# FEDERAL REGISTER

VOLUME 12 NUMBER 93

Washington, Saturday, May 10, 1947


## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 9849

SUSPENSION OF EIGHT-HOUR LAW AS TO WORK BY THE ALASKA RAILROAD, DEPARTMENT OF THE INTERIOR

WHEREAS the Alaska Railroad is the only means by which substantial quantities of vitally needed materials and supplies can be transported to interior points in the Territory of Alaska; and

WHEREAS the protection of our national security through the maintenance of military posts in Alaska is dependent upon the transportation by the Railroad of vitally needed matériel, supplies, and equipment for our armed forces; and

WHEREAS the essential services performed by the said Railroad in the transportation of freight and passenger traffic are also of critical importance to the citizens of Alaska and to its economic development; and

WHEREAS as a result of the tremendous burden of traffic transported by the Railroad during the war years immediate and extensive rehabilitation of track and roadway facilities is necessary for the safe and continued operation of the Railroad; and

WHEREAS climatic conditions within Alaska preclude such rehabilitation except during the short summer season; and

WHEREAS it is essential to the fullest and most effective utilization of this limited period that laborers and mechanics employed by the Railroad be permitted to work in excess of eight hours a day; and

WHEREAS by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (40 U. S. C. 321), the service of all laborers and mechanics employed by the Government of the United States upon any public work of the United States is limited to eight hours in any one calendar day except in case of extraordinary emergency; and

WHEREAS I find that by reason of the foregoing an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend for a period of six months, effective immediately, the above-mentioned provisions of law prohibiting more than eight hours of labor in any one day by laborers and mechanics employed by the Government of the United States as to all work performed by laborers and mechanics employed by the Alaska Railroad, Department of the Interior, on any public work within the Territory of Alaska with respect to which the Secretary of the Interior shall find such suspension to be essential to the accomplishment of the purposes of this order: *Provided*, That the wages of all laborers and mechanics so employed by the Alaska Railroad shall be based on an administrative workweek of forty hours with overtime to be paid at time and one-half for all hours of work in excess of forty hours in any such administrative workweek.

HARRY S. TRUMAN

THE WHITE HOUSE,
*May 9, 1947*

[F. R. Doc. 47-4519; Filed, May 9, 1947; 12:06 p. m.]

## TITLE 7—AGRICULTURE

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

[Orange Reg. 119]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.345 *Orange Regulation 119*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Pro-

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### THE PRESIDENT



### EXECUTIVE AGENCIES

FEDERAL REGISTER

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## CODIFICATION GUIDE

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



## CODIFICATION GUIDE—Con.



cedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 12, 1947, and ending at 12:01 a. m., e. s. t., May 19, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States stand-

ards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of May 1947.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 47-4496; Filed, May 9, 1947; 9:34 a. m.]

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## PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

### ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, hereinafter referred to as the "order," it is hereby found and determined that the following provisions of such order do not tend to effectuate the declared policy of the act:

1. Section 941.4 (a) (2) in its entirety;
2. In § 941.4 (a) (3) the phrase "* * * located within the surplus milk manufacturing area * * *"; and
3. In § 941.4 (a) (4) the phrase "* * * located within the surplus milk manufacturing area * * *"

It is hereby further found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) in connection with the issuance hereof is impracticable, unnecessary, and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective May 7, 1947, is necessary to the effectuation of the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended; and (3) this action will relieve certain persons of the restrictions imposed upon them by the order.

*It is therefore ordered,* That the following provisions of the order be and they hereby are suspended effective for the period from 12:01 a. m., c. s. t., May 7, 1947, until midnight June 30, 1947:

1. Section 941.4 (a) (2) in its entirety;
2. In § 941.4 (a) (3) the phrase "* * * located within the surplus milk manufacturing area * * *"; and
3. In § 941.4 (a) (4) the phrase "* * * located within the surplus milk manufacturing area * * *"

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

Done at Washington, D. C., this 6th day of May 1947.

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

[F. R. Doc. 47-4407; Filed, May 9, 1947; 8:45 a. m.]

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[Lemon Reg. 221]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.328 *Lemon Regulation 221*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 11, 1947, and ending at 12:01 a. m., p. s. t., May 18, 1947, is hereby fixed at 450 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of May 1947.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[Storage date: May 4, 1947. 12:01 A. M. May 11, 1947, to 12:01 A. M. May 25, 1947]

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.000 |
| Allen-Young Citrus Packing Co | .000 |
| American Fruit Growers, Fullerton | .676 |
| American Fruit Growers, Lindsay | .000 |
| American Fruit Growers, Upland | .491 |
| Consolidated Citrus Growers | .000 |
| Corona Plantation Co | .463 |
| Hazeltine Packing Co | .831 |
| Leppla-Pratt, Produce Distrs. Inc | .000 |
| McKellips, C. H.-Phoenix Citrus Co | .000 |
| McKellips Mutual Citrus Growers, Inc | .000 |
| Phoenix Citrus Packing Co | .000 |
| Ventura Coastal Lemon Co | 1.188 |
| Ventura Pacific Co | 1.347 |
| Total A. F. G | 4.996 |
| Arizona Citrus Growers | .000 |
| Desert Citrus Growers Co., Inc | .000 |
| Mesa Citrus Growers | .000 |
| Elderwood Citrus Association | .000 |
| Klink Citrus Association | .023 |
| Lemon Cove Association | .000 |
| Glendora Lemon Growers Association | 1.753 |
| La Verne Lemon Association | .944 |
| La Habra Citrus Association | 2.135 |
| Yorba Linda Citrus Association, The | 1.187 |
| Alta Loma Heights Citrus Association | 1.031 |
| Etiwanda Citrus Fruit Association | .541 |
| Mountain View Fruit Association | .796 |
| Old Baldy Citrus Association | 1.150 |
| Upland Lemon Growers Association | 5.917 |
| Central Lemon Association | 1.224 |
| Irvine Citrus Association | 1.383 |
| Placentia Mutual Orange Association | .568 |
| Corona Citrus Association | .395 |
| Corona Foothill Lemon Co | 1.814 |
| Jameson Co | .968 |
| Arlington Heights Fruit Co | .654 |
| College Heights Orange & Lemon Association | 2.872 |
| Chula Vista Citrus Association, The | 1.200 |
| El Cajon Valley Citrus Association | .261 |
| Escondido Lemon Association | 3.912 |
| Fallbrook Citrus Association | 1.641 |
| Lemon Grove Citrus Association | .517 |
| San Dimas Lemon Association | 2.483 |
| Carpinteria Lemon Association | 2.089 |
| Carpinteria Mutual Citrus Association | 2.328 |
| Goleta Lemon Association | 2.019 |
| Johnston Fruit Co | 4.208 |
| North Whittier Heights Citrus Association | 1.192 |
| San Fernando Heights Lemon Association | 1.402 |
| San Fernando Lemon Association | 1.082 |
| Sierra Madre-Lamanda Citrus Association | 2.222 |
| Tulare County Lemon & Grapefruit Association | .006 |

PRORATE BASE SCHEDULE—Continued

| Handler | Prorate base (percent) |
|---|---|
| Briggs Lemon Association | 2.310 |
| Culbertson Investment Co | .458 |
| Culbertson Lemon Association | 1.023 |
| Fillmore Lemon Association | 1.898 |
| Oxnard Citrus Association No. 1 | 2.439 |
| Oxnard Citrus Association No. 2 | 2.741 |
| Rancho Sespe | 1.088 |
| Santa Paula Citrus Fruit Associaton | 3.236 |
| Saticoy Lemon Association | 2.511 |
| Seaboard Lemon Association | 3.314 |
| Somis Lemon Association | 2.826 |
| Ventura Citrus Association | .862 |
| Limoneira Company | 2.927 |
| Teague-McKevett Association | .883 |
| East Whittier Citrus Association | .913 |
| Leffingwell Rancho Lemon Association | .906 |
| Murphy Ranch Co | 1.833 |
| Whittier Citrus Association | 1.070 |
| Whittier Select Citrus Association | .748 |
| Total C. F. G. E | 85.903 |
| Arizona Citrus Production Co | .000 |
| Chula Vista Mutual Lemon Association | .918 |
| Escondido Cooperative Citrus Association | .461 |
| Glendora Cooperative Citrus Association | .131 |
| Index Mutual Association | .441 |
| La Verne Cooperative Citrus Association | 1.856 |
| Libbey Fruit Packing Company | .000 |
| Orange Cooperative Citrus Association | .274 |
| Pioneer Fruit Co | .000 |
| Tempe Citrus Co | .000 |
| Ventura Co. Orange & Lemon Association | 2.187 |
| Whittier Mutual Orange & Lemon Association | .302 |
| Total M. O. D | 6.570 |
| Abbate, Chas. Co., The | .000 |
| Atlas Citrus Packing Co | .012 |
| California Citrus Groves, Inc., Ltd | .000 |
| El Modena Citrus, Inc | .022 |
| Evans Bros. Packing Co.—Riverside | .099 |
| Evans Bros. Packing Co.—Sentinel Butte Ranch | .000 |
| Foothill Packing Co | .195 |
| Granada Packing House | .000 |
| Harding & Leggett | .046 |
| Morris Bros. Fruit Co | .000 |
| Orange Belt Fruit Distributors | 1.806 |
| Potato House, The | .000 |
| Raymond Bros | .038 |
| Riverside Growers, Inc | .000 |
| Rooke, B. G. Packing Co | .000 |
| San Antonio Orchard Co | .092 |
| Sun Valley Packing Co | .000 |
| Sunny Hills Ranch, Inc | .000 |
| Valley Citrus Packing Co | .000 |
| Verity, R. H., Sons & Co | .221 |
| Western States Fruit & Produce Co | .000 |
| Total Independents | 2.531 |

[F. R. Doc. 47-4495; Filed, May 9, 1947; 9:34 a. m.]

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[Orange Reg. 176, Amdt. 1]

## PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 966.322 *Orange Regulation 176, as amended*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) Order. (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 4, 1947, and ending at 12:01 a. m., p. s. t., May 11, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, 750 carloads; (*b*) Prorate District No. 2, no movement; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached to Orange Regulation 176 (12 F. R. 2980) and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of May 1947.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 47-4498; Filed, May 9, 1947; 9:34 a. m.]

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[Orange Reg. 177]

## PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 966.323 *Orange Regulation 177*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 11, 1947, and ending at 12:01 a. m., e. s. t., May 18, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, 800 carloads; (*b*) Prorate District No. 2, 750 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administration Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said

order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of May 1947.

[SEAL] S. R. SMITH,

*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 A. M. May 11, 1947, to 12:01 A. M. May 18, 1947]

VALENCIA ORANGES

*Prorate District No. 1*

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Lindsay | .9903 |
| A. F. G. Porterville | 1.8055 |
| Cooperative Citrus Association | .3403 |
| Dofflemyer, W. Todd | .3201 |
| Elderwood Citrus Association | 1.3564 |
| Exeter Citrus Association | 1.8386 |
| Hillside Packing Corp | 3.9039 |
| Ivanhoe Mutual Orange Association | 1.0829 |
| Klink Citrus Association | 4.1217 |
| Lemon Cove Association | 1.3278 |
| Lindsay Citrus Growers Association | 3.4062 |
| Lindsay Cooperative Citrus Association | 2.3105 |
| Lindsay District Orange Co | 1.4067 |
| Lindsay Fruit Association | 2.5418 |
| Lindsay Orange Growers Association | .6462 |
| Orange Cove Citrus Association | 3.1417 |
| Orange Packing Co | 1.8509 |
| Orosi Foothill Citrus Association | 1.1354 |
| Paloma Citrus Fruit Association | .6023 |
| Rocky Hill Citrus Association | 2.7566 |
| Sanger Citrus Association | 2.5038 |
| Sequoia Citrus Association | .7490 |
| Stark Packing Corp | 4.4133 |
| Visalia Citrus Association | 1.1119 |
| Waddell & Sons | 2.2889 |
| Orland Orange Growers Association, Inc | .1171 |
| Baird-Neece Corp | 2.2783 |
| Beattie Association, Agnes M | .2919 |
| Grand View Heights Citrus Association | 3.4348 |
| Magnolia Citrus Association | 1.7886 |
| Richgrove-Jasmine Citrus Association | 1.1444 |
| Sandilands Fruit Co | .3852 |
| Strathmore Cooperative Association | 3.0067 |
| Strathmore District Orange Association | 2.1694 |
| Strathmore Fruit Growers Association | 2.0850 |
| Strathmore Packing House | 1.3024 |
| Sunflower Packing Association | 1.9731 |
| Sunland Packing House | 4.1142 |
| Tule River Citrus Association | .9870 |
| Jensen, M. N | 1.5947 |
| Kroells Bros., Ltd | 1.6063 |
| Lindsay Mutual Groves | 1.6479 |
| Martin Ranch | .6689 |
| Stivers Packing Co | 1.0651 |
| Woodlake Packing House | 1.5153 |
| Randolph Marketing Co., Porterville | 1.7666 |
| Abbatte Co., The Chas | .4956 |
| Anderson Packing Co | 1.1043 |
| Baker Bros | .7458 |
| California Citrus Groves, Inc., Ltd | 2.2194 |
| California Growers, Inc | .9604 |
| Evans Bros. Packing Co | 2.2905 |
| Exeter Groves Packing Co | 1.2071 |
| Harding & Leggett | 1.6404 |
| Lo Bue Bros | .3095 |
| Marks, W. & M | .0449 |
| Reimers, Don H | .2254 |
| Rooke Packing Co., B. G | 8.2332 |
| Snyder & Sons Co., W. A | 0.5719 |
| Webb Packing Co., Inc | .4722 |
| Wollenman Packing Co | .5964 |
| Woodlake Heights Packing Corp | .9874 |

*Prorate District No. 2*

| | |
|---|---|
| Total | 100.0000 |
| A. F. G. Alta Loma | .0596 |
| A. F. G. Fullerton | .8450 |
| A. F. G. Orange | .6367 |
| A. F. G. Redlands | .2281 |
| A. F. G. Riverside | .1583 |
| A. F. G. San Juan Capistrano | .9241 |
| A. F. G. Santa Paula | .3844 |
| Corona Plantation Co | .2473 |
| Hazeltine Packing Co | .3685 |
| Signal Fruit Association | .1020 |
| Azusa Citrus Association | .4895 |
| Azusa Orange Co., Inc | .1381 |
| Damerel-Allison Co | .9471 |
| Glendora Mutual Orange Association | .4129 |
| Irwindale Citrus Association | .3766 |
| Puente Mutual Citrus Association | .1985 |
| Valencia Heights Orchards Association | .4401 |
| Glendora Citrus Association | .4064 |
| Glendora Heights Orange and Lemon Growers Association | .0956 |
| La Verne Orange Association | .6836 |
| Anaheim Citrus Fruit Association | 1.2513 |
| Anaheim Valencia Orange Association | 1.2569 |
| Eadington Fruit Co | 1.8782 |
| Fullerton Mutual Orange Association | 1.3932 |
| La Habra Citrus Association | 1.1610 |
| Orange County Valencia Association | .5682 |
| Orangethorpe Citrus Association | 1.0084 |
| Placentia Cooperative Orange Association | .7068 |
| Yorba Linda Citrus Association, The | .5479 |
| Alta Loma Heights Citrus Association | .1056 |
| Citrus Fruit Growers | .1916 |
| Cucamonga Citrus Association | .1840 |
| Etiwanda Citrus Fruit Association | .0423 |
| Mountain View Fruit Association | .0124 |
| Old Baldy Citrus Association | .1200 |
| Rialto Heights Orange Growers | .0847 |
| Upland Citrus Association | .4405 |
| Upland Heights Orange Association | .1413 |
| Consolidated Orange Growers | 1.6916 |
| Frances Citrus Association | 1.1280 |
| Garden Grove Citrus Association | 1.3772 |
| Goldenwest Citrus Association, The | 1.3758 |
| Irvine Valencia Growers | 2.3437 |
| Olive Heights Citrus Association | 1.6525 |
| Santa Ana-Tustin Mutual Citrus Association | .9652 |
| Santiago Orange Growers Association | 3.6846 |
| Tustin Hills Citrus Association | 1.6830 |
| Villa Park Orchards Association, The | 1.9571 |
| Bradford Bros., Inc | .6026 |
| Placentia Mutual Orange Association | 1.9011 |
| Placentia Orange Growers Association | 2.2326 |
| Call Ranch | .0721 |
| Corona Citrus Association | .4760 |
| Jameson Co | .0408 |
| Orange Heights Orange Association | .4097 |
| Break & Son, Allen | .0614 |
| Bryn Mawr Fruit Growers Association | .2809 |
| Crafton Orange Growers Association | .3975 |
| E. Highlands Citrus Association | .0863 |
| Fontana Citrus Association | .1113 |
| Highland Fruit Growers Association | 0.0509 |
| Krinard Packing Co | .2832 |
| Mission Citrus Association | .1440 |
| Redlands Cooperative Fruit Association | .4111 |
| Redlands Heights Groves | .2601 |
| Redlands Orange Growers Association | .3370 |
| Redlands Orangedale Association | .2442 |
| Redlands Select Groves | .1910 |
| Rialto Citrus Association | .1751 |
| Rialto Orange Co | .1508 |
| Southern Citrus Association | .2082 |
| Zilen Citrus Co | .1072 |
| Arlington Heights Fruit Co | .1115 |
| Brown Estate, L. V. W | .1424 |
| Gavilan Citrus Association | .1500 |
| Hemet Mutual Groves | .1103 |
| Highgrove Fruit Association | .0854 |
| McDermont Fruit Co | .1787 |
| Mentone Heights Association | .0626 |
| Monte Vista Citrus Association | .2236 |
| National Orange Co | .0444 |
| Riverside Heights Orange Growers Association | .0923 |
| Sierra Vista Packing Association | .0566 |
| Victoria Avenue Citrus Association | .1820 |
| Claremont Citrus Association | .1625 |
| College Heights O. & L. Association | .2448 |
| El Camino Citrus Association | .0815 |
| Indian Hill Citrus Association | .2058 |
| Pomona Fruit Growers Exchange | .4367 |
| Walnut Fruit Growers Exchange | .4593 |
| West Ontario Citrus Association | .4030 |
| El Cajon Valley Citrus Association | .3549 |
| Escondido Orange Association | 2.6066 |
| San Dimas Orange Growers Association | .4957 |
| Covina Citrus Association | .9752 |
| Covina Orange Growers Association | .4002 |
| Duarte-Monrovia Fruit Exchange | .2993 |
| Santa Barbara Orange Association | .0512 |
| Ball & Tweedy Association | .7260 |
| Canoga Citrus Association | .8651 |
| N. Whittier Heights Citrus Association | .9405 |
| San Fernando Fruit Growers Association | .4357 |
| San Fernando Heights Orange Association | .9401 |
| Sierra Madre-Lamanda Citrus Association | .3996 |
| Camarillo Citrus Association | 1.4868 |
| Fillmore Citrus Association | 3.5403 |
| Mupu Citrus Association | 2.7919 |
| Ojai Orange Association | .9746 |
| Piru Citrus Association | 1.9932 |
| Santa Paula Orange Association | 1.0795 |
| Tapo Citrus Association | 1.1446 |
| Limoneira Co | .4244 |
| E. Whittier Citrus Association | .4010 |
| El Ranchito Citrus Association | 1.2612 |
| Murphy Ranch Co | .5759 |
| Rivera Citrus Association | .5426 |
| Whittier Citrus Association | .6910 |
| Whittier Select Citrus Association | .4592 |
| Anaheim Cooperative Orange Association | 1.1430 |
| Bryn Mawr Mutual Orange Association | .0684 |
| Chula Vista Mutual Lemon Association | .0912 |
| Escondido Cooperative Citrus Association | .3330 |
| Euclid Avenue Orange Association | .4392 |
| Foothill Citrus Union, Inc | .0330 |
| Fullerton Cooperative Orange Association | .3756 |
| Garden Grove Orange Cooperative, Inc | .5993 |
| Glendora Cooperative Citrus Association | .0674 |

