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TITLE 7—AGRICULTURE

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

PART 902—ORANGES AND GRAPEFRUIT GROWN IN CALIFORNIA AND ARIZONA

TERMINATION OF MARKETING AGREEMENT AND ORDER

Marketing Agreement No. 30, as amended, hereinafter referred to as the "marketing agreement," and Order No. 2, as amended (7 CFR 901.1 et seq.), hereinafter referred to as the "order," regulating the handling of oranges and grapefruit grown in the States of California and Arizona, are effective pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.); and it is provided in said act and order that the Secretary of Agriculture shall terminate or suspend the operation of such order whenever he finds that the provisions thereof obstruct or do not tend to effectuate the declared policy of the act.

It is provided in said marketing agreement that the Secretary may effectuate its termination by giving twenty-four hours' notice thereof by press release or in any other manner which the Secretary may determine.

It is hereby found and determined, (a) that the provisions of the aforesaid marketing agreement and order regulating the handling of oranges and grapefruit grown in the States of California and Arizona no loner tend to effectuate the declared policy of the act; and (b) that the Growers Advisory Committee, established pursuant to the marketing agreement and order, has no funds or property in its possession or under its control and has no liability or outstanding obligation under the said marketing agreement and order.

It is, therefore, ordered, That the said marketing agreement and order regulating the handling of oranges and grapefruit grown in the States of California and Arizona be, and the same hereby are, terminated, effective thirty days after the publication of this order in the FEDERAL REGISTER: *Provided*, That such termination shall not affect or waive any right, obligation, duty, or liability under said marketing agreement or order, or release or extinguish any violation of said marketing agreement or order, or affect or impair any right or remedy of the United States, the Secretary, or any person with respect to any violation, which has arisen or occurred or which may arise or occur prior to the time that such termination becomes effective; and

It is further ordered, That the members of the aforesaid Growers Advisory Committee be, and the same hereby are, discharged and released from any and all obligations and duties which would otherwise accrue upon the termination of said marketing agreement and order.

Issued at Washington, D. C., this 11th day of April 1947.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3625; Filed, Apr. 16, 1947; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF DAAQUAM, MAINE, AS CLASS B PORT OF ENTRY

APRIL 1, 1947.

Section 110.1, Chapter I, Title 8, Code of Federal Regulations is amended by inserting "Daaquam, Maine," between "Boundary Cottage, Maine" and "Easton, Maine" in the list of Class B ports of entry in District No. 1.

This order shall become effective on the day of its publication in the FEDERAL REGISTER. The publication of notice, the public procedure, and the delayed effective date prescribed by section 4 of the Administrative Procedure Act (Pub. Law 404, 70th Cong.; 60 Stat. 238) are found unnecessary and contrary to the public interest for the reasons that (1) interested persons have recently made rep-

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CODIFICATION GUIDE

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

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[2] P. L. O. 364.

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resentations as to the need for a port of entry at Daaquam, Maine, and (2) it is found that commerce between Canada and the United States would be hindered by a delay in the opening of that port.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV; 8 CFR, 1943, Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: APRIL 11, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-3639; Filed, Apr. 16, 1947; 8:55 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 602—RESERVE OFFICERS TRAINING CORPS

TRAINING CAMPS

Sections 602.56 to 602.79, inclusive, are superseded by the following §§ 602.56 to 602.77, inclusive:

AUTHORITY: §§602.36 to 602.77, inclusive, issued under 41 Stat. 778; 10 U. S. C. 44.

§ 602.56 *Supervision and command.* These camps will be conducted by the appropriate army commanders, department commanders, and air force commanders, and when located at class II installations, with the assistance of the chiefs of the administrative or technical services represented by the ROTC units, and in accordance with instructions issued by the War Department. For service type ROIC units, all matters pertaining to summer camps will be coordinated with chiefs of administrative or technical services concerned.

§ 602.57 *Number, type, and location of camps.* The number, type, and location of camps will be determined by the Commanding Generals of the Army Air Forces and Army Ground Forces, and the department commanders concerned, and submitted to the War Department, Attention: Director of Organization and Training, for approval.

§ 602.58 *Designation.* Camps will be designated: "The Fort ---------- ROTC Camp," "The ---------- (base or field) Air ROTC Camp," etc.

§ 602.59 *Time and duration.* Camp will ordinarily open in June of each year (as soon as practicable after the closing date of educational institutions concerned) and will continue for a period of 6 weeks.

§ 602.60 *Attendance.* (a) The War Department will prescribe the number of students in each army area, department, and air force command to attend camps annually.

(b) Camp attendance is required of and open to, students as indicated below:

(1) Attendance at one camp is required of students enrolled in the advanced course, normally upon completion of the first year of the advanced course.

(2) Students who are required or who elect to pursue technical training or engage in employment of furtherance of such training during the summer following their junior academic year under the general supervision of the authorities of the institution may be authorized by commanders referred to in § 602.56 to attend camp upon completion of the advanced course. Commanders referred to in § 602.56 are authorized to forward to the War Department for consideration cases of exceptional merit not specifically covered by this subparagraph and by subparagraph (3) of this paragraph.

(3) Students who, after completion of the elementary course, have but one more year before graduation from collegiate institutions and for whom curtailment of the advanced course under the provisions of AR 145–10 and §§ 602.1 to 602.34, is authorized, may be permitted by commanders referred to in § 602.56 to attend camp upon completion of the advanced course.

(4) Attendance is required of graduates of an institution to whom deferred camp attendance has been granted under the provisions of § 602.62.

(5) Students pursuing the ROTC course under the provisions of AR 145–10 and § 602.17 of this part may be authorized by the commanders referred to in § 602.56 to attend an ROTC camp without expense to the Government other than payment for attendance as authorized by section 47c National Defense Act. The conditions of attendance will be explained to each student and he will be required to sign a waiver of claim against the United States for any allowance whatsoever based on such attendance, except for payment under the provisions of section 47c, National Defense Act, as amended.

(6) When the number of students that can be trained is such that all cannot be accommodated, selection for camp training will be made with priority in the following order:

(i) Advanced course students to whom deferred camp attendance was granted the previous year.

(ii) Students compelled to withdraw from a previous camp under the conditions cited in subdivision (iv) of this subparagraph.

(iii) Advanced course students attending at the normal time, i. e., after satisfactory completion of the first year of the advanced course.

(iv) Students pursuing the ROTC course under provisions of AR 145–10 § 602.17 authorized to attend.

(c) The training of the ROTC student is conducted in clearly defined stages according to a progressive scheme of instruction. The camp training supplements and follows in progression the first year of the advanced course at the institution.

(d) Students will not be authorized to attend more than one camp except in the following cases:

(1) When the student was compelled to withdraw from a camp previously attended and was unable to complete the camp course of instruction due to sickness or other cause than misconduct, fault, or neglect on his part.

(2) When the student after attending camp has transferred to a unit of an arm or service other than that of the camp previously attended.

(3) When authorized by the Secretary of War, in exceptional cases. In these cases the student, if eligible, will be required to attend the next camp of his unit

in accordance with the provisions of his advanced course contract.

(e) The exemption of members of the advanced course from the required camp attendance or the extension of credit toward such attendance for previous military training is not authorized by law.

§ 602.61 *Camps for units at MI, MS, and CS institutions.* The only camps provided for by §§ 602.56 to 602.77, inclusive, are advanced course camps. The War Department does not maintain camps for the instruction of students in the junior division or for students at class MI institutions, as such. Nevertheless, where such camps are maintained by institutions, the personnel and equipment allotted to such institutions may be used for this purpose, without expense to the Government beyond such expense as would be involved in the maintenance of such personnel and equipment at the institution.

§ 602.62 *Deferred attendance.* (a) When it is not practicable for an advanced course student to attend camp until after the normal period, attendance may be deferred by commanders referred to in § 602.56 to whom application for such deferment, setting forth the reasons which require deferment, will be addressed.

(b) Commanders referred to in § 602.56 will not authorize a change of advanced camp attendance from the normal period to a period subsequent to graduation unless the reasons given are substantial (see § 602.60 (b) (2) and (3)).

(c) A student will not be permitted to defer camp attendance to a time subsequent to the camp which immediately follows his graduation unless he is physically unable to attend that camp, in which case, upon receipt of proper evidence of disability, including the certificate of a reputable physician, the commanders referred to in § 602.56 may authorize the student to defer attendance at camp for an additional year.

§ 602.63 *Attendance at camp of arm or service other than that in which enrolled.* There will be students in scientific and technical courses whose services will be needed in and who will wish to be commissioned in branches not represented by units on their campuses. Commanders referred to in § 602.56 may authorize the attendance of such advanced students at ROTC camps of the appropriate branches after the necessary coordination with the chief of technical service concerned has been accomplished.

§ 602.64 *Absence from camp.* (a) For unavoidable causes such as sickness commanders referred to in § 602.56 may in each particular case authorize a short delay in arrival, which in no event is to extend beyond the fifth day of camp. Students will not be admitted to camp later than the fifth day.

(b) In exceptional cases when hardship would otherwise ensue, camp commanders in each particular case may authorize students to be absent from camp for short periods during which they should ordinarily be present for instruction.

(c) A student, who through absence from camp, fails to receive at least 85 percent of the total scheduled instruction, will not be credited with camp attendance nor will he be considered as fulfilling that part of his advanced course contract which requires camp attendance.

§ 602.65 *Physical examinations.* (a) See AR 40–100, AR 40–105, AR 145–10 and §§ 602.1 to 602.34, inclusive.

(b) *Preliminary physical examination prior to departure for camp.* See AR 145–10 and § 602.16.

(c) *Physical examination at opening of camp.*

(1) Within 48 hours after arriving at camp, all students will be given a physical examination and the result will be recorded on WD AGO Form 63. Students who possess minor disqualifying defects which in the opinion of the examining board will be overcome prior to the time they become eligible for commission in the Officers' Reserve Corps will be permitted to remain in camp, in which case suitable remarks and recommendations for waiver of the defect will be made on the report. Those students who are found to have any condition which would render training hazardous to themselves, or whose presence in camp would be a menace to others, or who possess permanent physical defects which will disqualify them for commission in the Officers' Reserve Corps, will be reported on the report as disqualified. Ordinarily, these students will then be returned to their homes; however, when no danger to others will result, a physically disqualified student may be permitted to continue the camp training at his own risk, pending final action by the War Department, provided a signed statement is presented by him and his parent or guardian in effect that his physical condition is understood and the Government will not be held responsible for any possible detrimental effects that may result.

(2) As soon as practicable after the completion of the physical examination, the records of all students who have been found to be physically disqualified and the records of those for whom waiver of defects is recommended will be forwarded to the army, department, or air force commander concerned, whose decision with respect to waiver of defects is final. The records with notation of action taken on waivers of defects will then be forwarded to The Adjutant General for appropriate action on any other matters and for record and will be returned to the army, department, or air force commander with instructions, if any. The army, department, or air force commander will, after taking appropriate action, return the records to the professor of military science and tactics for file in his office. For advanced course students who are discharged for physical disqualification, see AR 145–10 and § 602.17.

(3) The physical examination made at the camp will be made primarily with a view of determining the student's physical qualification for a commission in the Officers' Reserve Corps.

(4) At the discretion of the Commanding General, Army Air Forces, air ROTC students may be given a physical examination for flying in accordance with the provisions of AR 40.110 and §§ 602.1 to 602.34, inclusive.

(d) *Physical examination at close of camp.*

(1) The camp commander will cause each student who has suffered an injury or illness while in attendance at his camp to undergo a thorough physical examination within 48 hours prior to the termination of his course of training. The fact of injury or illness, the line-of-duty status, and the physical condition at the time of discharge from camp will be recorded on the report of physical examination made at the opening of camp. In case that report is not available, a new report of physical examination will be prepared.

(2) In other cases the student's certificate that he has suffered no disability as a result of his training will be accepted in lieu thereof and will be attached to his report of physical examination.

§ 602.66 *Medical and hospital treatment*—(a) *General authorization.* (1) Members of the ROTC who suffer personal injury or contract disease in line of duty while en route to or from and during their attendance at camps of instruction under the provisions of section 47a of the National Defense Act, as amended, shall, under such regulations as shall be prescribed, be entitled to hospitalization, rehospitalization, medical, and surgical care, in hospital or at their homes, until the disability resulting from such injury or disease cannot be materially improved by further hospitalization or treatment.

(2) Members of the ROTC may be treated at public expense for injury or disease not in line of duty only in Army medical facilities and under the following conditions:

(i) During the period of their attendance at ROTC camps they may be admitted to Army hospitals at such camps without regard to line of duty.

(ii) In the event a member of the ROTC is undergoing hospital treatment upon the termination of the camp, or before his departure from the camp is in need of hospital treatment, because of a disability not in line of duty, and is physically unable to withstand transportation to his home for the time being, his case will be handled by the local commanding officer in such manner as he may deem to be for the best interests of all concerned.

(b) *Place of treatment.* (1) Members of the ROTC entitled to treatment under paragraph (a) of this section, will be treated in Army medical facilities, when available.

(2) If Army medical facilities are not available, members of the ROTC entitled to treatment under the provisions of paragraph (a) (1) of this section, will be treated in hospitals of other Federal departments or agencies on written request for treatment signed by the responsible officer (or, if for rehospitalization or treatment after termination of the camp and return home, by the commanding general of the army, air com-

mand, or department under whose jurisdiction the camp was held).

(3) *By civilian agencies.* If no medical facilities of the Army or other Federal department or agency are available, members of the ROTC entitled to treatment under paragraph (a) (1) of this section may be treated by civilian agencies on written request signed by the responsible officer (or, if for rehospitalization or treatment after termination of the camp and return home, by the commanding general of the army, air command, or department under whose jurisdiction the camp was held).

(c) *Charges for treatment.* (1) In Army hospitals hospitalization will be at the per diem rate established by the Federal Board of Hospitalization for the fiscal year in which treatment is rendered. This will cover the entire charge for hospitalization, including subsistence. Outpatient treatment will be at the rate established by The Surgeon General.

(2) In hospitals of Federal departments or agencies (other than Army) hospitalization will be at the per diem rate established by the Federal Board of Hospitalization for the fiscal year in which treatment is rendered. This will cover the entire charge for hospitalization, including subsistence. Outpatient treatment will be at the rates established by the Federal agency concerned.

(3) Charges by civilian agencies will be at reasonable rates allowed by the final approving authority.

§ 602.67 *Army exchanges.* Army exchange facilities with an equitable distribution of the profits thereof will be provided for ROTC camps by the commanding general of the appropriate army area or appropriate major Army Air Forces command under existing regulations. Dividends will be paid and distributed in accordance with the provisions of AR 210–50 and AR 210–65 and Part 504 of this title.

§ 602.68 *Dismissal and withdrawal from camp.* (a) Any student who because of demonstrated inaptitude, indifference to training, or who is guilty of misconduct, or whose habits or traits of character indicate that upon completion of 4 years' course of instruction prescribed for ROTC units he would not be qualified for a commission in the Officers' Reserve Corps, will be dismissed from the camp by the camp commander. Such action by the camp commander will be based upon a thorough and impartial investigation by a board of officers. A full report concerning the dismissal of the student, setting forth the reasons therefor, will be prepared in duplicate. For ground ROTC students, the first copy will be forwarded to the army commander of the army area or the commander of the oversea department in which the student's unit is located; for air ROTC students, the first copy will be forwarded to the Commanding General, Air Defense Command; in each case, the second copy will be forwarded to the authorities of the institution in which the student is enrolled. Any student who is compelled by necessity to leave the camp through no fault or misconduct of his own may be permitted to withdraw by the commanding officer. Students who are dismissed or who withdraw from camp are entitled to transportation and subsistance as provided hereinafter.

(b) While dismissal from camp ordinarily should result in discharge from the ROTC, such discharge is not included in the dismissal. The professor of military science and tactics at the institution, after thorough investigation and examination of the report of dismissal, will recommend to the army commander or department commander for ground ROTC students, or to the Commanding General, Air Defense Command, for air ROTC students, through the head of the institution, either that the students be discharged from the ROTC or that he, in an exceptional case, be retained therein, and upon action by the higher authority, designated above, will take steps accordingly.

§ 602.69 *Disposition of supplies at termination of camp.* All articles of clothing and equipment issued to units and individuals of the training camp will be turned in at the termination of the camp to the camp supply officer, and disposed of as follows:

(a) Articles on loan from chiefs of technical services and the Commanding General, Army Air Forces, will be disposed of in accordance with instructions from respective chiefs of technical services and the Commanding General, Army Air Forces.

(b) Articles furnished from station stock will be turned in to the appropriate station supply officer.

(c) Articles furnished on loan from Army or Army Air Forces organizations will be returned to the lending organization, or, at the discretion of the army commander or air commander concerned, disposed of in accordance with paragraph (b) of this section.

§ 602.70 *Responsibility for Government property.* (a) The necessary cost of renovation and reconditioning of property returned to supplying agencies after use at ROTC summer camps will be met by ROTC funds.

(b) (1) Any loss of or damage to clothing or equipment due to lack of care on the part of the student to whom whom issued will be assessed and charged on the payroll against the student. In case the pay of the student is insufficient to cover the complete indebtedness, the balance due will be collected from him if practicable; otherwise, it will be reported to the institution with request for assistance in collection.

(2) Clothing and equipment will be charged in accordance with current price lists.

(c) (1) Articles lost, damaged, or destroyed and not paid for by the individuals responsible therefor will be surveyed and the responsibility determined.

(2) Losses to the United States through fault on the part of students will be itemized on surveys separately from other losses.

(3) Records and certifications of students will show the amount of property loss to the United States and the amount received as reimbursement.

(d) No deduction to reimburse the Government will be made or accepted from the travel allowances due a student for travel to or return to his home.

§ 602.71 *Dress uniforms.* Each student, with the consent of the authorities of the institution attended by him, may bring to camp one dress uniform, as authorized for his institution. Students will be given every encouragement to wear their institutional uniform during any off-duty periods in which they desire to present a particularly neat appearance.

§ 602.72 *Sale of quartermaster property.* The sale of quartermaster property (except subsistence articles at camps) to ROTC students is not authorized.

§ 602.73 *Transportation*—(a) *Transportation authority.* (1) Students will normally be authorized to proceed to designated camps from their institutions, or from their legal residences where the distances from such residences to the camps do not exceed the distances from their institutions to the camps, and to return thereto, by the shortest usually traveled route.

(2) Under exceptional circumstances, army or air force commanders may:

(i) Authorize a student to proceed to the camp designated for his unit from his legal residence when the distance from such residence to the camp is greater than from the institution to the camp. This authorization will be given only to students whose institutions close so early in the year as to make it impracticable for them to proceed directly from the institution to the camp.

(ii) In the interest of economy, authorize a student, except air students, to attend a camp of an arm or service other than the camp prescribed for his unit. If the camp to be attended is beyond the territorial limits of the Army in which the institution of the student is located, the camp attendance will be arranged by the army commanders concerned by direct correspondence.

(b) *Travel allowances.* (1) Members of the ROTC will be paid travel allowance at the rate of five cents per mile from the place from which the students are authorized to proceed to camp and for the return travel thereto. Payment of the travel allowance for the return journey may be made in advance of the actual performance thereof. WD FD Form 21 (Reimbursement Voucher, Pay Roll, CMTC, ROTC) will be used as a voucher for payment of travel allowances and copies of orders will be filed therewith.

(2) Return travel allowance is not due to a student until the close of camp. The commanding officer will pay travel allowances to a student upon dismissal or withdrawal if determined by him that such advanced payment is proper and desirable for the good of the service. However, the commanding officer is authorized to withhold travel allowances until the termination of the camp, if he determines such course advisable, and if the student is not present at the close of the camp to refuse payment thereof.

(3) The shortest usually traveled route will be the basis of calculation for travel allowances. Travel allowances

for members of the ROTC will be paid from the appropriations for ROTC.

(4) (i) Orders for travel to camp and return therefrom will be issued by army, department, or air force commanders, or such subordinate authority as they may designate.

(ii) In the case of a student authorized to attend a camp in an army area or air force area other than that wherein the place from which he is directed to proceed is located, the travel order will be issued by the commander of the army or air force from which the student is directed to travel, and 3 copies of the order will be sent at once to the commander of the army or air force in which the camp to be attended is located for each student so ordered.

(c) *Students without funds.* Students unable to pay their own railroad fare may be authorized transportation in kind by army or air force commanders, in which cases orders issued will specifically state that the Transportation Corps will furnish necessary transportation and provide for the payment of $1 per meal for the number of meals required for the journey. Transportation request will be forwarded to the student with orders directing him to proceed to camp. Cost of this transportation and subsistence will be borne by ROTC funds.

§ 602.74 *Pay.* (a) Members of the ROTC or other persons authorized by the Secretary of War to attend advanced camps shall be paid for attendance at such camps at the rate prescribed for enlisted men of the seventh grade of the Regular Army with less than 3 years service.

(b) Pay will begin with the day of arrival at the camp and end with the day of relief from duty connected therewith (41 Stat. 779; 10 U. S. C. 443).

§ 602.75 *Laundry and dry-cleaning service.* (a) All students will be furnished laundry or dry-cleaning services under the same conditions as for enlisted men of the Regular Army.

(b) Army, department, or air force commanders will specify the articles to be laundered or dry cleaned, including the underclothing owned by the students.

§ 602.76 *Subsistence.* (a) All students in attendance will subsist under the field ration as prescribed in current War Department directives. For hospital rations, see paragraph 11*b* AR 40–590.

(b) The employment of civilian mess attendants, and the payment of additional compensation to enlisted cooks and mess personnel, is authorized. When so employed or compensated, they will be compensated from ROTC funds. The total amount available for such compensation is limited to ten cents per student per day.

