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## TITLE 7—AGRICULTURE

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

[Lemon Reg. 225]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENT

§ 953.332 *Lemon Regulation 225*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (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, effective 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 this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such appliance.

(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., June 8, 1947, and ending at 12:01 a. m., P. s. t., June 15, 1947, is hereby fixed at 650 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 5th day of June 1947.

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

PRORATE BASE SCHEDULE

Storage Date: June 1, 1947

[12:01 a. m. June 8, 1947 to 12:01 a. m. June 22, 1947]

Lemon Administrative Committee, 111 West Seventh Street, Los Angeles 14, California.

| *Handler* | *Prorate base (percent)* |
|---|---|
| Total | 100.000 |
| Allen-Young Citrus Packing Co | .000 |
| American Fruit Growers, Fullerton | .747 |
| American Fruit Growers, Lindsay | .000 |
| American Fruit Growers, Upland | .446 |
| Consolidated Citrus Growers | .000 |
| Corona Plantation Co | .503 |
| Hazeltine Packing Co | .650 |
| Lappla-Pratt, Produce Distributors, Inc | .000 |
| McKellips, C. H.-Phoenix Citrus Co | .000 |
| McKellips, Mutual Citrus Growers, Inc | .000 |
| Phoenix Citrus Packing Co | .000 |
| Ventura Coastal Lemon Co | 1.072 |
| Ventura Pacific Co | 1.289 |
| Total A. F. G | 4.707 |
| Arizona Citrus Growers | .000 |
| Desert Citrus Growers Co., Inc | .000 |
| Mesa Citrus Growers | .000 |
| Elderwood Citrus Association | .000 |
| Klink Citrus Association | .000 |
| Lemon Cove Association | .000 |
| Glendora Lemon Growers Association | 1.571 |
| La Verne Lemon Association | .874 |
| La Habra Citrus Association | 2.072 |

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FEDERAL REGISTER

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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.



PRORATE BASE SCHEDULE—Continued

| Handler | Prorate base (percent) |
|---|---|
| Yorba Linda Citrus Association, The | 1.152 |
| Alta Loma Heights Citrus Association | 1.078 |
| Etiwanda Citrus Fruit Association | .433 |
| Mountain View Fruit Association | .643 |
| Old Baldy Citrus Association | 1.212 |
| Upland Lemon Growers Association | 6.227 |
| Central Lemon Association | 1.206 |
| Irvine Citrus Association | 1.343 |
| Placentia Mutual Orange Association | .501 |
| Corona Citrus Association | .283 |
| Corona Foothill Lemon Co | 1.678 |
| Jameson Co | .922 |
| Arlington Heights Fruit Co | .559 |
| College Heights Orange & Lemon Association | 2.901 |
| Chula Vista Citrus Association, The | 1.200 |
| El Cajon Valley Citrus Association | .176 |
| Escondido Lemon Association | 3.470 |
| Fallbrook Citrus Association | 1.590 |
| Lemon Grove Citrus Association | .520 |
| San Dimas Lemon Association | 2.225 |
| Carpinteria Lemon Association | 2.291 |
| Carpinteria Mutual Citrus Association | 2.454 |
| Goleta Lemon Association | 2.449 |
| Johnston Fruit Co | 4.585 |
| North Whittier Heights Citrus Association | 1.092 |
| San Fernando Heights Lemon Association | .986 |
| San Fernando Lemon Association | .734 |
| Sierra Madre-Lamanda Citrus Association | 2.027 |
| Tulare County Lemon & Grapefruit Association | .000 |
| Briggs Lemon Association | 2.611 |
| Culbertson Investment Co | 0.536 |
| Culbertson Lemon Association | 1.200 |
| Fillmore Lemon Association | 1.906 |
| Oxnard Citrus Association No. 1 | 2.866 |
| Oxnard Citrus Association No. 2 | 2.738 |
| Rancho Sespe | 1.050 |
| Santa Paula Citrus Fruit Association | 3.499 |
| Saticoy Lemon Association | 3.130 |
| Seaboard Lemon Association | 3.255 |
| Somis Lemon Association | 2.745 |
| Ventura Citrus Association | .982 |
| Limoneira Co | 3.086 |
| Teague-McKevett Association | 1.063 |
| East Whittier Citrus Association | .895 |
| Leffingwell Rancho Lemon Association | .928 |
| Murphy Ranch Co | 2.042 |
| Whittier Citrus Association | .962 |
| Whittier Select Citrus Association | .720 |
| Total C. F. G. E. | 86.668 |
| Arizona Citrus Products Co | .000 |
| Chula Vista Mutual Lemon Association | .782 |
| Escondido Coop. Citrus Association | .378 |
| Glendora Coop. Citrus Association | .118 |
| Index Mutual Association | .414 |
| La Verne Coop. Citrus Association | 1.623 |
| Libbey Fruit Packing Co | .000 |
| Orange Coop. Citrus Association | .274 |
| Pioneer Fruit Co | .000 |
| Tempe Citrus Co | .000 |
| Ventura Co. Orange & Lemon Association | 2.281 |
| Whittier Mutual Org. & Lem. Association | .283 |
| Total M. O. D. | 6.153 |
| Abbate, Chas., Co., The | .000 |
| Atlas Citrus Packing Co | .010 |
| California Citrus Groves, Inc., Ltd. | .000 |
| El Modena Citrus, Inc | .008 |
| El Rio Citrus | .055 |
| Evans Brothers Pkg. Co.—Riverside | .090 |
| Evans Brothers Pkg. Co.—Sentinel Butte Ranch | .000 |
| Foothill Packing Co | .158 |
| Granada Packing House | .000 |
| Harding & Leggett | .015 |
| Morris Bros. Fruit Co | .000 |
| Orange Belt Fruit Distributors | 1.771 |
| Potato House, The | .000 |
| Raymond Bros | .000 |
| Riverside Growers, Inc | .000 |
| Rocke, B. G., Packing Co | .000 |
| San Antonio Orchard Co | .120 |
| Sun Valley Packing Co | .000 |
| Sunny Hills Ranch, Inc | .000 |
| Valley Citrus Packing Co | .000 |
| Verity, R. H., Sons & Co | .245 |
| Western States Fruit & Produce Co. | .000 |
| Total independents | 2.472 |

[F. R. Doc. 47-5477; Filed, June 6, 1947; 8:48 a. m.]

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[Orange Reg. 181]

## PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 966.327 *Orange Regulation 181*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (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, effective 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 section is based became available and the time when this section 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., June 8, 1947, and ending at 12:01 a. m., P. s. t., June 15, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1650 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 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 5th day of June 1947.

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

PRORATE BASE SCHEDULE

[12:01 A. M., June 8, 1947, to 12:01 A. M., June 15, 1947]

VALENCIA ORANGES

*Prorate District No. 2*

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Alta Loma | .0673 |
| A. F. G. Fullerton | .8435 |

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| A. F. G. Orange | 0.6381 |
| A. F. G. Redlands | .2375 |
| A. F. G. Riverside | .1236 |
| A. F. G. San Juan Capistrano | .8382 |
| A. F. G. Santa Paula | .3927 |
| Corona Plantation Co | .2434 |
| Hazeltine Packing Co | .3733 |
| Signal Fruit Association | .0813 |
| Azusa Citrus Association | .4710 |
| Azusa Orange Co., Inc | .1411 |
| Damerel-Allison Co | .8966 |
| Glendora Mutual Orange Association | .3955 |
| Irwindale Citrus Association | .3800 |
| Puente Mutual Citrus Association | .2003 |
| Valencia Heights Orchards Association | .4270 |
| Glendora Citrus Association | .3404 |
| Glendora Heights Orange & Lemon Growers Association | .0768 |
| Gold Buckle Association | .5757 |
| La Verne Orange Association | .6557 |
| Anaheim Citrus Fruit Association | 1.2597 |
| Anaheim Valencia Orange Association | 1.2682 |
| Eadington Fruit Co | 1.9943 |
| Fullerton Mutual Orange Association | 1.4900 |
| La Habra Citrus Association | 1.1716 |
| Orange County Valencia Association | .6044 |
| Orangethorpe Citrus Association | .9633 |
| Placentia Coop. Orange Association | .7132 |
| Yorba Linda Citrus Association, The | .5806 |
| Alta Loma Heights Citrus Association | .0956 |
| Citru Fruit Growers | .1692 |
| Cucamonga Citrus Association | .1697 |
| Etiwanda Citrus Fruit Association | .0427 |
| Mountain View Fruit Association | .0126 |
| Old Baldy Citrus Association | .1348 |
| Rialto Heights Orange Growers | .0716 |
| Upland Citrus Association | .3972 |
| Upland Heights Orange Association | .1539 |
| Consolidated Orange Growers | 1.9056 |
| Frances Citrus Association | 1.0814 |
| Garden Grove Citrus Association | 1.4194 |
| Goldenwest Citrus Association., The | 1.3882 |
| Irvine Valencia Growers | 2.3650 |
| Olive Heights Citrus Association | 1.6392 |
| Santa Ana-Tustin Mutual Citrus Association | .9797 |
| Santiago Orange Growers Association | 3.6355 |
| Tustin Hills Citrus Association | 1.8650 |
| Villa Park Orchards Association, The | 1.7970 |
| Bradford Brothers, Inc | .6286 |
| Placentia Mutual Orange Association | 1.7691 |
| Placentia Orange Growers Association | 2.2583 |
| Call Ranch | .0679 |
| Corona Citrus Association | .4651 |
| Jameson Co | .0363 |
| Orange Heights Orange Association | .3730 |
| Break & Son, Allen | .0574 |
| Bryn Mawr Fruit Growers Association | .2681 |
| Crafton Orange Growers Association | .3871 |
| E. Highlands Citrus Association | .0872 |
| Fontana Citrus Association | .0756 |
| Highland Fruit Growers Association | .0514 |
| Krinard Packing Co | .2653 |
| Mission Citrus Association | .1453 |
| Redlands Cooperative Fruit Association | .4121 |
| Redlands Heights Groves | .2550 |
| Redlands Orange Growers Association | .2648 |
| Redlands Orangedale Association | .2872 |