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

*Prorate District No. 2*—Continued

| *Handler* | *Prorate base (percent)* |
|---|---|
| Golden Orange Groves, Inc | 0.2633 |
| Highland Mutual Groves | .0887 |
| Index Mutual Association | .2186 |
| La Verne Cooperative Citrus Association | 1.4015 |
| Olive Hillside Groves | .7816 |
| Orange Cooperative Citrus Association | 1.0396 |
| Redlands Foothill Groves | .4820 |
| Redlands Mutual Groves Association | .1843 |
| Riverside Citrus Association | .0719 |
| Ventura County Orange & Lemon Association | .9235 |
| Whittier Mutual Orange & Lemon Association | .1996 |
| Babijuice Corp. of California | .5058 |
| Banks Fruit Co | .3114 |
| Banks, L. M | .5430 |
| Borden Fruit Co | .5712 |
| California Fruit Distributors | .5022 |
| Cherokee Citrus Co., Inc | .1475 |
| Chess Co., Meyer W | .2951 |
| El Modena Citrus, Inc | .8462 |
| Escondido Avocado Growers | .0549 |
| Evans Bros. Packing Co | .7595 |
| Gold Banner Association | .2796 |
| Granada Mills Packing Co | .0624 |
| Granada Packing House | 2.8646 |
| Hill, Fred A | .0761 |
| Inland Fruit Dealers | .0925 |
| Montgomery Jr., C. R | .0504 |
| Orange Belt Fruit Distributors | 1.8865 |
| Panno Fruit Co., Carlo | .1646 |
| Paramount Citrus Association | .2597 |
| Placentia Orchard Co | .3985 |
| Placentia Pioneer Valencia Growers Association | .6451 |
| Riverside Growers, Inc | .1432 |
| San Antonio Orchards Co | .5405 |
| Snyder & Sons Co., W. A | 1.2094 |
| Sunny Hills Ranch, Inc | .2475 |
| Verity & Sons Co., R. H | .0332 |
| Wall, E. T | .1173 |
| Webb Packing Co | .2761 |
| Western Fruit Growers, Inc., Anaheim | .0862 |
| Yorba Orange Growers Association | .6044 |

[F. R. Doc. 47-4497; Filed, May 9, 1947; 9:34 a. m.]

# TITLE 10—ARMY: WAR DEPARTMENT

## Chapter II—Aircraft

PART 203—ASSISTANCE TO AIRCRAFT OF FOREIGN REGISTRY AT CONTINENTAL UNITED STATES BASES

*Correction*

In Federal Register Document 47-4347, appearing on page 3049, of the issue for Thursday, May 8, 1947, the headnote for Part 203 should read as set forth above.

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

[Regs., Serial No. 388]

PART 292—EXEMPTIONS AND CLASSIFICATIONS

IRREGULAR AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 5th day of May 1947.

The Civil Aeronautics Board, having held a hearing and issued its opinion in the Investigation of Non-Scheduled Air Service, Docket No. 1501, relating to non-certificated air carriers,[1] having circulated for comment a draft and thereafter a revised draft of proposed regulation relating to non-certificated air carriers, having considered written comments and oral argument thereon in Docket No. 2742, and having also considered other data and information[2] available to the Board, finds as follows:

1. Since 1938 there has been in effect an exemption regulation adopted by the Board which exempts non-certificated air carriers from all provisions of Title IV of the Civil Aeronautics Act (other than section 401 (l) and 407 (a), and, since June, 1946, section 411) so long as they engage only in irregular services as defined in such regulation. At the time such regulation was originally adopted the Board believed it was undesirable to provide for the detailed economic regulation of the operations of such carriers without further study. Since that time and particularly following the close of the war, the Board has accumulated information and data which indicate that the aggregate operations of such carriers have increased in scope and importance, and that operations by individual carriers are frequently extensive. Some such operations have been conducted with little regard to the responsibility and duty owed to the public by a common carrier with respect to service, and have resulted in numerous complaints to the Board concerning tariff and operating practices, including but not limited to failure of such carriers to perform the service agreed upon, great variations in the fares and rates charged by the same carrier for comparable service, failure to make refunds to passengers and shippers for transportation not performed, misrepresentation of equipment, facilities and services, and use of inadequate and makeshift equipment and facilities. Both the protection of the public from improper practices by such non-certificated air carriers and protection of the certificated carriers against unregulated competition require that additional regulatory provisions of the Civil Aeronautics Act be now made applicable to such non-certificated air carriers.

2. In addition to the public demand and need for air transportation services furnished by the certificated air carriers on regularly scheduled operations, there is public demand and need at the present time for air services on an irregular basis both to certificated and non-certificated points. Such irregular services vary greatly with respect to type of service, and fill a need which, because of fluctuations in the demand and the impossibility of determining where and when the demand will arise, by its very nature cannot be fulfilled economically by carriers operating on regular schedules and routes. Such services can be performed by non-certificated air carriers, and because of their knowledge of local conditions or willingness to perform specialized types of services such services can frequently be performed by them more adequately, economically and quickly than by certificated carriers. To require the certification of such carriers at the present time would be impracticable because it would be necessary to issue a certificate of public convenience and necessity which would either impose no substantial limitations upon operations or which would substantially reduce the flexibility and usefulness of the operations of such carriers. Certification, in the case of many small scale operations, would be uneconomical and would tend to prevent or retard the development of new types of services designed to meet special conditions. Because of the fact that irregular services meet a different need and must be infrequent and irregular, such services, if properly regulated under provisions of the act other than those relating to certificates of public convenience and necessity, will not under present conditions have adverse competitive effect upon the services performed by the certificated air carriers.

3. In view of the considerations mentioned in paragraphs 1 and 2 hereof, and in order to insure the flexibility in the conduct of irregular services which is implicit in exemption of non-certificated air carriers from certification, irregular air carriers, as defined in § 292.1, should continue to be exempted from the requirements of section 401 of the act other than subsection (l). Protection of the public and the orderly development of the air transportation system in accordance with the objectives of section 2 of the act, however, require that certain provisions of the act which are not directly related to the certification provisions of the act should be made applicable to the irregular air carriers utilizing equipment of substantial size. Such carriers are now subject to sections 401 (l), 407 (a) and 411, and these requirements should be continued. In addition, such carriers should now be subject to sections 403, 404 (b), 407 (b), 407 (c), 407 (d), 407 (e), 409 (b), 410, 415 and 416; and to the requirements of section 404 (a) relating to safe service, equipment and facilities. In addition, such carriers should be made subject to the provisions of sections 408, 409 (a), 412, 413 and 414, except to the extent, as more fully set forth in paragraph (c) of § 292.1, that such provisions involve other irregular air carriers.

4. A portion of the irregular air service now being performed is performed by small air carriers operating a limited number of planes of small size. From reports submitted to the Board it appears that non-certificated air carriers operating one or more aircraft having a

[1] As used herein the term "non-certificated air carriers" refers to air carriers engaging in air transportation which do not hold certificates of public convenience and necessity issued by the Board, and the term "certificated air carriers" refers to air carriers which do hold such certificates.

[2] Such data and information include, among other things, the reports heretofore filed with the Board pursuant to § 292.1 of the Economic Regulations, data obtained in investigations made by the enforcement staff of the Board, financial Forms 41, 2380 and 2780, and other reports filed with the Board by the certificated air carriers, informal complaints filed against non-certificated air carriers, and applications for air carrier operating certificates filed with the Civil Aeronautics Administration pursuant to Part 42 of the Civil Air Regulations.

gross take-off weight in excess of 10,000 pounds constituted less than 20 percent of the total number of non-certificated air carriers, but flew approximately 90 percent of the total revenue passenger miles flown by all such carriers. It would thus appear that irregular air carriers operating aircraft under 10,000 pounds may be subjected to a much lesser degree of economic regulation without materially affecting the over-all air transportation system. Such operations are limited in scope, do not represent a serious threat to certificated operations, and extensive regulation thereof at this time would be unduly burdensome and costly to such carriers, would tend to increase the cost and impair the value of such services to the public, and would impose unnecessary additional administrative burden upon the Board. Accordingly, such irregular air carriers should not be made subject to sections 403, 404 (b), 407 (b), 407 (c), 408, 409 (a), 410 and 412, but should be made subject to all other provisions of the act to which the irregular air carriers utilizing equipment of substantial size are subject.

In drawing the line between the irregular air carriers utilizing equipment of substantial size and the irregular air carriers which utilize only smaller equipment, the Board finds that the use of a single aircraft unit having an allowable gross take-off weight in excess of 10,000 pounds would involve an operation of substantial size in relation to the service offered to the public and the competitive effect upon other air carriers; and that the use of aircraft units having an allowable gross take-off weight between 6,000 and 10,000 pounds and an aggregate gross take-off weight in excess of 25,000 pounds would likewise involve a substantial operation.

5. Section 292.1 of the economic regulations as revised herein, unlike the exemption heretofore in effect, does not provide for exemption from the act with respect to the carriage of persons in foreign air transportation. The Board finds that notwithstanding the findings in paragraphs 2 and 3 hereof the continuation of the exemption with respect to such transportation is no longer justified in view of the recent substantial extension of our international air transportation system, as well as the recent award of foreign air carrier permits, and in view of the smaller traffic potential which the Board finds to exist in the field of international air transportation as compared with interstate and overseas air transportation.

6. As a condition to the grant of the exemptions provided for in § 292.1, such section will provide for letters of registration to be issued to irregular air carriers, for quarterly operation reports, and for special reports on the institution of service with large aircraft by such carriers theretofore utilizing only small aircraft. These requirements are deemed necessary in order that the Board may maintain adequate supervision and obtain information with respect to excepted operations.

7. Unless specific provision were made herein the officers and directors of irregular air carriers otherwise would be subject to the interlocking relationships provisions of section 409 of the act, even though the irregular air carriers in which they hold their positions are wholly or partially exempted from such provisions by the terms of § 292.1. The Board's statutory powers to grant exemptions from provisions of Title IV of the act extend only to air carriers and not to individuals or persons other than air carriers. Certain interlocking relationships as specified in section 409 occupied by such persons are lawful only if approved by the Board upon due showing, in the form and manner prescribed by the Board, that the public interest will not be adversely affected thereby. The Board has determined in this regard that since it is granting exemption to certain irregular air carriers from the requirements of section 409 with respect to certain relationships, a due showing within the meaning of the statute to justify approval of an interlocking relationship, upon application filed by an officer or director of an irregular air carrier, would be made by a showing that such carrier itself had been granted an exemption from the necessity of obtaining approval. To require each such officer or director to file such an application and make such a showing, however, would appear to impose a useless administrative burden upon the Board and would not be conducive to the proper dispatch of business and to the ends of justice. The Board has determined, therefore, that such showing by all such officers and directors individually shall be presumed to have been made, and upon the basis thereof has granted blanket approval of such interlocking relationships in § 292.1.

8. In view of the foregoing considerations, the present enforcement of the provisions of Title IV, except to the extent required in § 292.1, would be an undue burden on irregular air carriers by reason of the limited extent of, and the unusual circumstances affecting the operations of such carriers, and would not be in the public interest.

On the basis of the foregoing findings, and pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 416 (b) thereof, and for the purpose of providing for the economic regulation of services conducted on an irregular basis by non-certificated air carriers, the Civil Aeronautics Board hereby amends § 292.1 of the economic regulations in its entirety to read as follows, effective June 10, 1947:

§ 292.1 *Irregular air carriers*—(a) *Applicability.* This section shall not apply to any air carrier authorized by a certificate of public convenience and necessity to engage in air transportation, to Alaskan air carriers, to operations within Alaska, or to any non-certificated air carrier engaged in air transportation pursuant to special or individual exemption by the Board or pursuant to exemption created by any other section of the economic regulations.

(b) *Classification.* There is hereby established a classification of non-certificated air carriers to be designated as "Irregular Air Carriers." An irregular air carrier shall be defined to mean any air carrier (1) which does not hold a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, (2) which directly engages in interstate or overseas air transportation of persons and property or foreign air transportation of property only, and (3) which does not hold out to the public, expressly or by a course of conduct, that it operates one or more aircraft between designated points, or within a designated point, regularly or with a reasonable degree of regularity upon which aircraft it accepts for transportation, for compensation or hire, such members of the public as apply therefor or such property as the public offers. No air carrier shall be deemed to be an irregular air carrier unless the air transportation services offered and performed by it are of such infrequency as to preclude an implication of a uniform pattern or normal consistency of operation between, or within, such designated points. Within the meaning of this definition a "point" shall mean any airport or place where aircraft may be landed or taken-off, including the area within a 25-mile radius of such airport or place.

(c) *Exemptions*—(1) *General.* Except as otherwise provided in this section, irregular air carriers shall be exempt from all provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, other than the following:

(i) Subsection 401 (l) (Compliance with Labor Legislation);

(ii) Section 403 (Tariffs);

(iii) Subsection 404 (a) (Carrier's Duty to Provide Service, etc.), only in so far as said subsection requires air carriers to provide safe service, equipment, and facilities in connection with air transportation;

(iv) Subsection 404 (b) (Discrimination);

(v) Subsection 407 (a) (Filing of Reports): *Provided,* That no provision of any rule, regulation, term, condition or limitation prescribed pursuant to said subsection 407 (a) shall be applicable to irregular air carriers unless such rule, regulation, term, condition or limitation expressly so provides;

(vi) Subsection 407 (b) (Disclosure of Stock Ownership);

(vii) Subsection 407 (c) (Disclosure of Stock Ownership by Officers or Directors);

(viii) Subsection 407 (d) (Form of Accounts): *Provided,* That no provision of any rule, regulation, term, condition or limitation prescribed pursuant to said subsection 407 (d) shall be applicable to irregular air carriers unless such rule, regulation, term, condition or limitation expressly so provides;

(ix) Subsection 407 (e) (Inspection of Accounts and Property);

(x) Section 408 (Consolidation, Merger, and Acquisition of Control): *Provided,* That irregular air carriers shall be exempt from section 408 in so far as said section would make it unlawful, without prior approval by the Board, (*a*) for any irregular air carrier or any person controlling any such carrier to purchase, lease, or contract to operate the properties, or any substantial part thereof, of another irregular air carrier, (*b*) for any irregular air carrier to consolidate or merge with another irregular

air carrier, and (c) for any irregular air carrier or any person controlling any such air carrier to acquire control of another irregular air carrier: *Provided further*, That any irregular air carrier which consolidates or merges with another irregular air carrier and any irregular air carrier or any person controlling any such carrier that acquires control of, or purchases, leases, or contracts to operate the properties, or any substantial part thereof, of another irregular air carrier pursuant to the exemption granted herein, shall submit to the Board, not more than 30 days following the consummation of the transaction, a report indicating in reasonable detail the nature and result of the transaction.