§ 602.77 *Disposal of remains of deceased students.* The recovery, preparation, and disposition of the remains of students who die while en route to or from or during their attendance at an ROTC camp or who die while receiving hospital treatment at Government expense, will be in accordance with the provisions of Army Regulations. Burial expenses authorized by AR 30–1830 and §§ 306.50–306.53, of this title, will be paid from the appropriation "Reserve Officers' Training Corps," as provided by law and the instructions issued by the War Department. [Memo 145–30–3, 24 Feb. 1947]

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

[F. R. Doc. 47–3623; Filed, Apr. 16, 1947; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5331]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN SALES CO., ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Stock, product or service:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (c5) *Advertising falsely or misleadingly—Condition of goods:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (o) *Advertising falsely or misleadingly—Old or reclaimed as new:* § 3.6 (u) *Advertising falsely or misleadingly—Quality:* § 3.6 (y5) *Advertising falsely or misleadingly—Sample, offer or order conformance:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old, used or reclaimed as unused or new:* § 3.72 (m10) *Offering deceptive inducements to purchase or deal—Sample, offer or order conformance.* In connection with the offering for sale, sale and distribution in commerce, of wearing apparel and other merchandise, including used or secondhand clothing and hats, representing (1) that respondents' merchandise consists of bankrupt stocks, manufacturers' surpluses, auction stocks, close-out lots, or manufacturers' sample lots which respondents have purchased direct from such sources of supply; (2) that respondents manufacture any of the products sold by them; (3) that garments sold by respondents are cleaned, repaired, or pressed when such is not the fact; (4) that garments are only slightly used when such is not the fact; (5) that respondents' garments are tailored to customers' individual measurements; (6) that respondents handle no inferior grades of merchandise; or (7) that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatband, a statement that such hats are composed of used or secondhand materials (subject to the provision, however, that if sweatbands are not affixed to such hats, then such stamping shall appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating such bodies); or (8) misrepresenting, either through words or pictorial representations, the character or condition of respondents' merchandise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, American Sales Company, etc., Docket 5331, March 20, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March A. D. 1947.

In the Matter of Isidore Gendelman, Samuel Gendelman, Individually and as Copartners, Trading and Doing Business as American Sales Company, Universal Bargain House, and National Sales Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, evidence introduced before a trial examiner of the Commission theretofore duly designated by it, and a stipulation of facts entered into between counsel for the Commission and counsel for respondents (the trial examiner's report, the filing of briefs, and oral argument having been waived); and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Isidore Gendelman and Samuel Gendelman, individually and trading as American Sales Company or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of wearing apparel and other merchandise, including used or secondhand clothing and hats, do forthwith cease and desist from:

1. Representing that respondents' merchandise consists of bankrupt stocks, manufacturers' surpluses, auction stocks, close-out lots, or manufacturers' sample lots which respondents have purchased direct from such sources of supply.

2. Representing that respondents manufacture any of the products sold by them.

3. Representing that garments sold by respondents are cleaned, repaired, or pressed when such is not the fact.

4. Representing that garments are only slightly used when such is not the fact.

5. Representing that respondents' garments are tailored to customers' individual measurements.

6. Representing that respondents handle no inferior grades of merchandise.

7. Representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatband, a statement that such hats are composed of used or secondhand materials: *Provided*, That if sweatbands are not affixed to such hats, then such stamping shall appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating such bodies.

8. Misrepresenting, either through words or pictorial representations, the character or condition of respondents' merchandise.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-3635; Filed, Apr. 16, 1947; 8:54 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

FORMS FOR STATEMENTS AND REPORTS

The Securities and Exchange Commission, acting pursuant to the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof, deeming the following amendment of Form U-6B-2 (17 CFR 259.206) appropriate to carry out the provisions of the act, and considering such amendment to be procedural in nature and not to be subject to the requirements of section 4 (a) (b) (c) of the Administrative Procedure Act, hereby amends Form U-6B-2 (17 CFR 259.206) effective May 1, 1947, to renumber items numbered 11, 12, 13 and 14 as items numbered 12, 13, 14 and 15, respectively, and to include the following item:

11. Application of proceeds of each security.

Copies of the revised form may be obtained from the Commission's Publications Unit.

(Sec. 20 (a), 49 Stat. 833, 15 U. S. C. 79t)

Effective: May 1, 1947.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

APRIL 10, 1947.

[F. R. Doc. 47-3621; Filed Apr. 16, 1947; 8:51 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, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; 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 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63, as Amended March 25, 1947, Amdt. 2]

Section 1042.1 *General Imports Order M-63*, as amended March 25, 1947, is further amended by deleting from List A the listings of "Agave fibers, * * *", "Cantala * * *", and Sisal and henequen * * *", under the heading "Material", and the letters "N. S. C." which follow the listing of these fibers in the second column of List A, and the dates which follow these listings in the third column.

Issued this 16th day of April 1947.

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

[F. R. Doc. 47-3746; Filed, Apr. 16, 1947; 11:24 a. m.]

PART 3290—MANILA (ABACA) AND AGAVE FIBERS AND CORDAGE[1]

[Conservation Order M-84, as Amended Apr. 16, 1947]

MANILA (ABACA) AND AGAVE FIBER AND CORDAGE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of manila and agave and products made from them 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.

§ 3290.221 *Conservation Order M-84*—(a) *Restrictions on sales, deliveries, receipts, and use of certain cordage products*—(1) *Rope and twine (except binder and baler twine).* No processor or dealer may sell, deliver, or accept delivery of new rope or new twine produced in the United States in whole or in part from Manila or agave, or from yarn made from such fibers, for end uses for which the rope or twine may not be manufactured under this order. However, this rule shall not prohibit the sale, delivery, or acceptance of rope made from agave fiber put into process before January 16, 1947 for any end use, or of those twines listed in Schedule B made from agave fiber put into process before March 25, 1947.

(2) *Binder and baler twine.* No person may sell or deliver new binder or new baler twine (wherever produced) if he knows or has reason to believe that:

(i) The binder twine will not be used with mechanical harvesting equipment or in the growing, harvesting, or delivering of agricultural crops, or that the binder twine will be converted into rope or any other product; or

(ii) The baler twine will not be used in a self-tying machine for baling hay, straw, or other fodder crops.

(3) No person may use new binder or new baler twine (wherever produced) to manufacture rope for sale.

(b) *Purposes for which Manila or agave fiber or yarn may not be used*—(1) *Manila.* No processor may put into process any spinnable Manila fiber, or yarn made from such fiber (wherever produced) except to make rope for any end use, or twines permitted in Schedule B of this order, or as specifically authorized or directed by the Civilian Production Administration under subparagraph (c) (5) below. Non-spinnable Manila fiber may be used for any purpose.

(2) *Agave.* No processor may put into process any agave fiber, or yarn made from such fiber (wherever produced), except to make rope in the sizes described in Schedule A of this order, and binder and baler twine, or as specifically authorized or directed by the Civilian Production Administration under subparagraph (c) (5) below.

Except as specifically authorized or directed in writing by the Civilian Production Administration, no processor may manufacture any binder or baler twine from agave fiber, unless made in accordance with the following specifications: The binder twine must measure 500 feet to the pound with a plus or minus tolerance of five per cent; and must contain a lubricant of at least ten per cent of the total weight of the twine, and an insect repellent. The baler twine must measure 200 to 225 feet to the pound with a plus or minus tolerance of five per cent; must contain a lubricant of at least ten per cent of the total weight of the twine, and an insect and rodent repellent.

(c) *Quantities of manila and agave fibers which may be used.* (1) Processing quotas will be issued in writing by the Civilian Production Administration to processors making any of the products permitted under paragraphs (b) (1) and (b) (2) above. No person shall put into process any spinnable Manila fiber or any agave fiber, until he has received such a quota, or in amounts in excess of his quota, regardless of whether the fiber is taken from inventory, or obtained by allocation under this order or in any other way. These quotas may not be transferred except as specifically authorized in writing by the Civilian Production Administration, or in accordance with Allocations Regulation 1.

(2) In general, processing quotas for spinnable Manila fiber or agave fiber, for

[1] Formerly Part 3290—Textile, Clothing and Leather.

rope and products permitted in Schedule B, will be issued upon the following basis: The aggregate processing quota for Manila and agave fibers for each processor will be in proportion to his average monthly sales of both types of rope during the period January 1, 1939 through December 31, 1941; his processing quota for Manila fiber for rope and twines listed in Schedule B will be in proportion to his average monthly sales of Manila rope during the period January 1 through December 31, 1939; and his processing quota for agave fiber will be in proportion to his processing quota for both fibers, less that for Manila. A manufacturer who was not in the hard fiber cordage business during 1939–40–41 may apply to the Civilian Production Administration for a processing quota. The application should be filed by letter stating the quantity of fiber desired to be processed for each permitted product, and should include a statement of the facilities available for the manufacture of cordage products, as permitted under Order M–84, the maximum poundage of fiber which can be processed with his facilities on the basis of a 40-hour week, and the minimum poundage of fiber needed for economical operation during a three-month period. Applications from new manufacturers will be considered on an equitable basis, in view of the quotas issued to other manufacturers.

(3) Processing quotas for agave fiber for binder twine and baler twine will be prorated among processors on the basis of information previously filed with the War Production Board and Civilian Production Administration as to productive capacity, method, and rate of operation.

(4) Processing quotas for Manila fiber other than spinnable, are not required under this order.

(5) The Civilian Production Administration may also issue specific directions or authorizations to processors as to the extension of more critical fibers by mixture with less critical ones (i. e., use of "extenders") in the manufacture of any products permitted under this order. No processor shall put any manila or agave fibers into process contrary to the terms of any such direction or authorization, regardless of whether the fiber is taken from inventory, or obtained by allocation under this order or in any other way.

(d) *Inventory restrictions on Manila and agave fiber, and cordage products*— (1) *Processors' inventories.* No processor may accept delivery of any spinnable Manila fiber, or yarn made from such fiber, if his inventory of spinnable Manila fiber will be more than the amount he needs during the next 150 days, on the basis of his current or scheduled method and rate of operation, and for making only those products permitted under this order. No processor may accept delivery of any such fiber or yarn for making any product not permitted by this order.

(2) *Importers' and dealers' inventories.* No person, other than a processor or the Reconstruction Finance Corporation, may accept delivery of any spinnable Manila fiber if his inventory of such fiber held for resale will be more than the amount he would normally stock up in the ordinary course of his business to meet reasonably anticipated requirements, while continuing to dispose of such inventory as promptly as practicable in view of the orders received by him from persons permitted to accept deliveries under this order. If a person imports or buys fiber both for resale and for processing on his own facilities, and keeps separate inventory records of the fiber held for each purpose, his inventory held for resale shall be governed by this rule instead of that in paragraph (d) (1); but if he does not keep separate inventory records, his inventory shall be governed by the rule in (d) (1).

(3) *Manila being imported.* The limitations in paragraphs (d) (1) and (d) (2) above apply to deliveries and inventories within the continental United States only. Material which is being imported, but has not been released from United States Customs, is not to be considered as in inventory.

(4) *Inventories of rope and twines.* A person buying new rope or new twines made from Manila or agave fiber, whether for use or resale (including a person buying for export) may not accept delivery of any of such materials if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

(5) *Restriction on ordering more than needed.* A person may not place any order for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this order or any other applicable orders or regulations of CPA. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery.

(6) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this order, he must promptly adjust his outstanding orders, and if necessary, postpone or cancel them.

(e) *Distribution of binder twine held by Reconstruction Finance Corporation.* The Civilian Production Administration may from time to time specifically direct the time and quantities in which deliveries of binder twine held by the Reconstruction Finance Corporation shall be made or withheld, and the purposes for which such deliveries may be made.

(f) *Allocation of fiber.* (1) No processor shall make or accept delivery of any Manila or agave fiber contrary to directions which from time to time the Civilian Production Administration may issue. The Civilian Production Administration may from time to time allocate to processors the available supplies of Manila and agave fiber held by the Reconstruction Finance Corporation, and specifically direct the time, manner, and quantities in which deliveries to processors shall be made or withheld.

(2) In general, allocations of spinnable Manila fiber and agave fiber held by the Reconstruction Finance Corporation, for rope and products permitted in Schedule B, and of agave fiber for binder twine and baler twine, will be prorated upon the same bases as are the processing quotas issued under paragraph (c) above. Applications need not be made by processors who have processing quotas. An application for a processing quota under paragraph (c) from a manufacturer who was not in the hard fiber cordage business during 1939–40–41 will also be considered as an application for an allocation, unless the applicant specifically indicates that he does not want to get any fiber from the Reconstruction Finance Corporation.

Since the only Manila fiber to be allocated will be that held by RFC, the amounts allocated will usually be less than those which may be accepted and used under the inventory limitations and processing quotas; and such additional amounts as may be accepted or used under this order within those limitations and quotas may be obtained from other sources without allocations.

(3) Manila, other than spinnable, held by RFC, will not be allocated after March 25, 1947. Applications may be made to RFC for such non-spinnable Manila fiber, and not to CPA.

(g) *End use information.* No person may sell or deliver any product controlled by this order to any person who he knows or has reason to believe will use the product in a manner which this order does not permit. He should satisfy himself as to this in some reasonable manner before delivering. He may, but need not, require a statement in writing showing the specific purpose or use for which the item is ordered.

(h) *Restrictions on the use of damaged material.* Any processor or dealer who has in his possession damaged or defective manila or agave fiber or cordage, may report by letter the extent of the damage and state to the Civilian Production Administration the percentage not suitable for the manufacture of products or for use permitted by this order. He may then upon receipt of acknowledgment, without objection from the Civilian Production Administration, use or dispose of any portion unsuitable for the manufacture of products permitted by this order, free from its restrictions.

(i) *Reports.* (1) Processors of manila and agave fiber shall report monthly on CPA–2901, sections 1 and 2.

(2) Every person, except the Reconstruction Finance Corporation, who imports or purchases for import any spinnable Manila fiber, or yarn made from Manila fiber, shall report in writing (by letter or other written communication) to the Civilian Production Administration, Washington 25, D. C., Ref: M–84, stating the information required by the following instructions:

(i) Send this report to the above address not later than the 10th of each month to cover the preceding month. Keep one copy for your files. Date the report, state calendar month for which filed, name of your company, and its address (street, city, zone, and state).

(ii) As Item No. 1, list Manila (Abaca) Fiber (in bales); and as Item No. 2, list Manila Yarn (in thousands of pounds).

(iii) For each item, show separately the monthly shipments to you from any foreign countries during the calendar month covered by the report, and your inventory of each item as of the end of the month, for United States consumption. List separately that which is afloat to the United States, and that which is in the United States. For the purpose of this report (although not under paragraph (d) above), inventory includes fiber and yarn afloat, and on hand in the continental United States, where title has not been transferred to some other person (or in the case of an importer who is also a processor, all fiber and yarn afloat, and all within the continental U. S. except that held in this country for his own use). Report in units of bales on fiber, and in thousands of pounds on yarn.

(iv) To avoid partial duplication in reports by processors and importers, if a quantity of fiber in the United States has been sold and the sales invoice for it sent the purchaser during the calendar month, the seller should exclude it from his report, even though physical transfer has not been completed. Similarly, the purchaser should include in his report fiber invoiced to him during the month, even though still in transit to him at the end of the month.

[Deleted April 16, 1947.]

(j) *Imports.* The provisions of this paragraph (j) replace those in General Imports Order M–63, insofar as that order has applied to materials subject to this paragraph. However, authorizations for the importation of such materials issued under Order M–63 shall continue to have the same force and effect as if issued under this Order M–84.

(1) *Definitions.* For the purposes of this paragraph (j):

(i) "Fibers subject to import control under this order" means any of the following materials: agave fibers, unmanufactured (except flume tow and bagasse waste), cantala (except maguey), unmanufactured, and sisal and henequen, unmanufactured (except flume tow and bagasse waste).

(ii) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(iii) "Consignee" means the person to whom a material is consigned at the time of importation.

(iv) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation. It does not include shipments in transit in bond through the continental United States without processing or manufacture, to Canada, Mexico or any other foreign country, or shipments through a free port or free zones to a foreign country without processing or manufacture.

(v) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(2) *Restrictions on imports*—(i) *General restriction.* No person, except as authorized in writing by the Civilian Production Administration shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any fibers subject to import control under this order. The foregoing restrictions shall apply to the importation of any fibers subject to import control under this order regardless of the existence of any contract or other arrangement for the importation of such material.

(ii) *Authorization by Civilian Production Administration.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form CPA–1041 addressed to the Civilian Production Administration Ref: M–84, Washington 25, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(iii) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any fibers subject to import control under this order, unless such bank or person either has received a copy of the authorization issued by the Civilian Production Administration under the provisions of paragraph (j) (2) (ii) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (j) (2) (iv).

(iv) *Exceptions.* Unless otherwise directed by the Civilian Production Administration, the restrictions set forth in this paragraph (j) (2) shall not apply:

(a) To the Reconstruction Finance Corporation, U. S. Commercial Company, Commodity Credit Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(b) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(c) To any material consigned or imported as a sample where the value of each consignment or shipment is less than $25.00.

(3) *Reports*—(i) *Reports on customs entry.* No fibers subject to import control under this order, including materials imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, Commodity Credit Corporation or any other United States governmental department, agency or corporations, shall be entered through the United States Bureau of Customs for any purpose, unless the person making the entry shall file with the entry Form CPA–1040 in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Civilian Production Administration, Ref.: M–84, Washington 25, D. C.

(ii) *Other reports.* All persons having any interest in, or taking any action with respect to any fibers subject to import control under this order, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the Civilian Production Administration.

(k) *Definitions.* In this order:

(1) "Manila" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp wherever grown (either stripped or decorticated), but does not mean processor's mill waste or bagasse. "Spinnable Manila" means Manila which is spinnable over machinery but does not mean the fiber grades of O, T,

Y, and W or equivalent as established by the Insular Government of the Philippine Islands.

(2) "Agave" means fiber spinnable over machinery of the species agave sisalana, agave fourcroydes, and agave cantala, of all grades and quantities including tow and fiber under 20" in length, commonly known in the trade as sisal, henequen, and cantala, and sometimes preceded by an adjective designating the country or district of origin, but does not include processor's mill waste, bagasse, maguey or agave tow No. 2 grade.

(3) "Rope" means any rope or cable, treated or untreated, composed of three or more strands each strand composed of two or more yarns, and not less than 10 percent cordage lubricant (excluding tent, awning and lariat rope), but does not include strings and twines of whatever construction which are commonly used for tying, sewing, baling or other commercial packaging use.

(4) "Twine" means any single or plied yarn or roving, including marlin, for use as a tying material, for sewing or for any similar purpose, but does not include any product falling within the definition of "rope" "binder twine" or "baler twine."

(5) "Binder twine" means a single yarn twine usually containing agave, but sometimes containing manila, istle, jute, coir, hemp, cotton or paper, suitable for use in a harvesting machine and of the type customarily heretofore manufactured. It is also known as binding twine.

(6) "Baler twine" means a single yarn usually made of agave fiber and used in a self-tying machine for baling hay, straw or other fodder crops.

(7) "Processor" means any person (other than a United States Government agency) who spins, twists or otherwise uses any fiber or yarn in the manufacture of rope or twine, or who uses manila or agave fiber in the manufacture of any other product.

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

(m) *Applicability of regulations.* Except as specifically otherwise provided 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.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Civilian Production Administration.

(o) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: M-84.

(p) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of April 1947.

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

SCHEDULE A—AGAVE CORDAGE END USE

This list specifies the permitted end uses for which rope may be manufactured from agave. It does not, however, restrict manufacture for and delivery to the Army, Navy and Maritime Commission.

Fibers other than agave may be used in the manufacture of rope for any end use subject to applicable provisions of any Civilian Production Administration order dealing specifically with such fibers.

End use
Agave rope ⅞" diam. (2¾" cir.) and smaller, for any use.

The use of agave fiber for the manufacture of binder and baler twine will be authorized as stated in paragraph (c) of this Order M-84.

SCHEDULE B—MANILA TWINE END USE

NOTE: "Wrapping and tying twine" deleted March 25, 1947.

This list specifies the permitted end uses for which twine may be manufactured from manila. It does not include wrapping and tying twine, which is defined as a single yarn used as twine, or plied twine twisted or laid used for tying, packaging, baling or bundling.

End use	*Definition*
Hanging twine—Hard and soft fiber nets	Twine used to hang hard and soft fiber nets to lines.
Heading twine	See Marline-Lobster.
Marline-Lobster	A twine required in the manufacture of the inside tunnels of lobster pots.
Net twine-Otter trawls	A hard laid twine, usually 2, 3, or 4 ply in sizes from #600 to #1355 used for the manufacture of hard fiber fishing nets. Also for mending nets.

[F. R. Doc. 47-3745; Filed, Apr. 16, 1947; 11:24 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1300—PROCEDURE

[Rev. Procedural Reg. 3, as Amended,[1] Amdt. 1]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS, AND INTERPRETATIONS UNDER RENT REGULATIONS

Revised Procedural Regulation No. 3, as amended, is amended in the following respects:

1. Section 1300.208 (b) is amended to read as follows:

(b) Where the petition requests a certificate relating to eviction pursuant to section 6 (b) of the rent regulations, a copy of the landlord's petition and all supporting documents shall be served by the rent director upon the tenant of the housing accommodations concerned and the tenant shall be provided an opportunity to present objections or other written evidence prior to entry of any final order on the petition. A copy of such final order shall be served by the rent director upon the tenant: *Provided, however,* That the provisions of this paragraph shall not apply where the petition on its face clearly fails to set forth facts justifying the issuance of a certificate.

2. Section 1300.209 (a) is amended to read as follows:

§ 1300.209 *Tenants' and landlords' applications for review in cases concerning certificates relating to eviction.* (a) Any tenant occupying housing accommodations as to which a certificate relating to eviction has been issued by order of a rent director pursuant to section 6 (b) of the rent regulations may file with the rent director a tenant's application for review of such determination by the Regional Administrator for the region in which the defense-rental area office is located. An original and two copies of such application, prepared upon a form prescribed by the Administrator, and pursuant to instructions stated on such form, shall be filed with the rent director.

This amendment shall become effective April 16, 1947.

Issued this 16th day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-3751; Filed, April 16, 1947; 11:41 a. m.]

[1] 12 F. R. 1143.

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,[1] Amdt. 28 (§ 1388.1411)]

HOUSING IN ATLANTIC COUNTY AREA

Section 1 (b) (7) of the rent regulation for Housing in the Atlantic County Defense-Rental Area is amended to read as follows:

(7) *Subletting.* The subletting or other subrenting of housing accommodations for a term beginning on or after June 1, 1947 and ending on or before September 30, 1947 by a tenant who re-

[1] 11 F. R. 12084, 14189; 12 F. R. 231, 921, 1984.

mained in occupancy and used the accommodations as his home from January 1, 1947 to the date of subletting or other subrenting.