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Redlands Select Groves | 0.1634 |
| Rialto Citrus Association | .1527 |
| Rialto Orange Co | .1521 |
| Southern Citrus Association | .2044 |
| United Citrus Growers | .1439 |
| Zilen Citrus Co | .1031 |
| Arlington Heights Fruit Co | .1027 |
| Brown Estate, L. V. W | .1336 |
| Gavilan Citrus Association | .1564 |
| Hemet Mutual Groves | .1137 |
| Highgrove Fruit Association | .0785 |
| McDermont Fruit Co | .1901 |
| Mentone Heights Association | .0680 |
| Monte Vista Citrus Association | .2256 |
| National Orange Co | .0414 |
| Riverside Heights Orange Growers Association | .0685 |
| Sierra Vista Packing Association | .0593 |
| Victoria Avenue Citrus Association | .1786 |
| Claremont Citrus Association | .1664 |
| College Heights Orange and Lemon Association | .2237 |
| El Camino Citrus Association | .0831 |
| Indian Hill Citrus Association | .2076 |
| Pomona Fruit Growers Exchange | .3943 |
| Walnut Fruit Growers Exchange | .4368 |
| West Ontario Citrus Association | .4066 |
| El Cajon Valley Citrus Association | .3516 |
| Escondido Orange Association | 2.4451 |
| San Dimas Orange Growers Association | .5067 |
| Covina Citrus Association | 1.0236 |
| Covina Orange Growers Association | .4038 |
| Duarte-Monrovia Fruit Exchange | .2529 |
| Santa Barbara Orange Association | .0517 |
| Ball & Tweedy Association | .6593 |
| Canoga Citrus Association | .8748 |
| N. Whittier Heights Citrus Association | .9489 |
| San Fernando Fruit Growers Association | .4404 |
| San Fernando Heights Orange Association | .9457 |
| Sierra Madre-Lamanda Citrus Association | .4032 |
| Camarillo Citrus Association | 1.5003 |
| Fillmore Citrus Association | 3.5724 |
| Mupu Citrus Association | 2.6625 |
| Ojai Orange Association | .9834 |
| Piru Citrus Association | 2.0113 |
| Santa Paula Orange Association | 1.0893 |
| Tapo Citrus Association | 1.1103 |
| Limoneira Co | .3984 |
| E. Whittier Citrus Association | .4046 |
| El Ranchito Citrus Association | 1.2550 |
| Murphy Ranch Co | .4108 |
| Rivera Citrus Association | .5474 |
| Whittier Citrus Association | .6928 |
| Whittier Select Citrus Association | .4549 |
| Anaheim Cooperative Orange Association | 1.1534 |
| Bryn Mawr Mutual Orange Association | .0870 |
| Chula Vista Mutual Lemon Association | .0920 |
| Escondido Cooperative Citrus Association | .3342 |
| Euclid Avenue Orange Association | .4229 |
| Foothill Citrus Union, Inc | .0333 |
| Fullerton Cooperative Orange Association | .3079 |
| Garden Grove Orange Cooperative, Inc | .7249 |
| Glendora Cooperative Citrus Association | .0542 |
| Golden Orange Groves, Inc | .2776 |
| Highland Mutual Groves | .0668 |
| Index Mutual Association | .2015 |
| La Verne Cooperative Citrus Association | 1.2063 |
| Olive Hillside Groves | .7535 |
| Orange Cooperative Citrus Association | 1.0198 |
| Redlands Foothill Groves | .4471 |

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Redlands Mutual Orange Association | 0.1624 |
| Riverside Citrus Association | .0679 |
| Ventura County Orange and Lemon Association | .9390 |
| Whittier Mutual Orange and Lemon Association | .2013 |
| Babijuice Corp. of California | .4705 |
| Banks Fruit Co | .3010 |
| Banks, L. M | .5474 |
| Borden Fruit Co | .6181 |
| California Fruit Distributors | .5236 |
| Cherokee Citrus Co., Inc | .1002 |
| Chess Co., Meyer W | .2821 |
| El Modena Citrus, Inc | .5091 |
| Escondido Avocado Growers | .0553 |
| Evans Brothers Packing Co | .6938 |
| Gold Banner Association | .2822 |
| Granada Hills Packing Co | .0629 |
| Granada Packing House | 2.7530 |
| Hill, Fred A | .0768 |
| Inland Fruit Dealers | .0593 |
| Mills, Edward | .1074 |
| Orange Belt Fruit Distributors | 2.0421 |
| Panno Fruit Co., Carlo | .1307 |
| Paramount Citrus Association | .4172 |
| Placentia Orchard Co | .4022 |
| Placentia Pioneer Valley Growers Association | .6509 |
| Riverside Growers, Inc | .0965 |
| San Antonio Orchards Co | .4793 |
| Santa Fe Groves Co | .0509 |
| Snyder & Sons Co., W. A | 1.1501 |
| Stephens, T. F | .0876 |
| Sunny Hills Ranch, Inc | .1186 |
| Verity & Sons Co., R. H | .0362 |
| Wall, E. T | .1253 |
| Webb Packing Co | .2786 |
| Western Fruit Growers Inc., Ana | .0493 |
| Western Fruit Growers Inc., Reds | .6603 |
| Yorba Orange Growers Association | .6300 |

[F. R. Doc. 47-5479; Filed, June 6, 1947; 8:48 a. m.]

# TITLE 10—ARMY: WAR DEPARTMENT

## Chapter IX—Transport

### PART 903—TRANSPORTATION OF INDIVIDUALS

MISCELLANEOUS AMENDMENTS

Part 903, Chapter IX, Title 10 Code of Federal Regulations is amended as follows:

1. Present § 903.5a is rescinded and the following substituted therefor.

§ 903.5a *Cadets discharged from the United States Military Academy.* Cadets of the United States Military Academy upon being discharged from the service are not entitled to mileage (AR 35-3070), but are entitled to transportation in kind from the academy to their home, except that a cadet discharged for physical disability while in a hospital under orders is entitled to transportation in kind from the hospital to his home (1 Comp. Gen. 356), and that a cadet who is in a status of leave of absence from the United States Military Academy awaiting the result of a re-examination, and who is found deficient upon re-examination and ordered to be discharged, may be furnished transportation in kind from the point at which he receives notice of discharge to his home: *Provided*, That the cost of such transportation in kind

is no greater than that from West Point, New York, to his home.

2. Section 903.5b is added to read as follows:

§ 903.5b *Military personnel separated from active service under conditions other than honorable.* "Any member of the military forces * * * who is hereafter separated from active service under conditions other than honorable may be furnished transportation in kind at Government expense from the place of separation from active service to the place at which he entered upon active service or home of record: *Provided*, That no transportation will be furnished under this section to any person who is in confinement pursuant to sentence of a civil court at the time of separation from active service." Sec. 1, act of April 27, 1946. (Pub. Law 368, 79th Cong., 60 Stat. 126)

3. Present § 903.6 is rescinded and the following substituted therefor:

§ 903.6 *Remains*—(a) *For whom transportation authorized and expenses allowable.* See AR 30–1830 and §§ 306.51 to 306.53 inclusive (8 F. R. 12124).

(b) *From points outside continental limits of United States, including Alaska, to ports of debarkation in continental limits of United States, exclusive of Alaska, for interment therein.* See paragraph (c) of this section.

(1) *Remains.* Government means of transportation will be utilized wherever possible for the shipment of remains from points outside the continental limits of the United States, including Alaska, to ports of debarkation in the continental limits of the United States, exclusive of Alaska. For any distance that the foregoing prescribed means of transportation cannot be used or is considered impracticable shipment may be made by the most economical means of commercial transportation.

(2) *Attendants*—(i) *Relative.* Subject to subparagraph (3) of this paragraph transportation including berth when an extra charge is made therefor may be furnished one relative in the capacity of an attendant to the remains of each person from the place of death or an intermediate point to the port of debarkation in the continental limits of the United States exclusive of Alaska and return to point at which such attendant assumed the custody of remains.