(xi) Subsection 409 (a) (Interlocking Relationships): *Provided*, That if an application by any irregular air carrier for approval of an interlocking relationship in existence on the effective date of this section is filed with the Board prior to a date 30 days after the effective date of this section, such air carrier may retain the officer, director, member, or stockholder involved in such relationship pending final disposition by the Board of said application: *Provided, further*, That irregular air carriers shall be exempt from subsection 409 (a) in so far as said subsection would make it unlawful, without prior approval by the Board, (a) for any irregular air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in another irregular air carrier, (b) for any irregular air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in another irregular air carrier;

(xii) Subsection 409 (b) (Profit from Transfer of Securities);

(xiii) Section 410 (Loans and Financial Aid);

(xiv) Section 411 (Methods of Competition);

(xv) Section 412 (Pooling and Other Agreements): *Provided*, That irregular air carriers shall be exempt from section 412 until 60 days after the effective date of this section: *Provided further*, That irregular air carriers shall be exempt from section 412 in so far as said section would require any irregular air carrier to file with the Board a copy or a memorandum of certain contracts or agreements (other than contracts or agreements for pooling or apportioning earnings, losses, traffic, service or flying equipment), or of modifications or cancellations thereof, between such carrier and any other irregular air carrier;

(xvi) Section 413 (Form of Control);

(xvii) Section 414 (Legal Restraints);

(xviii) Section 415 (Inquiry into Air-Carrier Management);

(xix) Section 416 (Classification and Exemption of Carriers).

(2) *Additional exemptions for irregular air carriers utilizing small aircraft.* Subdivisions (ii), (iv), (vi), (vii), (x), (xi), (xiii) and (xv) of subparagraph (1) of this paragraph shall not apply to any irregular air carrier which does not utilize in its air transportation services any single aircraft unit having an allowable gross take-off weight in excess of 10,000 pounds, or three or more aircraft units (not including any aircraft unit having an allowable gross take-off weight of less than 6,000 pounds) having an aggregate allowable gross take-off weight in excess of 25,000 pounds.

(3) *Additional temporary exemptions in foreign air transportation.* Notwithstanding any other provisions of this section, irregular air carriers for a period of three months after the effective date of this section, shall, with respect to foreign air transportation of persons, be exempt from all provisions of sections 401 (except subsection 401 (l)) and 403 of the Civil Aeronautics Act of 1938, as amended, only, however, to the extent that such foreign air transportation of persons is confined to operations of the type exempted under this section prior to this revision of such section.

(4) *Approval of certain interlocking relationships.* To the extent that any officer or director of an irregular air carrier would, without prior approval by the Board, be in violation of any provision of subsection 409 (a) (3) of the Civil Aeronautics Act of 1938, as amended, by reason of any interlocking relationship with another irregular air carrier, such relationship is hereby approved.

(5) *Effect on other statutes.* The exemptions hereinabove granted from certain provisions and requirements of sections 408, 409, and 412 shall not constitute an order made under such sections, within the meaning of section 414, and shall not confer any immunity or relief from operation of the "antitrust laws," or any other statute (except the Civil Aeronautics Act of 1938, as amended), with respect to any transaction, interlocking relationship or agreement otherwise within the purview of such section.

(6) *Operational reports by irregular air carriers.* On or before July 20, 1947, and thereafter on or before the 20th day of every October, January, April and July, each irregular air carrier, except those irregular air carriers utilizing only small aircraft, as specified in subparagraph (2) of this paragraph, shall file with the Board a quarterly operational report covering the period of the three preceding calendar months, showing all flights operated in air transportation during such period, and stating, with respect to each such flight, the dates of departures and arrivals and the origin, destinations and intermediate points served. Whenever any irregular air carrier theretofore utilizing only small aircraft, as specified in subparagraph (2) of this paragraph, undertakes to utilize in its air transportation services any single aircraft unit having an allowable gross take-off weight in excess of 10,000 pounds, or three or more airfcraft units (not including any aircraft unit having an allowable gross take-off weight of less than 6,000 pounds) having an aggregate allowable gross take-off weight in excess of 25,000 pounds, such irregular air carrier shall notify the Board in writing within not more than ten days after the actual commencement of such utilization.

(d) *Registration for exemption*—(1) *Letter of registration required.* From and after 60 days after the effective date of this section no irregular air carrier may engage in any form of air transportation unless there is then outstanding and in effect with respect to such air carrier a letter of registration issued by the Board: *Provided*, That if any irregular air carrier, otherwise authorized to engage in air transportation pursuant to this section, shall file with the Board within 60 days after the effective date of this section, an application for a letter of registration, such applicant may engage in such air transportation until such letter has been issued, or such applicant has been notified that it appears to the Board that such applicant is not entitled to the issuance of such letter.

(2) *Issuance of letter of registration.* Upon the filing of proper application therefor, the Board shall issue, to any irregular air carrier, a letter of registration which, unless otherwise sooner rendered ineffective, shall expire and be of no further force and effect, upon a finding by the Board that enforcement of the provisions of section 401 (from which exemption is provided in this section) would be in the public interest and would no longer be an undue burden on such irregular air carrier or class of irregular air carriers. Such application shall be certified to by a responsible official of such carrier as being correct, and shall contain the following information: (i) Date; (ii) name of carrier; (iii) mailing address; (iv) location of principal operating base; (v) if a corporation, the place of incorporation, the name and citizenship of officers and directors and a statement that at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions; (vi) if an individual or partnership, the name and citizenship of owners or partners; (vii) the types and numbers of each type of aircraft utilized in air transportation. Such application shall be submitted in duplicate in letter form or on C. A. B. Form No. 2789[1] which is available on request for the convenience of applicants.

(3) *Non-transferability of letter of registration.* A letter of registration shall be non-transferable and shall be effective only with respect to the person named therein.

(4) *Suspension of letter of registration.* Letters of registration shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest.

(5) *Revocation of letter of registration.* Letters of registration shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the Civil Aeronautics Act of 1938, as amended, or of any order, rule or regulation issued under any such provision, or of any term, condition or limitation of any authority issued under said act or regulations.

(e) *Separability.* If any provision of this section or the application thereof to any air transportation, person, class of persons, or circumstance is held in-

[1] Filed as part of the original document.

valid, the remainder of the section and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby. (52 Stat. 984 and 1004, as amended; 49 U. S. C. 425a and 496b)

NOTE: The record-keeping and reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-4424; Filed, May 9, 1947; 9:14 a. m.]

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[Regs., Serial No. 389]

## PART 292—EXEMPTIONS AND CLASSIFICATIONS

### NON-CERTIFICATED CARGO CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of May 1947.

The Civil Aeronautics Board, having held a hearing and issued its opinion in the Investigation of Non-Scheduled Air Service, Docket No. 1501, relating to non-certificated air carriers,[1] having circulated for comment a draft and thereafter a revised draft of proposed regulation relating to non-certificated air carriers, having considered written comments and oral argument thereon in Docket No. 2742, and having also considered other data and information[2] available to the Board, finds as follows:

1. Although the carriage of passengers and parcels (express) has long been performed by the certificated air carriers, the carriage of property in aircraft specially adapted or used solely for that purpose, and by companies devoting all or a major portion of their efforts to the solicitation and carriage of property constitutes a new and developing business. Such carriage of property by air is in the public interest, meets a public need, and although still in its infancy is likely to become an industry utilizing new methods and techniques which will develop only with time, experience and opportunity for experimentation. The need and the opportunity cannot be adequately met by confining such carriers of property, which at the present time do not hold certificates of public convenience and necessity, to the irregular operations which they have heretofore conducted or may hereafter conduct pursuant to § 292.1 of the economic regulations, or which they may continue to conduct on a noncommon carrier basis.

2. Because of the inability of non-certificated air carriers to carry sufficient volume of cargo on an irregular common carrier basis or to build up an economically balanced operation in the case of non-common carrier operations, many of such carriers of property by air, operating in interstate and/or overseas air transportation may be required, for financial reasons, to terminate operations if they are required to continue to operate only upon an irregular or non-common carrier basis.

3. At the present time applications are pending before the Board in which for the first time the Board will be called upon to determine issues of public convenience and necessity relating to authorization to engage in the air transportation of property only in interstate and/or overseas air transportation. Certain of these applications are already consolidated in pending proceedings which are in various stages of adjudication, but it appears that in no case will the Board be able to dispose finally of such issues for some time. During this interim period it would not be in the public interest to terminate or curtail such services and thereby lose the benefit of the experience being obtained in this new field of air cargo; and the probability of dissipation of the operating staff and experience of such carriers, interruption of operations, loss of revenues and probable loss of part of their capital funds during the aforesaid interim period constitute unusual circumstances affecting the operations of such carriers and would impose an undue burden on such carriers.

4. In view of the considerations mentioned above, we find that non-certificated cargo carriers in the class described in paragraph (b) of § 292.5 should be exempted from the requirements of section 401 of the act (other than section 401 (l)) in order that such carriers will be able to engage in scheduled cargo service in interstate and/or overseas air transportation to the extent provided in paragraph (c) of § 292.5. Such carriers will be made subject to all other provisions of Title IV of the act other than provisions, such as sections 405 and 406, which are not applicable to non-certificated cargo only operations.

5. Section 292.5 will not provide for exemption from the act with respect to the carriage of cargo in foreign air transportation. The Board finds that an exemption with respect to such transportation is not justified in view of the recent substantial extension of our international air transportation system, as well as the recent award of foreign air carrier permits, and in view of the smaller traffic potential which the Board finds to exist presently in the field of international air transportation as compared with interstate or overseas air transportation.

6. In view of the foregoing considerations, the present enforcement of the provisions of Title IV, except to the extent required in § 292.5, would be an undue burden on non-certificated cargo carriers by reason of the limited extent of, and the unusual circumstances affecting, the operations of such carriers, and would not be in the public interest.

On the basis of the foregoing findings, and pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 416 (b) thereof, and for the purpose of authorizing and regulating limited air transportation of property only by certain applicants for certificates of public convenience and necessity for such service, the Civil Aeronautics Board hereby makes and promulgates the following regulation, effective June 10, 1947:

§ 292.5 *Non-certificated cargo carriers*—(a) *Applicability.* This section shall not apply to any air carrier authorized by a certificate of public convenience and necessity to engage in air transportation, to Alaskan air carriers, to operations within Alaska, or to any non-certificated air carrier engaged in air transportation pursuant to special or individual exemption by the Board or pursuant to exemption created by any other section of the economic regulations.

(b) *Classification.* There is hereby established a classification of non-certificated air carriers to be designated as "non-certificated cargo carriers". A non-certificated cargo carrier shall be defined to mean any air carrier which directly engages in interstate or overseas air transportation of property only and which on May 5, 1947,

(1) Did not hold a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended,

(2) Had on file with the Board an application for a certificate of public convenience and necessity authorizing scheduled interstate or overseas air transportation of property only, and

(3) Was actively engaged in the business of carrying property by air for compensation or hire.

(c) *Scope of operations affected.* Except as otherwise provided in this section, each non-certificated cargo carrier shall be entitled to the exemptions created by this section, only with respect to transportation between such carrier's "established points." For the purpose of this section, the term "established points" shall be defined for any given non-certificated cargo carrier to include any point to or from which such carrier has transported property by air, for compensation or hire, on other than merely a casual, occasional or infrequent basis, at any time during the twelve-month period ending May 5, 1947, *Provided, however,* That such point is a point, or is located in a region, proposed to be served in such carrier's pending application referred to in paragraph (b) of this section. Upon filing written notice with the Board of intention to serve any other point located within the area immediately adjacent to any established point, such carrier also shall be entitled to the exemptions created by this sec-

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[1] As used herein the term "non-certificated air carriers" refers to air carriers engaging in air transportation which do not hold certificates of public convenience and necessity issued by the Board, and the term "certificated air carriers" refers to air carriers which do hold such certificates.

[2] Such data and information include, among other things, the record in the Air Freight Case, Docket No. 810 et al., the reports heretofore filed with the Board pursuant to § 292.1 of the Economic Regulations, data obtained in investigations made by the enforcement staff of the Board, financial Forms 41, 2380 and 2780, and other reports filed with the Board by the certificated air carriers, informal complaints filed against non-certificated air carriers, and applications for air carrier operating certificates filed with the Civil Aeronautics Administration pursuant to Part 42 of the Civil Air Regulations.

tion, with respect to transportation to or from such other point, unless and until the Board shall advise the carrier that such other point is not deemed, with reference to the purposes of this section, to be located within said immediately adjacent area, or that said transportation to or from such other point is not in the public interest.

(d) *Duration of exemption.* Unless otherwise extended as to any particular carrier by appropriate order of the Board, the exemptions provided in this section shall apply to each non-certificated cargo carrier only until 60 days after the Board shall have made final disposition of any one application, or part thereof, on file with the Board by that carrier on May 5, 1947, for a certificate of public convenience and necessity authorizing the direct scheduled interstate or overseas air transportation of property only.

(e) *Exemptions.* Except as otherwise provided in this section, non-certificated cargo carriers shall be exempt from all provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, other than the following:

(1) Subsection 401 (l) (Compliance with Labor Legislation);

(2) Section 403 (Tariffs);

(3) Subsection 404 (a) (Carrier's Duty to Provide Service, etc.), only in so far as said subsection requires air carriers to provide safe service, equipment, and facilities in connection with air transportation, and to establish, observe and enforce just and reasonable individual and joint rates, fares, and charges, and just, reasonable and equitable divisions thereof, and just, reasonable classifications, rules, regulations, and practices relating to air transportation;

(4) Subsection 404 (b) (Discrimination);

(5) Subsection 407 (a) (Filing of Reports): *Provided,* That no provision of any rule, regulations, term, condition or limitation prescribed pursuant to said subsection 407 (a) shall be applicable to non-certificated cargo carriers unless such rule, regulation, term, condition or limitation expressly so provides;

(6) Subsection 407 (b) (Disclosure of Stock Ownership);

(7) Subsection 407 (c) (Disclosure of Stock Ownership by Officers or Director);

(8) Subsection 407 (d) (Form of Accounts): *Provided,* That no provision of any rule, regulation, term, condition or limitation prescribed pursuant to said subsection 407 (d) shall be applicable to non-certificated cargo carriers unless such rule, regulation, term, condition or limitation expressly so provides;

(9) Subsection 407 (e) (Inspection of Accounts and Property);

(10) Section 408 (Consolidation, Merger, and Acquisition of Control);

(11) Subsection 409 (a) (Interlocking Relationships);

(12) Subsection 409 (b) (Profit from Transfer of Securities);

(13) Section 410 (Loans and Financial Aid);

(14) Section 411 (Methods of Competition);

(15) Section 412 (Pooling and Other Agreements): *Provided,* That non-certificated cargo carriers shall be exempt from said section 412 until 60 days after the effective date of this section: *Provided further,* That such exemption from said section 412 shall not constitute an order made under said section, within the meaning of section 414, and shall not confer any immunity or relief from operation of the "antitrust" laws, or any other statute (except the Civil Aeronautics Act of 1938, as amended), with respect to any contract or agreement otherwise within the purview of said section 412;

(16) Section 413 (Form of Control);

(17) Section 414 (Legal Restraints);

(18) Section 415 (Inquiry into Air Carrier Management);

(19) Section 416 (Classification and Exemption of Carriers).

(f) *Registration for exemption*—(1) *Letter of registration required.* From and after 60 days after the effective date of this section no non-certificated cargo carrier may engage in any form of air transportation unless there is then outstanding and in effect with respect to such air carrier a letter of registration issued by the Board: *Provided,* That if any non-certificated cargo carrier, otherwise authorized to engage in air transportation pursuant to this section, shall file with the Board, within 60 days after the effective date of this section, an application for a letter of registration, such applicant may engage in such air transportation until such letter has been issued, or such applicant has been notified that it appears to the Board that such applicant is not entitled to the issuance of such letter.

(2) *Issuance of letter of registration.* Upon the filing, in duplicate, of proper application therefor, the Board shall issue, to any non-certificated cargo carrier, a letter of registration which, unless otherwise sooner rendered ineffective, shall expire and be of no further force and effect, upon a finding by the Board that enforcement of the provisions of section 401 (from which exemption is provided in this section) would be in the public interest and would no longer be an undue burden on such non-certificated cargo carrier or class of non-certificated cargo carriers. Such application shall be certified to by a responsible official of such carrier as being correct, and shall contain the following information: (i) Date; (ii) name of carrier; (iii) mailing address; (iv) location of principal operating base; (v) if a corporation, the place of incorporation, the name and citizenship of officers and directors, the name and address of each stockholder owning beneficially more than five per centum of the voting interest, and a statement that at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions; (vi) if an individual or partnership, the name and citizenship of owners or partners; (vii) reference, by date of filing and docket number, to pending applications for certificates of public convenience and necessity for interstate or overseas air transportation of property only, filed with the Board prior to May 5, 1947; and (viii) list of the carrier's established points, as defined in paragraph (c) of this section, showing, as to each such point, the maximum number of its flights serving such point in any one month during the twelve-month period ending May 5, 1947.

(3) *Non-transferability of letter of registration.* Letters of registration shall be non-transferable and shall be effective only with respect to the person named therein.

(4) *Suspension of letter of registration.* Letters of registration shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest.

(5) *Revocation of letter of registration.* Letters of registration shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the Civil Aeronautics Act of 1938, as amended, or of any order, rule or regulation issued under any such provisions, or of any term, condition or limitation of any authority issued under said act or regulations.

(g) *Separability.* If any provision of this section or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, the remainder of the section and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby. (52 Stat. 984 and 1004, as amended; 49 U. S. C. 425a and 496b)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 47-4425; Filed, May 9, 1947; 9:13 a. m.]

# TITLE 15—DEPARTMENT OF COMMERCE

## Subtitle A—Office of the Secretary of Commerce

### PART 13—PROCEDURES FOR HANDLING AND SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

Sec.
13.1 Purpose.
13.2 Provisions of law.
13.3 Delegation of authority for adjudication and settlement of claims.
13.4 Procedure for making claims.
13.5 Adjudication and settlement of claims.
13.6 Payment of claims.
13.7 Effective dates.

