follows:

12. (a) In making declarations of surplus electronic property (other than contract termination) located within the continental United States as defined in Part 8323,[2] owning agencies may use copies of shipping tickets, bills of sale, or other lists of property as an attachment to the declaration, *Provided*, That not more than 99 line-items appear on any one shipping ticket, bill of sale or other property list and *Provided further*, That a WAA Form 1001 or WAA Form 1001.2 (or any superseding form) is used as a declaration and cover sheet and that all of the information required by the above described forms is shown on such forms or on the supporting documents and *Provided still further*, That each individual or day's shipments to a separate consignee will be covered by a separate declaration.

(b) Prior to making the declaration of surplus as provided in subparagraph (a) above, owning agencies may make a preliminary report in writing to the disposal agency advising that any depot or installation under the jurisdiction of such owning agency contains substantial quantities of surplus electronic property. The preliminary report shall contain sufficient data to identify the type of property, the cost to the Government thereof, and its location. Such preliminary report shall be considered as an intention to file a declaration of surplus, but shall not be the declaration of surplus property as provided in subparagraph (a) above. In any case, and whether such preliminary report is or is not made, each owning agency shall supply the disposal agency with a list indicating the identity, quantity, condition, unit cost, and total cost to the Government, and location of all electronic property other than salvage, scrap, and small lots to be disposed of pursuant to Part 8309.[3] The disposal agency shall examine the inventory of such lists and promptly issue shipping instructions authorizing physical transfer of such electronic property to a designated location. Consistent with orderly disposal, and after determination by inspection has been made by the disposal agency that the electronic property is other than salvage, scrap, or small lots, the owning agency shall, at the time physical transfer of such property is authorized by the disposal agency, promptly declare such property surplus in the manner provided in subparagraph (a) above.

13. (a) Declarations of surplus real property shall be filed with the War Assets Administrator, Washington 25, D. C. Where personal property is to be declared surplus in conjunction with real property, the owning agency shall in advance notify the appropriate regional office of War Assets Administration or, in the territories and possessions, the appropriate office of the Department of the Interior, of the date on which WAA Form 1001 will be ready for filing. Such office may designate a representative with whom the form may be filed at the installation site and who shall be authorized to accept the declaration for filing. If for any reason such form is not so filed with the designated representative it shall be filed at the War Assets Administration regional office, or, in the territories and possessions, at the appropriate office of the Department of the Interior.

(b) The Administrator will transmit the declaration to the appropriate disposal agency and will notify the owning agency of such transmittal.

This amendment shall become effective December 19, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

DECEMBER 16, 1946.

[F. R. Doc. 46-21766; Filed, Dec. 17, 1946; 12:15 p. m.]

[Regulation 23]

PART 8323—DISPOSAL OF ELECTRONICS AND COMMUNICATIONS EQUIPMENT

Sec.
8323.1 Definitions.
8323.2 Scope.
8323.3 Allocation.
8323.4 Interdepartmental Advisory Committee on Surplus Electronic Property Disposal.
8323.5 Establishing minimum prices.
8323.6 Determination to be commercially unsalable.
8323.7 Disposals for educational and public-health purposes.
8323.8 Disposal of special purpose electronic property.
8323.9 Disposal as salvage or scrap.
8323.10 Rendering components and parts unfit for intended use.
8323.11 Regulations by agencies to be reported to the Administrator.
8323.12 Records and reports.

AUTHORITY: §§ 8323.1 to 8323.12, inclusive, issued under Surplus Property Act of 1944, as amended, (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265).

§ 8323.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Electronic property" means mobile and stationary personal property peculiar to the science of electronics including wired or wireless communications. It includes, but is not limited to, radio-broadcast receiving and transmitting equipment, other than when installed in or attached to an aircraft, as complete units or the respective components and parts thereof; telephone and telegraph equipment, as complete units or the respective components or parts thereof; electronic detection devices; electronic tubes; electronic equipment such as condensers, resistors, indicators, mounting components, and converters. It also includes those instruments and devices for testing radio and radar equipment, as well as such wire and cable as is used in communications systems.

(2) "Commercially unsalable property" as used herein is distinguished from property of no commercial value as used in Part 8319[1] and means property which has no reasonable prospect of sale at or above a minimum price established by the disposal agency, or where

[1] Reg. 1 (11 F. R. 7970, 10221, 13969.)

[2] Reg. 23. Issued December 16.

[3] Reg. 9 (10 F. R. 12961, 14966; 11 F. R. 3691, 10222).

[1] Reg. 19 (10 F. R. 14966; 11 F. R. 3691).

such minimum price has not been established, no reasonable prospect of sale except as salvage or scrap.

(3) "Salvage" means property that is in such a worn, damaged, deteriorated, or incomplete condition, or is of such a specialized nature that it has no reasonable prospect of sale as a unit, or is not usable as a unit without major repairs, or alteration. Salvage has some value in excess of its basic material content because it may contain serviceable components or may have value to a purchaser who may make major repairs or alterations. Salvage includes used containers and cable reels.

(4) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(5) "Instrumentality" as used herein refers to any instrumentality of a State, territory, or possession of the United States, the District of Columbia, or any political subdivision thereof, as well as such States and subdivisions themselves.

(6) "Nonprofit institution" means any nonprofit scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, organization, or association, or any nonprofit hospital or similar institution, organization, or association, which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or any nonprofit volunteer fire company or cooperative hospital or similar institution which has been held exempt from taxation under section 101 (8) of the Internal Revenue Code.

(7) "Educational institution or instrumentality" means any school, school system, library, college, university, or other similar institution, organization, or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution or an instrumentality.

(8) "Public-health institution or instrumentality" means any hospital, board, agency, institution, organization, or association, which is organized for the primary purpose of carrying on medical, public-health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution or an instrumentality.

(9) "Special purpose electronic property" means those types which have been primarily designed for, and which are generally useful only for, military purposes or which are not readily adaptable or which cannot be economically converted so as to be adaptable for general use by individuals or industry in a peacetime economy.

(10) "General purpose electronic property" means those types which are so designed, or which may economically be converted to such design, so as to be usable or adaptable for use by individuals or industry in a peacetime economy.

§ 8323.2 *Scope.* This part applies to the disposal of surplus electronic property located in the continental United States, its territories and possessions.

§ 8323.3 *Allocation.* Surplus electronic property shall be disposed of so as to satisfy the needs of priority claimants as provided for in Part 8302 [2] and of nonprofit institutions as provided for in Part 8314.[3] Thereafter the Administrator or his designee may allocate electronic property in short supply to non-priority purchasers. Allocations will be made in such a manner as will effectuate the objectives of the act.

§ 8323.4 *Interdepartmental Advisory Committee on Surplus Electronic Property Disposal.* Pursuant to arrangements made with other interested Government agencies, there is established an Interdepartmental Advisory Committee on Surplus Electronic Property Disposal which shall function as an advisory committee to the Administrator and shall consist of representatives of the Federal Communications Commission, the War Department, the Navy Department, the Department of Interior, the War Assets Administration, and a representative of the Administrator, who shall serve as Chairman of the Committee. It shall be the duty of such Committee to furnish advice and make recommendations to the Administrator with respect to the policies and procedures to be applied in the disposal of surplus electronics and the allocation of electronic property upon which advice may be requested by the Administrator.

§ 8323.5 *Establishing minimum prices.* The disposal agency is authorized to establish minimum prices for items of electronic property and to treat as commercially unsalable any such property which after a reasonable test of the market it concludes cannot be sold within a reasonable period of time at prices equal to or greater than such minimum prices.

§ 8323.6 *Determination to be commercially unsalable.* In order to obtain the greatest return to the Government and at the same time to obviate all unnecessary expense of care, handling, shipping, reconditioning, and maintenance of such property, the disposal agency shall make prompt determination as to those items of electronic property which are commercially unsalable and should therefore be promptly disposed of as salvage or scrap. Such a determination by the disposal agency may be made by any of the following methods:

(a) By a full and adequate offering of reasonable quantities for sale;

(b) By a finding of the War Department or the Navy Department, based upon the requirements of national defense, that an item of electronic property should not be approved for general use;

(c) By a finding of the disposal agency that there is an oversupply which exceeds any known or foreseeable demand;

(d) By the findings of qualified consultants;

(e) By direct findings of the disposal agency that the cost of care and handling is believed to exceed foreseeable returns.

§ 8323.7 *Disposals for educational and public-health purposes.* (a) Where the disposal agency determines that any item of surplus electronic property is commercially unsalable, disposal may be made to educational or public-health institutions or instrumentalities as provided in this section. The disposal agency shall compile a list of such items and shall ascertain fixed prices which will reflect the benefit which has accrued or may accrue to the United States from the use of such property by educational or public-health institutions or instrumentalities. Such lists shall be submitted to the Administrator, and if approved, will be published by order hereunder. The disposal agency is authorized to dispose of such property to educational or public-health institutions or instrumentalities at the prices so approved: *Provided, however,* That no such disposals at the prices so approved may be allowed to any such institutions which are not exempt from taxation under section 101 (6) of the Internal Revenue Code.

(b) The disposal agency shall establish procedures pursuant to which educational or public-health institutions or instrumentalities may make written application for surplus electronic property available for disposal to such institutions or instrumentalities. Such procedures shall include (1) a certification that the applicant is an educational or public-health institution or instrumentality as defined in § 8323.1 and is exempt from taxation under section 101 (6) of the Internal Revenue Code (2) a certification of the purposes for which the property is to be acquired, and (3) an agreement that the property will not be resold to others within one (1) year of the date of purchase without the consent in writing of the disposal agency.

§ 8323.8 *Disposal of special purpose electronic property.* (a) Aside from a relatively small demand for special purpose electronic property to serve specialized industrial, educational, and private uses, there is no significant market for electronic property of this class.

(b) Special purpose electronic property which has been determined to be commercially unsalable by the disposal agency may be disposed of by such disposal agency as salvage or scrap as provided in § 8323.9 or otherwise, but if disposed of other than as salvage or scrap by the disposal agency, then in such event the property shall be disposed of at fixed prices.

§ 8323.9 *Disposal as salvage or scrap.* (a) Surplus electronic property including components and parts which, pursuant to the provisions of § 8323.6 are determined by the disposal agency to be commercially unsalable, may be disposed of as salvage or scrap by such disposal agency.

(b) When items determined by the disposal agency to be scrap are in the possession of the owning agencies, they should be promptly disposed of by such owning agencies pursuant to the provisions of Part 8309.[4]

(c) In each case where disposal of electronic property, including components and parts is made as scrap by the disposal agency, then in such event a scrap

[2] Reg. 2 (11 F. R. 14267).
[3] Reg. 14 (11 F. R. 11505).
[4] Reg. 9 (10 F. R. 12961, 14966; 11 F. R. 3691, 10221.)

warranty as prescribed in Part 8309 may be required from the purchaser thereof.

§ 8323.10 *Rendering components and parts unfit for intended use* (a) The Administrator has determined that, in the case of components and parts such property may become commercially unsalable as the volume of surplus declarations increase and that in order not to incur excessive costs of care and handling and to insure orderly disposal and prevent speculative resale, certain components and parts determined to be commercially unsalable by reason of oversupply should be rendered unfit for intended use before disposal as salvage or scrap.

(b) Where the disposal agency finds such action to be required with respect to components and parts in its possession, it shall render such property unfit for intended use prior to sale as salvage or scrap.

(c) In those cases where the disposal agency finds such action to be required with respect to components and parts in the possession of an owning agency, it shall direct the owning agency not to dispose of such property as salvage or scrap in accordance with the provisions of § 8323.9 (b), but instead to declare such components and parts to the end that all such property may be rendered unfit for intended use by the disposal agency.

§ 8323.11 *Regulations by agencies to be reported to the Administrator.* Owning and disposal agencies shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it has issued or may hereafter issue in furtherance of the provisions, or any of them, of this part.

§ 8323.12 *Records and reports.* Each owning and disposal agency shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the Surplus Property Act of 1944, relating to the disposal of surplus electronic property.

This part shall become effective December 19, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

DECEMBER 16, 1946.

[F. R. Doc. 46-21765; Filed, Dec. 17, 1946; 12:15 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 122—MONTHLY OPERATING REPORTS

MONTHLY REPORT OF REVENUES AND EXPENSES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 25th day of September A. D. 1946.