(ii) *Persons in military service.* No military attendant will be furnished for any portion of the journey where a relative acts in that capacity. In any case where the relative attendant will not accompany the remains for the entire distance, a military attendant will be furnished to accompany the remains for that portion of the journey where the remains will not be accompanied by such relative, except as provided in the exception stated below.

Exception: Where the remains are to be shipped by Army facilities for any portion of the distance to the port of debarkation in the continental limits of the United States, exclusive of Alaska, and the commanding officer at the place of death does not have a military attendant available for the complete journey, he will provide a military attendant only to the port of embarkation outside the continental limits of the United States, including Alaska, at which trans-shipment is made on the Army facility. The attendant will deliver the remains and all accompanying papers to the Army representatives at the port who will be responsible for delivering them to the ship transportation agent aboard the Army vessel, or to the flight clerk aboard the Army aircraft when such mode of transportation is utilized. In the event that there are no United States Army representatives at the port, the custody and responsibility of the remains and all accompanying papers will remain with the attendant until such time as he can deliver them to the ship transportation agent, or to the flight clerk, as the case may be.

(3) *Dependents of certain deceased.* Where transportation is furnished for dependents when specifically authorized under the provisions of § 903.1 (a), the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished. See subparagraph (2) of this paragraph.

(c) *From ports of debarkation or place of death to place of interment all within continental limits of United States, exclusive of Alaska*—(1) *Methods.* (i) By express, without an attendant (AR 55–155); or

(ii) As baggage on a transportation request, with an attendant.

(2) *By whom method determined.* The method of shipment will be determined by the commanding officer having jurisdiction of the place at which death occurs or of the port of debarkation, who will conform as far as practicable to the wishes of the relatives.

(3) *When shipped as baggage on transportation request*—(i) *Attendants*—(a) *Relative.* Subject to paragraph (b) (3) of this section, transportation and authorized sleeping-car or similar accommodations prescribed in TM 55–525 and § 903.15, may be furnished to a relative in the capacity of an attendant to the remains of each person from place of death or the port of debarkation, or an intermediate point, to the place of interment within the continental limits of the United States, exclusive of Alaska, and return to point at which such attendant assumed the custody of remains.

(b) *Persons in military service.* When no relative is furnished transportation from the place of death or the port of debarkation in the United States, one military attendant to the remains of one or more persons to the same destination will be provided from such place or port to the place of interment within the continental limits of the United States, exclusive of Alaska, or to an intermediate point from which a relative will act as attendant for the remaining journey. The selection of the military attendant will rest with the commanding officer, but will in general be of a status corresponding to the former status of the deceased, that is, the attendant for a commissioned officer will be an officer; for a cadet, United States Military Academy, a cadet; for a member of the Army Nurse Corps, an Army nurse; for an enlisted man, an enlisted man, etc.

(ii) *Transfers en route.* The transportation request for remains and attendant will be issued through from point of origin to destination regardless of any transfers involved between carriers' stations en route, but no indorsement will be made on the transportation request to cover such transfers of the remains. The carrier's agent will check the remains through from origin to destination. The baggage agent will make the arrangements for transfer. The attendant will sign a receipt to the baggage agent covering the transfer service, but the attendant will not pay therefor. The bills, if a charge is made for the transfer service, supported by these receipts will be submitted by the accounting department of the carrier to the Finance Officer, U. S. Army, Transportation Division, Washington 25, D. C., for payment of any amount properly due.

(4) *Local delivery at destination.* See AR 30–1830 and §§ 306.50 to 306.53 (8 F. R. 12123).

(d) *Between points outside continental limits of United States, including Alaska, where through journey involves debarkation and embarkation at ports in continental limits of United States, exclusive of Alaska*—(1) *From place of death to port of debarkation in continental limits of United States, exclusive of Alaska.* All the provisions of paragraph (b) of this section will apply except those set forth in subparagraph (3) of paragraph (b) with respect to dependents. Where transportation is furnished for dependents when specifically authorized under the provisions of the "Missing Persons Act" (see § 2.113 Subtitle A, 10 CFR) and AR 55–121 in connection therewith, the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished.

(2) *From port of debarkation to port of embarkation, all within continental limits of United States exclusive of Alaska.* Upon receipt of particulars from the commanding officer at the place of death, the commanding officer of the port of debarkation in the continental limits of the United States, exclusive of Alaska, will make request on the Chief of Transportation for instructions with respect to shipment of the remains to the port of embarkation in the continental limits of the United States, exclusive of Alaska, for further shipment. Upon receipt of instructions from the Chief of Transportation, the commanding officer of the foregoing port of debarkation will issue necessary orders covering the shipment. The commanding officer of the foregoing port of debarkation will furnish the commanding officer at the foregoing port of embarkation with all particulars and request that further orders be issued covering further shipment from that port.

(3) *From port of embarkation in continental limits of United States, exclusive of Alaska, to place of interment outside continental limits of United States, in-*

*cluding Alaska.* All the provisions of paragraph (e) of this section will apply, substituting the words "the commanding officer of the port of embarkation in the continental limits of the United States, exclusive of Alaska" for the words "the commanding officer at the place of death" wherever the latter words as quoted appear therein.

(e) *Between points outside continental limits of United States, including Alaska, where through journey does not involve debarkation and embarkation at ports in continental limits of United States, exclusive of Alaska*—(1) *Remains.* Government means of transportation will be utilized wherever possible for shipment of remains. For any distance that the foregoing prescribed means of transportation cannot be used, or are considered impracticable, shipment may be made by the most economical means of commercial transportation.

(2) *Attendants.* An attendant will be furnished for the complete journey.

(i) *Relative.* Subject to subparagraph (3) of this paragraph, transportation, including berth when an extra charge is made therefor, may be furnished one relative in the capacity of an attendant to the remains of each person from the place of death or an intermediate point to the place of interment, and return to point at which such attendant assumed the custody of the remains.

(ii) *Persons in military service.* A military attendant will be furnished for any portion of the journey where a relative does not act in that capacity.

(3) *Dependents of certain deceased.* Where transportation is furnished for dependents when specifically authorized under the provisions of the "Missing Persons Act" (see § 2.113 Subtitle A, 10 CFR) and AR 55-121 in connection therewith, the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished for that portion of the journey.

[AR 55-120, Apr. 26, 1943, as amended by C 18, May 7, 1947] (R. S. 161; 41 Stat. 421; 5 U. S. C. 22; 10 U. S. C. 756, 756b)

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

[F. R. Doc. 47-5389; Filed, June 6, 1947; 8:49 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PERFORMANCE OF CONSTRUCTION WORK; CONSTRUCTION BY CONTRACT

Acting pursuant to the authority vested in me by the Federal Airport Act (Pub. Law No. 377, 79th Cong., 60 Stat. 170), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics, as follows:

By amending the introductory paragraph of § 550.18 (e) (12 F. R. 140) to read as follows:

§ 550.18 *Performance of construction work.* * * *

(e) *Construction by contract.* With the exception of force account work, all construction work in connection with an approved project shall be accomplished by contract (use of Contract Form ACA 1637, Appendix N, is suggested). Contracts for construction work, except negotiated contracts for the removal and relocation of public utility facilities, shall be awarded only after open and competitive bidding.

(Pub. Law 377, 79th Cong., 60 Stat. 170)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 47-5401; Filed, June 6, 1947; 8:53 a. m.]

# TITLE 15—COMMERCE

## Subtitle A—Office of the Secretary of Commerce

PART 10—GENERAL ORGANIZATION AND FUNCTIONS

PART 11—ORGANIZATION AND FUNCTIONS OF THE OFFICE OF THE SECRETARY

MISCELLANEOUS AMENDMENTS

Section 10.3 *General organization* (11 F. R. 177A-302) is amended by adding under paragraph (a) the following:

(7) Division of Liquidation.

Part 11 (11 F. R. 177A-302) is amended by adding a new § 11.8 as follows:

§ 11.8 *Division of Liquidation* — (a) *Establishment and organization.* The Division of Liquidation was established within the Office of the Secretary by Department Order No. 75 of June 1, 1947, to carry out the functions transferred to the Secretary of Commerce pursuant to Part III of Executive Order 9841 dated April 23, 1947 (12 F. R. 2645). The division is headed by a director who is authorized to perform the functions and exercise the powers, authorities and discretion vested in the Secretary of Commerce under Part III of Executive Order 9841 in such manner as he may prescribe. The authority delegated to the director may be redelegated by him, subject to his direction and control, to such officers of the Department of Commerce as he may designate.

The internal organization of the Division of Liquidation is established by the director of the division on an informal basis and is subject to such current changes as he may make as activities are merged, consolidated, or liquidated.

(b) *Functions and responsibilities.* Subject to the direction and supervision of the Under Secretary of Commerce, the director formulates the policies, develops and coordinates the programs, and directs all operations of the Division of Liquidation.

Actions may be brought, maintained and defended in the name of the Director of the Division of Liquidation and for this and all other purposes he is deemed the Administrator (Director or Commissioner, as the case may be) of functions transferred to the Secretary of Commerce by Part III of Executive Order 9841 within the meaning of the laws creating such functions.