AUTHORITY: §§ 13.1 to 13.7, inclusive, issued under R. S. 161, 60 Stat. 843; 5 U. S. C. 22, 28 U. S. C. 921 et seq.

§ 13.1 *Purpose.* The purpose of this part is to delegate authority to settle claims for personal injury or property damage under the Federal Tort Claims Act (60 Stat. 843; 28 U. S. C. 921) and to establish procedures for the adjudication of such claims.

§ 13.2 *Provisions of law.* The following are the applicable provisions of law:

(a) Section 403 of the Federal Tort Claims Act provides as follows:

(a) Subject to the limitations of this title, authority is hereby conferred upon the head

of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle any claim against the United States for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed $1,000 caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred.

(b) Subject to the provisions of Part 3 of this title, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud, notwithstanding any other provision of law to the contrary.

(c) Any award made to any claimant pursuant to this section, and any award, compromise, or settlement of any claim cognizable under this title made by the Attorney General pursuant to section 413, shall be paid by the head of the Federal agency concerned out of appropriations that may be made therefor, which appropriations are hereby authorized.

(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

(b) Under section 420 of the act claims must be filed within one year after the claim accrued or within one year of the date of the enactment of the act, whichever is later.

(c) Section 422 of the act provides, in part, that

* * * the head of the Federal Agency or his designee making an award pursuant to Part 2 of this title * * * may, as a part of the judgment, award, or settlement, determine and allow reasonable attorney's fees, which, if the recovery is $500 or more, shall not exceed 10 per centum of the amount recovered under Part 2, * * * to be paid out of but not in addition to the amount of the * * * award, or settlement recovered, to the attorneys representing the claimant.

(d) Section 424 (a) of the act repeals, in respect of claims cognizable under Part 2 of the act, all provisions of law authorizing any Federal agency to consider, ascertain, adjust, or determine claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment.

§ 13.3 *Delegation of authority for adjudication and settlement of claims.* The head of each primary organization unit is hereby authorized to exercise with respect to claims arising out of the wrongful acts or omissions of employees of his organization, in accordance with §§ 13.4 and 13.5 all authority vested in the Secretary of Commerce by section 403 (a) of the act. The Solicitor of the Department of Commerce is authorized to exercise such authority with respect to claims arising out of the wrongful acts or omissions of employees of the constituent units of the Office of the Secretary excluding the Office of Technical Services. The approval and acceptance of any claim by the head of the primary organization unit concerned or by the Solicitor constitutes final action in the case insofar as the Department of Commerce is concerned and no further review in the Department may be obtained. For the purposes of this delegation and the settlement of claims, the Office of Technical Services, the Office of International Trade, the Office of Domestic Commerce, the Office of Business Economics, the Office of Small Business, and the Department of Commerce Field Service shall be considered as primary organization units.

§ 13.4 *Procedure for making claims.* The following procedure is established for the filing of claims under the Federal Tort Claims Act:

(a) Claims may be filed with any of the field offices of any primary organization unit of the Department or with the head of any bureau, office, or division of the Department.

A claim may be filed by the individual or firm sustaining injury or damages in his or its own right or by an attorney.

(b) Claims will be made in the form of a detailed statement of the facts in the case and shall include in addition to the information specified in subparagraphs (1) and (2) of this paragraph, such documentary evidence as will be helpful in adjudicating the claim.

(1) In cases of damage to personal property, if the property has been or can be economically repaired, an itemized receipt if payment has been made or an itemized estimate of the cost of repairs. If the property is not economically reparable, a statement as to depreciation in value, or, if the property is lost or destroyed, the value of the property at the time of loss or destruction.

(2) In cases of personal injury, doctors' bills, hospital bills, nursing bills, bills covering dental or optical services, a statement establishing the amount of time and compensation lost by reason of the accident, a statement from the attending physician showing the extent of the injuries and the treatment thereof, and the statements of any available witnesses.

§ 13.5 *Adjudication and settlement of claims.* Claims under the Federal Tort Claims Act will be adjudicated and settled as follows:

(a) Upon receipt of a claim, the receiving officer will record its receipt making the date of receipt a matter of record. After recording, the claim will be forwarded to the person designated by the head of the primary organization unit to initially examine claims. Claims involving unusual or novel questions of law may be submitted to the Solicitor for review and recommendation as to disposition. The Solicitor's recommendation shall include the amount of the award, if an award is to be made, and the amount to be allowed for attorneys' fees. The officer responsible for initial examination, or the Solicitor of the Department, as the case may be, may request such investigation or submission of additional evidence as may appear necessary.

(b) The head of the primary organization unit or the Solicitor, as the case may be, shall make the determination as to whether or not an award shall be made in each case, and, if an award is to be made, the amount of the award, and the amount to be allowed for attorneys' fees.

§ 13.6 *Payment of claims.* When an award is made, the head of the primary organization unit, or the Solicitor, as the case may be, will transmit the file on the case to the appropriate fiscal office for payment out of funds appropriated, or to be appropriated, for the purpose. Prior to the payment of any claim which is administratively settled, there shall be obtained from the claimant or claimants a release stating that the award or settlement is final and conclusive and constitutes a complete release by the claimant of any claim against the United States and against the employee of the Government arising out of the circumstances which resulted in the claim.

§ 13.7 *Effective date.* The provisions of this part are effective on filing with the Division of the Federal Register with the exception of § 13.6 which shall be effective as of such date as funds for the payment of claims under the Federal Tort Claims Act may become available to the Department.

[SEAL] WILLIAM C. FOSTER,
*Acting Secretary of Commerce.*

[F. R. Doc. 47-4404; Filed, May 9, 1947; 8:45 a. m.]

# TITLE 24—HOUSING CREDIT

## Chapter V—Federal Housing Administration

### PART 500—GENERAL

DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF DUTIES

1. Subparagraph 6 of paragraph (d) of § 500.13 *Specific delegations to named positions* is amended by striking the period at the end thereof and adding the following: "and any other Executive orders providing for the approval and authorization by the head of an Agency with respect to the transportation of household goods and personal effects at Government expense."

2. Subparagraph 5 of paragraph (m) of § 500.13 is amended by striking the period at the end thereof and adding the following: "and any other Executive orders providing for the approval and authorization by the head of an Agency with respect to the transportation of household goods and personal effects at Government expense."

(Sec. 1, 48 Stat. 1246 12 U. S. C. and Sup., 1702)

Issued at Washington, D. C., this 5th day of May 1947.

[SEAL] RAYMOND M. FOLEY,
*Federal Housing Commissioner.*

[F. R. Doc. 47-4427; Filed, May 9, 1947; 9:12 a. m.]

## Chapter VIII—Office of Housing Expediter

[Priorities Reg. 28, as Amended May 9, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

RESTRICTED PRIORITIES ASSISTANCE

Section 803.8 Priorities Regulation 28 is amended to read as follows:

§ 803.8 *Restricted priorities assistance*—(a) *What this section does.* This section describes the conditions under which RR preference ratings may be granted by the Housing Expediter. Before May 9, 1947, this section contained principally the provisions governing filing of applications for RR ratings. This amendment, effective May 9, adds the eligibility provisions which were formerly contained in Supplement 1 to this section which is being revoked simultaneously with the issuance of this amendment. In general, rating assistance will be given under this section only in three classes of cases in support of the objectives of the Veterans' Emergency Housing Program and to aid the Veterans' Administration Construction Program.

(b) *General conditions for issuance of RR ratings.* When effective assistance of other kinds is not practicable (the Housing Expediter may locate sources able to ship without ratings), an RR rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (c) of this section, upon determination in each instance that all of the following general conditions are met:

(1) The use of substitute and less scarce items is not practicable;

(2) Reasonable efforts have been made to get the required item without a rating; and

(3) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *Special conditions for issuance of RR ratings.* If all of the general conditions of paragraph (b) of this section are met, RR ratings may be issued for:

(1) An item needed to maintain or increase the production of a building product which is determined by the Housing Expediter to be in critically short supply (such products and the extent of the rating assistance which may be granted are customarily shown in Table I of this section); or

(2) Capital equipment which is a bottleneck in the production or erection of new housing accommodations, or is a bottleneck in the erection of a Veterans Administration Construction Project; or

(3) An item needed to provide essential utility services to new housing accommodations, or to a Veterans Administration Construction Project.

However, no RR ratings will be issued for specialized machinery or equipment designed and made solely for the production of a critical building product listed in Table I of this section or for site-preparation equipment or for an item (other than processing equipment) to be incorporated in construction at site or for any item listed in paragraph (d) of this section.

(d) *Products for which informal assistance, but not RR ratings, may be given.* No RR ratings will be assigned under this section for steel, pig iron, gypsum liner paper, or phenolic resin molding compounds.

The Housing Expediter may be able to locate sources in a position to ship such products without a rating for any applicant who meets the conditions in paragraphs (b) and (c) of this section.

(e) *Filing of applications.* Applications for an RR rating under this section should be made on Form OHE 14–172 (formerly Form CPA–541A), addressed to the Housing Expediter, Washington 25, D. C., Ref.: PR–28. Until copies of Form OHE 14–172 are available, applications may be made on Form CPA–541A.

Since ratings are no longer given to support a minimum economic rate of production or to give special help to small business or the business needs of veterans, no questions on Form CPA–541A need be answered which were designed for such cases. For example, Questions 7b, 13 and 16 on Form CPA–514A (as revised 4–23–46) may be left unanswered. On the other hand, supporting data required by Item 14 is of major importance and should clearly show how the application qualifies under paragraphs (b) and (c) of this section.

(f) *Existing ratings.* Nothing in this section affects the validity or duration of ratings granted before April 1, 1947. Rules concerning the termination of certain ratings at the end of March 1947 are stated in Priorities Regulation 35.

(g) *Reports.* The reporting requirements of this section have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Effective date.* This section, as amended, shall become effective on May 9, 1947.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9836, 12 F. R. 1939)

Issued this 9th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
*Authorizing Officer.*

DIRECTIONS TO PR 28

The following directions to PR 28 are still in effect (May 9, 1947):

Direction 6—Preference rating assistance for trucks.

Direction 25—Priorities assistance for merchant pig iron, for cast iron soil pipe and cast iron soil fittings.

[F. R. Doc. 47–4516; Filed, May 9, 1947; 11:45 a. m.]

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[Priorities Reg. 28, Revocation of Supplement 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

PRIORITIES ASSISTANCE AFTER MARCH 31, 1947

Supplement 1 to Priorities Regulation 28 is revoked.

Priorities Regulation 28, which is being amended simultaneously with this revocation, now describes the conditions under which RR preference ratings may be issued.

This revocation does not affect any liabilities incurred for violation of this supplement, or of any actions taken by the Civilian Production Administration, Office of Temporary Controls or Office of the Housing Expediter under this supplement.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 9th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
*Authorizing Officer.*

[F. R. Doc. 47–4517; Filed, May 9, 1947; 11:45 a. m.]

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[Suspension Order S–1077, Amdt. 1]

PART 807—SUSPENSION ORDERS

GROVER D. KING

Grover D. King, 1821 West Whittier Boulevard, Whittier, California, engaged in the construction of several housing projects in Southern California, was suspended on February 8, 1947 by Suspension Order No. S–1077. He appealed from the provisions of the suspension order and, pending determination of the appeal, the order was partially stayed by the Chief Compliance Commissioner on February 17, 1947. The appeal has been considered by the Chief Compliance Commissioner who has denied the appeal and directed that the suspension order be reinstated and amended. In view of the foregoing:

*It is hereby ordered,* That: Whereas, it appears that the Stay of Execution on February 17 was only effective as to certain veterans' housing enterprises, the Chief Compliance Commissioner has directed that the Suspension Order as amended April 28, 1947, be further amended by substituting the following paragraphs (a) and (f) for the present paragraphs (a) and (f):

(a) For a period beginning February 8, 1947 and extending to and including June 7, 1947, no authorization shall be granted to Grover D. King to construct, nor shall he during such period apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such ratings may be applied or extended, except the following enterprises:

By King & Marter—FHA Projects Nos. 66–122–013315 and 66–122–013316, situated on Eastern Avenue, East Los Angeles, Calif.;

By Grover D. King—FHA Project No. 88–122–00929, situated on Whittier Boulevard, Whittier, Calif.

(f) This order shall take effect as of April 28, 1947.

Issued this 7th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
*Authorizing Officer.*

[F. R. Doc. 47–4518; Filed, May 9, 1947; 11:58 a. m.]

# TITLE 29—LABOR

## Chapter X—National Mediation Board

PART 1208—HANDLING REPRESENTATION DISPUTES UNDER THE RAILWAY LABOR ACT

By virtue of the authority vested in it by section 2, Ninth, of the Railway Labor Act (44 Stat. 577, 48 Stat. 1185, 49 U. S. C. paragraph 151 et seq.), the National Mediation Board hereby issues the following rules and regulations which it finds necessary to carry out the provisions of said act. Said rules and regulations shall become effective from the date hereof and upon publication thereof in the FEDERAL REGISTER. These rules and regulations shall be in force and effect until amended or rescinded by rules and regulations hereafter made and published by the Board.

Sec.
1208.1 Run-off elections.
1208.2 Percentage of valid authorizations required to determine existence of a representation dispute.
1208.3 Age of authorization cards.
1208.4 Recent elections.
1208.5 Necessary evidence of intervenor's interest in a representation dispute.
1208.6 Eligibility of dismissed employees to vote.
1208.7 Construction of rules.
1208.8 Amendment or recission of rules.

AUTHORITY: §§ 1208.1 to 1208.8, inclusive, issued under 44 Stat. 577, 48 Stat. 1185; 49 U. S. C. 151 et seq.

§ 1208.1 *Run-off elections.* (a) If in an election among any craft or class no organization or individual receives a majority of the legal votes cast, or in the event of a tie vote, a second or run-off election shall be held forthwith: *Provided,* That a written request by an individual or organization entitled to appear on the run-off ballot is submitted to the Board within ten (10) days after the date of the report of results of the first election.

(b) In the event a run-off election is authorized by the Board, the names of the two individuals or organizations which received the highest number of votes cast in the first election shall be placed on the run-off ballot, and no blank line on which voters may write in the name of any organization or individual will be provided on the run-off ballot.

(c) Employees who were eligible to vote at the conclusion of the first election shall be eligible to vote in the run-off election except (1) those employees whose employment relationship has terminated, and (2) those employees who are no longer employed in the craft or class.

§ 1208.2 *Percentage of valid authorizations required to determine existence of a representation dispute.* (a) Where the employees involved in a representation dispute are represented by an individual or labor organization, either local or national in scope, and are covered by a valid existing contract between such representative and the carrier, a showing of proved authorizations (checked and verified as to date, signature, and employment status) from at least a majority of the craft or class must be made before the National Mediation Board will authorize an election or otherwise determine the representation desires of the employees under the provisions of section 2, Ninth, of the Railway Labor Act.

(b) Where the employees involved in a representation dispute are unrepresented, a showing of proved authorizations from at least thirty-five (35) percent of the employees in the craft or class must be made before the National Mediation Board will authorize an election or otherwise determine the representation desires of the employees under the provisions of section 2, Ninth, of the Railway Labor Act.

§ 1208.3 *Age of authorization cards.* Authorizations must be signed and dated in the employee's own handwriting or witnessed mark. No authorizations will be accepted by the National Mediation Board in any employee representation dispute which bear a date prior to one year before the date of the application for the investigation of such dispute.

§ 1208.4 *Repeat elections.* The National Mediation Board will not commence the investigation of a representation dispute for a period of two (2) years from the date of a certification hereafter issued covering the same craft or class of employees on the same carrier in which a representative was certified except in unusual or extraordinary circumstances.

§ 1208.5 *Necessary evidence of intervenor's interest in a representation dispute.* In any representation dispute under the provisions of section 2, Ninth, of the Railway Labor Act, an intervening individual or organization must produce proved authorizations from at least thirty-five (35) percent of the craft or class of employees involved to warrant placing the name of the intervenor on the ballot.

§ 1208.6 *Eligibility of dismissed employees to vote.* Dismissed employees whose requests for reinstatement account of wrongful dismissal are pending before proper authorities, which includes the National Railroad Adjustment Board or other appropriate adjustment board, are eligible to participate in elections among the craft or class of employees in which they are employed at time of dismissal. This does not include dismissed employees whose guilt has been determined, and who are seeking reinstatement on a leniency basis.

§ 1208.7 *Construction of rules.* These rules and regulations shall be liberally construed to effectuate the purposes and provisions of the act.

§ 1208.8 *Amendment or recission of rules.* (a) Any rule or regulation may be amended or rescinded by the Board at any time.

(b) Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and three copies of such petition shall be filed with the Board in Washington, D. C., and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

(c) Upon the filing of such petition, the Board shall consider the same, and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon and make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial is self explanatory.

By order of the National Mediation Board at Washington, D. C., this 1st day of May 1947.

[SEAL] ROBERT F. COLE,
*Secretary.*

[F. R. Doc. 47-4402; Filed, May 9, 1947; 8:45 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

The following changes are made in Part 201, Chapter II, Title 32, Code of Federal Regulations.

1. Sections 201.2 (c) (1) (i) and 201.3 (e) (3), are amended by inserting the clause "and prior to 30 June 1947" immediately following the date "7 December 1941" in each of such sections.

2. Section 201.3 (g) (2) pertaining to military educational requirements is amended by deleting the clause "in time of war" and inserting "since 7 December 1941 and prior to 30 June 1947" in lieu thereof. [NGR 20, Nov. 14, 1946 as amended by NGB Cir. No. 13, Apr. 18, 1947] (48 Stat. 155; 32 U. S. C. 4)

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

[F. R. Doc. 47-4423; Filed, May 9, 1947; 9:13 a. m.]