The matter of monthly reports of revenues and expenses of Class I steam railways being under consideration, it is ordered, that

§ 122.1 *Revenues and expenses.* Commencing with the month of January 1947, and monthly thereafter until further order, each and every Class I Steam Railway, excluding Class I Switching and Terminal Companies, subject to the provisions of the Interstate Commerce Act, is hereby required to file under oath monthly reports, in duplicate, of Revenues and Expenses in accordance with the form of report which is attached hereto and made a part of this order. Such monthly reports shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before the twenty-sixth day of the month next succeeding the month for which made. (24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)-(8))

It is further ordered, that the order dated November 10, 1943, in the matter of monthly reports of revenues and expenses of Class I steam railways (49 CFR, 1943 Supp., 122.1) be, and it is hereby vacated and set aside, effective January 1, 1947; and that, a copy of this order shall be served upon every Class I steam railway, other than switching and terminal companies, subject to the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such steam railway, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

NOTE: The reporting requirements of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

Budget Bureau No. 60-R-120.4
Form approved.

MONTHLY REPORT OF REVENUES AND EXPENSES—STEAM ROADS Form R&E

(IN UNITS OF DOLLARS ADJUSTED TO ACCORD WITH FOOTINGS)

For month of ____, 19__

Full name of reporting company ____

Figures for month		Item	Figures for period	
19__	19__		19__	19__
(a)	(b)	(c)	(d)	(e)
		MILEAGE:		
		1. Miles of road operated at close of month (State in whole numbers. See "Mileage changes" on the other side of form.)		
$	$	OPERATING REVENUES:	$	$
		2. Freight (Account 101)		
		3. Passenger (Account 102)		
		4. Mail (Account 106)		
		5. Express (Account 107)		
		6. All other operating revenues		
		7. Railway operating revenues (Account 501)		
		OPERATING EXPENSES:		
		8. Maintenance of way and structures (General Account I) (Insert totals of items 8.01 to 8.06).		
		8.01 Depreciation—Road (Account 266)		
		8.02 Retirements—Road (Account 267)		
		8.03 Deferred maintenance—Road (Account 268)		
		8.04 Amortization of defense projects—Road (Account 270½).		
		8.05 Equalization—Road (Account 280)		
		8.06 All other maintenance of way and structures accounts		
		9. Maintenance of equipment (General Account II) (Insert totals of items 9.01 to 9.06).		
		9.01 Depreciation—Equipment (Accounts 305 and 331)		
		9.02 Retirements—Equipment (Account 330)		
		9.03 Deferred maintenance and major repairs—Equipment (Accounts 339 and 340).		
		9.04 Amortization of defense projects—Equipment (Account 331½).		
		9.05 Equalization—Equipment (Account 338)		
		9.06 All other maintenance of equipment accounts		
		10. Traffic (General Account III)		
		11. Transportation—Rail line (General Account IV)		
		12. Miscellaneous operations (General Account VI)		
		13. General (General Account VII)		
		14. Railway operating expenses (Account 531)		
		INCOME ITEMS:		
		15. Net revenue from railway operations (7—14)		
		16. Railway tax accruals (Account 532) (Insert totals of items 16.01 to 16.03).		
		16.01 Pay-roll taxes (Old-age retirement and unemployment insurance).		
		16.02 Federal income taxes (Including surtax)		
		16.03 All other taxes		
		17. Railway operating income (15—16)		
		18. Equipment rents (Accounts 503 to 507 and 536 to 540), net (Insert debit in red).		
		19. Joint facility rent (Accounts 508 and 541), net (Insert debit in red).		
		20. Net railway operating income (17, 18, and 19)		
		RATIOS:		
		21. Expenses to revenues (14÷7) (one decimal place required) %		
		22. Total maintenance to revenues (8+9÷7) (one decimal place required) %		
		23. Transportation to revenues (11÷7) (one decimal place required) %		

INTERSTATE COMMERCE COMMISSION

BUREAU OF TRANSPORT ECONOMICS AND STATISTICS

MONTHLY REPORT OF REVENUES AND EXPENSES—STEAM ROADS

INSTRUCTIONS

Under an order of this Commission dated Sept. 25, 1946, effective Jan. 1, 1947, steam railroad companies of Class I are required to file monthly reports of revenues, expenses, and income items herein called for, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before the twenty-sixth day of the month next succeeding the month for which they are made.

The revenue, the expense, and the income items in this monthly report should be taken from and agree with the accounts kept in conformity with the current uniform system of accounts for steam roads prescribed by the Interstate Commerce Commission. The account numbers in the "Item" column refer to the accounts in this uniform system of accounts.

This monthly statement should cover the operations of the reporting carrier from the beginning of business on the first day to the close of business on the last day of the month or period named. Deficits, losses, decreases, or other reverse items should be shown in red. All the information requested on both sides of this form should be supplied. *Any unusual accruals involving a substantial amounts should be fully explained in a footnote.*

Item 1 should represent the number of miles of road, or first running track, operated at the close of the month of report. The number of miles reported for the period from January 1 to the end of the month of report should be determined by averaging the amounts of mileage reported at the close of each month within that period.

For the use of the Interstate Commerce Commission only	MILEAGE CHANGES							
	If the *operated mileage* stated for the month for which this report is made differs from that stated in the report for the last preceding month, the date of the change and a brief explanation of the difference should be entered below: As, newly constructed line, acquisition of line (with name of former operating company), operation discontinued, line abandoned, resurvey, remeasurement, etc.							
	Date	Cause of change	Result of change		Date	Cause of change	Result of change	
			Increase	Decrease			Increase	Decrease
Correspondence and correction:			*Miles*	*Miles*			*Miles*	*Miles*
Letter								
Correction								
Authority								
Subject								

REMARKS AND FOOTNOTES

OATH

STATE OF ....., COUNTY OF ....., ss:

I, THE UNDERSIGNED, ..., of the .....
[Title of officer in charge of the accounts] [Full name of reporting company]

Company, on my oath do say that the annexed return has been prepared under my direction; that I have carefully examined the same, and declare the same to be a complete and correct statement of the operating revenues, operating expenses, railway taxes, and income items for the month named, and that the various items here reported were, to the best of my knowledge, information, and belief, determined in accordance with the accounting rules promulgated by the Interstate Commerce Commission for steam railway companies.

SUBSCRIBED AND SWORN TO before me this .....day of....., 19.... .....

....., ... P. O. Address .....

[F. R. Doc. 46-21603; Filed, Dec. 16, 1946; 8:47 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

TONGASS NATIONAL FOREST, ALASKA

CROSS REFERENCE: For amendment of the tabulation contained in § 201.1, see Public Land Order 198, under Title 43, Appendix, *infra*, which withdraws certain lands from the Tongass National Forest, Alaska, for use as an air-navigation site.

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 203—RULES OF PRACTICE

Pursuant to the authority vested in the Secretary of Labor by section 4 of the Public Contracts Act (49 Stat. 2036, U. S. C., Title 41, secs. 35–45), there are hereby issued revised Rules of Practice which govern proceedings under sections 5 and 6 of said act, as follows:

SUBPART A—PURSUANT TO SECTION 5 OF THE PUBLIC CONTRACTS ACT

Sec.
203.1 Reports of breach or violation.
203.2 Issuance of a formal complaint.
203.3 Answers.
203.4 Motions.
203.5 Intervention.
203.6 Witnesses and subpoenas.
203.7 Prehearing conference.
203.8 Hearing.
203.9 Briefs.
203.10 Decision of the trial examiner.
203.11 Review.
203.12 Effective date.

SUBPART B—EXCEPTIONS AND EXEMPTIONS PURSUANT TO SECTION 6 OF THE PUBLIC CONTRACTS ACT

203.13 Requests for exceptions and exemptions.
203.14 Decisions concerning exceptions and exemptions.

AUTHORITY: §§ 203.1 to 203.14, inclusive, issued under sec. 4, 49 Stat. 2036; 41 U. S. C. 35–45.

SUBPART A—PURSUANT TO SECTION 5 OF THE PUBLIC CONTRACTS ACT

§ 203.1 *Reports of breach or violations.* (a) Any employer, employee, labor or trade organization or other interested person or organization may report a breach or violation, or apparent breach or violation of the act, or of any of the rules or regulations prescribed thereunder.

(b) A report of breach or violation shall be in writing and addressed to the Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor, Washington, D. C.

(c) The report should contain the following:

(1) The full name and address of the person or organization reporting the breach or violation.

(2) The full name and address of the person against whom the report is made, hereinafter referred to as the "Respondent".

(3) A clear and concise statement of the facts constituting the alleged breach or violation of any of the provisions of the Public Contracts Act, or of any of the rules or regulations prescribed thereunder.

§ 203.2 *Issuance of a formal complaint.* After a report of a breach or violation has been filed, or upon his own motion and without any report of a breach or violation having been previously filed, the Secretary of Labor or his duly authorized representative may issue and cause to be served upon the respondent a formal complaint stating the charges. Notice of hearing before a Trial Examiner designated by the Secretary of Labor shall be issued and served within a reasonable time after the issuance of the complaint. A copy of the complaint and notice of hearing shall be served upon the surety or sureties. Unless the Trial Examiner otherwise determines, the date of hearing shall not be sooner than thirty days after the date of issuance of the complaint.

§ 203.3 *Answer.* (a) The respondent shall have the right, unless otherwise specified in the complaint and notice,

within twenty (20) days after date of issuance of the formal complaint, to file an answer thereto. Such answer shall not be limited to a mere denial of the charges. It shall specifically deny or admit each of the charges, and, if the answer is in denial of any one of the charges, it shall contain a concise statement of the facts relied upon in support of the denial. Any charges not specifically denied in the answer shall be deemed to be admitted and may be so found by the Examiner, unless the respondent disclaims knowledge upon which to make a denial. If the answer should admit any charge but the respondent believes there are reasons or circumstances warranting special consideration, such reasons and circumstances should be fully but concisely stated.

(b) Such answer shall be in writing, and signed by the respondent or his attorney or by any other duly authorized agent with power of attorney affixed.

(c) If no answer is filed, or if the answer as filed does not warrant a postponement of the hearing, such hearing will be held as scheduled.

(d) The original and two copies of the answer shall be filed with the Chief Trial Examiner, Department of Labor, Washington, D. C.

(e) In any case where formal complaints have been amended, the respondent shall have the right to amend his answer within such time as may be fixed by the Trial Examiner.

§ 203.4 *Motions.* (a) All motions except those made at the hearing shall be filed in writing with the Chief Trial Examiner, Department of Labor, Washington, D. C., and shall be included in the record. Such motions shall state briefly the order or relief applied for and the grounds for such motion. The moving party shall file an original and two copies of all such motions. All motions made at the hearing shall be stated orally and included in the stenographic report of the hearing.

(b) The Trial Examiner designated to conduct the hearing may in his discretion reserve his ruling upon any question or motion.

§ 203.5 *Intervention.* Any employer, employee, labor or trade organization or other interested person or organization desiring to intervene in any pending proceeding prior to, or at the time it is called for hearing, but not after a hearing, except for good cause shown, shall file a petition in writing for leave to intervene, which shall be served on all parties to the proceeding, with the Chief Trial Examiner, Department of Labor, or with the Trial Examiner designated to conduct the hearing, setting forth the position and interest of the petitioner and the grounds of the proposed intervention. The Chief Trial Examiner, or the Trial Examiner, as the case may be, may grant leave to intervene to such extent and upon such terms as he shall deem just.

§ 203.6 *Witnesses and subpoenas.* (a) Witnesses shall be examined orally under oath except that for good and exceptional cause the Trial Examiner may permit their testimony to be taken by deposition under oath.

(b) The Secretary of Labor, the Administrator, or the Trial Examiner shall, upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence, or documents. Applications for the issuance of subpoenas duces tecum shall specify the books, records, correspondence, or other documents sought.

(c) Witnesses summoned before the Trial Examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and the person taking the depositions shall be paid by the party at whose instance the depositions are taken.

§ 203.7 *Prehearing conferences.* (a) At any time prior to the hearing the Trial Examiner may, on motion of the parties or on his own motion, whenever it appears that the public interest will be served thereby, direct the parties to appear before him for a conference at a designated time and place to consider, among other things:

(1) Simplification of the issues;

(2) The necessity or desirability of amending the pleadings for purposes of clarification, amplification or limitation;

(3) Obtaining stipulations of fact or admissions of undisputed facts or the authenticity of documents;

(4) The procedure at the hearing;

(5) Limiting the number of witnesses;

(6) The propriety of mutual exchange among parties of prepared testimony or exhibits, or

(7) Any other matters which would tend to expedite the disposition of the proceeding.

(b) The action taken at the conference may be recorded, in summary form or otherwise, for use at the hearing. Such record, when agreed to by the parties and approved by the Trial Examiner, shall be conclusive as to the action embodied therein. Stipulations and admissions of fact and amendments to pleadings shall be made a part of the record of the proceeding.