Every action proposed in regard to the following is referred to the Solicitor of the Department of Commerce before submission to the Director of the Division of Liquidation: (1) Functions with respect to the establishment of maximum prices for industrial alcohol sold to the Government or its agencies; (2) functions with regard to protests in connection with any regulations, orders, or price schedules; (3) functions of the President under the Stabilization Act of 1942, as amended, vested in the Temporary Controls Administrator immediately prior to the taking of effect of Part III of Executive Order 9841; and (4) functions with respect to premium payments under section 2 (e) (a) (2) of the Emergency Price Control Act of 1942, as amended, insofar as such payments relate to copper, lead, and zinc ores. Without limitation of the generality of the foregoing, this includes (i) appointments to the Board of Review; and (ii) all proposed final orders and opinions.

The Liquidation Division of the Office of Materials Distribution (12 F. R. 2986) is placed under the functional supervision of the Director of the Division of Liquidation as of June 1, 1947, and its functions will be transferred to and merged with the functions of the Division of Liquidation during the month of June.

(c) *Effects on other orders.* Every order, directive, rule or regulation and other similar instruments relating to any power, function, or duty transferred to the Secretary of Commerce by Part III of Executive Order 9841, issued by any officer, department or agency heretofore performing such power, function, or duty, which is in effect on May 31, 1947, shall continue in full force and effect, according to its terms, unless and until modified or rescinded by the Director of the Division of Liquidation.

(Sec. 3, Pub. Law 404, 79th Cong., 60 Stat. 238; 5 U. S. C. Sup. 1002)

[SEAL] W. A. HARRIMAN,
*Secretary of Commerce.*

[F. R. Doc. 47-5387; Filed, June 6, 1947; 8:48 a. m.]

## Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 370—OFFICE OF MATERIALS DISTRIBUTION

LIQUIDATION DIVISION

CROSS REFERENCE: For order placing the Liquidation Division of the Office of Materials Distribution (§ 370.4 (c), 12 F. R. 2986) under the functional supervision of the Director of the Division of Liquidation of the Department of Commerce, see § 11.8 under Subtitle A of this title, *supra.*

# TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51691]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES COVERING EARTHENWARE

In addition to all other information required by law or regulation, customs invoices for common yellow, brown, red, or gray earthenware, plain or embossed, and manufactures wholly or in chief value of such ware, shall contain in respect of each lot of articles identical in composition information of the kinds set forth in T. D. 50942. Customs invoices for such articles and for the articles described in T. D. 50942 shall contain in respect of each lot of articles identical in composition the additional information set forth below:

1. Whether the clay of which the bodies (including body slips) of the articles are made is composed of a mixture of two or more clays, each having a different color or other characteristic.

2. Whether substances not clay were removed from the clay by washing or any other process in which water was used.

This requirement shall be effective as to invoices certified after 30 days after the publication of this document in the weekly Treasury Decisions.

(Sec. 481 (a) (10), 46 Stat. 719; 19 U. S. C. 1481 (a) (10))

Section 8.13 (i), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (i)), as redesignated by T. D. 51059, is hereby further amended by adding the following to the list of merchandise in connection with which additional information is required to be furnished on invoices; by placing opposite such addition "T. D. 50942, Oct. 6, 1943" and the number and date of this Treasury decision; and by placing the number and date of this Treasury decision opposite the item "Earthenware and crockeryware composed of a nonvitrified absorbent body, including cream-colored ware and terra cotta, clock cases with or without movements, pill tiles, plaques, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware", which was added by T. D. 50942:

Earthenware, common yellow, brown, red, or gray, plain or embossed, and manufactures wholly or in chief value of such ware.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624)

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved: June 2, 1947.

E. H. FOLEY, Jr.,
*Secretary of the Treasury.*

[F. R. Doc. 47-5408; Filed, June 6, 1947; 8:54 a. m.]

[T. D. 51692]

PART 26—DISCLOSURE OF INFORMATION

INFORMATION FOR PRESS AND ASSOCIATIONS

Section 26.3, *Information for press and associations*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 26.3), is amended by deleting the words "statistical blotters" appearing in the first paragraph and substituting therefor the words "summary statistical reports of imports and exports".

(R. S. 161; 5 U. S. C. 22)

[SEAL] FRANK DOW,
*Acting Commissioner of Customs.*

Approved: June 2, 1947.

E. H. FOLEY, Jr.,
*Acting Secretary of the Treasury.*

[F. R. Doc. 47-5409; Filed, June 6, 1947; 8:54 a. m.]

## Chapter II—United States Tariff Commission

MISCELLANEOUS AMENDMENTS

Under the authority of section 332 of the Tariff Act of 1930 (sec. 332, 46 Stat. 698; 19 U. S. C. 1332), and the Administrative Procedure Act (Pub. Law 404, 79th Cong., approved June 11, 1946), and in pursuance of Executive Order 9832, dated February 25, 1947, the rules of practice and procedure of the United States Tariff Commission (11 F. R. 177A-741 et seq.; 11 F. R. 10822; 12 F. R. 4; 12 F. R. 3562; 19 CFR Ch. II) are hereby amended as follows:

PART 200—ORGANIZATION AND FUNCTIONS

1. Section 200.1 is amended to read as follows:

§ 200.1 *Creation and authority.* The United States Tariff Commission was created by act of Congress approved September 8, 1916 (39 Stat. 795) for the purpose of supplying the Congress and the President with information regarding the position of the United States industries in competition with imports, regarding the administration and operation of the United States customs laws, and regarding commercial policies of foreign countries. The Tariff Act of 1922 (42 Stat. 858) increased its functions by providing for investigation and report by the Tariff Commission before action by the President under the authority given him by that act to change duties when found necessary to equalize differences in costs of production in the United States and foreign countries and also before action by him embargoing imports pursuant to the provision declaring unfair methods of competition in the import trade to be unlawful. Title III, Part II, of the Tariff Act of 1930 (46 Stat. 696; 19 U. S. C. 1330-41) provided for a reorganization of the Tariff Commission and reenacted substantially all the previous provisions regarding its powers and duties. The Trade Agreements Act of June 12, 1934 (48 Stat. 943; 19 U. S. C. 1351-54) names the Commission as one of the advisory agencies in the negotiation of reciprocal trade agreements. (See Part II of Executive Order 9832, dated February 25, 1947, 12 F. R. 1364). The Agricultural Adjustment Act (of 1933), as amended (7 U. S. C. 624), designates the Tariff Commission as the agency to conduct investigations to determine whether imports are interfering with certain agricultural programs undertaken by the Government. The Philippine Trade Act of 1946 (Pub. Law 371, 79th Cong.) imposes upon the Tariff Commission the function of conducting investigations and reporting to the President in connection with the administration of the provisions of that act respecting quotas on imports of Philippine articles. Part I of Executive Order 9832 (12 F. R. 1363) provides for investigation and report to the President by the Tariff Commission regarding injury to domestic producers resulting from trade-agreement concessions.

2. Paragraph (f) of § 200.4 is amended to read as follows:

§ 200.4 *Functions.* * * *

(f) *Foreign trade agreements*—(1) *Negotiation.* The Trade Agreements Act of June 12, 1934 (sec. 4, 48 Stat. 945; 19 U. S. C. Sup. 1354) designates the Tariff Commission as a source of information and advice to the President in the negotiation of foreign trade agreements made under that act. The Tariff Commission is represented on the Committee for Reciprocity Information (Executive Orders 6750 and 9647) and on the Interdepartmental Committee on Trade Agreements (Part II, Executive Order 9832). In addition to its function of advising the President on all aspects of the trade agreements program, the Tariff Commission has the special function under paragraph numbered 6 of Executive Order 9832 in supplying to the President information prior to trade agreement negotiations as follows:

With respect to each dutiable import item which is considered by the Interdepartmental Committee for inclusion in a trade agreement, the Tariff Commission shall make an analysis of the facts relative to the production, trade, and consumption of the article involved, to the probable effect of granting a concession thereon, and to the competitive factors involved. Such analysis shall be submitted in digest form to the Interdepartmental Committee. The digests, excepting confidential material, shall be published by the Tariff Commission.

The Commission is also represented on the various subcommittees of the Interdepartmental Committee on Trade Agreements.

(2) *Investigations regarding injury.* Under Part I of Executive Order 9832 (12 F. R. 1363), the Commission investigates to determine whether domestic producers are being injured or are threatened with injury resulting from the granting of trade-agreement concessions; it reports its findings to the President for his consideration in connection with the reservations of the right to withdraw or modify concessions in cases where injury or threat of injury is found to result from trade-agreement concessions.