## Chapter VII—Sugar Rationing Administration, Department of Agriculture [1]

[Rev. Gen. RO 5,[2] Amdt. 21]

PART 705—ADMINISTRATION

SUGAR RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respects:

1. Section 26.1 is deleted.

2. The heading of section 26.2 is amended to read as follows:

SEC. 26.2 *Home canning and preserving for institutional users other than Group I users.*

3. The first sentence of section 26.2 (a) is amended to read as follows: "An

[1] Formerly Chapter XI, Office of Temporary Controls, Office of Price Administration.
[2] 11 F. R. 116.

institutional user (other than a Group I user) may, on or before October 31, 1947, apply for an allotment of sugar to be used for canning fruits and fruit juices and for preserving, if the finished product is to be produced in a 'kitchen' or in a 'place like a kitchen', and such finished product is to be used in his establishment."

4. Section 26.2 (c) is amended to read as follows:

(c) *Application.* Application must be made to the Sugar Branch Office on SRA Form R–1340 (Rev.). The applicant must give all of the information required by the form.

5. Section 26.2 (d) is amended to read as follows:

(d) *Amount of allotments.* The Sugar Branch Office may grant an allotment of sugar in an amount not exceeding:

(1) One (1) pound of sugar for each four (4) quarts of finished canned fruit or fruit juices;

(2) One (1) pound of sugar for each pound of prepared fruit for making jams, preserves, and marmalades;

(3) One (1) pound of sugar for each two (2) pounds of prepared fruit (pulp) used for making fruit butters;

(4) One (1) pound of sugar for each two (2) pounds of prepared fruit (or one pint of fruit juice) for making jellies.

However, the total amount of sugar granted under this section shall not exceed fifteen (15) pounds of sugar for each 1,000 persons served meals during the year 1946.

6. The first sentence of section 26.2 (e) is amended to read as follows: "The Sugar Branch Office shall authorize the issuance of ration evidences for the amount of the allotment."

7. Section 26.2 (f) is amended to read as follows:

(f) *Report.* An institutional user who receives an allotment of sugar under this section must fill out the report as required on SRA Form R–1340 (Rev.). This report must be filed with the Sugar Branch Office not later than ten days after the expiration of the allotment period in which the sugar is used. If a full report is not made of his use of sugar obtained under this section within the required time, all home canning sugar for which he has not accounted shall be charged as excess inventory. If the number of units actually processed during the period for which the report is filed, multiplied by the quantity of sugar per unit permitted under paragraph (d), is less than the quantity of sugar obtained, for that period, the difference shall be charged as excess inventory.

This amendment shall become effective as of May 9, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of May 1947.

CLINTON P. ANDERSON,
*Secretary of Agriculture.*

*Rationale Accompanying Amendment No. 43 to Third Revised Ration Order 3 and Amendment No. 21 to Revised General Ration Order 5*

*Proposed amendments.* The amendment to Revised General Ration Order 5 permits institutional users (other than Group 1 users) to apply for sugar for canning fruits and fruit juices and for preserving in 1947. Application must be made on SRA Form R–1340 (Revised) to the Sugar Branch Office on or before October 31, 1947. The amendment to Revised General Ration Order 5 also deletes section 26.1.

The amendment to Third Revised Ration Order 3 provides that a consumer may apply to the Sugar Branch Office for sugar for home canning and preserving for sale. Application must be made on SRA Form R–371 (Revised) on or before October 31, 1947.

*Reasons for amendments.* Home canning by institutional users is an established operation and this amendment, therefore, incorporates a home canning program for institutional users for 1947. The total quantity of sugar issued to an institutional user under this program may not exceed fifteen pounds for each 1,000 meals served in 1946, which approximates the amount issued to consumers for canning for home use. Institutional users may apply for home canning in 1947 even though they did no home canning in 1946.

Since no specific consumer sugar stamps are now designated for home canning, section 26.1 of Revised General Ration Order 5 is now obsolete and is being deleted.

Consumers who do home canning and preserving for sale are again permitted to apply for sugar for such purpose. Even though a person did not receive sugar for home canning for sale in 1946, such person may be eligible for sugar for this purpose in 1947. This will permit persons who recently acquired farms or orchards, and persons who have been discharged from the armed services and were unable to qualify for sugar in prior years, to apply for sugar for home canning and preserving for sale in 1947.

[F. R. Doc. 47–4414; Filed, May 9, 1947; 8:46 a. m.]

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[3d Rev. RO 3,[1] Amdt. 43]

## PART 707—RATIONING OF SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1407.1 of Title 32, Chapter XI is designated Third Revised Ration Order 3 issued under § 707.1, Title 32, Chapter VII pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947" and is amended in the following respect:

1. Section 1.10 is added to read as follows:

SEC. 1.10 *Home canning for sale*—(a) *General.* A consumer may prior to November 1, 1947, apply for an allotment of sugar to be used for canning fruits and fruit juices for sale and for producing jams, jellies, preserves, marmalades or fruit butters for sale if the finished product is to be produced in a "kitchen".

(b) *Explanation of terms.* "Kitchen" is a place principally used for the preparation of meals for home consumption. It includes a place used principally to teach consumers how to prepare and cook for home consumption. (A place other than a kitchen and approved by the Sugar Branch Office in prior years as a kitchen shall be considered a "kitchen" for the purposes of this section.)

(c) *Application.* Application must be made on SRA Form R–371 (Rev.) to the Sugar Branch Office for the place where the consumer lives. The applicant must give all of the information required by the form. It must be signed by an adult member of the family unit.

(d) *Issuance.* If the Sugar Branch Office finds the facts stated in the application are true, it may grant the application in an amount not exceeding:

(1) One (1) pound of sugar for each four (4) quarts of finished canned fruit or fruit juices;

(2) One (1) pound of sugar for each pound of prepared fruit for making jams, preserves and marmalades;

(3) One (1) pound of sugar for each two (2) pounds of prepared fruit (or one pint of fruit juice) used for making jelly;

(4) One (1) pound of sugar for each two (2) pounds of prepared fruit (pulp) used for making fruit butters.

However, the total amount of sugar which may be obtained by a family unit under this section shall not exceed the amount requested or two hundred fifty (250) pounds, whichever is smaller. The Sugar Branch Office shall authorize the issuance of ration evidences for the amount of sugar granted under this section minus the amount of any sugar which the applicant and his family unit still have which was obtained for these purposes in prior years.

(e) *Records and reports.* The applicant must keep a record of the amount of products, as specified in paragraph (d), produced by him, the amount of sugar used in such products and the dates such products were sold. The applicant may be required to report such sales to the Sugar Branch Office.

(f) *Restriction on use.* Sugar obtained under this section may be used only for the purposes for which it was granted and at a rate no higher than that permitted by paragraph (d).

This amendment shall become effective as of May 9, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of May 1947.

CLINTON P. ANDERSON,
*Secretary of Agriculture.*

[1] 11 F. R. 177, 14821.

*Rationale Accompanying Amendment No. 43 to Third Revised Ration Order 3 and Amendment No. 21 to Revised General Ration Order 5*

*Proposed amendments.* The amendment to Revised General Ration Order 5 permits institutional users (other than Group 1 users) to apply for sugar for canning fruits and fruit juices and for preserving in 1947. Application must be made on SRA Form R–1340 (Revised) to the Sugar Branch Office on or before October 31, 1947. The amendment to Revised General Ration Order 5 also deletes section 26.1.

The amendment to Third Revised Ration Order 3 provides that a consumer may apply to the Sugar Branch Office for sugar for home canning and preserving for sale. Application must be made on SRA Form R–371 (Revised) on or before October 31, 1947.

*Reasons for amendments.* Home canning by institutional users is an established operation and this amendment, therefore, incorporates a home canning program for institutional users for 1947. The total quantity of sugar issued to an institutional user under this program may not exceed fifteen pounds for each 1,000 meals served in 1946, which approximates the amount issued to consumers for canning for home use. Institutional users may apply for home canning in 1947 even though they did no home canning in 1946.

Since no specific consumer sugar stamps are now designated for home canning, section 26.1 of Revised General Ration Order 5 is now obsolete and is being deleted.

Consumers who do home canning and preserving for sale are again permitted to apply for sugar for such purpose. Even though a person did not receive sugar for home canning for sale in 1946, such person may be eligible for sugar for this purpose in 1947. This will permit persons who recently acquired farms or orchards, and persons who have been discharged from the armed services and were unable to qualify for sugar in prior years, to apply for sugar for home canning and preserving for sale in 1947.

[F. R. Doc. 47–4415; Filed, May 9, 1947; 8:46 a. m.]

# TITLE 49—TRANSPORTATION AND RAILROADS

## Chapter I—Interstate Commerce Commission

[4th Rev. S. O. 104, Amdt. 5, Corr.]

### PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of May A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 104 (11 F. R. 2189), as amended (11 F. R. 3952, 9039; 12 F. R. 1235, 1574), and good cause appearing therefor: It is ordered, that:

Section 95.304, *Substitution of refrigerator cars for box cars,* of Fourth Revised Service Order No. 104, as amended, be, and it is hereby, further amended by substituting the following paragraph (a) (iii) for paragraph (a) (iii) thereof, and by adding the following paragraph (f) thereto:

§ 95.304 *Substitution of refrigerator cars for box cars.* (a) Any common carrier by railroad subject to the Interstate Commerce Act, for transporting:

* * * * *

(iii) Or westbound shipments in carloads originating in the States of Michigan (lower peninsula only), Indiana, (excluding Chicago switching district), Kentucky, Tennessee, or Mississippi, or east thereof, and destined to Kansas City, Missouri or to points in the States of Iowa, Kansas, Oklahoma and Texas, or west thereof, but not when destined to points in the States of Minnesota, North Dakota, South Dakota, Montana, Washington, Oregon or northern Idaho (north of the Union Pacific main and branch lines across southern Idaho including the line from Pocatello to the Montana-Idaho State line and the branches north of Blackfoot, Idaho).

* * * * *

(f) Westbound shipments in carloads originating in the States of Michigan (lower peninsula only), Indiana (excluding Chicago switching district), Kentucky, Tennessee, or Mississippi, or east thereof, and destined to points in the States of California, Arizona, Nevada, Utah or southern Idaho (on the Union Pacific main and branch lines across southern Idaho, including the line from Pocatello to the Montana-Idaho State line and the branches north of Blackfoot, Idaho) may be billed to Chicago, Ill., or St. Louis, Mo., providing such cars are rebilled within 48 hours after actual or constructive placement. When those cars are not rebilled within the 48 consecutive hours, rates to apply will be those applicable to the refrigerator cars used without benefit of substitution for box cars.

It is further ordered, that this amendment shall become effective at 12:01 a. m., May 9, 1947; that a copy of this order and direction shall 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; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

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

[F. R. Doc. 47–4408; Filed, May 9, 1947; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### [8 CFR, Parts 60, 110, 140, 150, and 169]

IMMIGRATION BONDS

NOTICE OF PROPOSED RULE MAKING

APRIL 10, 1947.

Pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rules relating to immigration bonds. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1806, Franklin Trust Building, Philadelphia 2, Pennsylvania, written data, views, or arguments relative to the substantive provisions of the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within twenty days following the day of publication of this notice will be considered.

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

Section 60.20 *Bonds; violation; authority to cancel,* is revoked.

PART 110—PRIMARY INSPECTION AND DETENTION

1. Section 110.20 is amended to read as follows:

§ 110.20 *Immigrant aliens liable to be excluded as public charges; admission under bond.* The immigration officer conducting the primary inspection in the case of an alien who is applying for admission to the United States for permanent residence and who is liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis or a dangerous contagious disease shall refer the question of admission to the officer in charge of the port and that official may in his discretion admit the alien on primary inspection, if otherwise admissible, upon the furnishing of a bond in the sum of not less than $1,000 conditioned as prescribed on Form I–354, or, in lieu of such bond, upon the depositing of cash or a postal money order in the sum of not less than $1,000 for the same purposes and

subject to the same conditions as the bond. If the officer in charge of the port does not so admit the alien, the question of admission shall be referred to a board of special inquiry and such board may in its discretion admit the alien, if otherwise admissible, upon the furnishing of the bond or the depositing of the cash or the postal money order described in the preceding sentence. (Sec. 21, 39 Stat. 891; 8 U. S. C. 158)

2. Section 110.21 is amended to read as follows:

§ 110.21 *Form of public charge bonds; action where no longer required.* All bonds, including agreements covering deposits of cash or postal money orders, given as a condition of the admission of an alien under section 21 of the Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 158) shall be executed on Form I–354 entitled "Bond That Alien Shall Not Become a Public Charge". Where cash or a postal money order is deposited, the depositor shall give his power of attorney and agreemnet on Form I–304, authorizing the officers designated thereon to collect, asign, or transfer such deposit, in whole or in part, in case of any violation of the conditions of the bond; and the officer accepting such deposit shall give his receipt therefor on Form I–305. If proofs are submitted that the alien is no longer likely to become a public charge or is no longer afflicted with a physical disability, the bond with its appurtenant documents shall be forwarded to the Commissioner of Immigration and Naturalization with an appropriate recommendation.

3. A cross reference as follows is added immediately following § 110.21:

CROSS REFERENCE: For approval and cancellation of public charge bonds, see 8 CFR Part 169.

4. Section 110.33 *Nonimmigrant bonds; approval and cancelation* is revoked.

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PART 140—MEDICAL OFFICERS AND HOSPITAL TREATMENT

Section 140.12 is amended by changing the language preceding the first semicolon to read as follows:

§ 140.12 *Hospital treatment of wife or minor child of naturalized citizen; conditions.* No application for hospital treatment on behalf of the wife or minor child of a naturalized citizen shall be considered unless it affirmatively appears in such application that the applicant or someone in his behalf has deposited with the proper hospital official a sum sufficient to defray the cost of such treatment for a period of 60 days or for a less period if it is estimated that a cure may possibly be effected in less than 60 days, and that a bond has been furnished on Form I–355 with approved surety in the sum of not less than $500 conditioned that at least 15 days prior to the expiration of the period above referred to a further deposit of cash will be made sufficient to cover the cost of treatment for an additional period of 30 days; * * *

PART 150—ARREST AND DEPORTATION

1. Section 150.5 (c) *Delivery bonds* is amended by striking out the second, third, fourth, and last sentences, which read as follows: The approval of the form and execution of the bond by the district director or officer in charge shall be sufficient for the release of an alien, pending final approval of the bond by the Central Office. The sureties may justify in real estate or may deposit any public debt obligations of the United States and any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, and which are not redeemable within one year from the date on which they are offered for deposit. The justification in real estate shall be by two owners, each in double the amount of the penalty of the bond over and above all encumbrances. A surety company authorized by the Treasury Department to transact federal bond business shall be an acceptable surety.

2. The cross reference immediately following said § 150.5 (c), reading as follows, shall be stricken out:

CROSS REFERENCE: For "Acceptance of bonds, notes, or other obligations issued or guaranteed by the United States as security in lieu of surety or sureties on penal bonds," see 31 CFR Part 225 (Treasury Department Circular No. 154, revised February 6, 1935).

and the following cross reference shall be inserted in its place:

CROSS REFERENCE: For approval and cancellation of delivery bonds, see 8 CFR Part 169.

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The following part is added:

PART 169—IMMIGRATION BONDS

Sec.
169.1 Acceptable sureties.
169.2 Approval; extension agreements; consent of surety; collateral security.
169.3 Violation; authority to cancel.

AUTHORITY: §§ 169.1 to 169.3, inclusive, issued under 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.

NOTE: §§ 169.1 to 169.3, inclusive, prescribe procedural and substantive provisions under, and interpret, those sections of the immigration laws pertaining to bonds, including 9th proviso, sec. 3, 39 Stat. 875, sec. 18, 39 Stat. 887, 45 Stat. 1551, 58 Stat. 816, sec. 20, 39 Stat. 890, 57 Stat. 553, secs. 21, 22, 39 Stat. 891, sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 669; 8 U. S. C. 136 (q), 8 U. S. C. and Sup., 154, 156, 8 U. S. C. 158, 159, 8 U. S. C. and Sup., 215.

§ 169.1 *Acceptable sureties.* The following are the only acceptable sureties on a bond furnished in connection with the administration of the immigration laws or regulations:

(a) A surety company authorized by the Treasury Department to transact Federal bond business;

(b) A surety who deposits United States bonds or notes of the class described in section 1126 of the Revenue Act of 1926, as amended (6 U. S. C. 15), and Treasury Department Regulations issued pursuant thereto, which bonds or notes are not redeemable within one year from the date on which they are offered for deposit; or

(c) Sureties, who must be two in number, each of whom shall justify in real property not exempted from levy and sale upon execution, which real property is actually valued, over and above all encumbrances, at double the amount of the bond, and each of whom shall, in addition to making such justification, satisfactorily establish to the immigration and naturalization officer or employee authorized to approve the bond that his net worth, over and above all obligations and liabilities of any kind, secured or unsecured, is equal to double the amount of the bond.

CROSS REFERENCES: For list of companies acceptable as sureties on Federal bonds, see 31 CFR Part 226 (Treasury Department Form 356 issued semiannually); for acceptance of United States bonds or notes as security, see 31 CFR Part 225 (Treasury Department Circular No. 154, revised February 6, 1935).