§ 203.8 *Hearing.* (a) The hearing for the purpose of taking evidence upon a formal complaint shall be conducted by a Trial Examiner specifically designated by the Secretary of Labor, or designated by an authorized official of the Department of Labor, acting for the Secretary of Labor. Trial Examiners shall, so far as practicable, be assigned to cases in rotation. In case of the death, illness, disqualification or unavailability of the Trial Examiner presiding in any proceeding, another Trial Examiner may be designated to take his place. Such hearings shall be open to the public unless otherwise ordered by the Trial Examiner.

(b) The Trial Examiners shall perform no duties inconsistent with their duties and responsibilities as examiners. Save to the extent required for the disposition of ex parte matters as authorized by law, no Trial Examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(c) Trial Examiners shall act independently in the performance of their functions as examiners and shall not be responsible to, or subject to the supervision or direction of, any officer, employee or agent engaged in the performance of investigative or prosecuting functions for the Department of Labor in the enforcement of the Public Contracts Act.

(d) At all hearings it shall be the right of counsel for the Government to open and close, subject to the right of the Trial Examiner to designate, upon cause shown, who shall open and close.

(e) It shall be the duty of the Trial Examiner to inquire fully into the facts as to whether the respondent has breached or violated any of the provisions of the Public Contracts Act, or any rules or regulations prescribed thereunder, as set forth in the formal complaint. Counsel for the Government, and the Trial Examiner, shall have the power to call, examine, and cross-examine witnesses and to introduce into the record documentary or other evidence.

(f) Any party to the proceeding shall have the right to appear at such hearing in person, by counsel, or otherwise, to call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence.

(g) In any such proceedings, the rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

(h) In any such proceedings, in the discretion of the Trial Examiner, stipulations of fact may be made with respect to any issue.

(i) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, shall be stated orally, together with a short statement of the grounds for such objection, and included in the stenographic report of the hearing. No such objection shall be deemed waived by further participation in the proceeding.

(j) Unless the Trial Examiner otherwise directs, any party to the proceeding shall be entitled to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing unless the Examiner directs.

(k) In the discretion of the Trial Examiner the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Trial Examiner, or by other appropriate notice.

(l) Contemptuous conduct at any hearing before a Trial Examiner shall be ground for exclusion from the hearing. The failure or refusal of a witness to appear at any such hearing or to answer

any question which has been ruled to be proper shall be ground for the action provided in section 5 of the Public Contracts Act, and in the discretion of the Trial Examiner may be ground for the striking out of all testimony which may have been previously given by such witness on related matters.

(m) The Secretary of Labor may, in his discretion, direct that, in lieu of the procedure set forth in paragraph (a) of this section, the hearing on formal complaint shall be held in the first instance before the Administrator, in which event the Administrator shall issue an order embodying his decision.

§ 203.9 *Briefs.* (a) Any interested person or organization shall be entitled to file with the Trial Examiner, Department of Labor, Washington, D. C., briefs, proposed findings of fact or conclusions of law, or other written statements, within the time allowed by the Trial Examiner.

(b) Any brief or written statement shall be stated in concise terms.

(c) Three copies of all such documents shall be filed.

(d) Briefs or written statements of more than twenty pages shall be properly indexed.

§ 203.10 *Decision of the Trial Examiner.* (a) Following the hearing and upon completion of the record, the Trial Examiner shall issue an order and decision embodying his findings of fact and conclusions of law on all issues as to whether respondent has violated the representations and stipulations of the act and the amount of damages due therefor, which shall become final, unless a petition for review is filed under § 203.11, before the expiration of the time provided for the filing of such petition. The decision of the Trial Examiner shall be inoperative unless and until it becomes final. If the respondent is found to have violated the act, the Trial Examiner in his decision shall make recommendations to the Secretary of Labor as to whether respondent should be relieved from the application of the ineligible list provisions of section 3 of the act.

(b) The decision of the Trial Examiner shall be made part of the record, and a copy thereof shall be served upon the respondent or respondents by mailing a copy thereof by registered mail to the respondent or respondents or to the attorney or attorneys of record. Upon request from employees or other interested persons, the decision will be served upon such persons, and in the discretion of the Trial Examiner, the decision will be served upon such other persons or their attorneys who appeared at the hearing or upon brief by mailing a copy thereof to such persons.

§ 203.11 *Review.* (a) Within twenty (20) days after service of the decision of the Trial Examiner any interested party, including the trial attorney for the Government, upon whom such decision has been served, may file with the Chief Trial Examiner an original and four copies of a petition for review of the decision by the Administrator which shall set out separately and particularly each error asserted. The request for review and the record will then be certified to the Administrator.

(b) The petitioner may file a brief (original and four copies) in support of his petition within the period allowed for the filing of the petition. Any interested person upon whom the decision has been served may file within ten (10) days after the expiration of the period within which the petition is required to be filed a brief in support of or in opposition to the Trial Examiner's decision.

(c) The petition and the briefs filed under this section shall make specific reference to the pages of the transcript or of the exhibits which are relevant to the errors asserted with respect to findings of fact, and objections to such findings which are not so supported will not be considered.

(d) No matter properly subject to objection before the Trial Examiner will be considered by the Administrator unless it shall have been raised before the Trial Examiner or unless there were reasonable grounds for failure so to do; nor will any matter be considered by the Administrator unless included in the assignment of errors. In the discretion of the Administrator review may be denied if the petition and brief in support thereof fail to show adequate cause for such review.

(e) The order denying review, or the decision of the Administrator, whichever is entered, will be made a part of the record, and a copy of such order or decision will be served upon the parties who were served with a copy of the Trial Examiner's decision.

(f) If the respondent is found to have violated the act, the Administrator in his decision shall make recommendations to the Secretary of Labor as to whether respondent shall be relieved from the application of the ineligible-list provisions of section 3 of the act.

(g) Application for relief from the ineligible-list provisions of section 3 shall be filed by the respondent with the Secretary of Labor within twenty days from the date of service of the Trial Examiner's decision or the Administrator's decision, as the case may be.

(h) Notice of the determination of the Secretary on the application of the ineligible-list provisions of section 3 shall be served upon the parties who were served with a copy of the Trial Examiner's decision or the Administrator's decision as the case may be.

§ 203.12 *Effective date.* Sections 203.1 to 203.11, inclusive, shall become effective upon publication in the FEDERAL REGISTER: *Provided, however,* That in any case where a hearing has begun or has been completed prior to said publication, the proceeding shall be conducted pursuant to the rules of practice in effect at the time the proceeding was initiated unless the parties stipulate in writing or orally for the record that the proceeding be conducted in accordance with §§ 203.1 to 203.12, inclusive.

SUBPART B—EXCEPTIONS AND EXEMPTIONS PURSUANT TO SECTION 6 OF THE PUBLIC CONTRACTS ACT

§ 203.13 *Requests for exceptions and exemptions.* (a) Request for the exception or exemption of a contract or class of contracts from the inclusion or application of one or more of those stipulations required by Article 1 [1] must be made by the head of a contracting agency or department, and shall be accompanied with a finding by him setting forth reasons why such inclusion or application will seriously impair the conduct of Government business.

(b) Request for the exception or exemption of a stipulation respecting minimum rates of pay and maximum hours of labor contained in an existing contract must be made jointly by the head of the contracting agency and the contractor, and shall be accompanied with a joint finding by them setting forth reasons why such exception or exemption is desired.

(c) All requests for exceptions or exemptions shall be transmitted through the Procurement Division of the Treasury for submission to the Department of Labor for consideration and shall be returned through the Procurement Division. [Article 601 of the Regs. No. 504, issued by Secretary of Labor, September 14, 1936.]

§ 203.14 *Decisions concerning exceptions and exemptions.* Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor, or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transmitted to the Department or agency originating the request, to the Comptroller General, and to the Procurement Division of the Treasury. All such decisions shall be promulgated to all contracting agencies by the Procurement Division of the Treasury. [Article 602 of the Regs. No. 504, issued by Secretary of Labor, September 14, 1936.]

Dated: December 12, 1946.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 46-21635; Filed, Dec. 17, 1946; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2283]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT

Section 4.276 (a), as added by Order No. 2238 (11 F. R. 9080), is amended by adding a new subparagraph to read as follows:

§ 4.276 *Functions relating to grazing district administration.* (a) * * *.

[1] Not filed with the Division of the Federal Register.

(6) The hearing and deciding of appeals from the decisions of examiners (43 C. F. R. 161.9, 161.10 and 161.14).

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

DECEMBER 11, 1946.

[F. R. Doc. 46-21665; Filed, Dec. 17, 1946; 8:46 a. m.]

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

PART 50—ORGANIZATION AND PROCEDURE

MISCELLANEOUS AMENDMENTS

Sections 50.77 (b) (2), 50.150 (b), 50.160, and 50.162 (b), as added by the Departmental Order of August 28, 1946 (11 F. R. 177A-194), are amended to read as follows:

§ 50.77 *Director.* * * *
(b) * * *
(2) With reference to grazing districts: Adjust grazing fees because of range depletion due to severe drought or other causes; act on applications to appropriate water; accept contributions; approve certain leases and cooperative agreements; hear and decide appeals from the decisions of examiners subject to further appeal to the Secretary. See §§ 4.276 and 161.9 of this title.

§ 50.150 *Regulations.* * * *
(b) Proposed amendments to the Federal Range Code for Grazing Districts (Part 161 of this title) are submitted to the Grazing District Advisory Boards.

§ 50.160 *Applications generally.* Regulations covering particular matters prescribe the office in which applications are to be filed, the information required, and in some cases the form to be used. Regulations dealing with matters administered by the Bureau of Land Management appear in Chapter I of this title and Parts 8305, 9000 and 9001 of Title 32, and are classified according to subject matter. For example, the regulations relating to oil and gas permits and leases are found in Subchapter L—Mineral Lands—of this Chapter, Part 192. Similarly, the procedure for filing applications relating to grazing within grazing districts is found in Subchapter H—Grazing—of this Chapter, Part 161—the Federal Range Code for Grazing Districts. In the same way, Parts 8305, 9000 and 9001 of Title 32 contain information concerning procedure relating to the disposal of surplus real property.

§ 50.162 *Appeals.* * * *
(b) The procedure relating to appeals in grazing district matters is covered by §§ 161.9, 161.10 and 161.14 of this chapter.

(Pub. Law 404, 79 Cong.)

FRED W. JOHNSON,
Acting Director.

Approved: December 11, 1946.

OSCAR L. CHAPMAN,
Undersecretary of the Interior.

[F. R. Doc. 46-21666; Filed, Dec. 17, 1946; 8:46 a. m.]

Subchapter H—Grazing

[Circular 1630]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

PART 163—JOINT REGULATIONS RELATING TO GAME RANGES OR WILDLIFE REFUGES IN GRAZING DISTRICTS

PART 164—UNLAWFUL INCLOSURES

PART 165—LEASING OF STATE, COUNTY OR PRIVATELY OWNED LANDS IN GRAZING DISTRICTS

MISCELLANEOUS AMENDMENTS

Parts 501 through 505 of Chapter III—Grazing Service—are transferred to Chapter I, Subchapter H and are redesignated parts 161 through 165. Sections 501.1 through 501.18 are redesignated §§ 161.1 through 161.18; § 502.1 is redesignated § 162.1; §§ 503.1 through 503.9 are redesignated §§ 163.1 through 163.9; §§ 505.0 through 505.10 are redesignated §§ 165.0 through 165.10. Chapter III—Grazing Service is deleted. Part 161 is retitled: The Federal Range Code for Grazing Districts.

Paragraphs (c), (d), (e), (f), (g), (i), (k), and (l) of § 161.9 and paragraphs (d) and (e) of § 161.14 are amended, and paragraphs (m) and (n) are added to § 161.9 to read as follows:

§ 161.9 *Procedure in applications, hearings and appeals.* * * *

(c) *Allowance or rejection of application by the district grazier; modification; service of notice; appeal to examiner; intervention.* The district grazier is vested with the authority in the light of all facts and circumstances, after first having submitted an application to the district advisory board, to issue or to refuse to issue a grazing license or permit. If the action taken by the district grazier on any application is substantially different from that recommended by the advisory board, a notice including a recital of the specific reasons for the action taken will be served on the applicant and on any other applicant or applicants adversely affected by such action, either personally by the district grazier or by such person as may have been designated by him or by registered letter sent to the applicant at the address given in his application. The notice given the particular applicant will advise him of his privilege to file an appeal to an examiner. The appeal must be filed with the regional grazier within fifteen days following the receipt of the notice. The appeal shall be accompanied by specifications of error setting forth in a clear and concise manner the matters upon which it is based. Any party or parties who may be directly affected by the decision on the appeal will be notified by the regional grazier of the filing of the appeal and advised that a written request to intervene in the appeal may be filed. Such a party shall be known and designated as an intervener. When separate appeals are filed and the issue or issues involved are common to two or more appeals, they may be consolidated for purposes of hearing and decision.