PART 201—RULES OF GENERAL APPLICATION

1. Section 201.1 is amended to read as follows:

§ 201.1 *Applicability of general rules.* The Tariff Commission rules of general application apply to investigations under the provisions of sections 332, 336, and 337 of the Tariff Act of 1930 (46 Stat. 698, 701, 703; 19 U. S. C. 1332, 1336, 1337), to investigations under section 22 of the Agricultural Adjustment Act (of 1933), as amended (sec. 31, 49 Stat. 773; sec. 5, 49 Stat. 1152; sec. 1, 50 Stat. 246; 54 Stat. 17; 7 U. S. C. 624), to investigations under section 504 of the Philippine Trade Act of 1946 (Pub. Law 371, 79th Cong.), and to investigations under Part I of Executive Order 9832 (12 F. R. 1363). Rules having specific application to investigations under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, under section 504 of the Philippine Trade Act, and under Part I of Executive Order 9832, respectively, appear separately in Parts 202 to 206, inclusive, of this chapter. In case of inconsistency between a rule of general application appearing in Part 201 and a rule of special application in the other parts mentioned, the rule in Parts 202 to 206 is controlling. No rules governing investigations under section 338 of the Tariff Act of 1930 (46 Stat. 704; 19 U. S. C. 1338) are issued because such investigations, which concern questions of possible discrimination by foreign countries against the commerce of the United States, are of a nature requiring their conduct under cover of secrecy.

2. The heading of § 201.8 and paragraph (a) of § 201.8 are amended to read as follows:

§ 201.8 *Applications for investigation under section 336 of the Tariff Act of 1930, under section 504 of the Philippine Trade Act of 1946, and under Part I of Executive Order 9832, and complaints under section 337 of the Tariff Act of 1930.* (a) All applications for investigations under section 336 of the Tariff Act of 1930, under section 504 of the Philippine Trade Act of 1946, or under Part I of Executive Order 9832, and complaints under section 337 of the Tariff Act of 1930, must be filed with the Secretary, United States Tariff Commission, Washington 25, D. C.[1] However, requests for information concerning such matters may be filed with the New York office as well as with the Washington office.

3. Section 201.10 is amended to read as follows:

§ 201.10 *Public notice of investigations.* Public notice will be given of every investigation ordered by the Commission under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act (of 1933), as amended, under section 504 of the Philippine Trade Act of 1946, and under Part I of Executive Order 9832, by posting a copy of the notice at the principal office of the Commission at Washington, D. C., and at its office in New York City, and by publishing a copy of the notice in Treasury Decisions and in the FEDERAL REGISTER. Subsequent notices will be given in the same manner. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the investigation.

4. Paragraph (a) of § 201.11 is amended to read as follows:

§ 201.11 *Public hearings.* (a) Hearings are required by law only in the case of investigations under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, under section 504 of the Philippine Trade Act of 1946, and under Part I of Executive Order 9832. No public hearing is required in general investigations under section 332 of the Tariff Act of 1930; however, when determined by the Commission to be appropriate and feasible, hearings will be held in such investigations.

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PART 206—INVESTIGATIONS OF INJURY TO DOMESTIC PRODUCERS RESULTING FROM TRADE-AGREEMENT CONCESSIONS

Add a new Part 206 to Chapter II of Title 19 of the Code of Federal Regulations to read as follows:

Sec.



AUTHORITY: §§ 206.1 to 206.7 issued under Part I, E. O. 9832, Feb. 25, 1947, 12 F. R. 1363.

§ 206.1 *Applicability of rules under Executive Order 9832.* The rules under part 206 are specifically applicable to investigations for the purposes of Part I of Executive Order 9832 dated February 25, 1947 (12 F. R. 1363) and apply in addition to the pertinent rules of general application set forth in part 201 of this chapter.

§ 206.2 *Purpose of investigation.* The purpose of an investigation under Part I of Executive Order 9832 is to determine whether, as a result of unforeseen developments and of a concession granted on any article by the United States in a trade agreement containing a clause such as that prescribed in paragraph 1 of Part I of Executive Order 9832,[1] such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of like or similar articles.

§ 206.3 *Applications.* (a) Applications for an investigation for the purposes of Part I of Executive Order 9832 may be made by any interested person, partnership, association, or corporation, and must be filed with the Secretary, United States Tariff Commission, Washington 25, D. C. Receipt by the Commission of an application for investigation, properly filed, will be acknowledged by the Secretary, and public notice of such receipt will be posted at the principal office of the Commission in Washington, D. C., and at its New York office, and published in the FEDERAL REGISTER, and in the weekly Treasury Decisions of the Treasury Department. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the application. Such applications, except for material accepted in confidence under § 206.4 will be available for public inspection at the office of the Commission in Washington, D. C., or in the New York office of the Tariff Commission, Room 513 Customhouse, New York City 4, N. Y., where they may be read and copied by persons interested. If the Tariff Commission orders an investigation, notice of such order will be posted and published in accordance with § 206.5. Notice of decision not to order an investigation will be posted and published in the same manner as notice of receipt of an application under this section. The Commission will notify the applicant of its decision to order or not to order the investigation requested.

(b) Applications for investigations should be typewritten or printed, and must be submitted in triplicate but need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

(c) Applications must clearly state that they are requests for investigations and must name or describe the commodity or commodities concerning which an investigation is sought. They must also refer to the trade-agreement provision or provisions applicable to such commodity.

(d) The applicant must file with his application such supporting information as may be in his possession or is readily available. The filing of such information is required to aid the Commission in determining whether the circumstances warrant an investigation under Executive Order 9832, and does not render unnecessary the investigation itself. In other words, the application is preliminary to and not a substitute for the investigation which the Tariff Commission is required to make in appropriate circumstances. As far as practicable, information of the character indicated in this paragraph should be furnished:

(1) Information on imports, production, sales, and exports, of the product covered by the application, by months, for the years 1937, 1939, and 1946, and subsequent periods.

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[1] Under Executive Order 7233 of November 23, 1935, applications for investigations under section 22 of the Agricultural Adjustment Act (of 1933), as amended, must be filed with the Secretary of Agriculture. See Part 204 of this chapter.

[1] Paragraph numbered 1 of the Executive Order (which was issued to implement the Trade Agreements Act of June 12, 1934) is as follows: "There shall be included in every trade agreement hereafter entered into under the authority of said act of June 12, 1934, as amended, a clause providing in effect that if, as a result of unforeseen developments and of the concession granted by the United States on any article in the trade agreement, such article is being imported in such increased quantities and under such conditions as to cause, or threaten, serious injury to domestic producers of like or similar articles, the United States shall be free to withdraw the concession, in whole or in part, or to modify it, to the extent and for such time as may be necessary to prevent such injury."

(i) Imports (quantity and value).
(ii) Production (quantity).
(*a*) By the applicant.
(*b*) By the domestic industry.
(iii) Sales (quantity and value).
(*a*) By the applicant.
(*b*) By the domestic industry.
(iv) Exports (quantity and value).
(*a*) By the applicant.
(*b*) By the domestic industry.

(2) Direct labor engaged in the domestic production of the product covered by the application, including the number of persons employed during a normal period of operation in a representative prewar year, in 1946, and at the time application is filed:
(i) By the applicant.
(ii) By the industry as a whole.

(3) Relation of income from the sales of product covered by the application to total receipts from all products produced by the applicant for a representative prewar year and for 1946 and subsequent period.

(4) Comparability of the domestic and the foreign article and the degree of competition between them both prior and subsequent to the effective date of the trade-agreement concession.

(5) The nature and extent of injury to the domestic producer which is alleged to be caused or threatened by reason of unforeseen developments and the concession in the trade agreement.

(6) Geographic areas in which the competition between the domestic and the foreign article is most intensive.

(7) Additional information of factual character, such as: profits and losses; changes in price structures, tax burden; wages and other costs; effects of subsidies, and price-support programs; and similar data that show the applicant's competitive position.

(e) Upon acceptance of an application by the Commission, the facts set forth therein will be carefully considered together with other pertinent information which the Commission may have available in its files, or which it may obtain from other sources, in order to determine whether an investigation is warranted.

(f) The Commission encourages informal conferences either with members of the Commission or its staff with regard to filing applications under Executive Order 9832 as well as any other matters. Such conferences can be arranged by addressing a request to the Secretary of the Commission at its office in the Tariff Commission Building, Washington 25, D. C., stating the subject matter of the proposed conference and the reasons for the request. Most of the statistical material relating to United States production and trade referred to in paragraph (d) of this section may be found in publications of the United States Departments of Agriculture, Commerce, Interior, and Labor, which are generally available both at the Washington headquarters and at the field offices of those Departments, as well as in the larger public libraries and university and state libraries.

§ 206.4 *Confidential information.* All information submitted with an application which it is desired shall be treated as confidential should be submitted on separate pages clearly marked "Confidential." The determination regarding the confidential character of such information is a matter within the discretion of the Commission.

CROSS REFERENCE: For general rule regarding confidential information, see § 201.6 of this chapter.

§ 206.5 *Public notice of investigation.* Public notice of an investigation ordered by the Commission under Part I of Executive Order 9832 will be given by posting a copy of the notice at the principal office of the Commission at Washington, D. C., and at its office in New York City; by publishing a copy of the notice in the FEDERAL REGISTER; and by an announcement regarding the notice in Treasury Decisions. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the investigation.