§ 169.2 *Approval; extension agreements; consent of surety; collateral security.* (a) Regardless of the section of law or regulations under which the bond has been required, the officers in charge of the several ports, stations, or districts are authorized, either directly or through officers or employees designated by them, where no substantial change is made in the conditions printed on the forms, to approve bonds which are prepared on the following approved forms:

(1) Form I–331 or Form 557, "Bond for Alien Admitted for Medical Treatment".
(2) Form I–336 or Form 636, "Bond for Alien in Transit".
(3) Form I–337 or Form 637, "Bond Conditioned for Departure of an Alien Temporarily Admitted under the Immigration Act of 1924 as a Tourist or Visitor for Business or Pleasure".
(4) Form I–338 or Form 638, "Bond That an Alien Admitted in Pursuance of a Treaty to Carry on Trade Shall Depart upon Failure to Maintain Status".
(5) Form I–353 or Form 553, "Bond Conditioned for the Delivery of an Alien".
(6) Form I–354, "Bond That Alien Shall Not Become a Public Charge".
(7) Form I–355, "Bond Conditioned for Guarantee of Payment of Hospital Expenses of Alien Receiving Treatment under the Provisions of section 22, Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 159)".
(8) Form I–372 or Form 572, "Bond for Payment of Extra Compensation for Overtime Services of Immigrant Inspectors and Employees in Connection with the Examination and Landing of Passengers and Crews".
(9) Form I–374 or Form 574, "Bond Conditioned for Departure of an Alien Temporarily Admitted under the Immigration Act of 1924 as a Student".

(b) Such officers are also authorized to approve formal agreements by which a surety consents to an extension of his liability on any such bond. Unless otherwise specifically provided, bonds prepared on the forms mentioned above, and all agreements of extension of liability relating thereto, shall be retained at the ports, stations, or districts where they are approved. Bonds prepared on any form other than one of those mentioned above, or bonds prepared on any of the named forms in which the conditions have been materially altered, as well as any agreements of extension of

liability relating therto, shall be referred to the Commissioner of Immigration and Naturalization for approval. Regardless of the form on which the bond is prepared, any power of attorney or assignment, purporting to authorize the delivery after its release of any deposit of collateral security to some person or concern other than the depositor thereof, shall be forwarded, together with the bond and all appurtenant documents, to the Commissioner for approval. In the same manner, all requests for delivery of collateral security to a person other than the depositor or his approved assignee or attorney in fact shall be forwarded to the Commissioner for approval. Instruments and other papers forwarded to the Commissioner under the provisions of this paragraph shall be handled by the General Counsel in accordance with the provisions of § 90.17 (d) of this chapter.

§ 169.3 *Violation; authority to cancel.* If any condition of a bond executed in connection with the administration of the immigration laws is violated, the district director shall report the facts to the Commissioner of Immigration and Naturalization and shall forward with his report the bond and all appurtenant documents, including in the case of a bond containing the condition that an alien shall not become a public charge, a statement of the exact amount of any expenditure made in the alien's behalf by any agency of the United States Government or of any state or local government. Except as otherwise specifically provided in this chapter, if all the conditions of a bond executed in connection with the administration of the immigration laws are complied with, the district director shall cancel the bond by issuing Form I–391. Such authority to cancel shall include any case in which none of the conditions of the bond had been violated and all of the conditions ceased to have effect because:

(a) The alien departed, or was deported, from the United States;

(b) The warrant for the arrest or deportation of the alien was canceled;

(c) The alien complied with an order suspending his deportation;

(d) The alien died;

(e) The alien was imprisoned;

(f) The alien was naturalized as a citizen of the United States; or

(g) A new bond was furnished to take the place of the existing bond.

If a bond canceled by a district director is on file in the Central Office, the district director shall notify the Commissioner of Immigration and Naturalization of the cancellation.

UGO CARUSI,
*Commissioner of Immigration and Naturalization.*

Approved: April 29, 1947.

TOM CLARK,
*Attorney General.*

[F. R. Doc. 47–4428; Filed, May 9, 1947; 9:12 a. m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

HOUSTON AUCTION CO., HOUSTON, TEX.

NOTICE RELATIVE TO POSTED STOCKYARD

Notice is hereby given that after inquiry and after consideration of all relevant matter presented pursuant to the notice of proposed posting and rule-making published in the FEDERAL REGISTER on April 2, 1947 (12 F. R. 2172), it has been ascertained by me, pursuant to section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), that the stockyard known as Houston Auction Company, Houston, Texas, is a stockyard within the definition of a stockyard contained in section 302 of said act and is, therefore, subject to the provisions of said act.

The attention of the stockyard owner, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U. S. C. 203 and 207), and other pertinent provisions of said act, and the rules and regulations issued thereunder by the Secretary of Agriculture.

NOTE: The Packers and Stockyards Act allows thirty (30) days, after the posting of notice at the stockyard, for market agencies, dealers, and stockyard owners to register and qualify for the operation of their businesses under that act. There appears to be no good reason to defer the effective date of the foregoing notice in view of that fact. Therefore, it is determined that good cause exists to make this notice, and it shall be, effective immediately, subject to the provisions of section 303 of the Packers and Stockyards Act.

Done at Washington, D. C., this 7th day of May 1947.

[SEAL] H. E. REED,
*Director,*
*Livestock Branch.*

[F. R. Doc. 47–4445; Filed, May 9, 1947; 9:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G–796]

SOUTHERN NATURAL GAS CO.

NOTICE OF AMENDMENT TO APPLICATION

MAY 6, 1947.

Notice is hereby given that on May 1, 1947, Southern Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in Birmingham, Alabama, and authorized to do business in the States of Alabama, Georgia, Louisiana, Mississippi, and Texas, filed a second amendment to its application filed on October 7, 1946, as amended on March 18, 1947, striking out of its application Items (C), (E) (2), (F), (G) (1), and (j), and Exhibits C, G–1, G–4, and G–6, and substituting in lieu thereof amended Items (c), (E) (2), (F), (G) (1), and (J), and amended Exhibits C, G–1, G–4, and G–6, and filing Exhibit G. The application, as amended, is for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following-described facilities.

A. *1947 Construction program.* (1) Main line compressor station additions:

(a) 2,000 H. P. in two units at the Louisville station.

(b) 2,000 H. P. in two units at the Reform station.

(c) 2,000 H. P. in two units at the Tarrant station.

(d) 2,000 H. P. in two units at the DeArmanville station.

8,000—Total H. P.

(2) Main line loop lines:

(a) 3.5 miles of 20-inch line between Reform and Tarrant compressor stations.

(b) 1.5 miles of 22-inch line between the Reform and Tarrant compressor stations.

(c) 11.0 miles of 22-inch line extending eastward from the Tarrant station.

(d) 2.5 miles of 20-inch line between the DaArmanville station and Atlanta.

18.5 miles—Total main line loops.

(3) Facilities to increase operating pressures:

Applicant states that it has made engineering studies which indicate the feasibility and safety of increasing operating pressures in certain sections of the main line from the present pressure of 450 p. s. i. to as much as 500 p. s. i. In the event tests confirm such studies, Applicant intends to install during 1947, the facilities required for operation at such higher pressure. According to the application, the above compressor station additions and loop lines will increase the delivery capacity of Applicant's system by approximately 13,000 Mcf per day; if operating pressures are increased from 450 p. s. i. to 500 p. s. i., there will be a further increase in delivery capacity of approximately 20,000 Mcf per day; and if operating pressures are increased to only 475 p. s. i., the increase in delivery capacity will be 9,000 Mcf per day instead of 20,000.

(4) Branch line loop lines:

(a) Meridian (Mississippi) branch line—9 miles of 6⅝-inch loop line.

Applicant recites that the above loop lines will increase daily delivery capacity as follows:

Meridian line from 9,000 to 10,000 Mcf.
Columbus line from 12,000 to 14,000 Mcf.

B. *1947–48 construction program.* (1) Main line compressor station additions:

(a) 10,000 H. P. in ten units, at a new station (Station A) to be located approximately midway between present Pickens and Louisville stations.

(b) 10,000 H. P. in ten units, at a new station (Station B) to be located approximately midway between the present Louisville and Reform stations.

(c) 8,000 H. P. in eight units, at a new station (Station C) to be located approximately midway between the present Reform and Tarrant Stations.

(d) 6,000 H. P. in six units, at a new station (Station D) to be located approximately

midway between the present Tarrant and DeArmanville stations.

(e) 3,000 H. P. in three units, at a new station (Station E) to be located approximately thirty-two miles East of the present DeArmanville station.

37,000—Total H. P.

(2) Main line loop lines:

(a) 5.0 miles of 20-inch line between new Station A and the Louisville station.

(b) 3.5 miles of 20-inch line between new Station B and the Reform station.

(c) 5.5 miles of 20-inch line between new Station E and Atlanta.

14.0—Total miles.

Applicant states that the facilities set forth in Parts (1) and (2) of paragraph B above will increase delivery capacity of the main line by approximately 96,000 Mcf per day.

(3) Branch line compressor station:

2,000 H. P. in two units at a new station (McConnell's Station) to be located at the point where the Montgomery-Columbus branch line takes off from the main line.

(4) Gadsden branch line loop:

33 miles of 12¾-inch pipe parallel to the present branch line.

It is stated that the installation of facilities set forth in Parts (3) and (4) above will increase delivery capacity of the branch lines affected as follows:

Montgomery-Columbus branch—from 50,000 Mcf to 60,000 Mcf per day.

Gadsden branch—from 30,000 Mcf to 60,000 Mcf per day.

(5) Facilities to extend Applicant's system to new markets.

(a) *An extension to Chattanooga, Tennessee.* This will comprise approximately 44 miles of 8⅝-inch line extending from a point on Applicant's existing Cedartown-Calhoun, Georgia branch line (at the end of the 6⅝-inch section of said line in Gordon County, Georgia) to a point of delivery in Catoosa County, Georgia, at or near the Georgia-Tennessee state line near Chattanooga. A new compressor station of 1,600 H. P. is to be installed at the end of the 12¾-inch sections of the Cedartown-Calhoun branch line, near Rockmart, Georgia, together with a meter station and dwelling houses at said point of delivery and appurtenant facilities. In the event Applicant makes contracts for delivery of gas for distribution in Rossville, Dalton and other communities along the route of the Chattanooga extension, such facilities will also include lateral lines and measuring facilities, or such portions thereof as Applicant may agree to construct, of appropriate sizes to supply such communities.

Applicant recites that this new line will be designed to operate at pressures up to 1,200 p. s. i. The line will have a capacity of about 2,000 Mcf per day without compression at Rockmart. With compression at Rockmart the line will have a capacity of 20,000 Mcf per day when operated at 1,200 p. s. i.

(b) *An extension to Lexington, Mississippi.* This will comprise approximately 11 miles of 4½-inch line extending from a point north of Goodman, Mississippi, on the Goodman-Durant branch line in Holmes County, Mississippi, to the town of Lexington, Mississippi, together with a meter station and appurtenant facilities. This line will have a daily delivery capacity of approximately 2,000 Mcf.

(c) *An extension to various cities and towns in north Alabama, including Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield, and Tuscumbia.* This extension will comprise approximately 97 miles of 10¾-inch line commencing at a point on Applicant's main line east of its Reform compressor station and extending northward to Sheffield, and lateral lines comprising approximately 39 miles of 8⅝-inch line, 23 miles of 6⅝-inch line and 28 miles of 4½-inch line extending to the other cities mentioned above.

This project also includes the installation of 1,000 H. P. of additional compressing facilities at Applicant's Reform compressor station, a river crossing consisting of two 6⅝-inch lines across the Tennessee River, meter stations at various points of delivery and appurtenant facilities.

In the event Applicant makes contracts for the delivery of gas for distribution in other communities along the route of this extension, the facilities will also include lateral lines and measuring facilities, or such portions thereof as Applicant may agree to construct, of appropriate sizes to supply such communities. Such communities include Fayette, Winfield, Hamilton, Haleyville, Russellville, Town Creek, Leighton, Courtland, Wheeler, Hillsboro and Trinity.

This proposed extension is designed to operate at a pressure of 1,000 p. s. i. and will have a capacity of 25,000 Mcf per day.

(d) *An extension to White Plains, Alabama.* This extension will comprise approximately 7.5 miles of 4½-inch line commencing at a point on Applicant's main line east of its DeArmanville compressor station and extending northward to a point in Calhoun County known as White Plains, where said line will connect with lines extending to the towns of Jacksonville and Piedmont, Alabama (which latter lines will be constructed and owned by the respective towns), together with a meter station and appurtenant facilities.

This line will have a daily delivery capacity of approximately 2,000 Mcf.

(e) *A connection at Tallassee, Alabama.* This will consist of a tap and meter station at a point on Applicant's Montgomery-Columbus branch line in the town of Tallassee, Alabama.

Applicant states that the estimated total over-all capital cost of the proposed facilities is $17,162,790. The estimated total over-all capital cost of the facilities scheduled for installation under the 1947 construction program is $3,876,200, the major portion of which Applicant states could be financed from its current funds. Information with respect to Applicant's plans for further financing is to be supplied by amendment.

Applicant's system is presently connected to five gas fields; the Gwinville field in Mississippi, the Monroe and Bear Creek fields in Louisiana, the Logansport field in Louisiana and Texas, and the Carthage field in Texas.

It is recited this application is limited to those facilities which are absolutely necessary to meet the rapidly increasing requirements of Applicant's existing markets and to supply the extensions to Lexington, Mississippi; North Alabama; Jacksonville, Piedmont and Tallassee, Alabama; and Chattanooga, Tennessee, all of which have requested natural gas service from Applicant and from all of which there is an urgent demand for natural gas. Applicant states that the facilities covered by this application will increase its delivery capacity to approximately 384,000 Mcf per day and that its estimated peak day requirements for the winter of 1949–50, including the new markets, is 392,085 Mcf. Applicant, in order to meet a portion of the excess of estimated requirements for the winter of 1947–48 over anticipated delivery capacity, proposes to install propane standby plants to be located near its Ben Hill compressor station near Atlanta and its regulator station near Phoenix City on the Montgomery-Columbus branch line, and which will be capable of delivering 7,500 Mcf per day and 6,000 per day of equivalent natural gas, respectively.

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

This application, as amended, of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person (unless permission to intervene in the original application has already been granted by the Commission) desiring to be heard or to make any protest with reference to the application, as amended, shall file with the Federal Power Commission, Washington 25, D. C., not later than May 21, 1947, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 47-4419; Filed, May 9, 1947; 9:13 a. m.]

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[Docket No. G-851]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 3, 1947, in Docket No. G-851, by Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

(1) Approximately 34,000 feet of 6-inch pipeline, together with the necessary appurtenant equipment, beginning

at R. Olsen Oil Company's Ott #1 gas well located in the southwest quarter of the southeast quarter of Section 4, Township 21 North, Range 9 West, Major County, Oklahoma, and extending in a southeasterly direction to a point of connection with Applicant's existing 14-inch main gas transmission pipe line in the southeast quarter of Section 31, Township 21 North, Range 8 West, Garfield County, Oklahoma.

(2) A measuring and regulating station to be installed at or near the R. Olsen Oil Company's Ott #1 well in Section 4, Township 21 North, Range 9 West, Major County, Oklahoma.

(3) Two corrugated iron structures to be installed at the location set out in sub-paragraph (2) above, to house the measuring and regulating equipment.

It appearing to the Commission that:

(a) On January 31, 1947, in response to a telegraphic application filed January 27, 1947, Applicant was granted an emergency certificate to construct and operate the facilities described herein; and

(b) Applicant proposes the construction and operation of the above-described facilities for the purpose of transporting natural gas from the Southeast Meno Field into Applicant's main pipe line for use in rendering service to Applicant's existing customers; and

(c) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 26, 1947 (12 F. R. 1377–1378);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 21st day of May, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceedings; *Provided, however,* If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4416; Filed, May 9, 1947; 9:13 a. m.]

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[Docket No. G-854]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

MAY 6, 1947.

Upon consideration of the application filed January 27, 1947, in Docket No. G-854 by Atlantic Seaboard Corporation (Atlantic), a Delaware corporation with its principal place of business at Charleston, West Virginia, and Virginia Gas Transmission Corporation (Virginia Gas), a Virginia corporation with its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicants to construct and operate natural gas pipe line facilities, subject to the jurisdiction of the Federal Power Commission, and described as follows:

*Construction by the Atlantic Seaboard Corporation.* (1) A new 3200 h. p. compressor station in the vicinity of Flat Top, Mercer County, West Virginia, on the existing main 20-inch transmission pipe line of Atlantic Seaboard Corporation;

(2) Approximately 185 miles of 24-inch O. D. gas transmission line extending from the Cobb compressor station of United Fuel Gas Company near Clendenin, West Virginia, to the Virginia-West Virginia state line at which point connection will be made with the portion of the 24-inch O. D. gas transmission line for which authorization is sought herein by Virginia Gas Transmission Corporation;

(3) Approximately 8 miles of 24-inch O. D. gas transmission line commencing at the point of juncture with that portion of pipeline sought to be certificated herein by Virginia Gas Transmission Corporation on the Maryland-Virginia state line and extending to Rockville, Maryland, at a point of connection with an existing 20-inch gas transmission line of Atlantic Seaboard Corporation;

(4) A quintuple river crossing of approximately 3,371 feet over the Potomac River, near Rockville, Maryland;

(5) A measuring station at the West Virginia-Virginia state line;

(6) Installation of additional measuring and regulating equipment at the Rockville Measuring Station.

*Construction by Virginia Gas Transmission Corporation.* (1) Installation of two additional 800 h. p. gas engine compressing units at Bickers compressor station on its existing main 20-inch transmission pipe line;

(2) Approximately 75 miles of 24-inch O. D. gas transmission line extending from West Virginia-Virginia state line through Frederick, Shenandoah, Clarke, Loudoun and Fairfax Counties, Virginia, to the Virginia-Maryland state line;

(3) A measuring and regulating station in Fairfax County, Virginia, near the Virginia-Maryland state line.