(d) *Cancellation of licenses or permits; service of appeal to examiner.* Licenses or permits will be subject to cancellation to the extent that they have been improperly issued. In any case in which it shall appear to the Bureau of Land Management that a license or permit confers grazing privileges in excess of those properly allowable under the act and the Federal Range Code, the district grazier will notify the licensee or permittee that the license or permit is thereby held for cancellation either in whole or in part, as the case may be, and that the licensee or permittee will be allowed fifteen days from receipt of notice within which to show cause why such cancellation should not be made final. Such notice will set forth fully the reasons for the proposed cancellation and will be served on the licensee or permittee either personally by the district grazier or by such person as may have been designated by him or by registered mail sent to the licensee or permittee at his last address of record. In case of failure of the licensee or permittee to show cause within the fifteen days allowed, the license or permit will be canceled to the extent indicated in the notice. The district grazier will consider any cause shown and, if satisfied of its sufficiency, will close the case. If the district grazier is not satisfied that sufficient cause has been shown, he will notify the licensee or permittee that the cancellation will be made final unless an appeal to an examiner of the Bureau of Land Management is filed within fifteen days from receipt of notice. Such notice will be served on the licensee or permittee either personally by the district grazier or by such person as may have been designated by him or by registered mail sent to the licensee or permittee at his last address of record. The appeal must be filed with the regional grazier and shall be accompanied by specifications of error setting forth in a clear and concise manner the matters upon which it is based. So far as practicable, the appeal thereafter will follow the procedure prescribed in the following paragraphs of this section, except that any decision by the district grazier or the examiner on a matter arising under this paragraph will not become effective pending the disposition of a timely appeal to the examiner, the Director or the Secretary of the Interior, as the case may be.

(e) *Fixing of place and date for hearing before examiner on appeal; notice.* Upon the filing of an appeal and specifications of error, the regional grazier will notify the Chief Examiner, naming a place within or near the district at which a hearing will be held. The Chief Examiner will then advise the regional grazier of the date of hearing, which will be not less than ten days after the date of the filing of the appeal, and the regional grazier thereupon will notify the appellant, and all parties who may be directly affected by the decision on the appeal, of the time and place of hearing, which shall be held by an examiner designated by the Director of the Bureau of Land Management.

(f) *Authority of examiner.* The examiner is vested with general authority

to conduct the hearing in an orderly and judicial manner, including authority to subpoena witnesses, to take or cause depositions to be taken whenever the ends of justice would be served thereby, and to administer oaths, to call and question witnesses and to make findings of fact, conclusions of law and a decision.

(g) *Conduct of hearing before examiner.* The appellant, the district grazier, and recognized interveners will stipulate as far as possible all material facts and the issue or issues involved. The examiner will state any other issues on which he may wish to have evidence presented and issues which clearly appear to be unnecessary to a proper disposition of the case will be excluded; *Provided,* That the party asserting such an issue may state briefly for the record the substance of the proof which otherwise would be offered in support of the issue. The parties will then be given an opportunity to submit offers of settlement and proposals of adjustment for the consideration of the examiner and of the other parties. The district grazier, or his representative, will then state the grounds of the decision from which the appeal has been taken, together with such explanation as may be deemed necessary, and may call and examine witnesses on the issues involved. Upon the conclusion of this testimony the appellant shall present his case, following which recognized interveners may present evidence if such a presentation appears to the examiner to be necessary for a proper disposition of the matters in controversy. All oral testimony shall be under oath, and witnesses will be subject to cross-examination by any party to the proceeding. The examiner will himself question any witness whenever it appears necessary. Documentary evidence will be received by the examiner and made a part of the record, if pertinent to any issue, or may be entered by stipulation. Objections to evidence will be ruled upon by the examiner and exceptions duly noted, and such exceptions will be considered upon an appeal from the decision of the examiner. In noting an exception to a ruling sustaining an objection to the admission of evidence, the party affected may insert in the record, as a tender of proof, a summary written statement of the substance of the excluded evidence. The examiner will summarily stop examination and exclude testimony which is obviously irrelevant and immaterial. At the conclusion of the testimony the parties at the hearing shall be given a reasonable opportunity, considering the number and complexity of the issues and the amount of testimony, to submit to the examiner proposed findings of fact and conclusions of law, and reasons in support thereof.

(i) *Findings of fact and decision by examiner; notice; submission to Director of the Bureau of Land Management.* As promptly as possible following the termination of the time allowed for presenting proposed findings and conclusions, the examiner will make findings of fact and conclusions of law and will render a decision upon all material issues of fact, law and discretion presented on the record. In doing so he may adopt the findings of fact and conclusions of law proposed by one or more of the parties if they are correct. In any case, he must rule upon each such proposed finding and conclusion. The reasons for the findings, conclusions and decisions made shall be stated, and along with the findings, conclusions and decision, shall become a part of the record in any appeal. A copy thereof shall be sent by registered mail to the appellant and all interveners: *Provided, however,* That the Director of the Bureau of Land Management may require, in specific cases, that the examiner make only a recommended decision and that such decision and the record be submitted to the Director for consideration. In such instances the Director shall make the initial decision which shall constitute the decision of the Bureau, without prejudice to the right of any party affected to be furnished with a copy of the transcript of testimony, as provided in the next paragraph, and to appeal to the Secretary in the manner prescribed by the Rules of Practice (43 CFR, Part 221).

(j) *Notice of appeal to the Director of the Bureau of Land Management; furnishing copies of the record.* Within ten days after the receipt of the decision of the examiner any party desiring to appeal to the Director of the Bureau of Land Management shall file a written notice of his intention to appeal and may request a copy of the transcript of testimony. Copies of the transcript will be furnished to the appellant and to the interveners, at a charge of five cents per folio, except that upon a sufficient showing to the examiner, supported by an affidavit, that an appellant or intervener is financially unable to pay such fee, a copy will be furnished him without charge. The examiner shall include in the record proof of delivery of the transcript showing the date of such delivery. Notice of appeal and request for a copy of the transcript shall be filed in the office of the Director.

(k) *Effect of decision suspended pending appeal.* An appeal shall suspend the effect of the decision appealed from pending the decision on appeal. However (1) the officer making a decision, either initially or on appeal, may, in his discretion when the orderly administration of the range or other public interest requires, provide, in the decision or by order made before an appeal is taken therefrom, that the decision shall be in full force and effect pending the decision on appeal, and (2) the officer to whom an appeal is taken may, in his discretion when the orderly administration of the range or other public interest requires, by order provide that the decision appealed from shall be in full force and effect pending the decision on appeal. Any action taken by the district grazier pursuant to a decision shall be subject to modification or revocation by the Director or the Secretary upon an appeal from the decision. In order to insure the exhaustion of administrative remedies before resort to court action, no decision which at the time of its rendition is subject to appeal to a superior authority in the Department shall be considered final so as to be agency action subject to judicial review under sec. 10 (c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), unless it has been made effective pending a decision on appeal in the manner provided in this paragraph.

(l) *Appeals to the Director of the Bureau of Land Management.* An appeal from the decision of the examiner to the Director of the Bureau of Land Management shall be filed, together with any brief desired in support thereof, within thirty days after date of receipt of the transcript of testimony, or, in the event the transcript of testimony is not requested, such appeal shall be filed within thirty days after receipt of the examiner's decision, in the office of the Director. A copy of the appeal and any brief in support thereof must be served on each party of record, either personally or by registered mail. Any party of record opposing the appeal will be allowed twenty days from date of receipt of the copy of the appeal and brief within which to file in said office a reply brief, if he so desires, a copy of which must be served upon the appellant in the same manner. Evidence of service of appeals and briefs must be furnished. The appeal in other respects shall be made in accordance with the rules of practice (43 CFR Part 221).

No adjudication of grazing privileges will be set aside on appeal if it appears that it is reasonable and that it represents a substantial compliance with the provisions of the Federal Range Code.

(m) *Appeals to the Secretary of the Interior.* An appeal from the decision of the Director may be made to the Secretary of the Interior in accordance with the rules of practice (43 CFR Part 221).

(n) *Record as basis of decisions; definition of record.* No decision shall be rendered except on consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative and substantial evidence. The transcript of testimony and exhibits together with all papers and requests filed in the proceeding shall constitute the exclusive record for decision.

§ 161.14 *Construction and maintenance of improvements on the Federal Range* * * *

(d) *Applications for construction of improvements; consideration; appeals.* The regional grazier, following the receipt of an application concerning the construction of an improvement, together with the recommendation of the advisory board and district grazier, will act on the application and such action shall be final unless the applicant appeals to an examiner. Appeals to an examiner and to the Director of the Bureau of Land Management and Secretary of the Interior shall be made in accordance with § 161.9 (c) and §§ 161.9 (e) through 161.9 (n). Decisions not appealed from, and, in any event, the decision of the Secretary shall be final.

(e) *Applications for use of improvements owned by prior occupant; procedure upon failure to agree.* An application to use and maintain improvements constructed and owned by a prior occupant, under permit issued by the authority of the Secretary, if accompanied by the evidence of ownership provided for in paragraph (c) of this section, shall be considered in the same manner as an application for the con-

struction of improvements. Upon the filing of such an application showing that the applicant and the prior occupant have not agreed on the value of the improvements, the regional grazier will immediately, at the applicant's expense, cause the prior occupant to be served either personally or by registered mail with a notice of the filing of the application, together with copies of the application and any accompanying papers and an order to show cause within thirty days why the improvements should not be determined to be of the value alleged by the applicant. Upon such a showing, or, if the prior occupant applies within thirty days from the date of service for a hearing, in the light of such evidence as the applicant and the prior occupant may desire to present in such hearing the regional grazier will determine the present reasonable value of the improvements. Such determination shall be final unless an appeal is taken to an examiner. Appeals to an examiner and to the Director of the Bureau of Land Management and to the Secretary of the Interior shall be made in accordance with § 161.9 (c) and §§ 161.9 (e) through 161.9 (n). Decisions not appealed from and, in any event, the decision of the Secretary shall be final. Upon the failure of the prior occupant to show cause or to apply within thirty day for a hearing, the reasonable value of the improvements will be determined by the regional grazier: *Provided*, That in the event of such default by the prior occupant the value determined shall not be less than the amount alleged by the applicant in his application and the decision of the regional grazier in such cases shall be final. In any case when a decision has become final, payment by the applicant to the prior occupant of the amount determined and a showing that the improvements are free of all encumbrances shall be a condition precedent to favorable action on the application.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

FRED W. JOHNSON,
Acting Director.

Approved: December 11, 1946.

OSCAR L. CHAPMAN,
Undersecretary of the Interior.

[F. R. Doc. 46-21664; Filed, Dec. 17, 1946; 8:46 a. m.]

Subchapter L—Mineral Lands

PART 193—COAL PERMITS, LEASES AND LICENSES

LIMITED LICENSES TO MINE COAL

Departmental Order of October 10, 1931, carried as a footnote to §§ 193.27 to 193.30 inclusive (43 CFR), of this part, is hereby revoked.

(41 Stat. 450; 30 U. S. C. 189)

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

DECEMBER 5, 1946.

[F. R. Doc. 46-21671; Filed, Dec. 17, 1946; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 198]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 212

By virtue of the authority contained in section 4 of the act of May 24, 1928, c. 728, 45 Stat. 729 (U. S. C., title 49, sec. 214), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the tract of public land within the boundaries of the Forrester Island National Wildlife Refuge and the Tongass National Forest, Alaska, described below by metes and bounds, 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. 212:

From the terminal of the existing cable and rail tramway on the shore of a small cove on the east side of Forrester Island in latitude 54°48′ N., longitude 133°31′ W., by approximate bearings and distances to point of beginning as follows:

S. 59° W., 2300 ft., along tramway to winch shed;
S. 10° W., 750 ft., to southeast corner of 21 ft. x 21 ft. concrete building foundation;
South, 125 ft. to the point of beginning of the tract; thence,
West, 100 ft.;
North, 200 ft.;
East, 200 ft.;
South, 200 ft.;
West, 100 ft. to the point of beginning.
The tract as described contains 0.92 acre.

This order shall take precedence over, but shall not modify, the proclamation of August 20, 1902, establishing the Alexander Archipelago Forest Reserve, now the Tongass National Forest; and Executive Order No. 1458 of January 11, 1912, creating the Forrester Island National Wildlife Refuge.

The jurisdiction granted by this order shall cease at the expiration of the six-months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941, 55 Stat. 1647. Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

This order is confidential and shall not be filed in the Division of the Federal Register or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of War.