§ 206.6 *Public hearings*—(a) *Public notice.* In the course of an investigation ordered for the purpose of Part I of Executive Order 9832, the Commission will hold public hearings. Public notice will be given of the time and place set for all hearings, in the same manner as notice is given of an order instituting investigations. Announcement of hearing will ordinarily be made 30 days in advance of the date set.

CROSS REFERENCE: For rule regarding conduct of public hearings, see § 201.14 of this chapter.

(b) *Type of information to be developed at hearing.* Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings and recommendations required by Part I of Executive Order 9832, the Commission will expect attention in the hearing to be concentrated upon the facts relating to:

(1) The competitive strength of the foreign and domestic article in the markets of the United States during a representative period prior and subsequent to the granting of the trade-agreement concession.

(2) Costs of production of the foreign and domestic article during a representative period prior and subsequent to the granting of the trade-agreement concession, and costs of importation of the foreign article during similar periods.

(3) Developments since the granting of the trade-agreement concession which constitute advantages or disadvantages in competition between the domestic and the foreign article in the markets of the United States.

Finally, parties interested appearing at public hearings are expected to present definite information rather than generalities and conjectures.

§ 206.7 *Reports.* If the Commission finds in its investigation that, as a result of unforeseen developments and of a concession granted in a trade agreement, imports are in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers, it will report its findings to the President with appropriate recommendations for the withdrawal or modification of the concession to the extent found necessary for the prevention of such injury. Such report is submitted for the President's consideration "in the light of the public interest." Presidential authority to increase duties and impose such additional import restrictions as are required or appropriate to carry out a foreign trade agreement is provided for in the Trade Agreements Act of 1934, as amended. (Section 350, Tariff Act of 1930, as amended, 19 U. S. C. Sup. 1351.) In the absence of such a finding by the Commission, notice of dismissal of the investigation will be published in the same manner as the notice ordering the investigation under § 206.5 of this chapter. The Commission will also issue a statement of the reasons for the dismissal.

[SEAL] LYNN R. EDMINSTER,
*Acting Chairman, United States Tariff Commission.*

JUNE 4, 1947.

[F. R. Doc. 47-5431; Filed, June 6, 1947; 8:48 a. m.]

# TITLE 24—HOUSING CREDIT

## Chapter VIII—Office of Housing Expediter

[Suspension Order S-32]

### PART 807—SUSPENSION ORDERS

### JOSEPH LIEBERMAN

Joseph Lieberman, 10427 Wilshire Boulevard, Los Angeles, California, on or about December 6, 1946 began and thereafter carried on construction of a seven room residence and garage at 10325 Greendale Drive, West Los Angeles, California, at an estimated cost of approximately $20,000, without authorization therefor having first been secured from the Federal Housing Administration. On October 23, 1946 and December 19, 1946, respectively, Joseph Lieberman applied an HH rating with priority number, issued to his son by the Federal Housing Administration for the son's use in construction of a different residence, to orders for building materials for use in Joseph Lieberman's residence. The beginning and carrying on of such construction and the application of an HH priority rating to purchase orders for building materials for use in connection with construction of an unauthorized project constitute a wilful violation of the Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered, that:

§ 807.32 *Suspension Order No. S-32.* (a) Neither Joseph Lieberman, his successors or assigns, nor any other person, shall do any further construction on the premises located at 10325 Greendale Drive, West Los Angeles, California, including completing, putting up or altering of any structure located thereon, unless specifically authorized in writing by the Federal Housing Administration.

(b) Joseph Lieberman shall refer to this order in any application or appeal

which he may file with the Office of the Housing Expediter or the Federal Housing Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph Lieberman, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 6th day of June 1947.

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

[F. R. Doc. 47-5482; Filed, June 6, 1947; 10:10 a. m.]

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[Suspension Order S-43]

## PART 807—SUSPENSION ORDERS

### CHARLES ALLARIO, ORESTE ALLARIO AND JOHN WEBER

Charles Allario and Oreste Allario, as owners, and John Weber, as contractor, about January 20, 1947, without authorization, began and thereafter carried on construction until February 27, 1947, of a commercial structure to be used as a farmers' market and hardware supplies store, at the corner of Arquez Street and Old San Francisco Road, Sunnyvale, California, at an estimated cost of $25,000. This was in violation of Veterans' Housing Program Order 1 and has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered, that:

§ 807.43 *Suspension Order No. S-43.* (a) Neither Charles Allario, Oreste Allario nor John Weber, their successors or assigns, nor any other person shall do any further construction on the project located at the corner of Arquez Avenue and Old San Francisco Road, Sunnyvale, California, including putting up, completing, or altering the structure unless hereafter authorized in writing by the Office of the Housing Expediter, or until the control of the Housing Expediter expires.

(b) Charles Allario and Oreste Allario and John Weber shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Charles Allario or Oreste Allario or John Weber, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 6th day of June 1947.

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

[F. R. Doc. 47-5483; Filed, June 6, 1947; 10:10 a. m.]

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[Housing Expediter Appeals Order, as Revised June 6, 1947]

## PART 853—RULES OF PRACTICE AND PROCEDURE, INCLUDING FORMS AND INSTRUCTIONS

### APPEALS PROCEDURE

PURPOSE



PURPOSE

§ 853.1 *Appeals procedure*—(a) *What this section does.* This section, the Housing Expediter Appeals Order, explains the procedure for appealing from:

(1) Any regulation or order of the Housing Expediter issued under the Veterans' Emergency Housing Act of 1946 (except Veterans' Housing Program Order 1 and those regulations and orders which provide for appeals to be addressed elsewhere than to the Housing Expediter or the National Housing Agency), and

(2) Administrative actions of the Housing Expediter or of persons or offices acting under a delegation from him, taken under the Veterans' Emergency Housing Act of 1946 (except issuance of suspension orders, other compliance actions, and denial of applications for construction authorizations).

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) "Regulation" or "order" means a published document which is applicable generally to all persons or to a class of persons described in such document.

(2) "Administrative action" means any action under a regulation or order, taken with respect to a particular person.

(3) "Appeal" means a request for relief from the provision of a regulation or order or for review of an administrative action.

(4) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "Appellant" means a person filing an appeal as provided in this section.

(6) "This section" means this Housing Expediter Appeals Order.

FILING OF APPEALS

(c) *Who may file.* Any person affected by a regulation, order, or administrative action of the kind described in paragraph (a) of this section may file an appeal on the ground:

(1) That the regulation, order, or administrative action works an exceptional and unreasonable hardship upon him.

(2) That the regulation, order, or administrative action improperly discriminates against him.

(d) *Preparation of appeals.* Appeals must be in writing. Unless otherwise provided in a regulation or order appealed from, all appeals and accompanying material shall be filed in triplicate. (If the submission of three copies of all accompanying documents or exhibits would place an undue burden on the appellant, waiver of this rule may be requested at the time the appeal is filed.) An appeal must be clearly marked in accordance with paragraph (e) and shall be in letter form unless the regulation or order appealed from provides otherwise.

All appeals must state clearly (1) the provision of the regulation or order, or the administrative action appealed from, (2) the grounds for the appeal, and (3) the relief requested by the appellant. The various grounds for the appeal shall be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

If a request for an oral hearing before the Appeals Board is made as provided in paragraph (h) (2) of this section, it must be in writing and should be filed with the appeal.

(e) *Where to file.* All appeals shall be addressed to the Housing Expediter, Washington 25, D. C. They shall be marked "Ref: Appeals," followed by an indication of the regulation or order (or administrative action thereunder) appealed from, unless otherwise provided in the regulation or order.

PROCESSING OF APPEALS

(f) *Establishment of Appeals Board.* The Appeals Board of the Office of the Housing Expediter has been established as an impartial body to consider appeals. The Board consists of three members appointed by the Housing Expediter, or their alternates, one of whom acts as Chairman.

(g) *Consideration of appeals by Office of the Housing Expediter officials.* Unless an appellant expressly requests in writing consideration of his appeal by the Appeals Board, the appeal will be referred to appropriate officials of the Office of the Housing Expediter for determination.

(h) *Consideration of appeals by the Appeals Board.* The Appeals Board will consider appeals as follows:

(1) *Consideration requested by appellant.* The Board will consider an appeal if the appellant requests further consideration by the Appeals Board after an appeal has been initially determined by an Office of the Housing Expediter official in accordance with paragraph (g) of this section, unless the relief requested has already been granted. The Appeals Board will also consider an appeal initially upon specific written request of the appellant unless the relief request has already been granted.

(2) *Oral hearings.* Any person filing appeals with the Appeals Board may request an oral hearing which will be held

at Washington, D. C. A date will be set and notice of the time and place of the hearing will be given the appellant by the Appeals Board at least five days before the date set for the hearing.

Such hearings will be informal, and the appellant need not be represented by counsel unless he so wishes. The Board shall not be bound by the rules of evidence. No oath will be administered to witnesses, but misrepresentations are punishable under the Federal statutes.

(i) *Records.* Complete records concerning each appeal will be maintained by the Office of the Housing Expediter and will be available to inspection by persons properly and directly concerned, unless the records contain confidential business information or are considered confidential by the Housing Expediter.