This amendment shall become effective April 16, 1947.

Issued this 16th day of April 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement To Accompany Amendment 28 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area

By previous actions, the Administrator exempted from regulation during previous summer seasons the subletting of housing accommodations in the Atlantic County defense-rental area. Heretofore the exemption of subletting was not limited to tenant-occupied dwelling units. As a result the exemption was the subject of abuse by some landlords who have used the device of a fictitious tenant to obtain exemption from rent control. In order to more effectively prevent this type of evasion and circumvention of the regulation the accompanying amendment limits the exemption for 1947 to situations in which the subletting is done by a tenant who remained in occupancy and used the accommodations as his home from January 1, 1947 to the date of the subletting. The Administrator deems this limitation on the exemption to be reasonable.

In the judgment of the Price Administrator, this amendment is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendment unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulation and the act. To the extent that the provisions of this amendment compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulation and the act.

[F. R. Doc. 47-3750; Filed, Apr. 16, 1947; 11:41 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 10—DELEGATIONS OF AUTHORITY

REGIONAL DIRECTORS TO ISSUE REVOCABLE PERMITS

Part 10 is amended by adding a new § 10.7, reading as follows:

§ 10.7 *Regional Directors to issue revocable permits.* (a) The appropriate Regional Directors, as designated in §§ 01.30 and 01.82 of this chapter, are authorized to issue revocable business concession, grazing, and special use permits for use and occupancy of the Federally-owned lands, buildings, and property within the parks and monuments for all authorized purposes, including commercial operations, occupancy of quarters, haying, farming, grazing of livestock, livestock driveways, and other agricultural and special uses not excepted in paragraph (b) of this section.

(b) The delegation of authority in paragraph (a) of this section shall not apply to the issuance of licenses and permits for the purposes enumerated in paragraphs (c) and (d) of § 2.31 of this chapter.

(c) The provisions of this section shall become effective on May 15, 1947. (See 36 CFR, Part 2 (12 F. R. 2036)) (Pub. Law 404, 79th Cong., 60 Stat. 237)

Issued this 11th day of April 1947.

[SEAL] NEWTON B. DRURY,
Director.

[F. R. Doc. 47-3615; Filed, Apr. 16, 1947; 8:50 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 210—STATEMENTS OF GENERAL POLICY AND INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

COVERAGE OF TRUCK DRIVERS EMPLOYED BY OIL DEALERS

§ 210.1 *Coverage of truck drivers employed by oil dealers.* The Division of Public Contracts returns to the interpretation contained in rulings and Interpretations No. 2 [1] with respect to coverage of truck drivers employed by oil dealers, by amending section 40 (e) (1) of rulings and Interpretations No. 3 [1] to read as follows:

Where the contractor is a dealer, the act applies to employees at the central distributing plant, including warehousemen, compounders, and chemists testing the lot out of which the Government order is filled, the crews engaged in loading the materials in vessels, tank cars or tank wagons for shipment, and truck drivers engaged in the activities described in section 37 (m) above.[2] However, the contractor is not required to show that the employees at the bulk stations, including truck drivers, are employed in accordance with the standards of the act. (Bulk stations as the term is used herein are intermediate points of storage between a central distributing plant and service stations.)

(Sec. 3 (a) Pub. Law 404, 79th Cong., 60 Stat. 238)

Dated: April 11, 1947.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 47-3622; Filed, Apr. 16, 1947; 8:49 a. m.]

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

[2] Refers to rulings and Interpretation No. 3.

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circ. 1645]

PART 147—EXCHANGES BY STATES UNDER TAYLOR GRAZING ACT

MISCELLANEOUS AMENDMENTS

Part 147 as amended by Circular 1617, June 20, 1946 (11 F. R. 7434), and Circular 1625, November 1, 1946 (11 F. R. 13465), is further amended as follows:

1. Section 147.2 is amended to read as follows:

§ 147.2 *Lands which may be offered in exchange.* Lands offered in exchange by a State may be lands owned by the State within or without the boundary of a grazing district, and the selected lands may be surveyed grazing district lands not otherwise appropriated or reserved, or unappropriated and unreserved surveyed public lands of the United States, within the same State. If, however, the selected lands are within a grazing district, the lands offered by the State in exchange must be within the same grazing district and such selected lands must lie in a reasonably compact body so as not to interfere with the administration or value of the remaining lands in the district for grazing purposes.

An application for exchange may be made on the basis of equal area or equal value. However, with respect to all exchange applications filed after the date of the regulations in this part the Secretary of the Interior will consider and determine the value of the offered and selected land and will not approve an exchange unless the values of the offered and selected land are approximately equal. In determining such values, consideration will be given to such matters as the actual appraised value of the lands, the benefits of consolidation or blocking out of land holdings by the State and the Federal Government as a result of the proposed exchange, the size of the areas involved, the value of the surface or other resources, including such reservations of minerals or easements as may be made by the State or the United States, and any other considerations which may have appropriate bearing on the value of the lands involved.

When mineral lands are selected in an exchange based upon equal acreage, the patent will contain a reservation of all minerals to the United States, and in any exchanges based upon equal acreage, the State may offer mineral lands owned by the State, with a mineral reservation to the State.

Unsurveyed school sections within or without the boundary of a grazing district may be offered by the State in an exchange based upon equal areas, but no mineral reservations to the State may be made in such unsurveyed sections, the identification of which will be determined by protraction or otherwise, the

State by such selections waiving all rights to the unsurveyed sections.

State-owned lands, as well as school sections surveyed and unsurveyed the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district. Where the selected lands are within a grazing district, lands within the exterior boundaries of the grazing district and also within such reservations or withdrawals may be offered as a basis for an exchange only if the Secretary of the Interior determines that the exchange would not interfere with the administration or value of the remaining lands in the grazing district for grazing purposes.

2. Section 147.4 is amended to read as follows:

§ 147.4 *Application for exchange; evidence required.* A State desiring to exchange lands under section 8 of the Taylor Grazing Act (48 Stat. 1269; 43 U. S. C. 315–315n, 1171) should file application, in triplicate, in the district land office having jurisdiction over the selected lands, or in the Bureau of Land Management when there is no district land office within the State. Such application should describe the lands offered to the Government as well as those selected in exchange, by legal subdivisions of the public land surveys, or by entire sections, and nothing less than a legal subdivision may be surrendered or selected.

The application for exchange should identify the grazing district or districts in which the offered or selected lands are situated, if such lands lie within a grazing district, and should state whether the State desires the proposed exchange to be based upon equal value or equal acreage. In addition, the application should state whether or not any reservations of minerals, easements, or other rights of use in or to the offered lands are desired, and what use thereof is contemplated, whether the State consents to a reservation of minerals to the United States in the selected lands and what other reservations or easements which are to be made by the United States with respect to the selected lands are acceptable to the State. Each application for an exchange must be accompanied by the following certificate and statement:

(a) A certificate by the selecting agent showing that the selection is made under and pursuant to the laws of the State; that the lands selected and the lands relinquished are approximately of equal value, unless the exchange is proposed to be based on equal areas; that the State is the owner of the lands offered in exchange, if such is the case; that the offered lands are not the basis of another selection or exchange, and that the selected lands are unappropriated and are not occupied, claimed, improved, or cultivated by any person adversely to the State.

(b) A corroborated statement relative to springs and water holes on the selected lands in accordance with the regulations in §§ 292.1 to 292.9, inclusive, of this chapter.

3. Section 147.6 is revoked.

4. Sections 147.7 to 147.16 are renumbered §§ 147.6 to 147.15, respectively.

5. The first sentence of § 147.8, renumbered § 147.7, is amended to read as follows:

§ 147.7 *Additional evidence required.* After considering the application and any evidence relative thereto as he may deem necessary, the Director of the Bureau of Land Management, unless he has reason to do otherwise, will with the approval of the Secretary of the Interior, issue notice for publication of the contemplated exchange, and will require the State, through the Manager of the District Land Office, to submit proof of publication of notice, a duly recorded deed of conveyance of the offered lands (unless such offered lands are not owned by the State), a certificate of the proper State officer showing that the offered lands have not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or official custodian of the records of transfers of real estate in the proper county, or by an abstractor or abstract company satisfactory to the Department of the Interior, that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file in his office. * * *

6. Section 147.15, renumbered § 147.14, is amended to read as follows:

§ 147.14 *No indemnity right accrues by the inclusion of school sections within grazing districts.* A grazing district is not a reservation within the meaning of the act of February 28, 1891 (26 Stat. 796; 43 U. S. C. 851, 852), and therefore school sections, surveyed or unsurveyed, within a grazing district are not for that reason only valid base for indemnity school land selections under said act of 1891. The inclusion of unsurveyed school sections within a grazing district will not prevent the title to such lands from vesting in the State upon the acceptance of the plat of survey thereof by the Director of the Bureau of Land Management.

Granted school sections owned by a State within or without the boundaries of a grazing district may be assigned by the State as a basis for an equal value, or equal area exchange, and unsurveyed school sections within or without the boundaries of a grazing district may be assigned by the State as a basis for an equal area exchange.

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

FRED W. JOHNSON,
Director.

Approved: April 7, 1947.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 47-3616; Filed, Apr. 16, 1947; 8:50 a. m.]

Appendix—Public Land Orders

[Public Land Order 363]

ALASKA

REVOKING EXECUTIVE ORDER NO. 1513 OF APRIL 1, 1912, WITHDRAWING PUBLIC LAND FOR USE OF THE AGRICULTURAL DEPARTMENT AS AN EXPERIMENT STATION

By virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847 (43 U. S. C. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 1513 of April 1, 1912, withdrawing certain public lands fronting on Kalsin Bay on Kodiak Island, Alaska, for the use of the Agricultural Department as an experiment station, is hereby revoked.

The land is subject to Executive Order No. 8344 of February 10, 1940, withdrawing certain public lands on Kodiak and other islands for classification and in aid of legislation.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 9, 1947.

[F. R. Doc. 47-3617; Filed, Apr. 16, 1947; 8:50 a. m.]

[Public Land Order 364]

ALASKA

REVOKING EXECUTIVE ORDER NO. 6833 OF AUGUST 28, 1934, WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF AGRICULTURE AND THE ALASKA GAME COMMISSION AS A HEADQUARTERS SITE

By virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497 (43 U. S. C. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6833 of August 28, 1934, withdrawing the public lands on Near Island, off the northeastern shore of Kodiak Island, Alaska, for the use of the Department of Agriculture and the Alaska Game Commission as a headquarters site, is hereby revoked.

The lands are subject to Executive Order No. 8344 of February 10, 1940, withdrawing Kodiak and other islands, including all adjacent islands within two miles from the shores thereof for classification and in aid of legislation.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 9, 1947.

[F. R. Doc. 47-3618; Filed, Apr. 16, 1947; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 396, Amdt. 6]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNMENT OF PERISHABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of April A. D. 1947.

Upon further consideration of Service Order No. 396 (10 F. R. 15008), as amended (11 F. R. 1627, 4038, 9453; 12 F. R. 1235, 2288), and good cause appearing therefor, *It is ordered*, That:

Service Order No. 396, Perishables-Restrictions on Reconsigning, (codified as 49 CFR § 95.396), as amended, be, and it is hereby, further amended by adding the following paragraph (j) thereto:

(j) *Reconsigning involving backhaul prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall reconsign or execute reconsigning orders when such reconsigning involves, requires or results in any backhaul, nor when such reconsigning requires or results in a car moving through or to a point where that car had previously been transported in through or continuous movement.

It is further ordered, That this amendment shall become effective at 12:01 a. m., April 16, 1947, and it shall apply only on cars to be diverted or reconsigned on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3627; Filed, Apr. 16, 1947; 8:53 a. m.]

[S. O. 646, Amdt. 1]

PART 95—CAR SERVICE

ICING AT ROSEVILLE, SAN JOSE OR STOCKTON, CALIF.

At a session of the Interstate Commerce Commission Division 3, held at its office in Washington, D. C., on the 11th day of April A. D. 1947.

Upon further consideration of Service Order No. 646 (11 F. R. 14109), and good cause appearing therefor: it is ordered, that:

Section 95.646 *Icing at Roseville, San Jose or Stockton*, of Service Order No. 646, be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective 12:01 a. m., April 15, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Divison of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3628; Filed, Apr. 16, 1947; 8:54 a. m.]

[S. O. 692, Amdt. 1]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNMENT OF LUMBER

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of April A. D. 1947.

Upon further consideration of Service Order No. 692 (12 F. R. 1685), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 692, Lumber-Restrictions on Holding for Diversion, Reconsignment or Disposition (codified as 49 CFR § 95.692), be, and it is hereby, amended by adding the following paragraph (h) thereto:

(h) *Reconsigning involving backhaul prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall reconsign or execute reconsigning orders when such reconsigning involves, requires or results in any backhaul, nor when such reconsigning requires or results in a car moving through or to a point where that car had previously been transported in through or continuous movement.

It is further ordered, That this amendment shall become effective at 12:01 a. m., April 16, 1947, and it shall apply only on cars to be diverted or reconsigned on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroad subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3626; Filed, Apr. 16, 1947; 8:53 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Parts 402, 403, 410]

EMPLOYMENT TAXES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations herein set forth in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1429, 1535, and 1609 of the Internal Revenue Code (53 Stat. 178, 183, 188; 26 U. S. C. 1429, 1535, 1609) and sections 1, 2, 3, 401, and 402 of the act approved July 31, 1946 (Pub. Law 572, 79th Cong.).

Subchapter D—Employment Taxes

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

PART 410—EMPLOYERS' TAX, EMPLOYEES' TAX, AND EMPLOYEE REPRESENTATIVES' TAX UNDER THE CARRIERS TAXING ACT OF 1937 AND SUBCHAPTER B OF CHAPTER 9 OF THE INTERNAL REVENUE CODE

Regulations 100 only as made applicable to the Internal Revenue Code by

Treasury Decision 4885, Regulations 106, and Regulations 107, amended to conform to certain provisions of the act approved July 31, 1946 (Pub. Law 572, 79th Cong.).

In order to conform Regulations 100 (26 CFR, Part 410) only as made applicable to the Internal Revenue Code by Treasury Decision 4885 (26 CFR, Cum. Supp., p. 5876), relating to the employers' tax, employees' tax, and employee representatives' tax under Subchapter B of Chapter 9 of the Internal Revenue Code, Regulations 106 (26 CFR, Part 402), relating to the employees' tax and employers' tax under the Federal Insurance Contributions Act (Subchapter A, Chapter 9, Internal Revenue Code), and Regulations 107 (26 CFR, Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (Subchapter C, Chapter 9, Internal Revenue Code), to sections 1, 2, 3, 401, and 402 of the act approved July 31, 1946 (Pub. Law 572, 79th Cong.), such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 410.1 (Article 1) the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "if" where it first appears therein insert "(i)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" * * *. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation".

SECTION 3 (e) AND (f) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) and (f) shall be effective only with respect to services rendered after December 31, 1946. * * *

SECTION 3 (g) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(g) Subchapter B of Chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 1538. TITLE OF SUBCHAPTER. This subchapter may be cited as the "Railroad Retirement Tax Act".

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Except as otherwise provided in this act, the provisions thereof shall become effective upon approval.

PAR. 2. Section 410.1 (Article 1) is amended as follows:

(A) By striking out the heading thereof and inserting in lieu thereof the following:

§ 410.1 *Definitions of miscellaneous terms; applicability of provisions of Internal Revenue Code.*

(B) By inserting at the end of § 410.1 the following:

(m) "Railroad Retirement Tax Act" means Subchapter B of Chapter 9 of the Internal Revenue Code, as amended.

(n) *"Internal Revenue Code"* means the act approved February 10, 1939 (53 Stat., Part 1), entitled "An Act To Consolidate and Codify the Internal Revenue Laws of the United States", as amended.

Subchapter B of Chapter 9 of the Internal Revenue Code corresponds to and, effective April 1, 1939, superseded the Carriers Taxing Act of 1937. Such subchapter comprises certain sections numbered from 1500 to 1538, both inclusive. All provisions of, or references to, the Carriers Taxing Act of 1937 or other laws of the United States which have been codified in the Internal Revenue Code, but which remain in the regulations in this part as made applicable to the Code, shall be deemed to be, and shall be read as if they were, the corresponding provisions of the Internal Revenue Code or references thereto.

PAR. 3. Section 410.2 (f) (Article 2 (f)) is amended to read as follows:

(f) Any subordinate unit of a national railway-labor-organization employer, that is, any State or National legislative committee, general committee, insurance department, or local lodge or division, of an employer as defined in paragraph (e) of this section, established pursuant to the constitution and bylaws of such employer.

PAR. 4. Immediately following the provisions of law under the caption "Sections 3 and 4 of the Act approved August 13, 1940 (Pub. No. 764, 76th Cong., 3d Sess.)", added by Treasury Decision 5017, approved October 24, 1940, preceding § 410.3 (Article 3), the following is inserted:

SECTION (3) (E) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his em-

ployment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided*, That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

PAR. 5. Immediately preceding the caption "Section 1 (h) and (i) of the act" which precedes § 410.3 (article 3), the following is inserted:

SECTION 14 OF THE ACT APPROVED APRIL 8, 1942 (PUB. LAW 520, 77TH CONG.)

The first proviso in subsection (d) of section 1532 of the Internal Revenue Code, approved February 10, 1939 (53 Stat. 1), is hereby amended to read as follows: "*Provided, however*, That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable:".

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Internal Revenue Code when that code was enacted on February 10, 1939 * * *.

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "if" where it first appears therein insert "(i)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" * * *. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation".

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) * * * shall be effective only with respect to services rendered after December 31, 1946. * * *

PAR. 6. Section 410.3 (Article 3) as amended by Treasury Decision 5017 and by Treasury Decision 5161, approved July 6, 1942, is further amended as follows:

(A) By striking out the last sentence of the first paragraph and the whole of the second paragraph of § 410.3 (a) and inserting in lieu thereof the following:

* * * An individual performing services as an independent contractor is not subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services.

An individual rendering professional or technical services or other personal services prior to January 1, 1947, to an employer for compensation is in the service of the employer if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. The fact that an individual rendering professional or technical services prior to January 1, 1947, is integrated into the staff of an employer is an important factor indicating that such individual is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. With respect to other personal services rendered prior to January 1, 1947, the fact that such services are rendered on the property used in the employer's operations and that the rendition of such services is integrated into the employer's operations are important factors indicating that the individual rendering such services is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. However, with respect to professional or technical services or other personal services rendered after December 31, 1946, the aforementioned factors are not merely indicia of the continuing authority of the employer to supervise and direct the manner of rendition of such services but instead constitute independent tests for determining whether the individual rendering such services is in the service of the employer with respect to the rendition of such services. Thus, an individual rendering professional or technical services to an employer for compensation is in the service of the employer with respect to such services rendered after December 31, 1946, if he is integrated into the staff of the employer. Likewise, an individual rendering other personal services to an employer for compensation is in the service of the employer with respect to such services rendered after December 31, 1946, if the services are rendered on the property used in the employer's operations and the rendition of such services is integrated into the employer's operations. Under the two tests last mentioned, an individual rendering professional or technical services or other personal services after December 31, 1946, as an independent contractor may be, as to such services, in the service of an employer.

(B) By striking out the parenthetical cross-reference at the end of subparagraph (1) of § 410.3 (b).

(C) By striking out subparagraph (2) of § 410.3 (b) and inserting in lieu thereof the following:

(2) An individual in the service of a local lodge or division is not an employee within the meaning of the law and the regulations in this part unless he was, on or after August 29, 1935, in the service of a carrier (see paragraph (a) of this section) or he was, on August 29, 1935, in the "employment relation" to a carrier.

With respect to services rendered prior to January 1, 1947, an individual was in the employment relation to a carrier on August 29, 1935, if on that date he was, in accordance with the established rules and practices in effect on the carrier, on furlough subject to call for service within or without the United States and ready and willing to serve, or on

leave of absence, or absent on account of sickness or disability. However, an individual shall not be deemed to have been in the employment relation to a carrier on August 29, 1935, unless during the last pay-roll period before August 29, 1935, in which he rendered service to it, he was, with respect to that service, in the service of an employer (see paragraph (a) of this section).

With respect to services rendered after December 31, 1946, an individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (*a*) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (*b*) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (c) if he was so called he was solely for such reason unable to render service in six calendar months as provided in subdivision (ii) of this subparagraph; or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights. However, an individual shall not be deemed to have been in the employment relation to a carrier on August 29, 1935, if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not, with respect to any service in such pay-roll period, in the service of an employer (see paragraph (a) of this section).

(For definition of carrier, see § 410.2 (a).

(D) By inserting at the end of subparagraph (3) of § 410.3 (c) the following: "However no part of his remuneration for such service rendered after December 31, 1946, shall be regarded as compensation if the application of such mileage formula, or such other formula as the Railroad Retirement Board may have prescribed, would result in his compensation for the service being less than 10 percent of his remuneration for such service."

(E) By striking out the parenthetical cross-reference at the end of § 410.3 (c).

PAR. 7. Immediately following the provisions of law under the caption "Section 27 of the Act Approved October 10, 1940 (Pub. No. 833, 76th Cong., 3d Sess.)," added by Treasury Decision 5029, approved December 27, 1940, preceding § 410.5 (article 5), the following is inserted:

SECTION 3 (F) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *

The amendments to section 1532 of the Internal Revenue Code made by sections * * * 3 * * * (f) shall be effective only with respect to services rendered after December 31, 1946. * * *

PAR. 8. Section 410.5 (Article 5), as amended by Treasury Decisions 5029 and 5161, is further amended to read as follows:

§ 410.5 *Definition of "compensation."* The term "compensation" means all remuneration in money, or in something which may be used in lieu of money (for example, scrip and merchandise orders), which is earned by an individual for services rendered as an employee to one or more employers, or as an employee representative. A payment for services rendered after December 31, 1946, which is made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by such individual as an employee of the employer. Likewise, a payment for services rendered after December 31, 1946, which is made by an employee organization (that is, a railway labor organization which is not included as an employer under the act) to an employee representative through the organization's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by the employee representative as such.