It appearing to the Commission that:

(a) Applicants have requested that only part of their application covering authorization requested for the construction and operation of the above-mentioned 3,200 h. p. compressor station in the vicinity of Flat Top, Mercer County, West Virginia, on the existing main 20-inch transmission pipe line of Atlantic, and the installation and operation of the two additional 800 h. p. gas engine compressing units at Bickers compressor station on the existing main 20-inch transmission pipe line of Virginia Gas, be heard at this time under the shortened procedure provided for by Rule 32 (b) (18 C. F. R. 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946).

(b) Applicants propose by means of the above-described compressor station and compressing units to meet primarily the estimated increased natural gas requirements in the winter of 1947–48, of Washington Gas Light Company.

(c) The intervenors, Pennsylvania Public Utility Commission, Anthracite Institute, and Railroads, have expressed no interest in protesting the construction, installation and operation of the above-mentioned compressor station and compressing units. No other request to be heard, protest or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 25, 1947 (12 F. R. 1359).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on May 22, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in that part of the application filed in the above-entitled proceeding relating to the construction and operation of the 3,200 h. p. compressor station in the vicinity of Flat Top, Mercer County, West Virginia, on the existing main 20-inch transmission pipe line of Atlantic, and the installation and operation of the two additional 800 h. p. gas engine compressor units at Bickers compressor station on the existing main 20-inch transmission pipe line of Virginia Gas: *Provided, however,* If no request to be heard, protest, or petition to intervene raising in the judgment of the Commission an issue of substance, as to the construc-

tion, installation, and operation of the aforesaid compressor station and compressing units, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and evidence filed therein and incorporated in the record of the proceeding together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested state commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4417; Filed, May 9, 1947; 9:13 a. m.]

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[Docket No. G-877]

PENN-YORK NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

MAY 6, 1947.

Upon consideration of the application filed March 10, 1947, in Docket No. G-877, by Penn-York Natural Gas Corporation (Applicant), a Pennsylvania corporation with its principal place of business at Buffalo, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

Two 150 H. P. gas driven compressor units at its main line compressor station known as Arcade Station located in the Town of Arcade, Wyoming County, New York.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the above-described facilities for the purpose of handling the now known gas load which exists on Applicant's system and to maintain efficient service to its customers; and

(b) By order of the Commission entered April 28, 1947, a temporary certificate was issued to Applicant authorizing the construction and operation of the facilities described herein; and

(c) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 28, 1947 (12 F. R. 2061-2062);

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 22d day of May 1947, at 9:50 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however,* If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceedings, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4418; Filed, May 9, 1947; 9:13 a. m.]

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[Docket No. G-889]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 5, 1947.

Notice is hereby given that on April 17, 1947, an application was filed with the Federal Power Commission by East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with its principal place of business of Chattanooga, Tennessee, and authorized to do business in the State of Tennessee, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate natural-gas pipe-line facilities, all of which are to be located in the State of Tennessee, and are more particularly described as follows:

(a) Approximately 186.5 miles of 16-inch O. D. transmission pipe line extending from a point of take-off from the line of Tennessee Gas & Transmission Company at a point of interconnection approximately 5 miles northeast of that company's compressor station No. 10, in an easterly or slightly southeasterly direction to a point near Chickamauga Dam in the immediate vicinity of Chattanooga, Tennessee.

(b) Approximately 112.4 miles of 12¾-inch O. D. transmission pipe line extending from the point last mentioned in paragraph (a) above in a northeasterly direction to a point southeast of Knoxville, Tennessee, and in the immediate vicinity of the corporate limits of that city.

(c) Approximately 32.4 miles of 6-inch O. D. pipe line, 143.1 miles of 4-inch O. D. pipe line, and 70.9 miles of 3½-inch O. D. pipe line, all of which will serve as lateral lines and will extend from the pipe lines described in paragraphs (a) and (b) above.

The application recites that Applicant has recently been incorporated and is organized for the purpose of constructing and operating the proposed facilities, and that with respect to such facilities it is the successor in interest to Tennessee Natural Gas Lines, Inc., which company heretofore, on January 9, 1947, filed an application with the Federal Power Commission for a certificate of public convenience and necessity authorizing it to construct and operate facilities similar to those proposed and described above.[1]

The application further recites that Tennessee Natural Gas Lines, Inc. has transferred and assigned to Applicant all of its rights in the proposed facilities, including all preliminary engineering, market surveys and studies, and the gas supply contract dated September 6, 1946, entered into between Tennessee Gas & Transmission Company and Tennessee Natural Gas Lines, Inc., whereby Tennessee Gas & Transmission Company agreed to furnish an adequate supply of natural gas for the proposed facilities and operation thereof. It is stated, however, that Tennessee Natural Gas Lines, Inc. continues to be interested in the construction and operation of the proposed facilities in that it is a minority stockholder of Applicant.

Applicant purposes to supply natural gas from the above-described facilities to the following cities and towns in the State of Tennessee, which do not now have natural gas service; Centerville, Mt. Pleasant, Columbia, Lawrenceburg, Pulaski, Waynesboro, Lewisburg, Shelbyville, Murfreesboro, Fayetteville, Lynchburg, Mulberry, Tullahoma, Manchester, Winchester, Decherd, Cowan, Sewanee, Monteagle, Tracy City, South Pittsburgh, Richard City, Jasper, Whitwell, Chattanooga, Ooltewah, Cleveland, Charleston, Benton, Calhoun, Riceville, Etowah, Englewood, Athens, Madisonville, Sweetwater, Philadelphia, Loudon, Alcoa, Maryville, Lenoir City and Knoxville.

Applicant states that under its present plans it will sell natural gas for the above-mentioned cities and towns at wholesale city gate rates, and will make direct pipeline sales for industrial use to a limited number of large industrial users, and that no construction or acquisition of resale distribution systems by Applicant is presently contemplated. Applicant recites that the proposed rates for the gas service will be supplied when

[1] Docket No. G-847; see notice of application published February 6, 1947, 12 F. R. 870, 871. On April 23, 1947, Tennessee Natural Gas Lines, Inc. filed with the Federal Power Commission a motion to dismiss its application filed on January 9, 1947.

it completes its market studies and surveys.

Applicant states that it is filing this application on the assumption that Chattanooga Gas Company will become a city gate customer of Applicant, notwithstanding the fact that Chattanooga Gas Company is a wholly owned subsidiary of Southern Natural Gas Company, which last mentioned company now has on file with the Federal Power Commission an application [2] for the construction and operation of facilities to serve the Chattanooga market and area.

Applicant further states that the Knoxville market and area is now inadequately served with manufactured or artificial gas, and that the Knoxville Utilities Board is anxious that natural gas service be made available in the Knoxville area.

Applicant states that natural gas will enter the proposed pipe line at a pressure of approximately 700 psig which will provide a delivery pressure of approximately 387 psig at Chattanooga and approximately 200 psig at Knoxville; that the proposed facilities will have a capacity of approximately 62,325,000 cubic feet per day at the point of interconnection with Tennessee Gas & Transmission Company, and that this capacity will be sufficient to serve the aforesaid markets and areas for approximately five years without compression.

Applicant makes no statement as to the cost of the proposed facilities or the method of financing the cost of construction.

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

The application of East Tennessee Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 47-4422; Filed, May 9, 1947; 9:12 a. m.]

[2] Docket No. G-796; see notice of amended application published April 11, 1947, 12 F. R. 2459-60.

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[Docket No. G-891]

## UNITED NATURAL GAS CO.

### NOTICE OF APPLICATION

MAY 5, 1947.

Notice is hereby given that on April 18, 1947, United Natural Gas Company (Applicant), a Pennsylvania corporation having its principal office in Oil City, Pennsylvania, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

Approximately seventy-one (71) miles of 20-inch O. D. welded pipe line extending from the south end of United Natural Gas Company's 12-inch line in Franklin Township, Beaver County, Pennsylvania, in a southerly direction to connect with the Big Inch and Little Big Inch pipe lines in Rich Hill Township, Greene County, Pennsylvania.

Applicant states in its application that it is critically in need of additional supplies of natural gas in order to meet its present and future requirements as well as the normal growth requirements of its domestic, commercial and industrial consumers. Applicant states that the purpose of the proposed line is to connect with the Big Inch lines and obtain an additional supply of natural gas therefrom; and it is hoped that the proposed facilities will permit Applicant to meet its requirements during the winter of 1947-1948.

Applicant estimates that the total over-all cost of the proposed facilities will be $3,737,718, which will be paid partly by outside financing and partly from Applicant's own cash resources; and that there will be no fixed charges incident to the cost of the proposed line.

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

The application of United Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined.

Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 47-4421; Filed, May 9, 1947; 9:12 a. m.]

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[Docket No. G-894]

## UNITED GAS PIPE LINE CO.

### NOTICE OF APPLICATION

MAY 5, 1947.

Notice is hereby given that on April 24, 1947, United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, and authorized to do business in the States of Alabama, Louisiana, Mississippi, and Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following facilities:

A tap and meter station in Township 2 South, Range 3 East, Baldwin County, Alabama, on Applicant's Mobile-Pensacola natural gas transmission line.

Applicant states that the proposed facilities are for the purpose of supplying the requirements of natural gas for resale through distribution systems in the following named towns and their environs in Baldwin County, Alabama: Elberta, Fairhope, Foley, Loxley, Magnolia Springs, Point Clear, Robertsdale, Silverhill, Stapleton, Steelwood.

Applicant states that it has entered into an appropriate contractual arrangement with the towns of Foley and Fairhope under which natural gas will be sold to said municipalities for resale in all of the towns named above. It is stated that service through the proposed facilities will be from gas reserves which Applicant has under contract in the Baxterville Field and which it proposes to connect to its present system at a point near Mobile, Alabama.

The estimated maximum daily demand for all of the above named customers for the year 1948 is 900 Mcf, and the estimated daily minimum demand for the same period is 100 Mcf. The estimated daily delivery capacity of the proposed facilities is 7,000 Mcf.

Estimated overall capital cost of the proposed facilities is stated to be approximately $5,300, which Applicant proposes to finance out of cash on hand.

Applicant states that since the communities named in the application are not now being served with natural gas, the residents therein are most anxious that the natural gas service to be rendered by means of the proposed facilities be made available to them.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4420; Filed, May 9, 1947; 9:12 a. m.]

## FEDERAL TRADE COMMISSION

[Docket No. 5442]

VICTORY VITAMIN CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of May A. D. 1947.

In the matter of Frederick Herrschner, trading as Victory Vitamin Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered,* That John P. Bramhall, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony and the receipt of evidence begin on Monday, June 9, 1947, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

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

[F. R. Doc. 47-4426; Filed, May 9, 1947; 9:12 a. m.]

## INTERSTATE COMMERCE COMMISSION

[S. O. 727]

UNLOADING OF AUTOS AT JERSEY CITY, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of May A. D. 1947.

It appearing, that 7 cars containing autos and pipe at Jersey City, New Jersey, on the Baltimore and Ohio Railroad Company, have been on hand 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) *Cars at Jersey City, N. J., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately the following cars, containing various commodities, now on hand at Jersey City Terminal, Jersey City, New Jersey:

| Car No. and Initial | Commodity | Consignee |
|---|---|---|
| PLE 47722 | Autos | D. C. Andrews. |
| CMO 12212 | Pipe | Am. Union Tramp. |
| PLE 48056 | Autos | D. C. Andrews. |
| NYC 707741 | do | Do. |
| PMKY 90117 | do | Do. |
| WLE 74918 | do | Do. |
| RDG 50998 | do | Do. |

(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., May 9, 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. 47-4409; Filed, May 9, 1947; 8:45 a. m.]

[S. O. 728]

UNLOADING OF CONSTRUCTION MATERIALS AT KANSAS CITY, MO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of May A. D. 1947.

It appearing, that 15 cars containing various commodities at Kansas City, Missouri, on the Chicago, Burlington & Quincy Railroad Company, have been on hand for an unreasonable length 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) *Cars at Kansas City, Mo., be unloaded.* The Chicago, Burlington & Quincy Railroad Company, its agents or employees, shall unload immediately the following cars on hand at Kansas City, Missouri:

*Consignee:* R. T. Collins Construction Company.

CAR INITIAL, NUMBER, AND CONTENTS

PRR 359111—Roofing.
BO 253542—Roofing.
CI&L 31999—Limestone.

*Consignee.* Patti Construction Company.

CBQ 133934—Cement slabs.
Soo L 36028—Cement slabs.
Erie 93246—Cement slabs.

*Consignee.* Jones-Hettelsater Construction Company.

PM 88447—Lumber.
Soo L 13686—Lumber.
BO 272124—Lumber.
PA 66673—Lumber.
SOU 155635—Lumber.
LN 4253—Lumber.
CNW 146762—Lumber.
SP 84308—Lumber.
NYC 154619—Lumber.

(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., May 9, 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. 47-4410; Filed, May 9, 1947; 8:46 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 54-102]

GENERAL GAS & ELECTRIC CORP. AND ASSOCIATED GAS AND ELECTRIC CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of May A. D. 1947.

The Commission having, by orders dated July 25, 1945, and August 23, 1945, approved a joint application filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a then registered holding company, and General Gas & Electric Corporation, a then registered holding company and subsidiary of said Trustees, with respect to a plan of divestment of assets, simplification of corporate structure and equitable distribution of voting power of General Gas & Electric Corporation; and

Said orders having reserved jurisdiction over, among other things, all fees and expenses to be paid in connection with said plan; and

It appearing that the said Trustees have been discharged and that the assets of Associated Gas and Electric Corporation have been transferred to General Public Utilities Corporation, a registered holding company, and that General Gas & Electric Corporation has been dissolved and its assets, subject to its liabilities, have been transferred to General Public Utilities Corporation; and

Applications having now been filed with respect to the payment of requested fees and reimbursement for expenses:

Notice is hereby given that applications for the payment of fees and expenses have been filed by the following persons and in the following amounts:

| Name | Position | Requested fee | Requested reimbursement of expenses |
|---|---|---|---|
| Protective Committee for Public Holders of Class A Common Stock of General Gas & Electric Corporation: | | | |
| Daniel J. Mahoney | Members of the committee | $6,000 | $1,244.44 |
| Stephen P. Toadvine | | | |
| Clarence S. Cook and Henry E. Norton | | | |
| Goldwater & Flynn | Counsel | 75,000 | 2,076.78 |
| Bernard Katz | Secretary | 2,000 | |
| Debevoise, Stevenson, Plimpton & Page | Special counsel for General Gas & Electric Corp. | 35,000 | 105.93 |

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the matters set forth in said applications:

*It is ordered,* That a hearing on said applications pursuant to the applicable provisions of the act and the rules and regulations thereunder be held before the examiner heretofore designated to preside in this proceeding on May 28, 1947, at 10:00 a. m., e. d. s. t., in the office of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any persons, other than one already a party or given leave to participate herein, who desires to be heard or otherwise wishes to participate shall file with the Secretary of the Commission on or before May 26, 1947, a request relevant thereto as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered,* That without limiting the scope of the issues presented by the application particular attention will be directed at said hearing to the following matter and question:

(1) Whether the requested fees and reimbursement for expenses are for necessary services rendered in connection with the plan and related proceedings, and are reasonable in amount and properly allocated.

By the Commission.

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

[F. R. Doc. 47-4406; Filed, May 9, 1947; 8:45 a. m.]

[File No. 811-55]

PRUDENTIAL INVESTING CORP.

NOTICE OF APPLICATION STATEMENT OF ISSUES ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of May A. D. 1947.

Notice is hereby given that Prudential Investing Corporation ("Prudential") has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that Prudential has ceased to be an investment company within the meaning of the act.

Prudential alleges that it has sold its assets amounting to $1,680,943.99 to Axe-Houghton Fund, Inc. ("Axe-Houghton") for 213,829 shares of the latter's stock, and that it has distributed pro rata the Axe-Houghton shares so received to its stockholders except those remaining in the custody of The First National Bank of Jersey City against the unexchanged 85,987 shares of Prudential stock. Prudential also alleges that cash of $5,938.82 was reserved by Prudential to make cash payments for fractional shares. Prudential also alleges that it has paid to Leffler Corporation ("Leffler") $34,426.18 or 2% of its assets prior to such payment for services in negotiating and effecting the transaction between Axe-Houghton and Prudential, and that out of this fee Leffler has agreed to pay all expenses of the acquisition, of the distribution of the Axe-Houghton shares of stock and cash (for fractional shares) to stockholders of Prudential and of the dissolution of Prudential. Prudential further alleges that there are no known liabilities except for amounts assumed by Leffler and that it was dissolved on March 6, 1947.

For a more detailed statement of the matters of fact and law asserted, persons are referred to said application which is on file in the offices of the Commission in Philadelphia, Pennsylvania.

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

(1) Whether applicant has ceased to be an investment company within the meaning of the act, and

(2) Whether it is necessary for the protection of investors to condition any order terminating the registration of applicant under the act.