DISPOSITION OF APPEALS

(j) *Appeals incorrectly made.* An appeal not prepared or filed substantially as provided in this section, or in the applicable regulation or order in connection with which the appeal is filed, may be returned to the appellant without action.

(k) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part. Before reaching a decision an opportunity may be provided for the appellant to present additional evidence. Determinations by the Appeals Board will be made in accordance with pertinent instructions and policies, and shall be final. The determination of an appeal will be communicated to the appellant in writing.

MISCELLANEOUS

(l) *Reporting requirements approved.* The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. (60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 6th day of June 1947.

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

[F. R. Doc. 47-5481; Filed, June 6, 1947; 10:10 a. m.]

# TITLE 31—MONEY AND FINANCE: TREASURY

## Chapter I—Monetary Offices, Department of the Treasury

### PART 90—TABLE OF CHARGES AT THE MINTS AND ASSAY OFFICES OF THE UNITED STATES [1]

MAY 28, 1947.

Part 90, Chapter I, Title 31 of the Code of Federal Regulations of the United States of America is hereby revised to read as follows:

Sec.
90.1 Melting charge.
90.2 Withdrawal and rejection of deposits.
90.3 Parting and refining charge.
90.4 Bar charges.
90.5 Assays of gold or silver bullion or jewelry free from platinum group metals.
90.6 Assays of plated and filled goods (over 800 base metal and white gold free from platinum group metals.
90.7 Assays of platinum group metals.
90.8 Assays of ores.
90.9 Assaying and stamping charges.
90.10 General provision.

AUTHORITY: §§ 90.1 to 90.10, inclusive, issued under the authority contained in R. S. 3524, sec. 2, 18 Stat. 296, 21 Stat. 374, sec. 3, 24 Stat. 635, R. S. 3546; 31 U. S. C. 332, 360.

§ 90.1 *Melting charge.* On each deposit of bullion a melting charge of $1.50 shall be imposed for the first 1,000 gross troy ounces or fraction thereof, and 15 cents additional for each 100 ounces or fraction thereof in excess of 1,000 ounces, computed on the after-melting weight: *Provided,* That no melting charge shall be imposed on deposits consisting of uncurrent United States coin or unmutilated stamped United States mint bars; or on silver bullion free from gold, of the fineness of 999 thousandths or over when received in conformity with official regulations for monetary purposes and a satisfactory assay can be obtained without melting.

When the melting loss exceeds 15 per cent, an additional charge of $1 for each deposit shall be imposed when the deposit weighs 100 gross troy ounces or less; on deposits weighing over 100 ounces the charge shall be $1 for the first 100 ounces and 25 cents for each 100 ounces or fraction in excess of 100 ounces. Such additional charge shall be computed on the before melting weight of the deposit.

On each deposit containing white gold alloys, as determined by the assayer, an extra melting charge of $1 for 100 gross troy ounces or fraction thereof, shall be imposed.

Deposits which fail to give concordant assays and those requiring an excessive amount of treatment (such as filings containing metals other than gold and silver), shall, at the discretion of the officer in charge, be subject to an additional charge equal to the cost to the Government for additional fuel, labor, and materials used in melting and treatment, as well as in remelting and retreatment, if necessary, by the deposit melter. When such actual costs are assessed the charge set forth in paragraph 2 of this section shall not be made.

§ 90.2 *Withdrawal and rejection of deposits.* If otherwise permissible,[2] deposits may be withdrawn by depositors at any time before payment is tendered therefor, and thereafter at the option of the officer in charge of the mint or assay office, subject to payment in cash of such charges for melting, etc., as have been incurred up to the time of withdrawal.

Rejected deposits are subject to payment in cash of such charges as have been incurred up to time of rejection. All deposits containing 800 thousandths or more of base metal must be rejected and should be returned to the depositor unless the metal may not be received by the depositor.[2]

§ 90.3 *Parting and refining charge (rate per gross troy ounce or fraction).*

CLASS A—BULLION CONTAINING GOLD

| Base content (thousandths) | Gold content (thousandths) | | |
|---|---|---|---|
| | Up to 250 | 250¼ to 500 | 500¼ to 949¾ |
| | *Cents* | *Cents* | *Cents* |
| Up to 50 | 1¼ | 2½ | 5 |
| Over 50 to 150 | 1⅞ | 3⅛ | 5⅝ |
| Over 150 to 250 | 3⅛ | 4⅜ | 6⅞ |
| Over 250 to 350 | 4⅜ | 5⅝ | 8⅛ |
| Over 350 to 450 | 5⅝ | 6⅞ | 9⅜ |
| Over 450 to 550 | 6⅞ | 8⅛ | 10⅝ |
| Over 550 to 650 | 8⅛ | 9⅜ | |
| Over 650 to 750 | 9⅜ | 10⅝ | |
| Over 750 | 10⅝ | | |
| Base content disregarded | Gold content 950 to 994¾ | | 2½ cents |
| Base content disregarded | Gold content 995 and over | | 0 cents |

CLASS B—SILVER BULLION FREE FROM GOLD

| Silver content: | *Charge (cents)* |
|---|---|
| 600 thousandths or less | 5 |
| 600½ to 850 thousandths | 3¾ |
| 850½ to 998¾ thousandths | 1¼ |

CLASS C—MISCELLANEOUS

Upon gold bullion from 899 to 917 thousandths fine, having but one precious metal present and having base content of good copper, including foreign coins and domestic mutilated or uncurrent coin, a refining charge will be imposed only when payment is to be made in fine bars, in which case a charge of 5⅝ cents per gross ounce, or fraction, will be imposed. Domestic gold coin will be received only in accordance with the provisions of 31 CFR § 92.1.

No refining charge will be imposed on domestic mutilated or uncurrent silver coin received in accordance with 31 CFR Part 100.

When bullion contains less than one-fourth thousandth of gold or less than 8 thousandths of silver the gold or silver content respectively shall not be reported for the benefit of the depositor.

Gold coin containing 8 thousandths or over of silver acquires the status of bullion as regards charges and is subject to the appropriate charge for refining.

§ 90.4 *Bar charges*—(a) *Charges on gold bars issued in exchange for gold bullion.*[2] When payment in gold bars is requested without specification as to size, no bar change will be imposed; except that when fine gold bullion of 0.995 or higher fineness is deposited in exchange for Government-stamped bars a bar charge of 3¾ cents per $100 value of bars issued will be made; and with the further exception that when fineness of 999.9 is requested and available, a charge of 11¼ cents per $100 value of bars issued will be made.

When special size bars are requested and are available, the bar charges will be:

| *Bar sizes (gross troy ounces)* | *Rate per $100 value (cents)* |
|---|---|
| Large, over 50 ounces | 3¾ |
| Medium, 25 to 50 ounces | 5 |
| Small, below 25 but not less than 15 ozs | 6¼ |
| Special, below 15 but not less than 5 ozs. | 7½ |

[1] Coinage mints are located at Philadelphia, Pennsylvania; San Francisco, California; and Denver, Colorado. United States Assay Offices are located at New York, New York, and Seattle, Washington. No deposits are accepted at the Office of the Director of the Mint in Washington, D. C. The United States is divided into mint districts for the receipt of deposits. (31 CFR § 91.3.)

[2] See § 90.10.

(b) *Charges on silver bars issued in exchange for silver bullion.*[2] No bar charges are imposed except when special size bars are requested and are available, in which case the bar charges will be:

| Items | Rate per troy-ounce gross (cents) |
|---|---|
| Bars of Standard silver | 5/8 |
| Bars of fine silver, not less than 500 ozs. | 5/32 |
| Bars of fine silver, between 125 and 500 ozs. | 5/16 |
| Bars of fine silver, 125 ounces or less | 5/8 |

Silver bars may not be sold except upon special authorization. (31 CFR 92.7, 92.8)

(c) *Charges on gold bars sold.*[2] Gold bars may be sold only in lots of not less than 25 fine troy ounces and only when of a fineness of 899 thousandths or above.

No bar charge will be imposed on any gold bars of a fineness below 999 thousandths when particular sizes or finenesses are not requested.

The following bar charges will be made for bars of a fineness of 999 thousandths or above, for bars of particular fineness, and for bars of particular sizes, when any of such bars are requested and available:

| Fineness (thousandths) | Bar sizes (gross troy ounces) | Rates per $100 value |
|---|---|---|
| | | Cents |
| 999 and above, but below 999.9; also below 999 when particular sizes or finenesses are requested. | Large, over 50 ounces | 3¾ |
| | Medium, 25 to 50 ounces | 5 |
| | Small, below 25 ounces but not less than 15 ounces. | 6¼ |
| | Special, below 15 but not less than 5 ounces. | 7½ |
| 999.9 | Any size | 11¼ |

§ 90.5 *Assays of gold or silver bullion or jewelry free from platinum group metals.*

| | Charge |
|---|---|
| Gold | $3.00 |
| Silver | 3.00 |

An extra charge of $2 for each assay of gold or silver will be imposed when the sample contains any of the platinum group metals.