The term "compensation" is not confined to amounts earned or paid for active service, but includes amounts earned or paid for an identifiable period during which the employee is absent from the active service of the employer and, in the case of an employee representative, amounts earned or paid for an identifiable period during which the employee representative is absent from the active service of the employee organization. Amounts paid to an employee for an identifiable period of absence from the active service of the employer on acount of personal injury are included within the term "compensation". Like payments made to an employee representative on account of personal injury also constitute compensation. If a payment is made to an employee or employee representative with respect to a personal injury and includes pay for an identifiable period of absence from active service, the total payment shall be deemed to be paid for such period of absence from active service unless, at the time of payment, a part of such payment is specifically apportioned to factors other than absence from active service, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for such period of absence from active service. The presumption set forth in the preceding sentence is applicable only with respect to an identifiable period of absence from active service after December 31, 1946. Amounts paid to an employee or employee representative for loss of earnings during an identifiable period as the result of the displacement of the employee or employee representative to a less remunerative position or occupation shall be deemed to be paid for absence from active service during such period. Such amounts are also included within the term "compensation".

The term "compensation" does not include tips, or the voluntary payment by an employer of the employees' tax, without the deduction of such tax from the remuneration of the employee.

(See § 410.7, relating to when compensation is earned. See also §§ 410.201, 410.301, and 410.401, relating to the amount of compensation included for the purpose of determining the employees' tax, the employers' tax, and the employee representatives' tax, respectively. For special provisions relating to the compensation of certain general chairmen or assistant general chairmen of a general committee of a railway-labor-organization employer, see § 410.3 (c).

PAR. 9. Section 410.6 (Article 6) is amended by inserting at the end thereof the following: "For provisions relating to payments for personal injury or for loss of earnings resulting from displacement to a less remunerative position or occupation, see § 410.5."

PAR. 10. Section 410.7 (Article 7) is amended by striking out the parenthetical cross-reference at the end of such section and inserting in lieu thereof the following: "A payment made by an em-

ployer or employee organization (that is, a railway labor organization which is not included as an employer under the act) to an individual through the pay roll of the employer or employee organization for a period commencing after December 31, 1946, shall be presumed, in the absence of evidence to the contrary, to be for services rendered by such individual in the period covered by the pay roll and, thus, to have been earned in such period. (See §§ 410.5 and 410.6)."

PAR. 11. Immediately preceding the caption "Section 27 of the Act Approved October 10, 1940 (Pub. No. 833, 76th Cong., 3d sess.)", added by Treasury Decision 5029, which precedes § 410.201 (Article 201), the following is inserted:

SECTION 3 (A) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(a) Section 1500 of the Internal Revenue Code is amended to read as follows:

SEC. 1500. RATE OF TAX. In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee a tax equal to the following percentages of so much of the compensation, paid to such employee after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * The amendments made by section 3 (a) * * * shall take effect January 1, 1947. Sections 1500 * * * of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this Act are not applicable.

PAR. 12. Section 410.201 (Article 201), as amended by Treasury Decision 5029, is further amended as follows:

(A) By striking out paragraph (a) and inserting in lieu thereof the following:

(a) *General rule*—(1) *Compensation earned or paid prior to January 1, 1947.* Except as provided in paragraph (b) of this section:

(i) The employees' tax with respect to compensation earned prior to January 1, 1947, is measured by the amount of compensation earned prior to such date by an individual as an employee for services rendered to one or more employers after March 31, 1939, excluding, however, the amount of such compensation in excess of $300 which is earned by the employee for services rendered during any one calendar month;

(ii) The employees' tax with respect to compensation paid prior to January 1, 1947, for services rendered after December 31, 1946, is measured by the amount of compensation paid prior to January 1, 1947, to an individual for services rendered as an employee to one or more employers after December 31, 1946, excluding, however, the amount of such compensation in excess of $300 which is paid prior to January 1, 1947, to the employee for services rendered during any one calendar month after 1946.

(For the purposes of the regulations in §§ 410.201 to 410.203, inclusive, see §§ 410.5, 410.6, 410.7, and 410.8, relating to compensation.)

(2) *Compensation paid after December 31, 1946, for services rendered after such date.* Except as provided in paragraph (b) of this section, the employees' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is measured by the amount of compensation paid after December 31, 1946, to an individual for services rendered as an employee to one or more employers after such date, excluding, however, the amount of such compensation in excess of $300 which is paid after December 31, 1946, to the employee for services rendered during any one calendar month after 1946.

(B) By striking out the designation "(b)" and inserting in lieu thereof the following:

(b) *Exception; employee of local lodge or division of railway-labor-organization employer.*

PAR. 13. Section 410.202 (Article 202) is amended to read as follows:

§ 410.202 *Rates and computation of employees' tax*—(a) *Compensation earned or paid prior to January 1, 1947.* The rates of employees' tax applicable for the respective calendar years with respect to compensation either earned or paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939	2¾
Compensation earned during the calendar years 1940, 1941, 1942	3
Compensation earned during the calendar years 1943, 1944, 1945	3¼
Compensation earned during the calendar years 1946, 1947, 1948	3½
Compensation earned during the calendar year 1949 and subsequent calendar years	3¾

The employees' tax with respect to compensation either earned or paid prior to January 1, 1947, is computed by applying to the amount of the employee's compensation with respect to which the employees' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The rates of employees' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, for services rendered after such date are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948	5¾
Compensation paid during the calendar years 1949, 1950, 1951	6
Compensation paid during the calendar year 1952 and subsequent calendar years	6¼

The employees' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is computed by applying to the amount of the employee's compensation with respect to which the employees' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 14. Immediately preceding the caption "Section 607 of the Revenue Act of 1934, made applicable by Section 7 (c) of the Act" which precedes § 410.203 (Article 203), the following is inserted:

SECTION 3 (b) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(b) The second sentence of section 1501 (a) of the Internal Revenue Code is amended to read as follows: "If an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1946 and the aggregate of such compensation is in excess of $300, the tax to be deducted by each employer other than a subordinate unit of a national railway-labor-organization employer from the compensation paid by him to the employee with respect to such month shall be that portion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall deduct such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month."

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * The amendments made by section 3 * * *

(b) * * * shall take effect January 1, 1947. * * *

PAR. 15. Section 410.203 (Article 203) is amended as follows:

(A) By striking out paragraph (a) and inserting in lieu thereof the following:

(a) *Collection; general rule.* The employer shall collect from each of his employees the employees' tax imposed with respect to the compensation of the employee by deducting or causing to be deducted the amount of such tax from the compensation subject to the tax as and when such compensation is paid. (As to the measure of the employees' tax, see § 410.201.

(B) By striking out paragraph (b) and inserting in lieu thereof the following:

(b) *Collection; aggregate monthly compensation in excess of $300 paid by two or more employers*—(1) *Compensation earned or paid prior to January 1, 1947.* If during any one calendar month before 1947 an employee earns compensation from two or more employers and if the aggregate of such compensation paid is in excess of $300, each employer shall deduct, from the compensation as and when paid by him to the employee, the employees' tax with respect to that proportion of $300 of compensation which the compensation paid by such employer to the employee for the month bears to the total compensation paid to such employee by all employers for that

month. If an employee is paid compensation prior to January 1, 1947, by two or more employers for services rendered during any one calendar month after 1946, and if the aggregate compensation paid to such employee prior to January 1, 1947, by all employers for services rendered during such month is in excess of $300, each employer shall deduct, from the compensation as and when paid by him to the employee, the employees' tax with respect to that proportion of $300 of compensation which the compensation paid by such employer prior to January 1, 1947, to the employee for the month bears to the total compensation paid prior to January 1, 1947, to such employee by all employers for that month. (See § 410.201 (b), which provides that for the purpose of determining the employees' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

(2) *Compensation paid after December 31, 1946, for services rendered after such date.* If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after 1946, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of $300, the employees' tax to be deducted by each employer from the compensation as and when paid by him to the employee shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 410.2 (f)), each employer shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers for that month (see Example 1, below);

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, each subordinate unit shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such subordinate unit to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month;

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after December 31, 1946, to the employee by the employer other than a subordinate unit equals or exceeds $300 for the month, then no employees' tax shall be deducted by any such subordinate unit from the compensation paid by it after December 31, 1946, to such employee for that month, and the employer other than a subordinate unit shall deduct the employees' tax with respect to $300 of compensation paid by him after December 31, 1946, to such employee for that month (see Example 2, below);

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by the employers other than a subordinate unit equals or exceeds $300 for the month, then no employees' tax shall be deducted by any such subordinate unit from the compensation paid by it after December 31, 1946, to such employee for that month, and each employer other than a subordinate unit shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such employer to the employees for the month bears to the total compensation paid after December 31, 1946, to such employee by all such employers other than a subordinate unit for that month (see Example 3, below);

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate unit is less than $300 for the month, then each employer other than the subordinate unit shall deduct the employees' tax with respect to the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the subordinate unit of a national railway - labor - organization employer shall deduct the employee's tax with respect to the remainder of $300 of compensation less the total compensation paid after December 31, 1946, to such employee for that month by all other employers (see Example 4, below); or

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway - labor - organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate units is less than $300 for the month, then each employer other than the subordinate units shall deduct the employee's tax with respect to the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and each subordinate unit of a national railway-labor-organization employer shall deduct the employee's tax with respect to that proportion of the remainder of $300 of compensation less the total compensation paid after December 31, 1946, to such employee for the month by all employers other than the subordinate units which the compensation paid after December 31, 1946, by such subordinate unit to the employee for that month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month (see Example 5, below).

(See § 410.201 (b), which provides that for the purpose of determining the employees' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

The application of certain of the foregoing principles may be illustrated by the following examples:

Example 1. A, an employee, renders services during January 1947, for employers X, Y, and Z, none of whom is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $100 by X, $100 by Y, and $200 by Z, or an aggregate of $400 for the month. In such case X pays one-fourth of A's aggregate compensation for the month, Y pays one-fourth, and Z pays one-half. X and Y, therefore, are each required to deduct the employees' tax with respect to one-fourth of $300, or $75, and Z is required to deduct the employees' tax with respect to one-half of $300, or $150.

Example 2. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $300 by X, $50 by Y, and $25 by Z. Since the compensation paid A for the month by X equals $300, neither Y nor Z is required to deduct any employees' tax from the compensation paid by them to A for the month; and X is required to deduct the employees' tax with respect to the full $300 paid by him to A for the month.

Example 3. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $200 by W and $200 by X, or an aggregate of $400 for the month, and compensation of $50 by Y and $50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of $300, neither Y nor Z is required to deduct any employees' tax from the compensation paid by them to A for the month. Of the aggregate compensation of $400 paid A for the month by W and X, W pays one-half and X pays one-half. W and X, therefore, are each required to deduct the employees' tax with respect to one-half of $300, or $150.

Example 4. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $250 by X and $100 by Y. In such case X is required to deduct the employees' tax with respect to the full $250 paid by him to A for the month; and Y is required to deduct the employees' tax only with respect to $50 ($300 minus $250 paid by X.)

Example 5. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation

of $140 by W, $100 by X, $50 by Y, and $100 by Z. In such case W and X are each required to deduct the employees' tax with respect to the full amount paid by them to A for the month, that is, W with respect to $140 and X with respect to $100; and Y and Z are each required to deduct the employees' tax with respect to their proportionate share of $60 ($300 minus $240 paid by W and X). Of the aggregate compensation of $150 paid by Y and Z, $50, or one-third, was paid by Y, and $100, or two-thirds, was paid by Z. In such case Y is required to deduct the employees' tax with respect to one-third of $60, or $20, and Z is required to deduct the employees' tax with respect to two-thirds of $60, or $40.

(3) *Undercollections or overcollections.* Any undercollection or overcollection of employees' tax resulting from the employer's inability to determine, at the time compensation is paid, the correct amount of compensation with respect to which the deduction should be made shall be corrected in accordance with the provisions of §§ 410.601 to 410.603, inclusive, relating to an adjustment of employees' tax and employers' tax, and §§ 410.701 to 410.707, inclusive, relating to credits and refunds.

(C) By striking out the designation "(c)" and inserting in lieu thereof the following:

(c) *When fractional part of cent may be disregarded.*

(D) By striking out the designation "(d)" and inserting in lieu thereof the following:

(d) *Employer's liability.*

PAR. 16. Immediately preceding the caption "Section 27 of the Act Approved October 10, 1940 (Pub. No. 833, 76th Cong., 3d Sess.)" which precedes § 410.301 (Article 301), the following is inserted:

SECTION 3 (d) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(d) Section 1520 of the Internal Revenue Code is amended to read as follows:

SEC. 1520. RATE OF TAX. In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of so much of the compensation, paid by such employer after December 31, 1946, for services rendered to him after December 31, 1936, as is, with respect to any employee for any calendar month, not in excess of $300: *Provided, however,* That if an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1936, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation paid to such employee by all such employers after December 31, 1946, for services rendered during such month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * The amendments made by section 3 * * * (d) shall take effect January 1, 1947. Sections * * * 1520 of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this act are not applicable.

PAR. 17. Section 410.301 (Article 301), as amended by Treasury Decision 5029, is further amended to read as follows:

§ 410.301 *Measure of employers' tax—*(a) *General rule—*(1) *Compensation paid prior to January 1, 1947.* Except as provided in paragraphs (b) (1) and (c) of this section, the employers' tax with respect to compensation paid prior to January 1, 1947, is measured by the amount of compensation paid prior to such date by an employer to his employees for services rendered after December 31, 1936, excluding, however, the amount of compensation in excess of $300 which is paid prior to January 1, 1947, by the employer to any employee for services rendered during any one calendar month. (For the purposes of §§ 410.301 and 410.302, see §§ 410.5, 410.6, and 410.7, relating to compensation, and particularly § 410.8, relating to the time when compensation is deemed to be paid.)

(2) *Compensation paid after December 31, 1946.* Except as provided in paragraphs (b) (2) and (c) of this section, the employers' tax with respect to compensation paid after December 31, 1946, is measured by the amount of compensation paid after such date by an employer to his employees for services rendered after Decemeber 31, 1936, excluding, however, the amount of compensation in excess of $300 which is paid after December 31, 1946, by the employer to any employee for services rendered during any one calendar month.

(b) *Aggregate monthly compensation in excess of $300 paid by two or more employers—*(1) *Compensation paid prior to January 1, 1947.* If an employee is paid compensation prior to January 1, 1947, by two or more employers for services rendered during any one calendar month after 1936, and if the aggregate compensation paid to such employee prior to January 1, 1947, by all employers for services rendered during such month is in excess of $300, then there is included in the measure of the employers' tax of each employer with respect to the compensation paid by him prior to January 1, 1947, to the employee for the month only that proportion of $300 which the compensation paid to the employee prior to January 1, 1947, by such employer for the month bears to the total compensation paid prior to January 1, 1947, to such employee by all employers for that month. (See paragraph (c) of this section, which provides that for the purpose of determining the employers' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

(2) *Compensation paid after December 31, 1946.* If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after 1936, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of $300, the measure of the employers' tax of each employer with respect to the compensation paid by him after December 31, 1946, to the employee for the month shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 410.2 (f)), the measure of the employers' tax of each employer shall be that proportion of $300 which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers for that month (see Example 1, below);

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, the measure of the employers' tax of each subordinate unit shall be that proportion of $300 which the compensation paid after December 31, 1946, by such subordinate unit to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month;

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after December 31, 1946, to the employee by the employer other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any employers' tax with respect to the compensation paid by it after December 31, 1946, to such employee for that month, and the measure of the employers' tax of the employer other than a subordinate unit with respect to the compensation paid by him after December 31, 1946, to such employee for that month shall be $300 (see Example 2, below);

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national

railway - labor - organization employer, and if the total compensation paid after December 31, 1946, to the employees by the employers other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any employers' tax with respect to the compensation paid by it after December 31, 1946, to such employee for that month, and the measure of the employers' tax of each employer other than a subordinate unit shall be that proportion of $300 which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such employers other than a subordinate unit for that month (see Example 3, below);

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate unit is less than $300 for the month, then the measure of the employers' tax of each employer other than the subordinate unit shall be the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the measure of the employers' tax of the subordinate unit of a national railway-labor-organization employer shall be the remainder of $300 less the total compensation paid after December 31, 1946, to such employee for that month by all other employers (see Example 4, below); or

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate units is less than $300 for the month, then the measure of the employers' tax of each employer other than the subordinate units shall be the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the measure of the employers' tax of each subordinate unit of a national railway-labor-organization employer shall be that proportion of the remainder of $300 less the total compensation paid after December 31, 1946, to such employee for the month by all employers other than the subordinate units which the compensation paid after December 31, 1946, by such subordinate unit to the employee for that month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month (see Example 5, below).

(See paragraph (c) of this section, which provides that for the purpose of determining the employers' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

The application of certain of the foregoing principles may be illustrated by the following examples:

Example 1. A, an employee, renders services during January 1947, for employers X and Y, neither of whom is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $200 by X and $300 by Y, or an aggregate of $500 for the month. In such case X pays two-fifths of A's aggregate compensation for the month, and Y pays three-fifths. X, therefore, is liable for the employers' tax with respect to two-fifths of $300, or $120, and Y is liable for the employers' tax with respect to three-fifths of $300, or $180.

Example 2. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $350 by X and $50 by Y. Since the compensation paid A for the month by X exceeds $300, Y is not liable for any employers' tax with respect to the compensation paid A for the month; and X is liable for the employers' tax with respect to $300 of the compensation paid by him to A for the month.

Example 3. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $150 by W and $300 by X, or an aggregate of $450 for the month, and compensation of $100 by Y and $50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of $300, neither Y nor Z is liable for any employers' tax with respect to the compensation paid by them to A for the month. Of the aggregate compensation of $450 paid A for the month by W and X, W pays one-third and X pays two-thirds. W, therefore, is liable for the employers' tax with respect to one-third of $300, or $100, and X is liable for the employers' tax with respect to two-thirds of $300, or $200.

Example 4. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $250 by X and $100 by Y. In such case X is liable for the employers' tax with respect to the full $250 paid by him to A for the month; and Y is liable for the employers' tax with respect to $50 ($300 minus $250 paid by X).

Example 5. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $140 by W, $100 by X, $50 by Y, and $100 by Z. In such case W and X are each liable for the employers' tax with respect to the full amount paid by them to A for the month, that is, W with respect to $140 and X with respect to $100; and Y and Z are each liable for the employers' tax with respect to their proportionate share of $60 ($300 minus $240 paid by W and X). Of the aggregate compensation of $150 paid by Y and Z, $50, or one-third, was paid by Y, and $100, or two-thirds, was paid by Z. In such case Y is liable for the employers' tax with respect to one-third of $60, or $20, and Z is liable for the employers' tax with respect to two-thirds of $60, or $40.

(c) *Nominal monthly compensation earned by employee of local lodge or division of railway-labor-organization.* If the amount of compensation earned in any calendar month by an individual as an employee in the service of a local lodge or division of a railway-labor-organization employer is less than $3, such amount shall be disregarded for the purpose of determining the employers' tax, *Provided:*

(1) Such compensation is earned before April 1, 1940, and the taxes thereon are not paid to the collector before July 1, 1940, or

(2) Such compensation is earned after March 31, 1940.

(d) *Underpayments or overpayments.* Any underpayment or overpayment of employers' tax resulting from the employer's inability to determine, at the time such tax is paid, the correct amount of compensation with respect to which the tax should be paid shall be corrected in accordance with the provisions of § 410.603, relating to adjustment of employers' tax, and §§ 410.701 to 410.707, inclusive, relating to credits and refunds.

PAR. 18. Section 410.302 (Article 302) is amended to read as follows:

§ 410.302 *Rates and computation of employers' tax*—(a) *Compensation paid prior to January 1, 1947.* The rates of employers' tax applicable for the respective calendar years with respect to compensation paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939	2¾
Compensation earned during the calendar years 1940, 1941, 1942	3
Compensation earned during the calendar years 1943, 1944, 1945	3¼
Compensation earned during the calendar years 1946, 1947, 1948	3½
Compensation earned during the calendar year 1949 and subsequent calendar years	3¾

The employers' tax with respect to compensation paid prior to January 1, 1947, is computed by applying to the amount of compensation with respect to which the employers' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946.* The rates of employers' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948	5¾
Compensation paid during the calendar years 1949, 1950, 1951	6
Compensation paid during the calendar year 1952 and subsequent calendar years	6¼

The employers' tax with respect to compensation paid after December 31, 1946, is computed by applying to the amount of compensation with respect to which the employers' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 19. Immediately preceding § 410.401 (article 401) the following is inserted:

SECTION 3 (c) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(c) Section 1510 of the Internal Revenue Code is amended to read as follows:

SEC. 1510. RATE OF TAX. In addition to other taxes, there shall be levied, collected, and paid upon the income of each employee representative a tax equal to the following percentages of so much of the compensation, paid to such employee representative after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 11½ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 12 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 12½ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * The amendments made by section 3 * * * (c) * * * shall take effect January 1, 1947. Sections * * * 1510 * * * of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this act are not applicable.

PAR. 20. Section 410.401 (article 401) is amended to read as follows:

§ 410.401 *Measure of employee representatives' tax*—(a) *Compensation earned or paid prior to January 1, 1947.* The employee representatives' tax with respect to compensation earned prior to January 1, 1947, is measured by so much of the compensation earned prior to such date by an individual for services rendered after March 31, 1939, as an employee representative, as does not exceed $300 for any one calendar month. The employee representatives' tax with respect to compensation paid prior to January 1, 1947, for services rendered after December 31, 1946, is measured by so much of the compensation paid prior to January 1, 1947, to an individual for services rendered after December 31, 1946, as an employee representative, as does not exceed $300 for any one calendar month. (For the purposes of §§ 410.401 and 410.402, see §§ 410.5, 410.6, 410.7, and 410.8, relating to compensation.)

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The employee representatives' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is measured by so much of the compensation paid after December 31, 1946, to an individual for services rendered after such date, as an employee representative, as does not exceed $300 for any one calendar month.