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

*It is ordered,* Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on May 21, 1947, at 9:30 a. m., eastern daylight saving time, in Room 318 of the offices

of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

*It is further ordered*, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is given to Prudential Investing Corporation, Axe-Houghton Fund, Inc. and Leffler Corporation and to any person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Persons desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before May 19, 1947, an application therefor in accordance with the provisions of Rule XVII of the rules of practice of the Commission, setting forth the matters or issues of law or fact mentioned above which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

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

[F. R. Doc. 47-4405; Filed, May 9, 1947; 8:45 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

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

[Return Order 14]

MAYWOOD CHEMICAL WKS. AND SINGER MFG. CO.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

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

| Claimant and claim No. | Notice of intention to return published | Property |
|---|---|---|
| Maywood Chemical Works, Maywood, N. J., claim No. A-303. | 12 F. R. 1717, Mar. 12, 1947.. | Property described in vesting order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent Nos. 1,869,493; 1,869,494; 1,869,495; 1,869,496; 1,869,497; 1,869,498; 1,869,499; 1,869,979 and 1,869,980, to the extent owned by claimant immediately prior to the vesting thereof. |
| The Singer Mfg. Co., Elizabeth, N. J., claim No. A-442. | 12 F. R. 1905, Mar. 21, 1947.. | Property described in vesting order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 1,955,889, to the extent owned by claimant immediately prior to the vesting thereof. |

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4444; Filed, May 9, 1947; 9:50 a. m.]

[Vesting Order 8729]

HANS BURMEISTER ET AL.

In re: Interests of Hans Burmeister of Berlin, Ernst Cohnitz of Berlin, August Bender of Dusseldorf and "Nova" Werbe und Vertriebs G. m. b. H., of Dusseldorf in an agreement with the Moussator Corporation of America of St. Louis, Missouri, dated July 5, 1933.

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 Hans Burmeister, Ernst Cohnitz and August Bender, whose last known addresses are Berlin-Tempelhof, Germany, Berlin, Germany, and Dusseldorf, Germany, respectively, are residents of Germany and nationals of a foreign country (Germany);

2. That "Nova" Werbe und Vertriebs G. m. b. H. is a business enterprise organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hans Burmeister, Ernst Cohnitz, August Bender and "Nova" Werbe und Vertriebs G. m. b. H., and each of them, by virtue of an agreement dated July 5, 1933 (including all modifications thereof and supplements thereto, if any) by and between Hans Burmeister, Ernst Cohnitz, August Bender, "Nova" Werbe und Vertriebs G. m. b. H. and Moussator Corporation of America, which agreement relates, among other things, to United States Letters Patent No. 1,889,236.

[1] Filed as part of the original document.

is property payable or held with respect to patents or rights relating thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Germany).

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

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

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4430; Filed, May 9, 1947; 9:48 a. m.]

[Vesting Order 8730]

I. G. FARBENINDUSTRIE A. G. AND HERCULES POWDER CO.

In re: Interests of I. G. Farbenindustrie Aktiengesellschaft in an agreement with Hercules Powder Company.

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 I. G. Farbenindustrie Aktiengesellschaft is a corporation organized and existing under the laws of, and having its principal place of business in, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated March 29, 1939 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Hercules Power Company,

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 16, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4431; Filed, May 9, 1947; 9:49 a. m.]

[Vesting Order 8731]

HUNGARIAN RUBBER GOODS FACTORY, LTD. AND ANCHOR PACKING CO.

In re: Interests of Hungarian Rubber Goods Factory, Ltd. (Ungarische Gummiwaarenfabriks Actiengesellschaft) in certain trademarks and in agreements with The Anchor Packing Company.

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 Hungarian Rubber Goods Factory, Ltd. (Ungarische Gummiwaarenfabriks Actiengesellschaft) is a corporation organized under the laws of, and maintaining its principal place of business in, Hungary and is a national of a foreign country (Hungary);

2. That the property described as follows:

(a) The trademarks registered in the United States Patent Office and the registration thereof identified as follows:

| Reg. No. | Date | Inventor | Description of goods |
|---|---|---|---|
| 68,839 | 4/26/08 | Ungarische Gummiwaarenfabriks Actiengesellschaft. | Rubber and asbestos Packing "Tauril." |
| 94,774 | 12/30/13 | Ungarische Gummiwaarenfabriks Actiengesellschaft. | Hollow and solid rubber tires "Tauril." |

together with

(i) The respective good will of the business in the United States and all its possessions to which said trademarks are appurtenant,

(ii) Any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment),

(iii) Any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trademarks and registration thereof,

(iv) All accrued royalties payable or held with respect to such trademarks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for the breach of the agreement hereinafter described, together with the right to sue therefor) created in Hungarian Rubber Goods Factory, Ltd. by virtue of an agreement between Hungarian Rubber Goods Factory, Ltd. and The Anchor Packing Company dated February 10, 1937 (including all modifications thereof and supplements thereto, if any) which agreement relates among other things, to United States trademark "Tauril,"

is property of, or is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Hungary).

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

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

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4432; Filed, May 9, 1947; 9:49 a. m.]

[Vesting Order 8813]

SHIGERU ASADA AND ASAKO ASADA

In re: Bank account owned by Shigeru Asada and Asako Asada. D-39-18916-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 Shigeru Asada and Asako Asada, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shigeru Asada and/or Asako Asada, by Bank of Hawaii, Honolulu, T. H., arising out of a savings account, Account Number A 45040, entitled Shigeru Asada and/or Asako Asada, maintained at the branch office of the aforesaid bank located at Hilo, Hawaii, T. H., and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4385; Filed, May 8, 1947; 8:46 a. m.]

[Vesting Order 8821]

SHUNTARO TOMATANI

In re: Bank account owned by Shuntaro Tomatani, also known as Shutaro Tomatani, and Masuichi Tsumoto, also known as Masukichi Tsumoto. F-39-1751-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 Shuntaro Tomatani, also known as Shutaro Tomatani, and Masuichi Tsumoto, also known as Masukichi Tsumoto, whose last known addresses are Wakayama, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bishop National Bank of Hawaii, King-Smith Streets, Honolulu, T. H., arising out of a savings account, Account Number 923, entitled Kinjiro Tomatani, Trustee for Shuntaro Tomatani and Masuichi Tsumoto, 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, Shun-

taro Tomatani, also known as Shutaro Tomatani, and Masuichi Tsumoto, also known as Masukichi Tsumoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4386; Filed, May 8, 1947; 8:46 a. m.]

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[Vesting Order 8826]

WALDEMAR KRAUSS

In re: Bond and mortgage, property insurance policy and bank account owned by Waldemar Krauss.

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 Waldemar Krauss, whose last known address is Chemnitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. A mortgage executed on June 12, 1924, by Dick-Meyer Corporation to Title Guarantee & Trust Company, and recorded in the Office of the Register of Queens County, on June 16, 1924, in Liber 2422 of Mortgages, at Page 117, which mortgage was assigned by Title Guarantee & Trust Company to Waldemar Krauss by instrument, dated January 28, 1931, and recorded in the Office of the Register of Queens County, on February 3, 1931, in Liber 3799 of Mortgages, at Page 312, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage and all notes, bonds and other instruments evidencing such obligations,

b. All right, title and interest of Waldemar Krauss, and to Fire Insurance Policy No. 9631, issued by The Home Insurance Company, New York, New York, insuring the premises, subject to the mortgage described in subparagraph 2-a hereof, and

c. That certain debt or other obligation of Continental Bank and Trust Company, 30 Broad Street, New York, New York, arising out of an account entitled "Waldemar Krauss, The German Society of the City of New York, Agent," 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 in subparagraphs 2-a to 2-c above, inclusive, 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 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4387; Filed, May 8, 1947; 8:47 a. m.]

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[Vesting Order 8836]

LISBETH BEHRENS

In re: Bank account owned by Lisbeth Behrens. F-28-25133-C-1, F-28-25133-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 Lisbeth Behrens, whose last known address is Hamburg 21, 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 20666, entitled Tom F. Chapman or I. F. Chapman, Trustees for Lisbeth Behrens, 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, Lisbeth Behrens, 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 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4433; Filed, May 9, 1947; 9:49 a. m.]

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[Vesting Order 8837]

RICHARD BRANDT

In re: Debt owing to Richard Brandt, also known as Rich. AD. Brandt. F-28-7370-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 Richard Brandt, also known as Rich. AD. Brandt, whose last known address is 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 owingto Richard Brandt, also known as Rich. AD. Brandt, by Armand Schmoll, Inc., 41 Park Row, New York 7, N. Y., in the amount of $1,015.95, 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 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4434; Filed, May 9, 1947; 9:49 a. m.]

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[Vesting Order 8838]

WILLI DIRCKS

In re: Bank account owned by Willi Dircks. F-28-25164-C-1, F-28-25164-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 Willi Dircks, whose last known address is Hamburg, Langen, 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 20711, entitled Tom F. Chapman or I. F. Chapman, Trustees for Willi Dircks, 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, Willi Dircks, 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 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4435; Filed, May 9, 1947; 9:49 a. m.]

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[Vesting Order 8846]

ITSUYO NAKAYAMA ET AL.

In re: Bank accounts owned by Itsuyo Nakayama, Mitsu Nakayama, Yoneo Nakayama and Yoshi Nakayama. F-39-4582-E-1, F-39-4817-E-1, F-39-4818-E-1, F-39-4816-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 Itsuyo Nakayama, Mitsu Nakayama, Yoneo Nakayama and Yoshi Nakayama, whose last known addresses are Tokyo, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Itsuyo Nakayama by Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled Itsuyo Nakayama, maintained at the branch office of the aforesaid bank located at 162 Fifth Avenue, New York 10, New York, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled Itsuyo Nakayama in trust for Mitsu Nakayama, maintained at the branch office of the aforesaid bank located at 162 Fifth Avenue, New York 10, New York, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled Itsuyo Nakayama in trust for Yoneo Nakayama, maintained at the branch office of the aforesaid bank located at 162 Fifth Avenue, New York 10, New York, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled Itsuyo Nakayama in trust for Yoshi Nakayama, maintained at the branch office of the aforesaid bank located at 162 Fifth Avenue, New York 10, New York, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4436; Filed, May 9, 1947; 9:49 a. m.]

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[Vesting Order 8848]

JAKOB PFIRRMANN

In re: Bank accounts owned by Jacob Pfirrmann and others.

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

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, 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 each individual, whose name is set forth in Exhibit A, by the Security-First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles, California, arising out of the accounts entitled and described in the manner set forth in Exhibit A, 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 nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to 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 30, 1947.

For the Attorney General.

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

EXHIBIT A

| Names of owners and titles of accounts | Description of accounts | OAP Files numbered |
|---|---|---|
| Jakob Pfirrmann | Term Savings Account, Account Number 393830 | F-28-23987-E-1<br>F-28-23987-C-1 |
| Katharine Lebmann | Term Savings Account, Account Number 393832 | F-28-26519-E-1<br>F-28-26519-C-1 |
| Amalia Stumpf | Savings Account, Account Number 393831 | F-28-25921-E-1<br>F-28-25921-C-1 |
| Karolina Pfirrmann | Term Savings Account, Account Number 393829 | F-28-25754-E-1<br>F-28-25754-C-1 |
| Lina Witte | Savings Account, Account Number 393833 | F-28-25913-E-1<br>F-28-25913-C-1 |
| Eduard Witte | Term Savings Account, Account Number 393834 | F-28-25909-E-1<br>F-28-25909-C-1 |
| Margaretha Witte | Term Savings Account, Account Number 393836 | F-28-25915-E-1<br>F-28-25915-C-1 |
| Ernst Witte | Savings Account, Account Number 393835 | F-28-25895-E-1<br>F-28-25895-C-1 |

[F. R. Doc. 47-4437; Filed, May 9, 1947; 9:49 a. m.]

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[Vesting Order 8849]

CHRISTIAN GOTTLOB REBER AND ROSINE HAUSER

In re: Bank account owned by Christian Gottlob Reber and Rosine Hauser. F-28-13295-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 Christian Gottlob Reber and Rosine Hauser, whose last known address is 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 of The Capital National Bank of Sacramento, 700 J Street, Sacramento, California, arising out of a trustee account, entitled Estate of Johann Karl Reber, 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, Christian Gottlob Reber and Rosine Hauser, 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 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4438; Filed, May 9, 1947; 9:49 a. m.]

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[Vesting Order 8850]

JOHANN REDLE

In re: Bank Account owned by Johann Redle. 28-5311-C-1, D-28-5311-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 Johann Redle, 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 Johann Redle, by Dollar Savings Bank of the City of New York, 2792 Third Avenue, Bronx 55, New York, arising out of a savings account, Account Number 446,304, entitled Johann Redle, 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 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4439; Filed, May 9, 1947; 9:50 a. m.]

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[Vesting Order 8851]

C. C. RODRIAN

In re: Debt owing to C. C. Rodrian. F-28-11796-A-1.

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

1. That C. C. Rodrian, 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: All those debts or other obligations owing to C. C. Rodrian, by International Harvester Company & Affiliated Companies, 180 N. Michigan Avenue, Chicago 1, Illinois, including particularly but not limited to a portion of the sum of money on deposit with Continental Illinois National Bank & Trust Company of

Chicago, Chicago 90, Illinois, in an account, entitled Harvester Foreign Employes' Bank A/C, 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 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4440; Filed, May 9, 1947; 9:50 a. m.]

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[Vesting Order 8853]

FRED AND SAM SAKAMOTO

In re: Bank accounts owned by Fred Sakamoto and Sam Sakamoto. F-39-5193-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 Fred Sakamoto and Sam Sakamoto, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yellowstone Bank, Columbus, Montana, arising out of a Checking Account, entitled Sakamoto Brothers, 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, Fred Sakamoto and Sam Sakamoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4441; Filed, May 9, 1947; 9:50 a. m.]

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[Vesting Order 8855]

DETMAR FR. STAHLKNECHT

In re: Stock owned by Detmar Fr. Stahlknecht, also known as Detmar Fr. Stahlnecht and as Detmar Stalknecht. F-28-22307-D-1/3.

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

1. That Detmar Fr. Stahlknecht, also known as Detmar Fr. Stahlnecht and as Detmar Stalknecht, whose last known address is 13 Ilsungstrasse, Augsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of non-assessable, no par value common capital stock of The Westinghouse Air Brake Company, Wilmerding, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificate number M45.257, registered in the name of Detmar Fr. Stahlknecht, together with all declared and unpaid dividends thereon,

b. Two (2) shares of $100 par value 6% cumulative preferred capital stock of Eastern Gas and Fuel Associates, 250 Stuart Street, Boston, Massachusetts, a business trust organized under the laws of the State of Massachusetts, evidenced by certificates number 12970, registered in the name of Detmar Fr. Stahlknecht, together with all declared and unpaid dividends thereon, and

c. Ten (10) shares of no par value capital stock of International Telephone and Telegraph Corporation, 67 Broad Street, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by certificate number NNAF 14325, registered in the name of Detmar Stahlknecht, together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4442; Filed, May 9, 1947; 9:50 a. m.]

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[Vesting Order 8863]

FANNIE WEHNER ET AL.

In re: Stock owned by Fannie Wehner and others. F-28-7903-D-1, F-28-24240-D-1, F-28-24239-D-1.

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

1. That Fannie Wehner, whose last known address is Mudesheim Unterfr, Bayern, Germany, and Gottfried Oesterreicher, also known as Oesterreicher Gottfried, whose last known address is 56 Beuthenerstrasse, Stuttgart, Cannstatt, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Kathi Glaser, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: One hundred (100) shares of $50 par value capital stock of The Pennsylvania Railroad Company, 1617 Pennsylvania Boulevard, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered P746421/30 for ten (10) shares each,

registered in the name of Fannie Wehner, together with all declared and unpaid dividends thereon,

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

4. That the property described as follows: Forty-four (44) shares of $50 par value capital stock of The Pennsylvania Railroad Company, 1617 Pennsylvania Boulevard, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered P469083 and N396057 for five (5) shares each and certificate number P808829 for four (4) shares, registered in the name of Gottfried Oesterreicher, and certificate number 955084 for ten (10) shares, certificates numbered P719422, A448056 and A428195 for five (5) shares each, certificate number A459532 for three (3) shares and certificate number P36623 for two (2) shares, registered in the name of Oesterreicher Gottfried, together with all declared and unpaid dividends thereon,

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

5. That the property described as follows: Thirty-eight (38) shares of $50 par value capital stock of The Pennsylvania Railroad Company, 1617 Pennsylvania Boulevard, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificate number N121136, registered in the name of Kathi Glaser, together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Kathi Glaser, 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 30, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4443; Filed, May 9, 1947; 9:50 a. m.]

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[Vesting Order 8868]

RICHARD H. PFAFF

In re: Estate of Richard H. Pfaff, also known as Richard Heinrich Pfaff, deceased. File No. D-28-444.

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 Charlotte H. Pfaff, Henry R. Pfaff and Gerda C. Pfaff, 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, and each of them, in and to the estate of Richard H. Pfaff, also known as Richard Heinrich Pfaff, 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 John C. Glenn, Public Administrator of Queens County, New York, as Administrator, 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 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 May 1, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4388; Filed, May 8, 1947; 8:47 a. m.]

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[Vesting Order 8869]

CHARLES PFLUGER

In re: Estate of Charles Pfluger, deceased. File No. D-28-11437; E. T. sec. 15666.

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 Carl Pfluger, Henry Pfluger, Rose Rapp and Helen Ebner, 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 Charles Pfluger, 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 Alfred Pfluger, as Administrator of the estate of Charles Pfluger, deceased, acting under the judicial supervision of the Surrogate's Court, Essex County, State of 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 May 1, 1947.

For the Attorney General.

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

[F. R. Doc. 47-4389; Filed, May 8, 1947; 8:47 a. m.]

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[Vesting Order 8870]

WILLY SCHNEIDER

In re: Estate of Willy (William Walter) Schneider, deceased. File D-28-11262; E. T. sec. 15618.

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 Alfred Schneider, Bertha Schneider and Maria Schneider, 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 Willy (William Walter) Schneider, 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 Fred Schneider, as executor, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

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 May 1, 1947.

For the Attorney General.

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

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