NOTE: Confidential status released by letter of the Secretary of War dated November 13, 1946.

HAROLD L. ICKES,
Secretary of the Interior.

DECEMBER 20, 1943.

[F. R. Doc. 46-21669; Filed, Dec. 17, 1946; 8:46 a. m.]

Chapter III—Grazing Service

PART 501—THE FEDERAL RANGE CODE

PART 502—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

PART 503—JOINT REGULATIONS RELATING TO GAME RANGES OR WILDLIFE REFUGES IN GRAZING DISTRICTS

PART 504—UNLAWFUL ENCLOSURES

PART 505—LEASING OF STATE, COUNTY OR PRIVATELY OWNED LANDS IN GRAZING DISTRICTS

CROSS REFERENCE: For transfer of Parts 501 through 505 of this chapter to Parts 161 through 165 of Chapter I, Subchapter H, and redesignation of §§ 501.1 through 501.18 as §§ 161.1 through 161.18; § 502.1 as § 162.1; §§ 503.1 through 503.9 as §§ 163.1 through 163.9; §§ 505.0 through 505.10 as §§ 165.0 through 165.10, see F. R. Doc. 46-21664, Chapter I of this title, *supra*.

TITLE 50—WILDLIFE

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

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

FORRESTER ISLAND, ALASKA, NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For amendment of the tabulation contained in § 11.1, see Public Land Order 198, under Title 43, Appendix, *supra*, which withdraws certain lands from the Forrester Island National Wildlife Refuge for use as an air-navigation site.

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Land Management.

CALIFORNIA

CLASSIFICATION ORDER

DECEMBER 9, 1946.

1. Pursuant to Order No. 2238 of the Secretary of the Interior, dated August 16, 1946, 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. sec. 682a), for leasing, as hereinafter indicated, the following described public lands in the Los Angeles, California, land district embracing 200 acres:

SMALL TRACT CLASSIFICATION NO. 101

CALIFORNIA NO. 40

For all of the purposes mentioned in the act except business and camp sites.

San Bernardino Meridian

T. 1 S., R. 6 E.,
sec. 12-NW¼SW¼, S½S½.

2. These tracts are located in a desert area near the southern boundary of San Bernardino County about 130 miles east of Los Angeles and 14 miles southwest of Twentynine Palms, the nearest devel-

oped community having electric power and telephone service, various kinds of business, as well as recreational, educational and religious facilities. The lands may be reached over oiled and graded roads leading to adjacent areas already classified under the small tract program.

3. The lands lie among the foothills of low mountain ranges. Portions of the lands are rough or broken. Vegetation consists of native grasses, bushes and a few trees. The dry climate is typical of the desert. Average winter temperatures vary from 50° to 60° and those of the summer from 80° to 90°. The climate is accepted as a valuable aid to the treatment of bronchial, pulmonary and other disorders. No surface water exists. Common practice in the area is to purchase water regularly delivered from supplies developed elsewhere.

4. Pursuant to § 257.8 of the Code of Federal Regulations (43 CFR, part 257, Cum. Supp., as amended by Circ. 1613, February 27, 1946), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 11:55 a. m. on April 26, 1946, and (b) are for the type of site for which the land subject thereto has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

5. As to the land not covered by the applications referred to in paragraph 4, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on February 10, 1947. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on February 10, 1947 to close of business on May 11, 1947, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at or after 11:55 a. m. on April 26, 1946, together with those presented at 10:00 a. m. on January 21, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on May 12, 1947, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous nonpreference-right filings.* Applications under the small tract act by the general public filed at or after 11:55 a. m. on April 26, 1946, together with those presented at 10:00 a. m. on April 22, 1947, shall be treated as simultaneously filed.

6. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

7. All applications for the lands referred to in paragraphs 4 and 5 which shall be filed in the District Land Office at Los Angeles 12, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254) to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in part 257 of Title 43 of the Code of Federal Regulations.

8. Lessees under the small tract act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Acting Director, Bureau of Land Management, improvements which, under the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of five years, at an annual rental of $5, for home, cabin, health, convalescent and recreational sites, payable yearly in advance.

9. The land covered by applications filed subsequent to 11:55 a. m. on April 26, 1946, will be leased in tracts of approximately 5 acres each with dimensions of approximately 330 by 660 feet, the longest dimension extending in an east-west direction. Preference right leases referred to in paragraph 4 will be issued for the land described in the application, irrespective of the direction of the tract, provided the land is applied for in rectangular units and conforms to the area specified above. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, however, the acting manager is authorized to accept an application for the remaining 5-acre tract extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified above.

10. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-21672; Filed, Dec. 17, 1946; 8:46 a. m.]

ALASKA

AIR–NAVIGATION SITE WITHDRAWAL NO. 196 ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, c. 728, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the reservation for the use of the Civil Aeronautics Administration, Department of Commerce, made by the order of the Secretary of the Interior of November 30, 1942, establishing Air-Navigation Site Withdrawal No. 196 at Sheep Mountain, Alaska, is hereby enlarged, the reservation as so enlarged being described as follows; excepting, however, from the force and effect of this withdrawal the 200-foot right of way reserved by Executive Order No. 9145 of April 23, 1942, for the use of the Alaska Road Commission in connection with the construction, operation, and maintenance of the Glenn Highway (the road from Palmer to the Richardson Highway):

Beginning at a point, approximate latitude 61°47'16" N., longitude 147°40'05" W., from which the southeast tower of the Civil Aeronautics Administration radio communication station bears N. 34°00' W., 2,330 feet.

From the initial point by metes and bounds,

West, 11,000 feet;
North, 6,000 feet;
East, 5,500 feet;
South, 2,000 feet;
East, 5,500 feet;
South, 4,000 feet; to the point of beginning.

The tract described contains 1,263 acres.

The jurisdiction granted by this order shall cease at the expiration of the six-months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

This order is confidential and shall not be filed in the Division of the Federal Register, or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of War.

NOTE: Confidential status released by letter of the Secretary of War dated November 13, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

MARCH 23, 1944.

[F. R. Doc. 46-21667; Filed, Dec. 17, 1946; 8:46 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 202 ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, c. 728, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the reservation for the use of the Civil Aeronautics Administration, Department of Commerce, made by the order of the Secretary of the Interior of April 27, 1943, establishing Air-Navigation Site Withdrawal No. 202 near Bettles, Alaska, is hereby enlarged, the reservation as so enlarged being described as follows:

Beginning at a point on the right bank of Koyukuk River, at the line of ordinary high water, near Bettles, Alaska, approximate latitude 66°54′ N., longitude 151°50′ W.

From the point of beginning by metes and bounds,

West, 275 feet;
South, 130 feet;
West, 403 feet;
South, 325 feet;
West, 1,623 feet;
North, 3,476 feet;
East, 2,425 feet, to the line of ordinary high water, right bank Koyukuk River;
Southerly, 3,080 feet, along the line of ordinary high water, right bank Koyukuk River, to the place of beginning.

The tract described aggregates approximately 187 acres.

The jurisdiction granted by this order shall cease at the expiration of the six-months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

This order is confidential and shall not be filed in the Division of the Federal Register or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of War.

NOTE: Confidential status released by letter of the Secretary of War dated November 13, 1946.

MICHAEL W. STRAUS,
Acting Secretary of the Interior.

AUGUST 7, 1944.

[F. R. Doc. 46-21668; Filed, Dec. 17, 1946; 8:46 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 219

By virtue of the authority contained in section 4 of the act of May 24, 1928, c. 728, 45 Stat. 729 (U. S. C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land in Alaska, described below by metes and bounds, 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 construction and maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 219: *Provided*, That due consideration shall be given to all Eskimo hunting and trapping rights in the area so far as they will not interfere materially with the necessary use by the Civil Aeronautics Administration: *And provided further*, That the Civil Aeronautics Administration shall relocate any Eskimo or Native buildings which may have to be removed from the reserve, or adequately compensate the owners.

Beginning at a point marked by a post, 4 inches square, on the line of ordinary high tide of Norton Sound, in a cove on the east side of Cape Nome, approximate latitude 64°26′ N., longitude 165°00′ W.

From the initial point,

North, 3 miles;
East, 4.50 miles;
South, 2.50 miles, to a point on line of ordinary high tide, Norton Sound;
Westerly, 4.75 miles, along the line of ordinary high tide, Norton Sound, to the place of beginning.

The tract as described contains 5,600 acres.

The jurisdiction granted by this order shall cease at the expiration of the six-months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

This order is confidential and shall not be filed in the Division of the Federal Register or be published in the FEDERAL REGISTER, or be given other publicity, until publication thereof is expressly authorized by or at the direction of the Secretary of War.

NOTE: Confidential status released by letter of the Secretary of War, dated November 13, 1946.

ABE FORTAS,
Acting Secretary of the Interior.

JULY 28, 1944.

[F. R. Doc. 46-21670; Filed, Dec. 17, 1946; 8:46 a. m.]

Office of the Secretary.

[Order 2285]

OREGON

ORDER ESTABLISHING SIUSLAW MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

Upon consideration of the evidence, briefs and arguments submitted by all interested persons at or after the public hearing held, after due public notice, at Eugene, Oregon on December 3, 1945, I hereby find that the establishment of the Siuslaw Master Unit and the appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874), it is hereby ordered as follows:

1. The Siuslaw Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning in Sec. 17, T. 15 S., R. 8 W., W. M., Oregon, at the summit of Taylor Butte, thence along the lines of legal subdivisions, southwesterly, 7½ miles, around the headwaters of Deadwood Creek; southerly, 9½ miles, to the Siuslaw River; southeasterly, 8½ miles, around the headwaters of the drainage into the Siuslaw River, to the line between Lane and Douglas Counties, sections 1, 2, 11 and 12, T. 19 S., R. 9 W.; southeasterly, 33½ miles, around the headwaters of the drainage into the Siuslaw, on and adjacent to the boundary line between Lane and Douglas Counties to the ¼ section corner between sections 26 and 35, T. 21 S., R. 4 W.; northeasterly and westerly, 15 miles, around the headwaters of the drainage into the Siuslaw River, northerly, 24 miles, around the headwaters of Wolf Creek, Noti Creek and Long Greek; westerly and southerly, 12 miles, around the headwaters of Lake Creek; northwesterly, 6 miles, around the headwaters of Taylor Creek to Taylor Butte, the place of beginning, all as shown in more detail on maps on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., and in the offices of the Oregon and California Revested Lands Administration in Portland, Eugene, Roseburg, Salem, and Coos Bay, Oregon.

2. The Siuslaw Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

Commencing on the northeast corner of the Siuslaw Master Unit, thence easterly along the boundary between Benton and Lane Counties to the Willamette River, thence south following the river to the boundary between Linn and Lane Counties, thence east to the range line between R. 1 W. and R. 2 W., Willamette Meridian, thence south to the township line between T. 21 S. and T. 22 S., thence west to the south quarter corner of Section 35, T. 21 S., R. 4 W., thence north 1 mile to the Master Unit boundary, thence westerly along the Master Unit boundary to the south quarter corner of Section 15, T. 18 S., R. 9 W., thence west to the range line between R. 10 W. and R. 11 W., thence south to the southeast corner of T. 18 S., R. 11 W., thence west to the Pacific Ocean, thence north to the point of intersection of the township line between T. 17 S., and T. 18 S., with the Pacific Ocean, thence east to the southwest corner of T. 17 S., R. 11 W., thence north to the southeast corner of Section 12, T. 17 S., R. 11 W., thence east to the southeast corner of Section 12, T. 17 S., R. 10 W., thence north to the northwest corner of T. 17 S., R. 9 W., thence east to the boundary of the Siuslaw Master Unit, thence northeasterly along the northerly boundary of the Siuslaw Master Unit to the point of beginning, all as shown in more detail on maps on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., and in the Offices of the Oregon and California Revested Lands Administration in Portland, Eugene, Roseburg, Salem, and Coos Bay, Oregon.

3. The annual productive capacity of the revested Oregon and California Railroad grant lands within the Siuslaw Master Unit shall be 46,000,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

DECEMBER 11, 1946.

[F. R. Doc. 46-21663; Filed, Dec. 17, 1946; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

NATIONAL MARKETING QUOTA FOR RICE, 1947–48

NOTICE OF DETERMINATION TO BE MADE BY SECRETARY OF AGRICULTURE

The rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1351–1356), require that not later than December 31, 1946, the Secretary of Agriculture proclaim a national marketing quota for rice for the marketing year beginning August 1, 1947, if it appears from the latest available statistics of the Department that the total supply of rice exceeds the normal supply thereof for the current marketing year by more than 10 per centum of such normal supply.

Any person interested in the aforementioned determination and proclamation to be made by the Secretary may submit his views thereon in writing to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than December 24, 1946.