PAR. 21. Section 410.402 (article 402) is amended to read as follows:

§ 410.402 *Rates and computation of employee representatives' tax*—(a) *Compensation earned or paid prior to January 1, 1947.* The rates of employee representatives' tax applicable for the respective calendar years with respect to compensation either earned or paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939	5½
Compensation earned during the calendar years 1940, 1941, 1942	6
Compensation earned during the calendar years 1943, 1944, 1945	6½
Compensation earned during the calendar years 1946, 1947, 1948	7
Compensation earned during the calendar year 1949 and subsequent calendar years	7½

The employee representatives' tax with respect to compensation either earned or paid prior to January 1, 1947, is computed by applying to the amount of compensation with respect to which the employee representatives' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The rates of employee representatives' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, for services rendered after such date are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948	11½
Compensation paid during the calendar years 1949, 1950, 1951	12
Compensation paid during the calendar year 1952 and subsequent calendar years	12½

The employee representatives' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is computed by applying to the amount of compensation with respect to which the employee representatives' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 22. Section 410.806 (c) (Article 806 (c)) is amended by inserting at the end thereof the following: "With respect to services rendered after December 31, 1946, the records of each individual liable for employee representatives' tax shall show, in lieu of the information required by paragraph (2), above, the amount and date of each payment of compensation (including any sum withheld therefrom) earned as an employee representative and as an employee and the period of services covered by such payment."

PAR. 23. Immediately preceding § 402.216, the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "if" where it first appears therein insert "(i)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" * * *. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation.

SECTION 3 (e) AND (f) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) and (f) shall be effective only with respect to services rendered after December 31, 1946. * * *

SECTION 3 (G) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Subchapter B of Chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 1538. *Title of subchapter.* This subchapter may be cited as the "Railroad Retirement Tax Act."

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Except as otherwise provided in this act, the provisions thereof shall become effective upon approval.

PAR. 24. Immediately preceding § 403.216, the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1 (e) of the Railroad Unemployment Insurance Act * * * are each amended as follows: After the word "if" where it first appears therein insert "(1)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" * * *. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation".

SECTION 2 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1 (i) of the Railroad Unemployment Insurance Act is amended by substituting for the word "payable" the word "paid"; and by inserting * * * at the end of said section 1 (i) of the Railroad Unemployment Insurance Act, the following: "A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, 'for time lost' the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8, the period during which such compensation will have been earned." * * *

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Except as otherwise provided in this act, the provisions thereof shall become effective upon approval.

[SEAL] JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

[F. R. Doc. 47-3646; Filed, Apr. 16, 1947; 8:56 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 319]

EUROPEAN CORN BORER AND OTHER DANGEROUS INSECTS AND PLANT DISEASES

NOTICE OF PROPOSED AMENDMENT TO REVISED RULES AND REGULATIONS

It is required by Regulation 5 of the revised rules and regulations supplemental to notice of Quarantine No. 41 (second revision) on account of the European corn borer and other dangerous insects and plant diseases (7 CFR 319.41-5) issued under section 7 of the Plant Quarantine Act (7 U. S. C. 160), that shelled corn imported into the United States from Canada shall be accompanied by an original certificate issued by a duly authorized official of the Canadian Department of Agriculture stating that the material in question covered by the certificate was thoroughly inspected by him or under his direction at the time of shipment and was found, or is believed to be, free from infestation with the European corn borer and other insect pests and plant diseases and free from admixture of cobs or other portions of the plant. The Dominion of Canada enforces a similar requirement for shelled corn imported into its jurisdiction from the United States.

Our requirement has been in effect for the past 20 years and during that period no living corn borer larva has been found in cleaned shelled corn from Canada. The Canadian inspection records are said to indicate similarly that the requirement of inspection and certification prior to shipment is an unnecessary precaution. Moreover, the fulfillment of this requirement is burdensome to the plant quarantine and cooperating agencies of both countries, as well as to the shippers.

After a careful consideration of the foregoing information, the United States Department of Agriculture is now considering the advisability of amending the said revised rules and regulations to eliminate the requirement of inspection and certification of clean, shelled corn prior to shipment from Canada.

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 calendar days after the publication of this notice.

Issued this 11th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3624; Filed, Apr. 16, 1947; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

MODIFICATION OF FM RULES, STANDARDS, AND ALLOCATION PLAN

PROPOSED RULE MAKING

APRIL 10, 1947.

The Commission today announced the adoption of a notice [1] proposing to amend its FM rules and engineering standards and scheduling a hearing on May 8 and 9 concerning the proposed changes. The Commission also issued a proposed revision of the tentative allocation plan for Class B FM stations which would be employed if the proposed amendments to the rules and standards are made final. The Commission believes that the proposed changes would provide substantially improved FM allocation and would prevent interference as has occurred recently in several instances.

The present FM rules and standards were adopted by the Commission following hearings held in the summer of 1945. On the basis of information and testimony, it was concluded that FM receivers would not be subject to objectionable interference from stations operating on alternate channels (400 kc removed from the desired station). Accordingly, the FM standards adopted by the Commission in September, 1945, provided for op-

[1] See F. R. Doc. 47-3636, *infra*.

eration of stations in a city on alternate channels. Separate blocks of frequencies were provided for Community (now Class A) and Metropolitan-Rural (now Class B) stations, and a tentative allocation plan for Class B stations was adopted in order to provide an equitable distribution of facilities. No allocation plan was adopted for Class A stations, since this appeared unnecessary; further, simpler application and allocation procedures were adopted for Class A stations. The Commission endeavored to provide from one and one-half to two times as many Class B channels per city as AM stations, with a limit of 20 Class B channels for major cities like New York. Employing alternate channels, such cities thus required 40 of the 60 Class B channels. The remaining 20 Class B channels were used in allocating stations for adjacent major cities. This plan tended to group channels 400 kc apart in most cities as a result of the necessary grouping in major cities and the interrelation between cities in any overall allocation plan.

At the present time 34 stations in 13 cities are in operation on channels that are 400 kc from other stations operating in the respective cities. Although listeners have reported few cases of interference to the Commission, several broadcast stations have reported such cases in their cities. In some instances, interference has not been reported but difficulty has been experienced in identifying stations close together on the dial.

Since FM receiver characteristics are, of course, a governing factor in FM allocation, the Commission is studying the selectivity and other characteristics of various types of present FM receivers and at the same time is endeavoring to anticipate the probable characteristics of FM receivers to be produced in the future. Provision is made for further revision of the interference standards upon completion of such studies.

The changes proposed in the FM rules and standards would intersperse Class A and Class B stations in order to provide a normal minimum separation of four channels or 800 kc. between Class B stations in a city or immediate area. A minimum of 400 kc. separation would be used between Class and Class B stations in adjacent cities in a few areas where the demand requires. It is expected, however, that only in a few areas will it be necessary to employ this minimum separation. In these cases it is expected that the difference in power between the two classes of stations will limit the interference to the Class B station to a small area around the Class A station, and will permit the Class A station to serve its community and adjacent area.

The proposed changes would provide for the allocation of Class A stations in the same manner as Class B stations with respect to interference contours, instead of the simpler mileage separation method now used for Class A stations. However, this is a minor procedural problem which would not appear to restrict the development of Class A stations.

The proposed changes in the rules and standards would improve the performance of FM receivers now in use and would in no way retard FM receiver production. Likewise, the FM transmitters in use would require readjustment only, and new station construction would be slightly affected. In view of the limited number of FM stations that have completed full construction, it appears that changes in frequency assignments may be made at this time without causing substantial expense to the stations now on the air or under construction. At the present time approximately 200 stations are either licensed or authorized to operate on an interim basis, and of these between 20 and 25 percent have completed full antenna construction. Since FM transmitting antennas normally may be used for any channel in the FM band, readjustment or retuning is usually all that is required. With respect to stations operating with temporary antennas, it is not contemplated that frequency changes would have to be made in most cases until the permanent antenna is installed. The expense involved, therefore, would usually be limited to that required for transmitter crystals and recalibration of the frequency monitor.

In formulating the new tentative allocation plan the Commission has taken into account the rapid development of FM broadcasting since the end of the war and has been able to include in the plan needed channels for many areas, which needs could not have been contemplated at the time the original plan was prepared.

The reservation of Class A and Class B channels would not be affected by the adoption of the proposed changes in the rules and allocation plan, except that the four Class A channels to be reserved would be 224, 240, 272 and 288, instead of 297, 298, 299 and 300.

Pending final adoption of the proposed amendments to the rules and standards, stations which are now in operation or which request authorization to begin operation may request special temporary authorization for a frequency assignment under the proposed allocation plan. In cases of conflict in such requests for channels, preference will be given to stations now in operation except where transmitter location makes it desirable from an engineering viewpoint to assign another channel.

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

[F. R. Doc. 47-3638; Filed, Apr. 16, 1947; 8:55 a. m.]

[47 CFR, Part 3]

[Docket No. 6768]

STANDARDS OF GOOD ENGINEERING PRACTICE FOR FM BROADCASTING OTHER THAN NON-COMMERCIAL EDUCATIONAL BROADCAST SERVICE

NOTICE OF PROPOSED RULE MAKING AND HEARING

APRIL 10, 1947.

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

2. The proposed rules and regulations, which are amendments to existing rules and regulations and existing engineering standards, are set forth below.

3. The proposed rules and standards are issued under the authority of sections 303 (c), 303 (r) and 307 (b) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed rules and standards should not be adopted or should not be adopted in the form set forth, may file with the Commission on or before May 1, 1947, a brief or written statement setting forth his comments.[1]

5. In order that interested persons may have the opportunity to present testimony concerning the proposed amendments before the Commission, a hearing will be held for that purpose before the Commission en banc in Room 6121 at its offices in Washington, D. C. at 10 a. m. on May 8 and 9, 1947, at which time interested persons who have filed briefs or written statements may appear and submit evidence or argument on the proposed amendments.

6. Section 1.857 of the Commission's rules and regulations shall not apply to this proceeding.

The following are the proposed amendments to the indicated sections of Part 3, Subpart B, of the Commission's rules governing radio broadcast services:

§ 3.203 *Class A stations.* (a) A Class A station is a station which operates on a Class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The transmitter power and antenna height of a Class A station shall normally be capable of coverage equivalent[2] to a minimum of 100 watts and a maximum of 1 kw effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. Class A stations will not be authorized with more than 1 kw effective radiated power. Standard power ratings of transmitters used for Class A stations shall be not less than 250 watts nor more than 1 kilowatt. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

(b) The following frequencies are designated as Class A channels and are assigned for use by Class A stations:

Frequency (mc)	*Channel No.*	*Frequency (mc)*	*Channel No.*
92.1	221	100.1	261
92.7	224	100.9	265
93.5	228	101.7	269
94.3	232	102.3	272
95.3	237	103.1	276
95.9	240	103.9	280
96.7	244	104.9	285
97.7	249	105.5	288
98.3	252	106.3	292
99.3	257	107.1	296

[1] Fifteen copies of each brief or written statement should be filed as required by § 1.850 of the Commission's rules and regulations.

[2] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

These channels are available for assignment (1) in cities which are not the central city or cities of a metropolitan district, and (2) in central cities of metropolitan districts which have fewer than six Class B Stations.[3]

(c) The main studio of a Class A station shall be located in the city served and the transmitter shall be located as near the center of the city as practicable.

(d) No assignments will be made on channels 224, 240, 272 and 288 until July 1, 1947.

§ 3.204 *Metropolitan stations.* * * *

(b) The following frequencies are designated as Class B channels and are assigned for use by Class B Stations:

Frequency (mc)	*Channel No.*	*Frequency (mc)*	*Channel No.*
92.3	222	100.3	262
92.5	223	100.5	263
92.9	225	100.7	264
93.1	226	101.1	266
93.3	227	101.3	267
93.7	229	101.5	268
93.9	230	101.9	270
94.1	231	102.1	271
94.5	233	102.5	273
94.7	234	102.7	274
94.9	235	102.9	275
95.1	236	103.3	277
95.5	238	103.5	278
95.7	239	103.7	279
96.1	241	104.1	281
96.3	242	104.3	282
96.5	243	104.5	283
96.9	245	104.7	284
97.1	246	105.1	286
97.3	247	105.3	287
97.5	248	105.7	289
97.9	250	105.9	290
98.1	251	106.1	291
98.5	253	106.5	293
98.7	254	106.7	294
98.9	255	106.9	295
99.1	256	107.3	297
99.5	258	107.5	298
99.7	259	107.7	299
99.9	260	107.9	300

The following are the proposed amendments to the indicated sections of the Standards of Good Engineering Practice Concerning FM Broadcast Stations:

I. *Definitions.* * * *

M. *Antenna height above average terrain.* (1) The term "antenna height above average terrain" means the height of the radiation center of the antenna above the terrain 2 to 10 miles from the antenna. (In general a different antenna height will be determined for each direction from the antenna. The average of these various heights is considered as the antenna height above average terrain.)

(2) Where circular or elliptical polarization is employed the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

II. *Engineering standards of allocation.* A. Sections 3.202 to 3.206 inclusive of the rules and regulations describe the basis for allocation of FM Broadcast Stations, including the division of the United States into Areas I and II.

B. FM broadcast stations shall determine the extent of their 1 mv/m and 50 uv/m contours in accordance with the methods prescribed in these Standards.

C. Although some service is provided by tropospheric waves, the service area is considered to be only that served by the ground wave. The extent of service is determined by the point at which the ground wave is no longer of sufficient intensity to provide satisfactory broadcast service. The field intensity considered necessary for service is as follows:

TABLE I

Area:	*Median field intensity*
City business or factory areas	1 mv/m
Rural areas	50 uv/m

A median field intensity of 3 to 5 mv/m should be placed over the principal city to be served and for Class B stations, a median field intensity of 1 mv/m should be placed over the business district of cities of 10,000 or greater within the metropolitan district served. A field intensity of 5 mv/m should be provided over the main studio of a Class B station except as otherwise provided in § 3.205 of the rules. The location of the main studio of a Class A station is specified in § 3.203 of the rules. These figures are based upon the usual noise levels encountered in the several areas and upon the absence of interference from other FM stations.

D. A basis for allocation of satellite stations has not yet been determined. For the present, applications will be considered on their individual merits.

E. The service area is predicted as follows: Profile graphs must be drawn for at least eight radials from the proposed antenna site. These profiles should be prepared for each radial beginning at the antenna site and extending to 10 miles therefrom. Normally the radials are drawn for each 45° of azimuth; however, where feasible the radials should be drawn for angles along which roads tend to follow. (The latter method may be helpful in obtaining topographical data where otherwise unavailable, and is particularly useful in connection with mobile field intensity measurements of the station and the correlation of such measurements with predicted field intensities.) In each case one or more radials must include the principal city or cities to be served, particularly in cases of rugged terrain, even though the city may be more than 10 miles from the antenna site. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permit, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping the smallest contour interval indicated on the topographic map (see below) should be used, although only a relatively few points may be available. The profile graph should accurately indicate the topography for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure, as this factor is taken care of in the chart showing signal intensities (fig. 1).

The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 per cent of the distance) in sectors and averaging these values.

To determine the distance to a particular contour, figure 1 concerning the range of FM broadcast stations should be used. This chart has been prepared for a frequency in the center of the band and is to be used for all FM broadcast channels, since little change results over this frequency range. The distance to a contour is determined by the effective radiated power and the antenna height. The height of the antenna used in connection with figure 1 should be the height of the center of the proposed antenna radiator above the average elevation obtained by the preceding method. The distances shown by figure 1 are based upon an effective radiated power of 1 kilowatt; to use the chart for other powers, the sliding scale associated with the chart should be trimmed and used as the ordinate scale. This sliding scale is placed on the chart with the appropriate gradation for power in line with the lower line of the top edge of the chart. The right edge of the scale is placed in line with the appropriate antenna height graduations and the chart then becomes direct reading for this power and antenna height. Where the antenna height is not one of those for which a scale is provided, the signal strength or distance is determined by interpolation between the curves connecting the equidistant points.

The foregoing process of determining the extent of the required contours shall be followed in determining the boundary of the proposed service area. The areas within the required contours must be determined and submitted with each application for these classes of FM broadcast stations. Each application shall include a map showing these contours, and for this purpose sectional aeronautical charts or other maps having a convenient scale may be used. The map shall show the radials along which the profile charts and expected field strengths have been determined. The area within each contour should then be measured (by planimeter or other approximate means) to determine the number of square miles therein. In computing the area within the contours, exclude (1) areas beyond the borders of the United States, and (2) large bodies of water, such as ocean

[3] For the time being, until more FM broadcast stations are authorized, the Commission will not authorize Class A stations in central cities of metropolitan districts having four or more standard broadcast stations.

areas, gulfs, sounds, bays, large lakes, etc., but not rivers.

In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the application of this prediction method may indicate contour distances that are different from those which may be expected in practice. In such cases the prediction method should be followed, but a showing may be made if desired concerning the distance to the contour as determined by other means. Such showing should include data concerning the procedure employed and sample calculations. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate the contour elsewhere. In cases of such limitation, the map of predicted coverage should show both the regular predicted area and the area as limited or extended by terrain. Both areas should be measured as previously described; the area obtained by the regular prediction method should be given in the application form, with a supplementary note giving the limited or extended area. In special cases the Commission may require additional information as to the terrain in the proposed service area.

In determining the population served by FM broadcast stations, it is considered that the built-up city areas and business districts in cities having over 10,000 population and located beyond the 1 mv/m contour do not receive adequate service. Minor civil division maps (1940 census) should be used in making population counts, excluding cities not receiving adequate service. Where a contour divides a minor division, uniform distribution of population within the division should be assumed in order to determine the population included within the contour, unless a more accurate count is available.

4. *Interference standards.* Field intensity measurements are preferable in predicting interference between FM broadcast stations and should be used, when available, in determining the extent of interference. (For methods and procedure, see section 5.) In lieu of measurements, the interference should be predicted in accordance with the method described herein.

Objectionable interference is considered to exist when the interfering signal exceeds that given by the ratios of Table II. In Table II the desired signal is median field and the undesired signal is the tropospheric signal intensity exceeded for 1 per cent of the time.

TABLE II

Channel separation:	*Ratio of desired to undesired signals*
Same channel	10:1
200 kc	2:1
400 kc	[1]
600 kc	[1]
800 kc and above	No restriction [2]

[1] To be determined.

[2] Intermediate frequency amplifiers of most FM broadcast receivers are designed to operate on 10.7 megacycles. For this reason the assignment of two stations in the same area, one with a frequency 10.6 or 10.8 megacycles removed from that of the other, should be avoided if possible.

In the assignment of FM broadcast facilities the Commission will endeavor to provide the optimum use of the channels in the band, and accordingly may assign a channel different than that requested in an application.

In predicting the extent of interference within the ground wave service area of a station, the tropospheric signal intensity (from co-channel and adjacent channel stations) existing for 1 per cent of the time shall be employed. The 1 per cent values for 1 kilowatt of power and various antenna heights are given in figure 2, and values for other powers may be obtained by use of the sliding scale as for figure 1. The values indicated by figure 2 are based upon available data, and are subject to change as additional information concerning tropospheric wave propagation is obtained.[1]

In determining the points at which the interference ratio is equal to the values shown in Table II, the field intensities for the two interfering signals under consideration should be computed for a considerable number of points along the line between the two stations. Using this data, field intensity versus distance curves should be plotted (e. g., cross-curves on graph paper) in order to determine the points on this path where the interference ratios exist. The points established by this method, together with the points along the contours where the same ratios are determined, are considered to be generally sufficient to predict the area of interference. Additional points may be required in the case of irregular terrain or the use of directional antenna systems.

The area of interference, if any, shall be shown in connection with the map of predicted coverage required by the application form, together with the basic data employed in computing such interference. The map shall show the interference within the 50 uv/m contour.

Proposed Revision of Tentative Allocation Plan for Class B FM Broadcast Stations

The attached proposed revision of the tentative allocation plan for FM broadcast stations is based on the proposed changes in the FM rules and standards issued on this date. The present tentative allocation plan, as revised by the Commission on September 3, 1946 is based on assignments in a general area which are for the most part, on alternate channels (400 kilocycles apart). Recent developments appear to indicate that such operation results in interference in many of the receivers being produced at the present time. As a result, the proposed revision provides for a minimum frequency separation of class B stations in the same general area of 800 kilocycles. In no case has the number of class B channels in an area been reduced in this proposal from that listed in the previous plan. In addition, in instances where the need has developed, channels have been proposed to be added where possible, to provide assignments for applications which are now on file with the Commission. This proposed revision of the tentative allocation plan would be subject to revisions as the development of an FM broadcasting might require, in the same manner that the previous allocation plan has been revised from time to time.

The proposed tentative allocation plan is expected to remain subject to § 3.204 (c) of the Commission's rules which provides for the reservation of certain class B channels until July 1, 1947. As in previous plans, it is emphasized that this allocation plan is to be tentative only and that deviations would be made wherever desirable or necessary. Consequently, the lack of a channel listing for a particular locality does not necessarily mean that a channel cannot be made available there. For example, a channel listed for a particular area may be assigned to any of several cities within that same general area, provided that the geographical change will not result in objectionable interference.

The allocation plan is based on stations employing an effective radiated power of 20 kilowatts and antenna height of 500 feet above average terrain. The separation of stations varies from that required by ground wave interference (principally in the eastern United States) to the separation required for freedom from tropospheric interference one percent of the time or less (principally in the western areas). In general, the separation of stations increases toward the western part of the country where the expected demand for channels will be less and where added protection for weak signals will be provided. Since, under the rules, Class B stations may vary considerably in power and antenna height, the interference may be more or less than that which would be indicated by this allocation plan. It will be noted that only a few channels have been designated for a number of small cities, particularly in the West, since it appears that these will supply the probable demand. In such cases, more channels are available and will be provided as required. Examination will also reveal that in some sections of the country more channels are designated for certain areas than for others therein having comparable or larger populations. This results from the fact that areas near large centers of population usually contain a number of cities which require channels, while other areas are farther from dense population centers and thus involve no objectionable interference by the allocation of more channels in its section.

Inasmuch as this proposed plan includes changes in all areas of the country, no attempt is being made to tabulate such changes. Since certain Class B channels in this proposed plan are adjacent to Class A channels, the availability of Class A channels to a given area is governed not only by the number of previous Class A assignments, but also the number and location of Class B assignments in that area. However, in all areas examined to date the number of Class A facilities is equal to or exceeds the number previously available.