Issued at Washington, D. C., this 13th day of December 1946.

[SEAL] JESSE B. GILMER,
Acting Administrator.

[F. R. Doc. 46–21640; Filed, Dec. 17, 1946; 8:45 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G–200, G–207]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF ORDER PERMITTING RULES AND REGULATIONS TO BECOME EFFECTIVE

DECEMBER 13, 1946.

In the matter of City of Detroit, Michigan and County of Wayne, Michigan v. Panhandle Eastern Pipe Line Company, et al.

Notice is hereby given that, on December 12, 1946, the Federal Power Commission issued its order permitting "Emergency service rules and regulations to govern deliveries of natural gas by Panhandle Eastern Pipe Line Company when curtailment of natural gas deliveries is necessary during the winter heating season of 1946–1947" to become effective, entered December 12, 1946 in the above-designated matters.

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

[F. R. Doc. 46–21654; Filed, Dec. 17, 1946; 8:45 a. m.]

[Docket No. G–808]

TENNESSEE GAS AND TRANSMISSON CO.

NOTICE OF APPLICATION

DECEMBER 11, 1946.

Notice is hereby given that on November 8, 1946, an application was filed with the Federal Power Commission by Tennessee Gas and Transmission Company (hereinafter referred to as "Applicant"), a Tennessee corporation having its principal place of business in the City of Houston, Texas, and authorized to do business in the States of Texas, Louisiana, Arkansas, Mississippi, Tennessee, Kentucky, and West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain natural-gas main pipeline looping and additional compressor station facilities, hereinafter more particularly described, subject to the jurisdiction of the Commission, which, if constructed, will increase the authorized designed delivery capacity of Applicant's existing pipeline system from approximately 381,000 Mcf per day to an estimated designed delivery capacity of approximately 600,000 Mcf per day.

Applicant operates an integrated gas transmission pipeline system complete with compressor stations and all necessary appurtenant facilities and consisting of a 16-inch transmission pipeline originating in the San Salvador Field, Hidalgo County, Texas, and extending in a northeasterly direction a distance of approximately 95 miles to a point near the town of Driscoll in the Stratton Agua Dulce Field, Nueces County, Texas, where an interconnection is made with Applicant's 24-inch main transmission pipeline system which extends approximately 1180 miles in a northeasterly direction through the States of Louisiana, Arkansas, Mississippi, Tennessee and Kentucky to Kenova, West Virginia, and continuing eastwardly from this point with 20-inch pipe about 82 miles to Cornwell, West Virginia.

The facilities which Applicant seeks authorization to construct and operate are described as follows:

(a) *Main line loops.* (I) Approximately 648.10 miles of 26" O. D. loops to be constructed and spaced along the existing 24-inch main transmission line as follows:

(i) 348.2 miles of loop line from Applicant's main line valve No. 6 in Refugio County, Texas, to Compressor Station No. 5 in Natchitoches Parish, Louisiana;

(ii) 81.6 miles of loop line from Applicant's main line valve No. 42 in Winn Parish, Louisiana to Applicant's main line valve No. 49 in Morehouse Parish, Louisiana;

(iii) 26.0 miles of loop line from applicant's main line valve No. 60 in Quitman County, Mississippi to Compressor Station No. 8 in Panola County, Mississippi;

(iv) 31.5 miles of loop line from Applicant's main line valve No. 66 in Marshall County, Mississippi to applicant's main line valve No. 69 in Benton County, Mississippi;

(v) 36.0 miles of loop line from Applicant's main line valve No. 76 in Decatur County, Tennessee to Compressor Station No. 10 in Perry County, Tennessee;

(vi) 32.5 miles of loop line from Applicant's main line valve No. 82 in Dickson County, Tennessee to applicant's main line valve No. 84 in Cheatham County, Tennessee; and

(vii) 92.3 miles of loop line from Applicant's main line valve No. 92 in Barren County, Kentucky, to applicant's main line valve No. 102 in Garrad County, Kentucky;

(II) Approximately 68.7 miles of 24" O. D. loop line to be constructed along the existing 24-inch main transmission line from applicant's main line valve No. 114 in Menifee County, Kentucky to Compressor Station No. 14 in Boyd County, Kentucky;

(III) Approximately 82.4 miles of 20" O. D. loop line to be constructed along the existing 20-inch main transmission line from Compressor Station No. 14 in Boyd County, Kentucky, to a point in Kanawha County, West Virginia, designated as "Broad Run" which is approximately 2.80 miles west of the eastern terminus of Applicant's main transmission line at Cornwell, West Virginia.

(b) *River crossings.* (I) A Mississippi River aerial suspension bridge pipe-line crossing and various other river crossings where necessary.

(c) *New lateral gas gathering lines.* (I) Various lateral gas gathering lines of 6⅝" O. D., 8⅝" O. D., and 10¾" O. D. pipe to connect Applicant's system to additional required supplies of natural-gas.

(d) *New compressor station.* (I) One new Compressor Station, No. 0 to be located in Nueces County, Texas, with a total of 6,000 installed horsepower.

(e) *Compressor station additions.* (I) Installation in existing compressor stations of new compressor units totalling 87,600 horsepower.

The main pipeline loops described in paragraphs (a) (I), (a) (II), and (a) (III) will connect with other main pipeline loops heretofore authorized in proceedings before the Commission in Docket No. G–701, and when constructed will, together with such other loop lines, constitute a complete transmission pipeline paralleling applicant's existing transmission pipeline from valve No. 6 in Refugio County, Texas to a point in Kanawha County, West Virginia designated as "Broad Run" which is approximately 2.80 miles west of the eastern terminus of applicant's main transmission line at Cornwell, West Virginia.

The application recites that the present authorized designed delivery capacity of applicant's pipeline system is approximately 381,000 Mcf per day and that by the construction of the proposed facilities such capacity will be increased 219,000 Mcf per day to a total designed delivery capacity of 600,000 Mcf per day.

The increased capacity is, according to the application, required to supply increased demands upon applicant by its customer companies due to unprecedented demands for natural-gas for domestic use in the Appalachian area and additional quantities of gas must be furnished by applicant to enable its customer companies to render adequate service to the public. The application further states that applicant now holds or will have completed by the date of hearing on the application, firm contracts for the sale of approximately 600,000 Mcf of natural-gas per day on peak days, which represents 100% of the proposed designed delivery capacity of applicant's system. The application states that the sales contracts are to be entered into with present customer companies and other companies serving cities along applicant's pipeline system whereby, it is

estimated, the system will be operated on an annual basis of about 85% of its designed delivery capacity.

Applicant will supply, it states, the proposed additional facilities from its presently dedicated reserves in the Stratton-Agua Dulce, Carthage, San Salvador, Seeligson and other fields in the State of Texas, and, in addition, from waste or casinghead gas and new sources of non-associated natural-gas from fields located along its system for which Applicant is now negotiating. Applicant states that it believes the marketing of waste gas is beneficial to sound conservation practices and is in the public interest.

The estimated over-all capital cost of the proposed facilities including materials, labor and contingencies is approximately $59,545,000 and Applicant proposes to finance a portion thereof out of funds resulting from operations and to finance the remainder by the sale of securities and through bank loans. It is stated in the application that Applicant expects to receive annual gross revenues from its system after installation of the proposed facilities in the estimated total amount of $38,000,000 based upon the assumption that the system will operate at an annual average of 85% of its designed delivery capacity. Applicant estimates the operating cost for the system at $29,500,000 per annum exclusive of interest and other non-operating expenses when the proposed facilities are installed and in operation.

Applicant proposes to charge rates based upon schedules now on file with the Commission except for interruptible gas sales to be sold from time to time under contracts constituting separate rate schedules which will be filed with the Commission.

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

Any person desiring to be heard or to make any protest with reference to the application of Tennessee Gas and Transmission Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of the publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

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

[F. R. Doc. 46-21655; Filed, Dec. 17, 1946; 8:46 a. m.]

[Docket No. G-823]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION

DECEMBER 11, 1946.

Notice is hereby given that on November 29, 1946, the Manufacturers Light and Heat Company (applicant), a Pennsylvania corporation, having its principal place of business at Pittsburgh, Pennsylvania, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize applicant to acquire and operate certain natural gas pipeline facilities of the United Fuel Gas Company (Associate Company of applicant), subject to the jurisdiction of the Federal Power Commission and more particularly described hereinafter.

The facilities proposed to be acquired consist of:

Approximately 5 miles of 16-inch natural gas transmission pipeline located in Monongalia County, West Virginia, being the northern-most portion of the 49 miles of 16-inch transmission line authorized to be constructed by United Fuel Gas Company at Docket No. G-736 and commencing at the point of connection between applicant's 20-inch line on the Pennsylvania-West Virginia State line and extending southwesterly to a proposed point of connection with the 4.2 miles of 12¾-inch transmission line east of Hundred Compressor Station in Church District, Wetzel County, West Virginia.

Applicant states that the 5-mile portion of 16-inch line has just been installed by the United Fuel Company, for the purpose of transporting to Applicant 20,000,000 cubic feet of gas on a maximum day from the United Fuel Gas Company, and it later developed that the line could also be used to transport to Applicant 13,286,000 cubic feet on a maximum day, which the Applicant recently agreed to purchase from Hope Natural Gas Company. It now appears to the Applicant it would be more satisfactory to exercise full control over the facilities, obviating a transportation agreement under which the Applicant would be using facilities of another company for the transportation of gas to which Applicant had sole title, eliminating a complicated problem of determining a reasonable charge for the use of United's facilities for the transportation of the gas received from Hope Natural Gas Company; that acquisition would also eliminate the question of responsibility for the loss or non-delivery of the whole or any part of the Hope gas resulting from line breaks, "freeze-ups", line loss, or other causes; that for all of these reasons, Applicant believes it would be to its best interest to acquire the 5 miles of line and own and operate the same exclusively in its own interest.

Applicant states the acquisition cost will be the total over-all capacity cost of the 5 miles of line to the United Fuel Gas Company, and which is estimated to be $142,140; that the over-all cost will be borrowed from Applicant's parent corporation, Columbia Gas and Electric Corporation.

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

Any person desiring to be heard or to make any protest with reference to the application of The Manufacturers Light and Heat Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

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

[F. R. Doc. 46-21656; Filed, Dec. 17, 1946; 8:46 a. m.]

[Docket No. G-824]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF SUPPLEMENT TO ORDER ISSUING TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 13, 1946.

Notice is hereby given that on December 11, 1946, the Federal Power Commission issued its Supplement to Order of December 2, 1946, entered December 11, 1946 in the above-designated matter.

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

[F. R. Doc. 46-21653; Filed, Dec. 17, 1946; 8:47 a. m.]

OFFICE OF TEMPORARY CONTROL.

Office of Price Administration.

[Region III Order G-52 Under MPR 592]

CONCRETE BLOCKS IN LOUISVILLE, KY., AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and under the authority vested in the Administrator of Region III of the Office of Price Administration by section 23 of Maximum Price Regulation No. 592, this order is issued:

SECTION 1. *Transactions and area covered by this order.* This order establishes dollars-and-cents maximum prices or pricing methods for sales of concrete blocks when such sales are made at or from any point in the Louisville, Kentucky, Area.

SEC. 2 *Area covered.* For the purposes of this order, the "Louisville, Kentucky, Area" consists of the Counties of Jefferson, Oldham, Trimble, Carroll, Gallatin, Owen, Henry, Shelby, Anderson, Spencer, Washington, Nelson, Bullitt, Hardin, Larue, Grayson, Beckenridge, and Mead in the State of Kentucky and the Counties of Floyd and Clark in the State of Indiana.

SEC. 3. *Prohibitions against sales at higher than maximum prices.* No person covered hereby shall sell or offer to sell and no person shall buy or offer to buy, in the course of trade or business, any of the commodities covered by this order at prices greater than the maximum prices established hereby.

SEC. 4. *Producer's maximum prices*—(a) *Retail sales, f. o. b. plant.* (i) A producer's maximum retail prices, f. o. b. the producer's plant, for sales of Hollow Load Bearing Block, Grade "A", shall be those prices set forth in the price list designated as Table I, which is annexed to and made a part of this order.

(ii) A producer's maximum retail prices, f. o. b. his plant, for Hollow Load Bearing Block, Grade "B", shall be determined by deducting two cents per block from the price listed in Table I, hereof, for the same size of Hollow Load Bearing Block, Grade "A".

(iii) *Sizes and types of concrete blocks not listed herein.* (1) A producer shall determine his maximum retail price, f. o. b. his plant, for a size or type of concrete block, which is not defined in this order, by applying the same conversion factor or formula employed for such purposes by the producer in March 1942, to the price computed under this order for a concrete block, size 8 in. x 8 in. x 16 in.