[1] Figure 2 will be available at some future date when sufficient measurements of tropospheric signals are available. Until that time, interference should be predicted on the basis of the ground wave chart (fig. 1).

General area	Channel No.
ALABAMA	
Anniston	263.
Bessemer	See Birmingham.
Birmingham (includes Bessemer)	229, 250, 258, 273, 284, 295.
Decatur	223.
Dothan	225, 290.
Gadsden	279.
Huntsville	236.
Lanett	275.
Mobile	225, 235, 248, 260, 271, 300.
Montgomery	233, 277, 298.
Muscle Shoals	275, 287.
Opelika (see also Columbus, Ga.)	243.
Selma	239, 293.
Sylacauga (see also Talladega)	270.
Talladega (see also Sylacauga)	246.
Tuscaloosa	255, 267.
ARIZONA	
Globe	226, 262.
Lowell	241, 279.
Phoenix	238, 245, 253, 275, 295.
Prescott	229, 284.
Safford	247, 299.
Tucson	234, 258, 270, 289.
Yuma	236, 267.
ARKANSAS	
Blytheville (see also Jonesboro)	241, 286.
El Dorado	236, 287.
Fort Smith	223, 235, 271, 281, 299.
Helena	229, 262.
Hot Springs and Hot Springs N. P.	227, 238, 258.
Jonesboro (see also Blytheville)	270, 300.
Little Rock	231, 245, 266, 278, 297.
Pine Bluff	222.
Siloam Springs	243, 289.
CALIFORNIA	
Bakersfield	223, 231, 243.
Chico	266, 278.
El Centro	227, 275.
Eureka	234, 242.
Fresno	229, 238, 250, 258, 262, 270, 274.
Los Angeles (metropolitan district)	222, 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 274, 278, 282, 286, 290, 294, 299.
Marysville	254, 260, 268, 284.
Merced	236, 248.
Modesto	277, 281, 289.
Monterey	See Salinas.
Palm Springs	264.
Redding	230, 248.
Riverside	248, 256.
Sacramento	233, 241, 245, 293, 300.
Salinas (including Monterey, Santa Cruz and Watsonville).	233, 241, 245, 293, 300.
San Bernardino	236, 260.
San Diego	223, 231, 243, 268, 284, 298.
San Francisco-Oakland (metropolitan district)	227, 231, 235, 239, 243, 247, 251, 255, 259, 263, 267, 271, 275, 279, 283, 287, 291, 295.
San Jose	222, 253.
San Luis Obispo	227, 260, 279.
Santa Barbara	268, 284, 298.

General area	Channel No.
CALIFORNIA—Continued	
Santa Maria	236, 256.
Santa Rosa	229, 273.
Stockton	225, 298.
Visalia	254, 295.
Tulare	264, 286.
Watsonville	See Salinas.
COLORADO	
Alamosa	255, 260.
Colorado Springs	222, 227, 243, 274.
Denver	231, 239, 247, 253, 258, 262, 270, 279, 286, 294.
Durango	235, 278.
Grand Junction	226, 298.
Greeley	235, 290.
La Junta	282, 300.
Pueblo	236, 251, 266, 291.
Sterling	245, 282.
CONNECTICUT	
Bridgeport (includes Danbury)	248, 260, 268.
Danbury	See Bridgeport.
Hartford (also see Meriden)	229, 243, 275, 279, 295.
Meriden (also see Hartford)	239.
New Britain	291.
New Haven	236, 256, 264, 300.
New London	258, 266, 293.
Waterbury	223, 273, 287.
DELAWARE	
Wilmington	229, 241, 258, 297.
DISTRICT OF COLUMBIA	
Washington	230, 242, 246, 254, 258, 262, 266, 278, 286, 290, 297.
FLORIDA	
Daytona Beach	233, 248.
Fort Myers	245, 256.
Fort Lauderdale	251, 293.
Gainesville	281, 297.
Jacksonville	229, 236, 241, 245, 259, 264, 270.
Key West	238, 263.
Lakeland	239, 295.
Miami	226, 230, 235, 242, 247, 260, 268, 275, 286.
Ocala	256, 267.
Orlando	222, 231, 243, 262.
Palm Beach	282, 298.
Panama City	283, 299.
Pensacola	223, 255, 266.
St. Augustine	225, 291.
St. Petersburg	250, 273, 284.
Sarasota	258, 279.
Tallahassee	246, 274.
Tampa	227, 264, 289, 300.
West Palm Beach	254, 271.
GEORGIA	
Albany	258, 266, 271.
Athens	258, 273.
Atlanta	225, 231, 238, 248, 253, 260, 277, 283.
Augusta	279, 289, 298.
Brunswick	275, 289.
Cedartown (includes Dalton)	241, 289.
Columbus (see also Opelika, Ala.)	227, 236, 300.
Cordele	230, 241.

GEORGIA—Continued

General area	Channel No.
Dalton	See Cedartown and Rome.
Dublin	234, 251.
Gainesville	306.
Griffin	268.
La Grange	281.
Macon	245, 256, 264, 291.
Moultrie	278, 286.
Newnan	222.
Rome	293, 297.
Savannah	238, 247, 255, 262.
Thomasville	250, 294.
Toccoa	275.
Valdosta	223, 239.
Waycross	283, 299.
West Point	287.

IDAHO

Boise	222, 251, 291.
Idaho Falls	229, 277.
Lewiston	247, 283.
Nampa	235, 270.
Pocatello	243, 266.
Twin Falls	226, 259, 294.
Wallace	238, 263.

ILLINOIS

Alton	260.
Aurora (includes Joliet)	256, 294.
Bloomington	268, 297.
Cairo (see also Cape Girardeau, Mo.)	239.
Carbondale	225.
Carthage	225, 295.
Champaign	See Urbana.
Chicago	222, 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 274, 278, 282, 286, 290.
Decatur	254, 271.
East St. Louis	See St. Louis, Mo.
Elgin	See Chicago.
Evanston	See Chicago.
Freeport	273.
Galesburg	247, 251.
Harrisburg	260, 264.
Herrin	243, 253.
Jacksonville	263, 291.
Joliet	See Aurora.
Kankakee	264.
Mount Vernon	231, 277.
Peoria	223, 227, 231, 239, 243, 299.
Quincy	258, 266.
Rockford	248.
Rock Island (see also Davenport, Iowa)	255.
Springfield	275, 279, 283.
Tuscola	245, 267.
Urbana (includes Champaign)	248, 277, 284.
Waukegan	236.

INDIANA

Anderson	See Indianapolis.
Columbus	229.
Connersville	262.
Crawfordsville	275.
Elkhart	236, 264.
Evansville (includes Henderson and Owensboro, Ky.)	223, 233, 241, 251, 258, 273, 297.
Fort Wayne	241, 279, 287, 291.

INDIANA—Continued

General area	Channel No.
Hammond	300.
Indianapolis (includes Anderson)	222, 226, 234, 238, 242, 246, 250, 254, 283.
Kokomo	260, 299.
Lafayette	236, 268.
Marion	295.
Muncie	273, 281.
Richmond	258.
Shelbyville	267.
South Bend	267, 284.
Terre Haute	260, 266.
Vincennes	289, 293.
West Lafayette	256.

IOWA

Ames	238.
Atlantic	293.
Boone	251, 295.
Burlington	253.
Cedar Rapids	245, 293.
Clinton	241.
Davenport (see also Rock Island, Ill.)	233, 279.
Decorah	223, 230.
Des Moines	222, 231, 247, 253, 262, 283.
Dubuque	236, 263, 277.
Fort Dodge	274, 287.
Iowa City	229, 259.
Keokuk	274.
Marshalltown	270, 291.
Mason City	266, 281.
Ottumwa	242, 264.
Shenandoah	277, 289, 297.
Sioux City	235, 256, 271.
Spencer	223, 259.
Waterloo	254, 298.

KANSAS

Atchison	239, 255.
Coffeyville	236, 266.
Dodge City	234, 293.
Emporia	223, 245.
Garden City	247, 270.
Great Bend	242, 287.
Hutchinson	226, 289.
Kansas City	See Kansas City, Mo.
Lawrence	243, 286.
Manhattan	247, 267.
McPherson	277.
Pittsburg	256, 273.
Salina	233, 238.
Topeka	231, 258, 273.
Wichita	250, 262, 271, 284, 297.

KENTUCKY

Ashland	See Huntington, W. Va.
Bowling Green	266, 281.
Harlan	238.
Henderson	See Evansville, Ind.
Hopkinsville	230, 254.
Lexington	225, 233.
Louisville	236, 248, 259, 264, 268, 284, 300.
Owensboro	See Evansville, Ind.
Paducah	227, 245, 262.
Winchester	241, 251.

General area	Channel No.
LOUISIANA	
Alexandria	245, 259, 273.
Baton Rouge	251, 266, 282.
Lafayette	241, 268.
Lake Charles	248, 289.
Monroe	277, 281, 295.
New Orleans	222, 229, 239, 246, 262, 274, 287, 298.
Shreveport	233, 243, 266, 275, 298.
MAINE	
Augusta	222, 267, 287.
Bangor	226, 246, 281, 295.
Lewiston	230, 275.
Portland (see also Mount Washington, N. H.)	250, 270, 300.
Presque Isle	242, 290.
MARYLAND	
Baltimore (includes Annapolis)	222, 226, 234, 238, 250, 256, 270, 274, 282, 294, 300.
Cumberland	275, 295.
Frederick	268.
Hagerstown	284.
Salisbury	248, 268.
MASSACHUSETTS	
Boston (includes Waltham)	225, 233, 241, 245, 253, 273, 277, 281, 289, 294.
Fall River (includes New Bedford)	227, 251, 271.
Fitchburg	284.
Haverhill	223.
Holyoke (includes Springfield)	226, 234, 246, 250, 254, 262, 270, 282.
Lawrence	229.
Lowell	258.
New Bedford	See Fall River.
North Adams	284.
Pittsfield	260, 268.
Springfield	See Holyoke.
Waltham	See Boston.
Worcester	236, 256, 264.
MICHIGAN	
Ann Arbor	254, 294.
Battle Creek (includes Kalamazoo)	271, 289.
Bay City (includes Saginaw)	233, 241, 251.
Benton Harbor	260.
Cadillac	253.
Calumet	226, 268.
Detroit (includes Pontiac, Royal Oak, and Wyandotte)	226, 234, 238, 242, 246, 250, 258, 262, 266, 270, 278, 282, 290, 298.
East Lansing	See Lansing.
Escanaba	234, 281.
Flint (includes Lapeer)	236, 260, 264, 300.
Grand Rapids	223, 229, 245, 273, 278, 286.
Ironwood	270, 290.
Jackson	222.
Kalamazoo	See Battle Creek.
Lansing (includes E. Lansing)	248, 256, 284.
Lapeer	See Flint.
Ludington	226, 238.
Marquette	230, 256.
Muskegon	293, 297.
Pontiac	See Detroit.
Port Huron	256, 284.
Royal Oak	See Detroit.
Saginaw	See Bay City.
MICHIGAN—Continued	
Sault Sainte Marie	226, 295.
Traverse City	243, 268.
Wyandotte	See Detroit.
MINNESOTA	
Albert Lea	226.
Duluth (includes Superior, Wis.)	222, 250, 264.
Fergus Falls	242, 297.
Hibbing	279, 286.
Mankato	243, 278.
Minneapolis (inclues St. Paul)	229, 239, 246, 253, 258, 262, 267, 271, 275, 281, 290, 294.
Moorhead (see also Fargo, N. D.)	230, 236.
Northfield	251, 300.
Rochester	234, 286, 297.
St. Cloud	233, 284.
St. Paul	See Minneapolis.
Virginia	230, 259.
Willmar	225, 255.
Winona	248, 273.
MISSISSIPPI	
Clarksdale	248, 256.
Columbus	226, 245.
Corinth	268, 278.
Greenville	270, 283.
Greenwood	235, 293.
Gulfport	243, 268.
Hattiesburg	250, 290.
Jackson	233, 247, 258, 275, 286.
Laurel	279, 295.
McComb	226, 255.
Macon	271, 281.
Meridian	241, 253.
Natchez	231, 264.
Tupelo	233, 242.
Vicksburg	238, 297.
MISSOURI	
Cape Girardeau (see also Cairo, Ill.)	267, 291.
Clayton	See St. Louis.
Columbia	233, 268.
Hannibal	245, 300.
Jefferson City	253, 277.
Joplin	241, 287.
Kansas City (includes Kansas City, Kans.)	227, 235, 251, 263, 271, 282, 290, 294, 299.
Poplar Bluff	233, 279.
St. Joseph	222, 284.
St. Louis (includes Clayton)	229, 236, 241, 247, 251, 256, 266, 273, 281, 294, 298.
Sedalia	259, 279.
Springfield	225, 234, 238, 284, 297.
MONTANA	
Billings	230, 274.
Bozeman	227, 270.
Butte	235, 256.
Great Falls	250, 260.
Helena	241, 281.
Kalispell	223, 278.
Miles City	238, 254.
Missoula	245, 286.
Sidney	233, 267.

General area	Channel No.
NEBRASKA	
Fremont (see also Omaha)	245.
Grand Island	270, 291.
Hastings	235, 279.
Kearney	256, 294.
Lincoln	229, 250, 275, 287.
Norfolk	233, 273.
North Platte	238, 274.
Omaha (see also Fremont)	225, 241, 254, 260, 266, 281, 300.
Scottsbluff	241, 277.
NEVADA	
Boulder City	229, 270.
Las Vegas	250, 262, 289.
Reno	226, 238, 262.
NEW HAMPSHIRE	
Claremont	291.
Keene	300.
Laconia	247.
Manchester	239, 266.
Mount Washington	235, 255, 263, 283.
Portsmouth	297.
NEW JERSEY	
Atlantic City	235, 264.
Bridgeton	255.
Camden	See Philadelphia.
Ewing Township	See Trenton.
Greenbrook Township	256.
Trenton (includes Ewing Township)	248, 268, 284.
NEW MEXICO	
Albuquerque	225, 242, 264, 287.
Carlsbad	226, 262.
Clovis	255, 291.
Gallup	222, 279.
Hobbs	235, 266.
Las Vegas	230, 275.
Roswell	246, 277.
Santa Fe	253, 295.
Tucumcari	239, 270.
NEW YORK	
Albany (includes Schenectady and Troy)	222, 230, 238, 242, 258, 266, 274, 278, 286, 290, 294, 298.
Auburn	See Syracuse.
Batavia	235, 259.
Binghamton	251, 263, 299.
Buffalo (includes Niagara Falls)	225, 229, 241, 245, 253, 273, 277, 281, 293, 297.
Coram	See New York or possibly Connecticut Channels.
Corning (see also Elmira)	291.
Dunkirk	233.
Elmira (see also Corning)	295.
Gloversville	234.
Hornell	287.
Ithaca	230, 247.
Jamestown	227, 284.
Kingston	235.
Massena	287, 295.
New York (includes numerous adjacent cities)	222, 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 274, 278, 282, 286, 290, 294, 298.
Niagara Falls	See Buffalo.
Ogdensburg	279, 291.

General area	Channel No.
NEW YORK—Continued	
Olean	238, 264.
Oneonta	256, 282.
Oswego	284.
Plattsburg	275, 281.
Poughkeepsie	284.
Rochester	223, 243, 250, 255, 267, 279.
Rome	239.
Saranac Lake	225, 247.
Syracuse (includes Auburn)	226, 233, 241, 253, 273, 281, 297.
Troy	See Albany.
Utica	229, 245, 277, 289.
Watertown	251, 263.
NORTH CAROLINA	
Ahoskie	270.
Asheville	268, 273, 282, 291.
Burlington	266.
Charlotte (see also Gastonia)	260, 278, 284, 299.
Concord (see also Salisbury)	243.
Durham	286.
Elizabeth City	231, 266.
Fayetteville	251.
Gastonia (see also Charlotte)	270.
Goldsboro	227.
Greensboro (see also High Point and Winston-Salem)	222, 247, 254, 262.
Greenville	250, 256.
Henderson	297.
Hickory	275, 295.
High Point (see also Greensboro and Winston-Salem)	238, 258.
Kinston (see also New Bern)	236, 245.
New Bern (see also Kinston)	279.
Jacksonville	225, 260.
Raleigh	233, 241, 268, 273, 277.
Roanoke Rapids (see also Rocky Mount)	223, 253.
Rocky Mount (see also Roanoke Rapids)	264, 283.
Reidsville	291.
Salisbury	293.
Statesville	289.
Washington	275.
Wilmington	230, 242.
Wilson	290, 294, 300.
Winston-Salem (see also Greensboro and High Point)	226, 281.
NORTH DAKOTA	
Bismarck (includes Mandan)	229, 250, 273, 294.
Devil's Lake	226, 266.
Fargo (see also Moorhead, Minn.)	222, 260.
Grand Forks	234, 254, 278, 299.
Jamestown	239, 284.
Mandan	See Bismarck.
Minot	243, 290.
Valley City	246, 270.
OHIO	
Akron (includes Tallmadge)	239, 243, 248.
Alliance (includes Canton)	227, 231, 235.
Ashland	267, 273.
Ashtabula	See Erie, Pa.
Athens	297.
Bellaire	See Wheeling, W. Va.
Canton	See Alliance.
Cincinnati (includes Hamilton)	266, 270, 274, 278, 282, 286, 290, 294, 298.
Cleveland (includes Lorain)	253, 258, 264, 271, 277, 281, 289, 293, 297.

General area	Channel No.
OHIO—Continued	
Columbus	222, 226, 234, 238, 242, 246, 250, 254.
Dayton (includes Springfield)	236, 248, 256, 260, 264, 268, 284.
Findlay	263.
Fostoria	275.
Freemont	See Toledo.
Hamilton	See Cincinnati.
Lima	271, 277, 293.
Lorain	See Cleveland.
Mansfield	279, 287, 291.
Marion	295.
Newark (includes Zanesville)	262, 299.
Portsmouth	See Huntington, W. Va.
Springfield	See Dayton.
Steubenville	See Wheeling, W. Va.
Tallmadge	See Akron.
Toledo (includes Freemont)	260, 268, 284, 300.
Warren (see also Sharon, Pa.)	223, 300.
Wooster	255, 283.
Youngstown	See Sharon, Pa.
Zanesville	See Newark.
OKLAHOMA	
Ada	226, 284.
Ardmore	229.
Bartlesville	291.
Clinton	298.
Durant	297.
Elk City	239, 277.
Enid	243, 274.
Lawton	251, 267.
Muskogee	253, 268.
Norman	See Oklahoma City.
Oklahoma City (includes Norman)	222, 234, 255, 263, 270, 282, 290.
Okmulgee	260, 275.
Ponca City	293.
Shawnee	241, 248.
Stillwater	300.
Tulsa	238, 246, 251, 258, 278, 286, 295.
OREGON	
Albany	241, 260.
Astoria	242, 268.
Baker	250, 274.
Bend	236, 275.
Corvallis	250.
Eugene	256, 284.
Grants Pass	243, 260.
Klamath Falls	233, 251, 268.
La Grande	243, 260.
Marshfield	239, 266.
Medford	229, 286.
Pendleton	226, 278.
Portland (see also Vancouver, Wash.)	222, 226, 238, 246, 254, 262, 266, 278, 282, 290, 294, 298.
Roseburg	234, 274.
Salem	230, 286.
The Dalles	251, 267.
PENNSYLVANIA	
Allentown (includes Bethlehem and Easton)	236, 260, 264, 300.
Altoona	243, 279.
Beaver Falls	See Pittsburgh.
Bethlehem	See Allentown.
Bradford (see also Jamestown and Olean, N. Y.)	248.
Butler	See Pittsburgh.

General area	Channel No.
PENNSYLVANIA—Continued	
Clearfield	See DuBois.
DuBois (includes Clearfield)	256, 271.
Easton	See Allentown.
Erie (includes Ashtabula, Ohio)	246, 250, 260, 279.
Glenside	See Philadelphia.
Greensburg	297.
Harrisburg	235, 247, 255, 259, 293, 298.
Hazleton	227.
Johnstown	238, 287.
Lancaster	245, 267.
Lebanon	281.
Lewistown	226, 250.
Meadville	See Sharon.
New Castle	See Sharon.
New Kensington	See Pittsburgh.
Oil City	290, 299.
Philadelphia (includes Glenside, Pa. and Camden, N. J.)	223, 227, 231, 239, 243, 251, 271, 275, 279, 287, 291, 295.
Pittsburgh (includes New Kensington, Beaver Falls and Butler).	225, 229, 233, 241, 245, 251, 259, 268.
Pottsville	238, 270.
Reading	225, 233, 273.
Scranton (includes Wilkes-Barre)	222, 229, 241, 253, 267, 277, 289, 297.
Shamokin	284.
Sharon (includes Warren and Youngstown, Ohio; Meadville and New Castle, Pa.).	256, 262, 266, 275, 286, 295.
State College	282.
Sunbury	231, 275.
Uniontown	289, 293.
Washington	273, 282.
Wilkes-Barre	See Scranton.
Williamsport	262, 286.
York	253, 263, 277, 289.
RHODE ISLAND	
Pawtucket	See Providence.
Providence	222, 231, 238, 260, 268, 286, 299.
SOUTH CAROLINA	
Anderson	266, 287.
Charleston	236, 245, 271.
Columbia (see also Sumter)	226, 233, 250, 258.
Conway	222.
Florence	231, 291.
Greenville (see also Spartanburg)	223, 229, 235.
Greenwood	239, 253.
Lancaster	297.
Rock Hill	248.
Spartanburg (see also Greenville)	255, 263.
Sumter (see also Columbia)	267, 274.
SOUTH DAKOTA	
Aberdeen	264, 282.
Pierre	241, 258.
Rapid City	234, 254, 278, 290.
Sioux Falls	227, 247, 275, 286.
Vermillion	264, 284.
Watertown	231, 268.
Yankton	262, 295.
TENNESSEE	
Bristol (includes Johnson City and Kingsport)	223, 245.
Chattanooga (includes Cleveland)	234, 243, 251, 256, 266, 271.
Clarksville	270, 294.
Cleveland	See Chattanooga.