(2) A producer who was not in business in March, 1942, shall use as his maximum retail price, f. o. b. his plant, for a size or type of concrete block, which is not defined in this order, the maximum price (as determined under subsection (1) above) of his most closely competitive seller of the same class who was in business in March, 1942, for the same commodity, or, if no charge was made for the same commodity, then for the most similar commodity.

(b) *Retail sales including delivery.* A producer's maximum retail price for concrete blocks, delivered shall be determined by adding the appropriate one of the following amounts, per block, depending on the size of the block and the location of the buyer, to the maximum retail price, f. o. b. plant, as determined under subsection (a) of this section 4:

AMOUNT WHICH MAY BE ADDED, PER BLOCK, FOR DELIVERY

	3-in. and 4-in. block	6-in. and 8-i.n block	10-in. and 12-in. block
For delivery to points within a radius of 10 miles of the producer's plant	$0.01½	$0.02	$0.03
For each additional 10 miles, or fraction thereof, by which the point of delivery is located beyond a radius of ten miles of the producer's plant	.00½	.01	.02

(c) *Wholesale sales, f. o. b. plant.* A producer's maximum wholesale price for concrete blocks, f. o. b. producer's plant, shall be his maximum retail price, f. o. b. plant, as computed under subsection (a) of this section 4, less ten percent.

(d) *Wholesale sales including delivery.* A producer's maximum wholesale price for concrete blocks, delivered, shall be his maximum retail price delivered to the dealer's premises, as computed under subsection (b) of this section 4, less ten percent.

SEC. 5. *Dealer's maximum prices*—(a) *Retail sales, f. o. b. dealer's yard or delivered.* A dealer's maximum retail price for concrete blocks, whether f. o. b. his yard or delivered to his customer's premises, shall be the same as his producer's maximum retail price would be for the same concrete blocks delivered to the dealer's premises, as computed under subsection (b) of section 4, hereof.

SEC. 6. *Discounts and additions*—(a) *Cash discounts.* No seller shall reduce or discontinue any discounts for cash transactions which he offered in March, 1942.

(b) *Quantity discounts.* No seller shall reduce or discontinue any discount for purchases in quantity which he offered in March, 1942.

(c) *Additions for less-than-truckload deliveries.* Sellers may add extra charges for delivery in less-than-truckload quantities provided the seller made such extra charges in March, 1942: *And provided further,* That such extra charges, if now made, do not exceed those made in March, 1942, for the same or similar delivery service.

SEC. 7. *Computation and posting.* (a) Each dealer covered hereby shall, within thirty days of the effective date of this order, compute his maximum retail prices, for all types and sizes of concrete blocks, which he offers for sale, under the pricing provisions of section 5, hereof.

(b) Each dealer covered hereby shall, within thirty days of the effective date of this order, post in each of his places of business in the area covered hereby, in a manner plainly visible to and accessible by all customers, a list of all the types and sizes of concrete blocks which he offers for sale and his maximum prices therefor, which he has computed pursuant to subsection (a) of this section 7.

SEC. 8. *Relationship to other maximum price regulations and orders.* The maximum prices and pricing methods established by this order shall supersede any maximum price or pricing method established by the General Maximum Price Regulation with respect to the transactions and commodities covered hereby. This order shall supersede all provisions of Maximum Price Regulation No. 592 to the extent so provided herein. To the extent that they are consistent with this order, all provisions of Maximum Price Regulation No. 592, the General Maximum Price Regulation (except sections 18, 19, and 19a), and of other applicable maximum price regulations and orders, shall apply to transactions and commodities covered by this order. If any seller is unable to price any concrete block item under this order, he shall determine his maximum price for such item under Maximum Price Regulation No. 592 or the General Maximum Price Regulation, whichever is applicable.

SEC. 9. *Sales slips and invoices.* Every person covered by this order, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, description of the item sold, and the price received for it. If the seller customarily prepared his sales slips in more than one copy, he shall keep, for at least one year after delivery, a duplicate copy of each sales slip delivered by him pursuant to this section.

SEC. 10. *Records.* Every person covered by this order, regardless of previous custom, shall keep records concerning each sale covered hereunder showing at least the following information:

(1) Name and address of buyer.
(2) Date of transaction.
(3) Place of delivery.
(4) Complete description of each item sold and the price charged therefor.

All such records shall be kept and made available for inspection by authorized representatives of the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 11. *Posting.* Every person making sales covered hereby shall post a copy of this order in each of his places of business in the area covered hereby, in a manner plainly visible to and accessible by all customers.

SEC. 12. *Evasions.* The price limitations set forth in this order shall not be evaded by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of any of the commodities covered hereunder, whether alone or in conjunction with any other commodity, or by way of commissions, services, transportation or other charges, discounts, premiums, or other privileges, or by tying agreement or other understanding or by making the terms and conditions of sale more onerous to buyers than they were during March, 1942 (except as specifically permitted by this order or applicable regulations).

Persons violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and any other enforcement proceedings provided by the Emergency Price Control Act of 1942, as amended.

SEC. 13. *Definitions.* (a) "Concrete block" is a term which includes, but is not limited to, blocks made of cement and sand, gravel, slag, or cinders.

(b) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, its legal successors or representatives, the United States or any other government, or any of its political subdivisions, or any agency of any of the foregoing, and includes subcontractors as well as prime contractors.

(c) "Contractor" means any individual, corporation, partnership, association, or other organized group of persons, engaged in the business of selling material or equipment and the furnishing of labor in connection therewith, and who assumes responsibility for the incorporation of the material into a building, structure, or construction project at a fixed site.

(d) "Producer" means any person who engages in the manufacture and sale of concrete blocks.

(e) "Seller" means any person making a sale covered by this order.

(f) "Dealer" means any person other than a contractor, who buys concrete blocks for resale other than in an installed basis.

(g) A "retail sale" means a sale by any person to a contractor or other person for ultimate use and not for resale.

(h) A "wholesale sale" means a sale by any person to any person, other than a contractor, for resale.

(i) "Hollow Load Bearing Block, Grade 'A'," is a concrete block having a minimum comprehensive strength of 1000 pounds per square inch, in accordance with American Society for Testing Materials Standard Specifications for Hollow Load Bearing Concrete Masonry Units C–90–44.

(j) "Hollow Load Bearing Block, Grade 'B'," is a concrete block having a minimum compressive strength of 700 pounds per square inch, in accordance with American Society for Testing Materials Standard Specifications for Hollow Load Bearing Concrete Masonry Units C–90–44.

(k) Where relevant and material, the definitions set forth in Maximum Price Regulation No. 592, the General Maximum Price Regulation, and other applicable maximum price regulations and orders, and in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to terms used in this order.

SEC. 14. *Revocation or amendment.* This order may be revoked or amended at any time by the Office of Price Administration.

SEC. 15. *Effective date.* This Order No. G–52 shall become effective October 14, 1946.

Issued: October 8, 1946.

J. F. KESSEL,
Regional Administrator.

TABLE 1—TYPE OF BLOCK

[Maximum price per block]

	Sand and gravel or cinder	Waylite, haydite, celocrete, expanded slag
Hollow load bearing block, "grade A"		
8 in. x 8 in. x 16 in. hollow	$0.10	$0.125
8 in. x 8 in. x 16 in. solid	.13	.155
4 in. x 8 in. x 8 in. hollow	.08	.105
4 in. x 8 in. x 12 in. hollow	.10	.125
4 in. x 8 in. x 14 in. joist filler	.11	.135
4 in. x 8 in. x 16 in. hollow	.11	.135
4 in. x 8 in. x 16 in. corner	.115	.14
6 in. x 8 in. x 8 in. plain	.09	.115
6 in. x 8 in. x 8 in. corner	.095	.12
6 in. x 8 in. x 16 in. plain	.14	.165
6 in. x 8 in. x 16 in. corner	.15	.175
6 in. x 8 in. x 16 in. sash	.15	.175
8 in. x 8 in. x 4 in. corner	.08	.105
8 in. x 8 in. x 8 in. half	.09	.115
8 in. x 8 in. x 8 in. half corner	.095	.12
8 in. x 8 in. x 8 in. sash	.095	.12
8 in. x 8 in. x 12 in. plain	.12	.145
8 in. x 8 in. x 16 in. plain	.15	.175
8 in. x 8 in. x 16 in. corner	.16	.185
8 in. x 8 in. x 16 in. double corner	.17	.195
8 in. x 8 in. x 16 in. sash	.16	.185
8 in. x 8 in. x 16 in. header	.17	.195
10 in x 8 in. x 4 in. quarter	.085	.11
10 in. x 8 in. x 8 in. half	.11	.135
10 in. x 8 in. x 12 in. three quarter	.165	.19
10 in. x 8 in. x 16 in. plain	.19	.215
10 in. x 8 in. x 16 in. corner	.20	.225
10 in. x 8 in. x 16 in. header	.23	.255
12 in. x 8 in. x 4 in. plain	.10	.125
12 in. x 8 in. x 8 in. half	.12	.145
12 in. x 8 in. x 8 in. half corner	.125	.15
12 in. x 8 in. x 8 in. half sash	.125	.15
12 in. x 8 in. x 12 in. plain	.165	.19
12 in. x 8 in. x 16 in. plain	.22	.245
12 in. x 8 in. x 16 in. corner	.23	.255
12 in. x 8 in. x 16 in. double corner	.25	.275
12 in. x 8 in. x 16 in. sash	.25	.275
12 in. x 8 in. x 16 in. header	.25	.275

HOW TO DETERMINE YOUR MAXIMUM PRICES

Producer's maximum prices—(a) *Retail sales, f. o. b. plant.* (i) A producer's maximum retail prices, f. o. b. the producer's plant, for sales of Hollow Load Bearing Block, Grade "A", shall be those prices set forth in the price list designated as Table I, which is annexed to and made a part of this order.

(ii) A producer's maximum retail prices, f. o. b. his plant, for Hollow Load Bearing Block, Grade "B", shall be determined by deducting two cents per block from the price listed in Table I, hereof, for the same size of Hollow Load Bearing Block, Grade "A".

(iii) *Sizes and types of concrete blocks not listed herein.* (1) A producer shall determine his maximum retail price, f. o. b. his plant, for a size or type of concrete block, which is not defined in this order, by applying the same conversion factor or formula employed for such purposes by the producer in March, 1942, to the price computed under this order for a concrete block, size 8 in. x 8 in. x 16 in.

(2) A producer who was not in business in March, 1942, shall use as his maximum retail price, f. o. b. his plant, for a size or type of concrete block, which is not defined in this order, the maximum price (as determined under subsection (1), above) of his most closely competitive seller of the same class who was in business in March, 1942, for the same commodity, or, if no charge was made for the same commodity, then for the most similar commodity.

(b) *Retail sales including delivery.* A producer's maximum retail price for concrete blocks, delivered, shall be determined by adding the appropriate one of the following amounts, per block, depending on the size of the block and the location of the buyer, to the maximum retail price, f. o. b. plant, as determined under subsection (a) of this section 4:

AMOUNT WHICH MAY BE ADDED, PER BLOCK, FOR DELIVERY

	3-inch and 4-inch block	6-inch and 8-inch block	10-inch and 12-inch block
For delivery to points within a radius of 10 miles of the producer's plant	$0.01½	$0.02	$0.03
For each additional 10 miles, or fraction thereof, by which the point of delivery is located beyond a radius of ten miles of the producer's plant	.00½	.01	.02

(c) *Wholesale sales, f. o. b. plant.* A producer's maximum wholesale price for concrete blocks, f. o. b. producer's plant, shall be his maximum retail price, f. o. b. plant, as computed under subsection (a) of this section 4, less ten percent.

(d) *Wholesale Sales Including Delivery.* A producer's maximum wholesale price for concrete blocks, delivered, shall be his maximum *retail* price delivered to the dealer's premises, as computed under subsection (b) of this section 4, less ten percent.

Dealer's Maximum Prices:

(a) *Retail Sales, F. O. B. Dealer's Yard or Delivered.* A dealer's maximum retail price for concrete blocks, whether f. o. b. his yard or delivered to his customer's premises, shall be the same as his producer's maximum *retail* price would be for the same concrete blocks delivered to the dealer's premises, as computed under subsection (b) of section 4, hereof.

Discounts and Additions:

(a) *Cash Discounts.* No seller shall reduce or discontinue any discounts for cash transactions which he offered in March, 1942.

(b) *Quantity Discounts.* No seller shall reduce or discontinue any discount for purchases in quantity which he offered in March, 1942.

(c) *Additions for Less-Than-Truckload Deliveries.* Sellers may add extra charges for delivery in less-than-truckload quantities: *Provided,* The seller made such extra charges in March, 1942: *And provided further,* That such extra charges, if now made, do not exceed those made in March, 1942, for the same or similar delivery service.

Opinion Accompanying Order No. G–52 Under Section 23 of Maximum Price Regulation No. 592

Section 23 of Maximum Price Regulation No. 592 extends to the Regional Administrator authority to issue, and put into effect, orders establishing maximum prices for sales by manufacturers and resellers, of commodities covered by that regulation, applicable to a particular area. Section 23 of Maximum Price Regulation No. 592 lists concrete blocks as being covered by that regulation.

Section 23 further provides that area pricing orders issued thereunder shall supersede other sections of Maximum Price Regulation No. 592 to the extent provided, and that to the extent that such orders establish maximum prices for resellers subject to the General Maximum Price Regulation.

In issuing such area pricing orders, Section 23 provides that the following standards must be met:

(1) Maximum prices must be set forth in dollars-and-cents amounts unless this shall clearly appear to be inappropriate or impractical, and

(2) Maximum prices thus set forth shall not exceed the general level of prices as established by the regulation.

In meeting the first of these standards, it was found that the most practical method of establishing maximum prices was to use producer's retail f. o. b. prices for the common sizes of the three principal types of Hollow Load Bearing Blocks, Grade "A", i. e., sand and gravel, cinder and expanded slag as base prices. The accompanying order then provides for the addition or subtraction of certain differentials to these base prices to determine the maximum prices for other types and sizes of concrete blocks.

Since producer's maximum delivered prices and dealer's maximum prices depend on the distance the blocks are transported, it is impractical to establish dollar-and-cents prices for any level of distribution other than for producers, f. o. b. their plants. The accompanying order establishes differentials to be applied to the producers' f. o. b. prices for delivered sales and sales by dealers.

To determine the general level of prices in the area covered, an extensive survey of small, medium, and large producers in the area was made and data were obtained regarding selling prices, delivery practices, discounts, etc. The number of producers surveyed represent approximately 80 percent of the current sales volume in the area. In the opinion of the Regional Administrator, this data is representative of the general level of prices in this area.

A tabulation of the data revealed that the prevailing discount by producers to dealers is 10 percent. This discount represents the dealer's gross margin of profit since he then sells at the producer's retail list price, plus the producer's delivery charges.

A wide variance in delivery charges was found in the area but one set of rates appeared to be dominant and were, therefore, adopted as the most representative.

No pattern as to quantity or cash discounts could be found, therefore, the accompanying order provides that sellers shall maintain their March 1942 practices pertaining thereto.

The accompanying order provides that dealers shall calculate the maximum retail prices for the sizes and types of concrete blocks which they sell and post such prices in their places of business. This provision is made to enable the buyer to check on the prices he is charged and to provide the dealer with a correct list of his maximum prices.

In the opinion of the Regional Administrator, the provisions of the accompanying order are fair and equitable and will effectuate the provisions of Maximum Price Regulation No. 592, as amended, the General Maximum Price Regulation, as amended, and the Emergency Price Control Act of 1942, as amended.

Issued October 8, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-19477; Filed, Oct. 28, 1946; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1350]

NY PA NJ UTILITIES CO., GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of December 1946.

Notice is hereby given that a joint application-declaration, as amended, has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by General Public Utilities Corporation ("GPU"), a registered holding company, and its wholly-owned subsidiary, NY PA NJ Utilities Company ("NY PA NJ"), also a registered holding company. Applicants-declarants have designated sections 9 (a), 10, and 12 of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 24, 1946, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after December 24, 1946 said joint amended application-declaration, as filed or as further amended, may be granted and 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 Rule U-20 (a) and Rule U-100 thereof.

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

NY PA NJ proposes to dissolve and, in connection therewith, GPU, as NY PA NJ's sole stockholder, will surrender to NY PA NJ for cancellation all the outstanding stock of NY PA NJ and will acquire, pursuant to said dissolution, all the assets of NY PA NJ, subject to its liabilities, if any. Among the assets of NY PA NJ are all of the common stocks of Spring Brook Water Company, New York State Electric & Gas Corporation, Rochester Gas and Electric Corporation, Canadea Power Corporation, Staten Island Edison Corporation, Jersey Central Power & Light Company, Metropolitan Edison Company, Northern Pennsylvania Power Company, and New Jersey Power & Light Company.

Applicants-declarants state that the transactions are subject to approval by the Public Service Commission of the State of New York and the Board of Public Utility Commissioners of the State of New Jersey. Copies of the approval of such regulatory authorities have been filed with the amendment to the application-declaration.

Applicants-declarants request that the order to be issued with respect to the proposed transactions conform with the requirements of the Internal Revenue Code, as amended, including sections 373 (a) and 1808 (f) thereof.

The joint application-declaration, as amended, requests that the Commission's order granting the application and permitting the declaration to become effective be issued at the earliest date possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-21638; Filed, Dec. 17, 1946; 8:45 a. m.]

[File Nos. 70-1404, 70-1408]

NORTHERN NATURAL GAS CO. AND KANSAS POWER AND LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of December 1946.

Notice is hereby given that Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company, and The Kansas Power and Light Company ("Kansas Power"), a public utility company, both companies being subsidiaries of North American Light & Power Company, a registered holding company, and of The North American Company, also a registered holding company, have filed separate applications or declarations pursuant to the Public Utility Holding Company Act of 1935 ("the act"). Northern Natural has designated sections 9 and 10 of the act as applicable to its proposed transactions, and Kansas Power has designated sections 12 (f) and 12 (g) of the act and Rules U-43, U-20 and U-23 promulgated thereunder as applicable to its proposed transactions.

Notice is further given that any interested persons may not later than December 23, 1946, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, or either of them, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said filings proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such applications or declarations, as filed or as amended, may be granted or may become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or as otherwise provided under said Act and Rules, or the Comsion may exempt such transactions, or either of them, as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said applications or declarations which are on file in the office of the Commission for a statement of the transactions therein proposed which are summarized below:

Northern Natural proposes to acquire from Kansas Power for a price of $88,138.32, less adjustments and depreciation from December 31, 1945 to the date of conveyance, certain branch pipe lines and town border station facilities used in receiving gas by Kansas Power from Northern Natural under an existing exchange agreement and for delivery of such gas to certain local distribution systems of Kansas Power, all in the State of Kansas. The proceeds of the sale will be deposited by Kansas Power with the Harris Trust and Savings Bank, Trustee, to be held or used in accordance with the terms of a Mortgage and Deed of Trust dated July 1, 1939 and a Supplemental Indenture thereto of the same date.

This acquisition and sale is part of a plan whereby it is proposed to terminate the existing gas exchange agreement between Northern Natural and Kansas Power. In lieu of such gas exchange agreement Kansas Power proposes to purchase gas from Northern Natural delivered to the local distribution systems of Kansas Power for retail sale in the towns of Ashland, Belpre, Beverly, Bushton, Claflin, Coldwater, Delphos, Englewood, Greensburg, Holyrood, Lorraine, Macksville, Miltonvale, Protection and Tescott, Kansas, under Northern Natural's standard town border gas sales contract, and Kansas Power also proposes to purchase from Northern Natural a volume of gas not to exceed 200,000,000 cubic feet annually delivered at the Ellinwood, Kansas, tap line connection with Northern Natural. The other 17 towns now served by Kansas Power with gas received from Northern Natural under

the existing exchange agreement will be served by Kansas Power from its own pipe line facilities.

Northern Natural states that no state commission has jurisdiction over the acquisition of the aforesaid facilities; and that it has filed with the Federal Power Commission an application for a Certificate of Public Convenience and Necessity for the operation of aforesaid facilities.

Kansas Power states that with respect to the proposed termination of the existing gas exchange contract, the Kansas State Corporation Commission has authorized Kansas Power to discontinue gas deliveries to Northern Natural; and that it has applied to the Federal Power Commission for authority to terminate such deliveries.

By the Commission.

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

[F. R. Doc. 46-21637; Filed, Dec. 17, 1946; 8:45 a. m.]

[File No. 812-102]

INVESTORS SYNDICATE AND INVESTORS SYNDICATE OF AMERICA, INC.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of December A. D. 1946.

Notice is hereby given that Investors Syndicate and Investors Syndicate of America, Inc. have filed a joint application pursuant to sections 6 (c) and 17 (b) of the Investment Company Act of 1940 to amend an order of the Commission dated March 1, 1946, so as to permit the sale of certain G. I. mortgage loans by Investors Syndicate to Investors Syndicate of America, Inc., more than 90 days after the completion of the loans. The order of March 1, 1946, exempts from the provisions of section 17 (a) of the Act the sale by Investors Syndicate to Investors Syndicate of America, Inc. of mortgage loans, mortgages and other first liens on real estate subject to certain conditions including the limitation that such sales be made within 90 days after a loan is completed, the papers and documents executed, delivered and filed and/or recorded as required, and all other acts done necessary to perfect the lien of the mortgage or other lien instrument and title thereto and to the loan in Investors Syndicate. The application would exempt from this 90 day restriction and, subject to the other conditions of the order of March 1, 1946, otherwise permit the sale by Investors Syndicate to Investors Syndicate of America, Inc. of:

(1) Any loan, any portion of which is guaranteed under Title III of the Servicemen's Readjustment Act of 1944, as amended, which is secured by a first lien on real estate provided the amount of the loan not so guaranteed does not exceed 66⅔ per centum of the reasonable value of such real estate as determined by proper appraisal made by an appraiser designated by the Administrator of Veterans' Affairs;

(2) Any secondary loan the full amount of which is guaranteed under section 505 (a) of Title III of the Servicemen's Readjustment Act of 1944 and which is secured by a second lien on real estate.

All interested parties are referred to said application on file in the offices of the Commission for a more detailed statement of the proposed transactions and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that, upon a preliminary examination of the application, it deems the following issues to be raised thereby:

(1) whether the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) whether the proposed transactions are consistent with the policies expressed and to be expressed in reports filed under the act and the registration statement which will be filed by Investors Syndicate and Investors Syndicate of America, Inc. under 8 (b) of the act;

(3) whether the proposed transactions are consistent with the general purposes of the act; and

(4) whether the proposed transactions would necessitate the imposition of further terms and conditions to the exemption thereof from the provisions of section 17 (a).

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on December 20, 1946 at 9:30 a. m., Eastern Standard Time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Penna.

It is further ordered, That Willis E. Monty or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicants, Investors Syndicate and Investors Syndicate of America, Inc. and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before December 18, 1946, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid applications.

By the Commission.

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

[F. R. Doc. 46-21639; Filed, Dec. 17, 1946; 8:45 a. m.]

[File Nos. 54-39, 54-69, 59-65]

LACLEDE GAS LIGHT CO. ET AL.

AMENDATORY ORDER DIRECTING CERTAIN FEES AND EXPENSES TO BE PAID

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of December A. D. 1946.

In the matter of the Laclede Gas Light Company, Laclede Power & Light Company, Phoenix Light, Heat and Power Company and Ogden Corporation, File No. 54-39; Ogden Corporation and Subsidiary companies, File No. 54-69; Ogden Corporation and Subsidiary Companies, respondents, File No. 59-65.

The Commission having entered an order in these proceedings dated October 21, 1946 (Holding Company Act Release No. 6954), directing among other things that certain fees and expenses, arising out of the reorganization of The Laclede Gas Light Company ("Laclede Gas") be paid by Ogden Corporation ("Ogden"), Laclede Power & Light Company ("Laclede Electric") and Laclede Gas; and

It now appearing that said order contains certain errors, and the Commission deeming it appropriate to amend said order so as to correct such errors;

It is ordered, That said order of the Commission be, and hereby is, amended in the following respects:

(1) The item of $100 of "Misc. Minor Legal Fees," appearing at Page 3 of said order in the column headed "To be paid directly by Laclede Gas," is hereby amended so that said item of $100 shall appear in the column headed "To be paid by Ogden or Laclede Electric";

(2) The item of $1,000 payable to "Trustees, Registrars, Transfer Agents," appearing at Page 4 of said order in the column headed "To be paid directly by Laclede Gas," is hereby amended so that said item of $1,000 shall appear in the column headed "To be paid by Ogden or Laclede Electric;"

(3) The total figure of "$151,100," appearing at Page 4 of said order in the column headed, "To be paid directly by Laclede Gas," is hereby amended to read "$150,000";

(4) The total figure of "$96,120.47," appearing at Page 4 of said order in the column headed, "To be paid by Ogden or Laclede Electric," is hereby amended to read "$97,220.47."

By the Commission.

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

[F. R. Doc. 46-21584; Filed, Dec. 16, 1946; 8:50 a. m.]