TENNESSEE—Continued

General area	Channel No.
Cookeville	283.
Jackson	264, 284.
Johnson City (also see Bristol)	242.
Kingsport (also see Bristol)	253.
Knoxville	227, 247, 258, 262, 279, 286.
Memphis	238, 246, 250, 259, 274, 282, 290, 295.
Nashville	225, 238, 248, 277, 290, 298.

TEXAS

Abilene	245, 278.
Amarillo	226, 262, 282.
Austin	222, 267, 284.
Beaumont	227, 258, 300.
Belton	See Temple.
Big Spring	239, 270.
Brady	236, 256.
Brownsville (includes Harlingen, McAllen, and Weslaco)	222, 229, 234, 247, 258, 277.
Brownwood	282, 290.
College Station	231, 259.
Corpus Christi	238, 255, 283, 293, 300.
Corsicana	271, 279.
Dallas	223, 250, 266, 283, 295, 300.
Denton	291.
El Paso	234, 275.
Fort Worth	227, 242, 258, 263, 287.
Galveston	254, 279.
Harlingen	See Brownsville.
Houston	239, 243, 250, 266, 275, 286, 291, 295.
Huntsville	234, 262.
Kilgore (includes Longview and Tyler)	229, 247, 290.
Laredo	243, 267.
Longview	See Kilgore.
Lubbock	242, 258, 300.
Lufkin	238, 281.
Midland	222, 281.
McAllen	See Brownsville.
Odessa	248.
Palestine	225, 274.
Pampa	253, 289.
Paris	255, 273.
Pecos	230, 294.
Plainview	246, 297.
Port Arthur	270, 297.
San Angelo	233, 274.
San Antonio	225, 234, 242, 247, 251, 258, 263, 273, 281, 289, 297.
Sherman	236.
Sweetwater	226, 264.
Temple (includes Belton)	246, 298.
Texarkana	251, 264, 293.
Tyler (see also Kilgore)	268,
Vernon	254, 271.
Victoria	230, 270.
Waco	254, 277.
Waxahachie	See Dallas and Fort Worth.
Weslaco	See Brownsville.
Wichita Falls	231, 247, 260, 293.

UTAH

Cedar City	233, 297.
Logan	250, 290.
Ogden	234, 274.
Price	242, 282.

UTAH—Continued

General area	Channel No.
Provo	226, 299.
Salt Lake City	230, 238, 246, 254, 258, 262, 270, 278, 286, 295.

VERMONT

Burlington	231, 289.
Rutland	271.
St. Albans	243, 267.
Waterbury	227, 251.

VIRGINIA

Alexandria	See Washington, D. C.
Charlottesville (includes Staunton)	273, 293.
Covington	238, 286.
Danville	230, 250.
Fredericksburg	See Washington, D. C.
Front Royal	236.
Harrisonburg	227, 264.
Lynchburg	260, 300.
Martinsville	242, 271.
Newport News	See Norfolk.
Norfolk (includes Newport News, Portsmouth and Suffolk).	243, 247, 255, 259, 273, 277, 287, 291, 299.
Petersburg	229, 239.
Portsmouth	See Norfolk.
Richmond	225, 233, 251, 271, 275, 281, 295.
Roanoke	235, 256, 279.
Staunton	See Charlottesville.
Suffolk	See Norfolk.
Winchester	223.

WASHINGTON

Aberdeen	262, 293.
Bellingham	225, 281.
Centralia	229, 284.
Everett	241, 245.
Longview	234, 274.
Olympia	271, 279.
Port Angeles	233, 297.
Pullman	229, 270.
Pasco	253, 298.
Seattle	231, 235, 251, 255, 260, 264, 268, 275, 287, 291, 295, 300.
Spokane	225, 236, 243, 251, 275, 287.
Tacoma	223, 227, 239, 243, 247.
Vancouver (see also Portland, Oreg.)	258.
Walla Walla	234, 268.
Wenatchee	281. 293.
Yakima	241, 248, 277.

WEST VIRGINIA

Beckley	267, 289.
Bluefield (includes Welch)	227, 283, 298.
Charleston	225, 241, 248, 253, 258.
Clarksburg (includes Fairmont and Morgantown)	222, 236, 270, 287, 300.
Fairmont	See Clarksburg.
Huntington (includes Ashland, Ky., and Portsmouth, Ohio).	229, 233, 263, 273, 281, 291.
Logan	277, 294.
Morgantown	See Clarksburg.
Parkersburg	293.
Welch	See Bluefield.
Wheeling (includes Bellaire and Steubenville, Ohio)	247, 254, 263, 278.
Williamson	222, 236.

WISCONSIN

General area	Channel No.
Appleton (includes Neenah)	253, 266.
Ashland	245, 254.
Beloit	300.
Eau Claire	222, 231.
Fond du Lac	247, 258.
Green Bay	222, 273, 289.
Greenfield Township	See Madison.
Janesville	260.
La Crosse	233, 241.
Madison (includes Greenfield Township)	255, 268, 290.
Manitowoc	233, 241.
Marinette	286, 298.
Medford	260, 300.
Milwaukee	223, 227, 231, 239, 243, 251, 271, 275, 279, 287, 291, 295.
Neenah	See Appleton.
Oshkosh	225, 229.
Poynette	235.
Racine	264, 284.
Rice Lake	236, 242.
Sheboygan	262, 282.
Stevens Point	293, 299.
Superior	See Duluth, Minn.
Wausau	238, 250, 264, 284.
Wisconsin Rapids	277.

WYOMING

Casper	229, 264.
Cheyenne	226, 266, 298.
Powell	234, 258.
Rock Springs	236, 248.
Sheridan	262, 283.

(Sec. 303 (c), 48 Stat. 1082, 303 (r), 50 Stat. 191, 307 (b), 49 Stat. 1475; 47 U. S. C. 303 (c), 303 (r), 307 (b))

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

[F. R. Doc. 47-3636; Filed, Apr. 16, 1947; 8:54 a. m.]

[47 CFR, Parts 5, 10, 11, 16, and 17]

[Docket No. 8294]

EXPERIMENTAL, EMERGENCY, MISCELLANEOUS, RAILROAD AND UTILITY RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

APRIL 11, 1947.

In the matter of amendment of §§ 5.22, 5.23, 5.25 and 5.28 of Part 5, amendment of §§ 10.61, 10.62, 10.66 and 10.101 of Part 10, amendment of §§ 11.45, 11.51, 11.52 and 11.56 of Part 11, amendment of §§ 16.23, 16.65, and 16.101 of Part 16, amendment of §§ 17.143, 17.146, 17.147 and 17.161 of Part 17, adding new §§ 5.34 and 5.35 of Part 5, adding new §§ 10.65, 10.73 and 10.114 of Part 10, adding new §§ 11.55, 11.63 and 11.72 of Part 11, adding new §§ 16.144, 16.145 and 16.146 of Part 16, and deleting § 17.148 of Part 17 for the purpose of changing and standardizing requirements regarding transmitter omission measurements, changes in equipment, keeping of station records, channel width and modulation, frequency stability, inspection of tower lights and associated control equipment, and remote control in the Experimental, Emergency, Miscellaneous, Railroad and Utility Radio Services.

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

2. The proposed rules and regulations and amendments of existing rules and regulations are set forth below.

3. The proposed rules are issued under the authority of sections 301 and 303 (j) and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules or amendments of rules should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before May 20, 1947, a written statement or brief setting forth his comments. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

Adopted: April 10, 1947.

1. The following sections of the Commission's rules will be affected in the manner indicated: §§ 5.22, 5.23, 5.25 and 5.28, Part 5, amended; §§ 10.61, 10.62, 10.66, and 10.101, Part 10, amended; §§ 11.45, 11.51, 11.52 and 11.56, Part 11, amended; §§ 16.23, 16.65 and 16.101, Part 16, amended; §§ 17.143, 17.146, 17.147 and 17.161, Part 17, amended; §§ 5.34 and 5.35, Part 5, added; §§ 10.65, 10.73 and 10.114, Part 10, added; §§ 11.55, 11.63 and 11.72, Part 11, added; §§ 16.144, 16.145 and 16.146, Part 16, added; § 17.148, Part 17, deleted.

1. Sections 5.25 and 17.147, as amended, and §§ 10.73, 11.63 and 16.146, as added, will read as follows:

Changes in equipment. (a) Except as provided in paragraph (b) of this section, the licensee of a station in this service may make changes in licensed equipment without specific authorization from the Commission if such changes do not result in operation inconsistent with any outstanding authorization for the station involved.

(b) No changes in the antenna or antenna supporting structure may be made without specific authorization from the Commission if such changes will:

(1) Increase the overall antenna height to more than 150 feet above ground; or

(2) Increase the height or relocate an antenna or antenna supporting structure of a station at a fixed location if such station is within three miles of a landing area,[1]

(3) Change the height or location of an antenna or antenna supporting structure which is required to be marked in accordance with Federal Communications Commission or Civil Aeronautics Administration specifications.

(c) Requests for changes outlined in paragraph (b) of this section should be submitted to the Commission on FCC Form 401a in quadruplicate. The FCC Form 401a should be accompanied by maps and sketches showing the proposed change in the antenna or antenna supporting structure. The original copy of FCC Form 401a must be signed by a duly authorized official of the applicant and subscribed and verified before a notary public or other official authorized to administer oaths. If the antenna or antenna supporting structure is required to be marked, a description of the marking should be attached to FCC Form 401a.

2. Sections 5.23, 10.66, 11.56, 16.65 and 17.143, as amended, will read as follows:

Transmitter emission measurements. (a) The licensee of each station in this service shall employ a suitable procedure to determine:

(1) The carrier frequency of each transmitter;

(2) The plate power input to the final radio frequency stage (or the power output when so specified in the authorization); and

(3) That the emissions of each transmitter are properly confined within the authorized band.

(b) The above determinations shall be made and the results thereof entered in the station records at the following intervals:

(1) When the transmitting apparatus is initially installed or is installed after previous removal;

(2) When any change is made in the apparatus which may affect the emissions of the transmitter;

(3) At least once each six months for transmitters employing crystal controlled oscillators;

(4) At least once each month for transmitters employing any other method to control the transmitter carrier frequency.

3. Section 5.22, as amended, will read as follows:

§ 5.22 *Modulation, frequency and tolerance.* (a) The operating frequency of

[1] "Landing area" means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

experimental stations shall be maintained within plus or minus the percentage of the assigned frequency as given in Table I unless otherwise specified by the Commission or paragraph (b) of this section.

TABLE I

	Frequency tolerance (percent)
Experimental frequencies within the range:	
Below 450 mc	0.01
450 mc and above	.05

(b) Unless otherwise specified in the authorization, a Class 2 experimental station operating on a frequency or frequencies not allocated specifically for use by experimental stations shall maintain its frequency or frequencies within the tolerance prescribed by the rules and regulations governing the service or services to which the frequency or frequencies are allocated.

(c) Less restrictive tolerances than those specified in paragraph (a) of this section may be authorized for experimental stations provided the applicant presents satisfactory evidence that the program of research can and will be conducted without causing interference to any other radio service.

(d) When the radio frequency carrier is amplitude modulated, such modulation shall not exceed 100% on peaks.

(e) When the radio frequency carrier is frequency modulated or modulated in any special manner the total positive and negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability, shall not exceed the width of the authorized band.

(f) Irrespective of the type of modulation employed, all emission outside the authorized band shall be attenuated at least 60 decibels below the maximum level of emissions within the authorized band.

(g) In addition to the other requirements of this section, in cases of interference the Commission may require appropriate technical changes in equipment to alleviate the interference.

4. Section 5.28 as amended, will read as follows:

§ 5.28 *Station records.* Each licensee or permittee of a station in this service shall maintain records showing:

(a) Each period of operation, the frequency, power, and type of emission employed and the name of the operator on duty; *Provided, however,* That in the case of mobile and portable stations licensed as a part of a common system, the name of the operator of the mobile or portable station is not required to be recorded.

(b) Details regarding any failure of transmitting equipment.

(c) Results and dates of transmitter frequency, power and emission measurements and the name of the person making such measurements.

(d) Details of research and experimentation conducted.

(e) When antenna or antenna supporting structures are required to be illuminated, appropriate entries as follows:

(1) The time the tower lights are turned on and off each day if manually controlled;

(2) The time the daily check of proper operation of the tower lights was made, either by visual observation of the tower lights or by observation of an automatic indicator;

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed.

(iii) Date, time, and nature of the adjustments, repairs, or replacements made.

(iv) Identification of the Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, together with the socket voltages measured under load at the sockets or computed from measurements under load at other points.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and date such adjustments, replacements or repair were made.

5. Sections 10.101, 11.45, 16.101 and 17.161, as amended, will read as follows:

Station records. Each licensee of a station in this service shall maintain records showing:

(a) Details regarding any equipment failure, which may affect the operating characteristics of the transmitter and the adjustments made to correct the failure. Such details shall also include the name and class of operator license of the person making the adjustments and the dates the adjustments were made.

(b) Results and dates of transmitter frequency, power, and emission measurements for all authorized transmitters and the name of the person making the measurements.

(c) In the case of stations operated at fixed locations:

(1) Names or initials of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty.

(2) When communicating with other stations at fixed locations:

(i) Call signal of other station.

(ii) Substance of each transmission.

(iii) Date, time, and approximate duration of each transmission.

(d) When an antenna or antenna supporting structure is required to be illuminated, appropriate entries as follows:

(1) The time the tower lights are turned on and off each day if manually controlled;

(2) The time the daily check of proper operation of the tower lights was made, either by visual observation of the tower lights or by observation of an automatic indicator;

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed.

(iii) Date, time, and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airway Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, together with the socket voltages measured under load at the sockets or computed from measurements under load at other points.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repairs were made.

6. Sections 10.61, 11.51, 16.23 and 17.146, as amended, will read as follows:

Channel width and modulation. (a) Each frequency which appears on a station license or other instrument of station authorization is the center or midpoint of a frequency channel. In the frequency band 30–100 Mc., the width of each channel assigned is 40 kc.; in the 100–216 Mc. band the channel width is 60 kc. All emissions outside the assigned channel shall be attenuated at least (60) decibels below the maximum level of emissions within the assigned frequency channel.

(b) When the radio frequency carrier is amplitude modulated, modulation shall be sufficient to provide effective communication, but shall not exceed one hundred per cent on peaks.

(c) When the radio frequency carrier is frequency modulated, the positive or the negative frequency deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed one-half the assigned channel width.

(d) In addition to the other requirements of this section, in cases of interference the Commission may require appropriate technical changes in equipment to alleviate the interference.

7. Section 10.62, as amended, and Section 11.52, as added, will read as follows:

Frequency stability. (a) A permittee or licensee in this service shall maintain the carrier frequency of each authorized transmitter within the following per-

c.ntage of the assigned frequency; except as provided in paragraphs (b) and (c) of this section.

	Percent
(1) Below 50 mc	0.01
(2) Above 50 mc	.005

(b) Until July 1, 1950, licensees of portable or mobile units using amplitude modulation may maintain the carrier frequency of such units in accordance with the following tabulation:

Frequency band:	Frequency tolerance (percent)
30–44 mc	0.03
Below 30 mc	.02

(c) The requirements of paragraphs (a) and (b) of this section shall not apply to any mobile or portable station or transmitter unit thereof when operated with less than three watts plate power input to the final radio frequency stage.

8. Sections 5.35, 10.65, 11.55 and 16.144, as added, will read as follows:

Remote control. (a) Upon proper application the Commission may grant authority to operate a station in this service by remote control.

(b) Operation by remote control shall be subject to the following conditions:

(1) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

(2) Facilities shall be installed at the transmitter remote control point which will:

(i) Provide continuous visual indication whether the transmitter is radiating;

(ii) Enable the operator to monitor aurally or visually the emissions of the transmitter;

(iii) Enable the operator to place the transmitter in an inoperative condition immediately.

(3) The radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license, except for transmissions concerning the immediate safety of life or property. In the latter event, the transmissions must be suspended as soon as the emergency is terminated.

9. Sections 5.34, 10.114, 11.72 and 16.145, as added, will read as follows:

Inspection of tower lights and associated control equipment. The licensee of any station in this service which has an antenna or antenna supporting structure required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a daily check of the tower lights either by visual observation of the tower lights or by observation of an automatic indicator of proper or improper operation to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or Office of the Civil Aeronautics Administration any observed failure of a code or rotating beacon light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each three months all code or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

(Sec. 301, 48 Stat. 1081, 303 (j), 48 Stat. 1082, 303 (r), 50 Stat. 191; 47 U. S. C. 301, 303 (j), 303 (r))

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

[F. R. Doc. 47-3669; Filed, Apr. 16, 1947; 8:58 a. m.]

[47 CFR, Part 13]

[Docket No. 8262]

COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE MAKING

APRIL 4, 1947.

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

2. The purpose of the proposed amendments is to eliminate the existing requirement of an oral and a written examination of applicants for restricted radiotelephone operator permits, and to substitute therefor a requirement that such applicants shall certify in writing to certain allegations of fact bearing upon their qualifications for such permits.

3. The proposed amendments, authority for which is contained in sections 303 (l) and (r) of the Communications Act of 1934, as amended, are set forth below.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth, may file with the Commission, on or before April 11, 1947, a written statement or brief setting forth his comments. The Commission will consider any such comments that are received before taking any final action regarding the proposed amendments, and if any comments are received which appear to warrant the holding of an oral argument before final action is taken, notice of the time and place of such oral argument will be given.

The following are the proposed amendments to the indicated sections of Part 13 of the Commission's rules governing commercial radio operators:

1. Section 13.11 is amended to read as follows:

§ 13.11 *Procedure*—(a) *General.* The application, in the prescribed form and including all required subsidiary forms and documents, properly completed and signed shall be submitted in person or by mail to the office at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for renewal of license,[3] it must be submitted during the last year of the license term,[3a] and if all prescribed service requirements are fulfilled,[4] the renewal license may be issued by mail. A renewal application shall also be accompanied by the license to be renewed.

(b) *Restricted radiotelephone operator permit.* No oral or written examination is required for this permit. If the application is properly completed and signed, and if the applicant is found to be qualified, the permit may be issued forthwith by personal delivery to the applicant or by mail.

2. Footnote 3a as hereby amended, is amended to read as follows:

[3a] By Order No. 128–B, adopted December 17, 1946, effective January 1, 1947, any application filed or mailed not later than June 30, 1947, for renewal of a commercial radio operator license (other than a Temporary Emergency or Temporary Limited Radiotelegraph Second Class Operator License) which was valid on or after December 7, 1941 and which has expired by its own terms without having been cancelled or suspended, may, until further order of the Commission, be acted upon, notwithstanding the provisions of § 13.11, if a statement is filed as a part of the renewal application showing that (1) the applicant is serving in the armed forces of the United States or has been honorably discharged therefrom since December 7, 1941; or (2) the applicant is serving in the United States Maritime Service or has voluntarily left that Service since December 7, 1941; or (3) the application is or has been employed outside the continental United States and has been unable to file timely application for renewal of license because of such employment outside the continental United States.

3. Paragraph (e) of § 13.22 is amended by deleting everything after the words "operator permit:", and substituting therefor the following: "No oral or written examination is required for this permit. In lieu thereof, applicants will be required to certify in writing to a declaration which states that the applicant has need for the requested permit; can receive and transmit spoken messages in English; can keep at least a rough written log in English or in some other language in general use that can be readily translated into English; is familiar with the provisions of treaties, laws and rules and regulations governing the authority granted under the requested permit; and understands that it is his responsibility to keep currently familiar with all such provisions."

4. Section 13.28 is amended by deleting, at the beginning of the first sentence, the words "A license," and inserting in lieu thereof the words "A restricted radiotelephone operator permit may be renewed without examination or showing of service and upon the same basis as an original permit of this class is issued. A license of any other class."

5. Footnote 7a to § 13.28, as hereby amended, is amended to read as follows:

[7a] By Order No. 77, dated and effective December 4, 1940, this section was suspended, until further order of the Commission, insofar as the required showing of service or use of license is required. The suspension has been continued by Orders Nos. 77–A through 77–G. Order No. 77–G, adopted December 17, 1946, effective January 1, 1947, extends the suspension until further order of the Commission, but in no event beyond June 30, 1947.

6. Section 13.73 is deleted in its entirety.

7. Sections 13.74 and 13.75 are renumbered §§ 13.73 and 13.74, respectively.

(Sec. 303 (l), 48 Stat. 1082, 303 (r), 50 Stat. 191; 47 U. S. C. 303 (l), 303 (r))

Adopted: April 3, 1947.

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

[F. R. Doc. 47-3637; Filed, Apr. 16, 1947; 8:55 a. m.]

[47 CFR, Part 13]

[Docket No. 8262 [1]]

COMMERCIAL RADIO OPERATORS

CORRECTION TO NOTICE OF PROPOSED RULE MAKING

APRIL 10, 1947.

1. Notice is hereby given of a correction in paragraph 4 of a notice of proposed rule making (Mimeograph 5851, April 4, 1947) in the above-entitled matter which was adopted April 3, 1947 and distributed under date of April 4, 1947.

2. In paragraph 4 of the above referred to notice of proposed rule making the date "April 11, 1947" should have read, and is hereby changed to read "April 25, 1947".

3. In all other respects, the above referred to notice of proposed rule making remains unchanged.

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

[F. R. Doc. 47-3647; Filed, Apr. 16, 1947; 8:56 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-19]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

A notice regarding the proposed termination of approval of the York-Shipley heating boilers, Models M-500, M-800, M-1200, M-1500, and HW-250, was published in the FEDERAL REGISTER, dated February 18, 1947 (12 F. R. 1109), and a public hearing was held by the Merchant Marine Council on March 27, 1947, at Washington, D. C.

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4429, 4433, 4470, 4488, 4491, as amended, 49 Stat. 1384, 1544, 54 Stat. 163-167, 1028, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 369, 375, 391a, 392, 404, 407, 411, 463, 463a, 481, 489, 526-526t, 50 U. S. C. 1275), sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals and termination of approvals are prescribed:

BOILERS

Termination of approval of the York-Shipley heating boilers, Models M-500, M-800, M-1200, M-1500, and HW-250, marine type vertical boilers, manufactured by York-Shipley, Inc., York, Pa. (approved December 13, 1944, 9 F. R. 14571).

BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. B-373—15" x 15" x 2" seat, 20 ounce kapok, 15" x 15" x 2" back, 20 ounce kapok, double kapok buoyant cushion, Dwg. Nos. 4014-A, dated March 15, 1947, and 4014-S, dated March 14, 1947; Approval No. B-374—15" x 15" x 2" seat, 20 ounce kapok, 15" x 20" x 2" back, 27 ounce kapok, double kapok buoyant cushion, Dwg. Nos. 4013-A, dated March 14, 1947, and 4013-S, dated March 14, 1947; Approval No. B-375—19" x 21" x 2" fishing chair design, kapok buoyant cushion, 36 ounce kapok, Dwg. Nos. 4010-A, dated March 10, 1947, and 4010-S, dated March 10, 1947; Approval No. B-376—15" x 20" x 2" rectangular kapok buoyant cushion, 27 ounce kapok, Dwg. Nos. 4012-A, dated March 14, 1947, and 4012-S, dated March 13, 1947; Approval No. B-377—12" x 20" x 2" rectangular kapok buoyant cushion, 22 ounce kapok, Dwg. Nos. 4011-A, dated March 13, 1947, and 4011-S, dated March 13, 1947; Approval No. B-378—12" x 14" x 2" seat, 15 ounce kapok, 12" x 18" x 2" back, 20 ounce kapok, double kapok buoyant cushion, Dwg. Nos. 4015-A, dated March 16, 1947, and 4015-S, dated March 16, 1947; for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Trojan Marine Mfg. Co., Inc., 273-81 State St., Brooklyn 2, N. Y.

DAVITS

Welin type B quadrant davit, maximum working load of 7750 pounds per arm using six-part falls, General Arrangement Dwg. No. B-50, dated February 4, 1920, and revised October 15, 1941, manufactured by the Welin Davit & Boat Division of the Robinson Foundation, Perth Amboy, N. J. This approval replaces the approval published in the FEDERAL REGISTER of October 25, 1941 (6 F. R. 5473), which is hereby terminated.

Welin type B-N straight boom sheath screw davit, maximum working load of 6750 pounds per arm using six-part falls, General Arrangement Dwg. No. 2411, dated October 16, 1942, and revised January 3, 1947, manufactured by the Welin Davit & Boat Division of the Robinson Foundation, Perth Amboy, N. J. This approval replaces the approval published in the FEDERAL REGISTER January 13, 1943 (8 F. R. 501), which is hereby terminated.

Welin type C, Crescent sheath screw davit, maximum working load of 6750 pounds per arm using three-part falls, General Arrangement Dwg. No. 2082, dated October 17, 1941, manufactured by the Welin Davit & Boat Division of the Robinson Foundation, Perth Amboy, N. J. This approval replaces the approval published in the FEDERAL REGISTER of March 4, 1942 (7 F. R. 1700), which is hereby terminated.

Welin type C quadrant davit, maximum working load of 6,750 pounds per arm using six-part falls, General Arrangement Dwg. No. C-50, dated November 22, 1932, and revised October 15, 1941, manufactured by the Welin Davit & Boat Division of the Robinson Foundation, Perth Amboy, N. J. This approval replaces the approval published in the FEDERAL REGISTER of October 25, 1941 (6 F. R. 5473), which is hereby terminated.

FIRE RETARDANT MATERIALS FOR VESSEL CONSTRUCTION: CLASS B-15 BULKHEAD PANEL

J-M marine sheathing, solid asbestos inorganic binder board, overall thickness ¾", identical to that described in Johns-Manville letter to Coast Guard, dated March 6, 1947, submitted by Johns-Manville Sales Corporation, 22 East 40th St., New York 16, N. Y.

J-M marine veneer, solid asbestos-cement board, overall thickness ¾", identical to that described in Johns-Manville letter to Coast Guard, dated March 6, 1947, submitted by Johns-Manville Sales Corporation, 22 East 40th St., New York 16, N. Y.

LIFEBOAT

30' x 10' x 4.13' steel motor-propelled lifeboat, without radio cabin, 68-person capacity, arrangement and construction Dwg. No. 2054, dated March 14, 1945, and revised June 26, 1946, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

CONDITIONS OF APPROVAL AND TERMINATION OF APPROVAL

The above approvals shall be effective upon the date of publication of this document in the FEDERAL REGISTER.

The termination of approval made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment made before the effective date of termination of approval may be used so long as it is in good and serviceable condition.

Dated: April 10, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 47-3632; Filed, Apr. 16, 1947; 8:54 a. m.]

[1] See F. R. Doc. 47-3637, *supra*.

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 8628]

OTTO DOEBLER

In re: Estate of Otto Doebler, deceased. File No. D-28-10691; E. T. sec. 15486.

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

1. That Kate Doebler, whose last known address is Germany, is a resident of Germany and a national of a designated country (Germany);

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

3. That such property is in the process of administration by James W. Brown, Public Administrator of Bronx County, as administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3648; Filed, Apr. 16, 1947; 8:56 a. m.]

[Vesting Order 8630]

WILLIAM GOEBEL

In re: Estate of William Goebel, deceased. File D-28-11087; E. T. sec. 15527.

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

1. That Gertrude Kuhn, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $415.10 deposited on April 20, 1942 with the County Treasurer of Ogemaw County, Michigan, to the credit of Gertrude Kuhn pursuant to an order of the Probate Court for the County of Ogemaw, Michigan, entered April 20, 1942, in the matter of the Estate of William Goebel, deceased, subject to the payment of any lawful fees and disbursements of the County Treasurer of Ogemaw County, Michigan, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Ogemaw County, Michigan, as depositary, acting under the judicial supervision of the Probate Court for the County of Ogemaw, State of Michigan;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3649; Filed, Apr. 16, 1947; 8:56 a. m.]

[Vesting Order 8631]

JOHANNA W. GRUEBEL

In re: Estate of Johanna W. Gruebel, deceased. File D-28-11032; E. T. sec. 15474.

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

1. That Helene Valentine Gruebel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That such property is in the process of administration by Anna M. Bellew, as executrix, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3650; Filed, Apr. 16, 1947; 8:56 a. m.]

[Vesting Order 8635]

JOHN FRIEDRICH HIRSCHMANN

In re: Trust u/w of John Friedrich Hirschmann, deceased. File D-28-7665; E. T. sec. 8210.

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

1. That Louise Hirschmann, Mina (or Nina) Hirschmann, Frederick Hirschmann, Johan Hirschmann, Jr., Karl Hirschmann, Erna Hauck, Karl Hirschmann, Jr., Emma Hirschmann, Greta Hirschmann and Ludwig Kuntz, Jr., whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, of the above named designated nationals, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

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

4. That such property is in the process of administration by Manufacturers Trust Company and Louise Hirschmann, as trustees, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, of the above named designated nationals, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3651; Filed, Apr. 16, 1947; 8:56 a. m.]

[Vesting Order 8636]

WILLIAM A. LANG

In re: Estate of William A. Lang, deceased. File No. D-28-11403; E. T. sec. 15648.

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

1. That Auguste Prengle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That such property is in the process of administration by C. M. Powell Quicksall, Esq., as Depositary, acting under the judicial supervision of the Orphans' Court of Camden County, Camden, New Jersey;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3652; Filed, Apr. 16, 1947; 8:56 a. m.]

[Vesting Order 8638]

JOHANNA CAMILLA MUSSGANG

In re: Trust under the will and codicil thereto of Johanna Camilla Mussgang, deceased. File F-28-23638; C-1.

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

1. That Else Lindner, Lotte Guenther, Kathe Dietze, Emilie Mussgang and Emma Rabe, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the surviving issue of Else Lindner, the surviving issue of Lotte Guenther, the surviving issue of Kathe Dietze, the surviving issue of Emilie Mussgang and the surviving issue of Emma Rabe, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 and 2 hereof, and each of them, in and to the trust under the will and codicil thereto of Johanna Camilla Mussgang, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by W. G. Keller, as Trustee, acting under the judicial supervision of the County Court of the State of Oregon, in and for the County of Multnomah;

and it is hereby determined:

5. That to the extent that the above named persons and the surviving issue of Else Lindner, the surviving issue of Lotte Guenther, the surviving issue of Kathe Dietze, the surviving issue of Emile Mussgang and the surviving issue of Emma Rabe, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3653; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8640]

VICTOR ROSSEL

In re: Estate of Victor Rossel, deceased. File D-28-10750; E. T. sec. 15507.

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

1. That Joseph Roslaub, Henry Roslaub, Lena Roslaub, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by Lena Yost, as administratrix, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

and it is hereby determined:

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

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

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

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3654; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8651]

TONI BEHN

In re: Bank account owned by Toni Behn. F-28-25134-E-1.

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

1. That Toni Behn, whose last known address is 23 Papen Strasse, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 20669, entitled Tom F. Chapman or I. F. Chapman, Trustees for Toni Behn, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3655; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8653]

GEORGE DITTRICH ET AL.

In re: Bank accounts owned by George Dittrich, Katharine Schorge, Jacob Schorge, Paul Tecklenburg and Frances Tecklenburg. F-28-6725-E-1, F-28-26969-E-1, F-28-26967-E-1.

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

1. That George Dittrich, Katharine Schorge, Jacob Schorge, Paul Tecklenburg and Frances Tecklenburg, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to George Dittrich, by Ridgewood Savings Bank, Myrtle and Forest Avenues, Ridgewood 27, New York, arising out of a savings account, Account Number 14015, entitled George Dittrich, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Katharine Schorge and Jacob Schorge, by Ridgewood Savings Bank, Myrtle and Forest Avenues, Ridgewood 27, New York, arising out of a savings account, Account Number 21196, entitled Katharine Schorge or Jacob Schorge, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

3. That the property described as follows: That certain debt or other obligation of Ridgewood Savings Bank, Myrtle and Forest Avenues, Ridgewood 27, New York, arising out of a savings account, Account Number 61204, entitled Paul Tecklenburg in Trust for Frances Tecklenburg, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3657; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8652]

ALFRED DE LORNE DE ST. ANGE

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Alfred de Lorne de St. Ange, deceased. F-28-25997-C-1.

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

1. That the personal representatives, heirs, next of kin, legatees and distributees of Alfred de Lorne de St. Ange, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of New England Trust Company, 135 Devonshire Street, Boston, Massachusetts, arising out of a checking account, entitled Alice Muller Trust, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Alfred de Lorne de St. Ange, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3656; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8654]

FRAZAR ESTATE CO., LTD.

In re: Bank account owned by Frazar Estate Co., Ltd. F-39-5157-E-1.

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

1. That Frazar Estate Co., Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Frazar Estate Co., Ltd., by Fidelity Union Trust Company, 755 Broad Street, Newark, New Jersey, arising out of a checking account, entitled Frazar Estate Co., Ltd., and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3658; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8655]

MARIE HARMS

In re: Debt owing to Marie Harms. F-28-10005-C-1.

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

1. That Marie Harms, whose last known address is Kritzmow near Rostock, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That property described as follows: All those debts or other obligation owing to Marie Harms by Robert G. Clostermann, Attorney at Law, 320 Lumbermens Building, Portland, Oregon, including particularly but not limited to a portion of the sum of money on deposit with The First National Bank of Portland, 5th, 6th, Stark Streets, Portland, Oregon, in a Trust Account entitled Robert G. Clostermann, Blocked Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3659; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8657]

J. LANGENBACH & SOHNE

In re: Debt owing to J. Langenbach & Sohne. F-28-13878-C-1.

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

1. That J. Langenbach & Sohne, the last known address of which is Worms am Rhein, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to J. Langenbach & Sohne, by National Distillers Products Corporation, 120 Broadway, New York 5, New York, in the amount of $8,788.17, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3660; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8660]

HERMANN RAPPOLD AND RAGINA RAPPOLD

In re: Bank account owned by Hermann Rappold and Ragina Rappold. F-28-23943-E-1.

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

1. That Hermann Rappold and Ragina Rappold, whose last known addresses are Offenbach on the Main, Sedan Str. #5, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hermann Rappold and Ragina Rappold, by The San Francisco Bank, 526 California Street, San Francisco 4, California, arising out of a savings account, account number 715263, entitled Hermann Rappold or Ragina Rappold, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3661; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8664]

BERTHA WEST

In re: Bank account owned by Bertha West. F-28-25709-E-1.

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

1. That Bertha West, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Bertha West, by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a savings account, account number 393520, entitled Bertha West, maintained at the branch office of the aforesaid bank located at 110 South Spring Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3662; Filed, Apr. 16, 1947; 8:57 a. m.]

[Vesting Order 8667]

ERNST BUTENNANDT

In re: Debt owing to Ernst Butennandt. F-28-13472-C-1.

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

1. That Ernst Butennandt whose last known address is 12 Frerichstrasse Kiel, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ernst Butennandt by W. Edward Detjen, 163 East 81st Street, Manhattan, New York, New York, in the amount of $2,645.00, as of March 1, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3663; Filed, Apr. 16, 1947; 8:58 a. m.]

[Vesting Order 8668]

ELIZABETH GEYER

In re: Bank account owned by Elizabeth Geyer. F-28-22953-E-1.

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

1. That Elizabeth Geyer, whose last known address is 22 Rotermann Street, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, 1 Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 60714, entitled Franz Zitzelsberger, Trustee for Elizabeth Geyer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3664; Filed, Apr. 16, 1947; 8:58 a. m.]

[Vesting Order 8678]

TOKU SAWANOBORI

In re: Stock owned by Toku Sawanobori. F-39-4792-D-1/2, F-39-4792-D-5.

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

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

2. That the property described as follows:

a. Ten (10) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NYD-302094, registered in the name of Toku Sawanobori, together with all declared and unpaid dividends thereon,

b. Twelve (12) shares of $5 par value common capital stock of Warner Bros. Pictures, Inc., 321 West 44th Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number ACO-143230, registered in the name of Toku Sawanobori, together with all declared and unpaid dividends thereon, and

c. Twenty (20) shares of no par value common (old) capital stock of Standard Brands Incorporated, 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 109069, registered in the name of Toku Sawanobori, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3665; Filed, Apr. 16, 1947; 8:58 a. m.]

AMERICAN CHAIN & CABLE CO., INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No. and Property

American Chain & Cable Company, Inc., Bridgeport, Connecticut; 4280; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,010,184, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3666; Filed, Apr. 16, 1947; 8:58 a. m.]

ANTONINA VALLENTINE LUCHAIRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No. and Property

Antonina Vallentine Luchaire, Paris, France; 5909; Property described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the literary works "Leonardo da Vinci" and "Poet in Exile" (listed in Exhibit A of said vesting order), to the extent owned by the claimant immediately prior to the vesting thereof, including royalties pertaining thereto in the amount of $23,182.63.

Executed at Washington, D. C., on April 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3667; Filed, Apr. 16, 1947; 8:58 a. m.]

HANSEA CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No. and Property

Hansea Corporation, New York, New York; 1076; forty percent of all property described in subparagraph 3.b. of Vesting Order No. 1239 (8 F. R. 7041, May 27, 1943), which 40% includes $16,264.14 in royalties received thereunder.

Executed at Washington, D. C., on April 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3668; Filed, Apr. 16, 1947; 8:58 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1238]

ALLOCATION OF FUNDS FOR LOANS

MARCH 21, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Arkansas 12H Miller	$365,000
Iowa 36H Wright	86,000
Iowa 59H Woodbury	380,000
Kansas 38B Chautauqua	280,000
Minnesota 70L Hennepin	1,890,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-3671; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1239]

ALLOCATION OF FUNDS FOR LOANS

MARCH 21, 1947.

By virtue of the authority vested in me by the provisions of section 5 of the Rural

Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Arkansas 30E Arkansas	$10,000
Minnesota 53R Waseca	25,000
Wisconsin 55M Adams	20,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-3672; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1240]

ALLOCATION OF FUNDS FOR LOANS

MARCH 25, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Kansas 46C Meade	$357,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-3673; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1241]

ALLOCATION OF FUNDS FOR LOANS

MARCH 25, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Georgia 39H Hart	$50,000
Georgia 42H Toombs	50,000
Ohio 86K Guernsey	200,000
Oregon 2L Lane	215,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-3674; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1242]

ALLOCATION OF FUNDS FOR LOANS

MARCH 25, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Missouri 32K Atchison	$307,000
Montana 1G Ravalli	73,000
Oregon 25H Deschutes	75,000
Texas 89H Houston	270,000
Texas 106G Taylor	330,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-3675; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1243]

ALLOCATION OF FUNDS FOR LOANS

MARCH 25, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Kansas 25E Lyon	$372,000
Nebraska 76Y Southern Nebraska District Public	385,000
North Carolina 16L Edgecombe	50,000
North Carolina 39L Union	50,000
Utah 10C Iron	115,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-3676; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1244]

ALLOCATION OF FUNDS FOR LOANS

MARCH 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Georgia 94G Jones	$185,000
Illinois 18AB Pike	760,000
New Mexico 17C Sierra	85,000
North Carolina 34L Anson	180,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-3677; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1245]

ALLOCATION OF FUNDS FOR LOANS

MARCH 31, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Colorado 29M Phillips	$700,000
Georgia 17H Burke	300,000
Georgia 45L Sumter	325,000
Louisiana 17N Claiborne	204,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-3678; Filed, Apr. 16, 1947; 8:51 a. m.]

[Administrative Order 1246]

ALLOCATION OF FUNDS FOR LOANS

APRIL 1, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Florida 22G Escambia	$500,000
Missouri 23M Lewis	410,000
South Carolina 32H Calhoun	225,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47-3670; Filed, Apr. 16, 1947; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 170]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., April 10, 1947, by Gust Relias, of car PFE 97606, tomatoes, now on the Chicago Produce Terminal, to M. Degaro, Cincinnati, Ohio (C&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3631; Filed, Apr. 16, 1947; 8:54 a. m.]

[S. O. 396, Special Permit 171]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., April 10, 1947, by Jack Carl, of car RD 7648, apples, now on the C. P. T. to Boston, Mass. (Erie-NYNH&H)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent

of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of April 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-3630; Filed, Apr. 16, 1947; 8:54 a. m.]

[S. O. 716]

UNLOADING OF TRACTORS AT BIRMINGHAM, ALA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of April A. D. 1947.

It appearing, that 3 cars containing tractors and parts at Birmingham, Alabama, on the Atlantic Coast Line Railroad Company, shipped by Southeastern Equipment Company, Inc., Birmingham, Alabama, have been on hand under load for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Tractors at Birmingham, Ala., be unloaded.* The Atlantic Coast Line Railroad Company, its agents or employees, shall unload immediately cars CN 660293, Milw 63835 and ACL 77110, loaded with tractors and parts, now on hand at Birmingham, Alabama, consigned Order of National City Bank, Notify United Atlas Company, New York, New York.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., April 13, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-3629; Filed, Apr. 16, 1947; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1481]

NORTHERN NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

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 April 1947.

Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company and a subsidiary of North American Light & Power Company and of The North American Company, both registered holding companies, having filed an application-declaration and amendments thereto in which sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder are designated as applicable with respect to the following transactions:

Northern Natural proposes to issue and sell, puruant to the competitive bidding requirements of Rule U-50 promulgated under the act, $10,000,000 principal amount ____% Serial Debentures, dated May 1, 1947, due 1956-1967, to be issued under an Indenture with the Harris Trust and Savings Company, as Trustee. The interest rate of said Debentures (to be a multiple of ⅛ of 1%) and the price to be received by Northern Natural (to be not less than 99% and not more than 102¾% of the principal amount of said Debentures) are to be determined by competitive bidding. The applicant-declarant states that the net proceeds of said sale (exclusive of accrued interest from the date of the sale of said Debentures and without deducting the expenses in connection with said financing) will be used for the construction of additional property and facilities prior to the end of 1947.

Northern Natural has filed applications with the State Corporation Commission of Kansas and the Nebraska State Railway Commission for authorization with respect to the issue and sale of said Debentures. Pursuant to such applications, the Nebraska State Railway Commission has issued its order authorizing Northern Natural to issue and sell said Debentures, and the State Corporation Commission of the State of Kansas has issued a memorandum opinion stating that it will issue a certificate authorizing the proposed issue and sale of said Debentures when Northern Natural furnishes said Commission with the results of competitive bidding pursuant to Rule U-50.

Said application-declaration having been filed on March 13, 1947 and amendments thereto having been filed on April 7, 1947 and April 11, 1947, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

It is hereby ordered, That pursuant to Rule U-23 said application-declaration, as amended, be, and the same is hereby granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule-24 and subject to the further condition that the proposed sale of Debentures by Northern Natural shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate for which purpose jurisdiction is hereby reserved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3620; Filed, Apr. 16, 1947; 8:51 a. m.]

[File No. 70-1497]

SOUTHERN CALIFORNIA WATER 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 April A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Southern California Water Company ("Southern California"), a public utility subsidiary company of American States Utilities Corporation, a registered holding company. Southern California has designated section 6 (b) of the act and Rules U-42 and U-50 as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 25, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application 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 thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule 100 thereof.

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

Southern California proposes the issuance and sale of $5,100,000 principal amount of First Mortgage Bonds, __% Series due May 1, 1977, pursuant to the competitive bidding requirements of Rule U-50 and the requirements of the Public Utilities Commission of California. Such bonds would be issued under an Indenture with the Bank of America National Trust and Savings Association, as Trustee. The interest rate on said Bonds (to be a multiple of ⅛th of 1%) and the price to be received by Southern California (to be not less than 100% and not more than 102¾% of the principal amount of said bonds) are to be determined by the competitive bidding. It is proposed to use the proceeds from the sale of the new bonds (1) to redeem, at their redemption prices of 105¼, the company's outstanding $3,465,000 principal amount Series A, and $297,000 principal amount Series B, First Mortgage Bonds, exclusive of $38,000 aggregate principal amount of Series A and B bonds to be redeemed out of treasury funds on May 1, 1947, through operation of the sinking fund, (2) to pay the fees and expenses of the proposed sale, and (3) to add the balance to the general funds of the company to defray, in part, the cost of property additions during the year 1947.

The company states that an application has been filed with the Public Utilities Commission of California for authorization with respect to the issue and sale of said bonds.

The applicant requests that the Commission issue its order in the matter on or before April 28, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3619; Filed, Apr. 16, 1947; 8:50 a. m.]