§ 90.6 *Assays of plated and filled goods (over 800 base metal) and white gold free from platinum group metals.*

| | Charge |
|---|---|
| Gold | $4.00 |
| Silver | 4.00 |

An extra charge of $2 for each assay of gold or silver will be imposed when the sample contains any of the platinum group metals.

§ 90.7 *Assays of platinum group metals.* Assays of platinum, palladium, and iridium metals except in samples of ores, slags, or mattes may be made at the Assay Office at New York, N. Y., when authorized by the Director of the Mint; the charges imposed therefor by the superintendent of the institution shall be equal to the cost to the Government for labor, materials, and other expenses incident thereto.

§ 90.8 *Assays of ores.* Assays of ores will be made at the United States Assay Office at Seattle, Washington. The charge for each metal determined will be:

| | Charge |
|---|---|
| Gold | $1.50 |
| Silver | 1.50 |
| Gold and Silver (same sample) | 2.50 |
| Lead | 2.50 |
| Zinc | 3.00 |
| Copper | 3.00 |

§ 90.9 *Assaying and stamping charges.*[2] On bullion deposited for the purpose of receiving the Government assay and stamp the melting and assay charges above specified shall be imposed.

§ 90.10 *General provision.*[3] Nothing herein provided shall be applied in a manner inconsistent with, or deemed to amend, modify, or repeal, any acts, orders, proclamations, regulations, or instructions, relating to gold or silver.

This revision shall become effective July 1, 1947.

[SEAL] NELLIE TAYLOE ROSS,
*Director of the Mint.*

Approved:

E. H. FOLEY, Jr.,
*Acting Secretary of the Treasury.*

[F. R. Doc. 47-5410; Filed, June 6, 1947; 8:59 a. m.]

[2] See § 90.10.

[2] 11 F. R. 177, 14281.

[3] Sections 54.42 and 54.44 set forth the purchase and sale price of gold purchased and sold by the United States Mints and Assay Offices under Articles VI and VII of the Provisional Gold Regulations. (§§ 54.35-54.42, 54.43, 54.44)

The one-fourth of 1 percent charge referred to therein shall be in addition to all other mint charges in connection with purchases or sales of gold by the United States.

# TITLE 32—NATIONAL DEFENSE

## Chapter VII—Sugar Rationing Administration, Department of Agriculture

PART 707—RATIONING OF SUGAR

[3d Rev. RO 3,[1] Amdt. 53]

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 is amended in the following respects:

1. The second sentence of section 1.6 (a) is amended to read as follows: "However, a consumer may apply for evidences to replace the sugar which was lost, damaged, destroyed, stolen or taken away only if he has given up valid evidences to acquire such sugar or if he acquired such sugar under the provisions of section 1.4."

2. Section 1.6 (a) (3) is amended to read as follows:

(3) That he gave up valid evidences for the sugar which was lost, damaged, destroyed, stolen or taken away or acquired such sugar under the provisions of section 1.4.

This amendment shall become effective June 7, 1947.

Issued this 2d day of June 1947.

CLINTON P. ANDERSON,
*Secretary of Agriculture.*

*Rationale Accompanying Amendment No. 53 to Third Revised Ration Order 3*

The present regulations provide that a consumer whose sugar is lost, damaged, destroyed, stolen, or taken away by legal process or order of a court, may apply for evidences in an amount required to replace such sugar. However, such replacement is limited to those cases in which the consumer has given up valid evidences for the sugar he wishes to replace.

Under the provisions of Section 1.4 of Third Revised Ration Order 3, a consumer who produces sugarcane or sugar beets and delivers them to a primary distributor for processing into sugar may, without giving up ration evidences, acquire sugar in certain stated amounts from the primary distributor. However, the regulations do not provide for the replacement of sugar so obtained if it is lost, damaged, destroyed, stolen, or taken away, as in those cases where the consumer gave up valid evidences for the sugar he wishes to replace. Since like relief is warranted for sugarcane and sugar beet growers, this amendment extends the replacement provisions to cover sugarcane and sugar beet growers who obtain sugar under the provisions of Section 1.4 without giving up evidences.

[F. R. Doc. 47-5499; Filed, June 6, 1947; 11:53 a. m.]

# TITLE 34—NAVY

## Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

EXECUTIVE OFFICE OF THE SECRETARY

Sections 26.4 (d) (5) and (6) are hereby transferred and renumbered as §§ 26.4 (c) (13) and (14) respectively.

JAMES FORRESTAL,
*Secretary of the Navy.*

[F. R. Doc. 47-5406; Filed, June 6, 1947; 8:53 a. m.]

# TITLE 36—PARKS AND FORESTS

## Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

CHUGACH AND TONGASS NATIONAL FORESTS

CROSS REFERENCE: For an addition to the tabulation contained in § 201.1, see Public Land Order 374 under Title 43, *infra*, excluding certain tracts of land from the Chugach and Tongass National Forests and restoring them to entry.

PART 261—TRESPASS

SITGREAVES NATIONAL FOREST, ARIZONA; REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Heber, the Chevalon, and a part of the Pinedale Ranger Districts in the Sitgreaves National Forest, State of Arizona; and

Whereas these horses are consuming forage needed for permitted livestock,

are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in the Heber, Chevalon, and part of the Pinedale Ranger Districts of the Sitgreaves National Forest is issued:

*Temporary closure from livestock grazing.*[1] (a) The following-described areas in the Sitgreaves National Forest are hereby closed for the period June 16, 1947 to June 15, 1948 to grazing by horses excepting those that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such lands:

Chevalon, Heber, and part of the Pinedale Ranger Districts, Sitgreaves National Forest, which are bounded on the east by the Park Community and Pinedale Community Allotment fences; on the south by the fence between the Apache Indian Reservation and the Sitgreaves National Forest, the fence between the Tonto National Forest and the Sitgreaves National Forest and the Mogollon Rim, an impassable barrier; on the west by the Coconino National Forest generally along Leonard Canyon and Clear Creek Canyon; and on the north by the forest boundary fence.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Sitgreaves National Forest is located.

(30 Stat. 35, 33 Stat. 628; 16 U. S. C. 551, 472)

Done at Washington, D. C., this 3d day of June 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
*Acting Secretary of Agriculture.*

[F. R. Doc. 47-5393; Filed, June 6, 1947; 8:50 a. m.]

[1] This affects tabulation contained in 36 CFR, § 261.50.

# TITLE 43—PUBLIC LANDS: INTERIOR

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

### Appendix—Public Land Orders

[Public Land Order 374]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM TO ENTRY

By virtue of the authority vested in the President by the act of June 4, 1897, (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 25, 1943; it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Chugach and Tongass National Forests as hereinafter indicated, and restored, subject to existing withdrawals and to valid existing rights, to entry under the applicable public land laws:

CHUGACH NATIONAL FOREST

On the northwest shore of Eyak Lake 1½ miles east of Cordova, 1.17 acres; latitude 60°32'30" N., longitude 145°43'00" W. (Homesite No. 69).

TONGASS NATIONAL FOREST

U. S. Survey No. 2386, Tract "J", 1.92 acres; latitude 58°21'49" N., longitude 134°37'07" W. (Homesite No. 651, Peterson Hill Group);

U. S. Survey No. 2416, Lot 15, 4.16 acres; latitude 57°28'28" N., longitude 134°33'34" W. (Homesite No. 452, Killisnoo Group);

U. S. Survey No. 2492, Lot "B", 0.99 of an acre; latitude 58°21'00" N., longitude 134°38'35" W. (Homesite No. 732, Smuggler's Cove Group);

U. S. Survey No. 2553, Lot "AB", 0.57 of an acre; latitude 55°28'09" N., longitude 131°46'44" W. (Homesite No. 738, Clover Pass Group);

U. S. Survey No. 2678 (unapproved), Lots 4 and 5, 1.51 acres; latitude 55°24'30" N., longitude 131°45'35" W. (Homesite No. 901, Mud Bay Group, Revillagigedo Island);

Lot 5, Fritz Cove Group, Auke Bay, 0.92 of an acre; latitude 58°22'00" N., longitude 134°38'00" W. (Homesite No. 774);

Lot 4, Triangle Group, Auke Bay, 0.41 of an acre; latitude 58°23'00" N., longitude 134°39'00" W. (Homesite No. 792);

Lot 4, Block 1, Auke Lake Group, 0.57 of an acre; latitude 58°21'49" N., longitude 134°37'07" W. (Homesite No. 854).

C. GIRARD DAVIDSON,
*Assistant Secretary of the Interior.*

MAY 29, 1947.

[F. R. Doc. 47-5388; Filed, June 6, 1947; 8:48 a. m.]

# TITLE 46—SHIPPING

## Chapter II—United States Maritime Commission

### Subchapter F—Merchant Ships Sales Act of 1946

[Gen. Order 60, Amdt. 2 to Supp. 2]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

MISCELLANEOUS AMENDMENTS

1. Section 299.1 *Definitions* is amended by revising paragraph (n) *Working capital* to read as follows:

(n) *Working capital.* "Working capital" means the excess of "total current working assets" over "total current working liabilities" determined in accordance with the instructions and balance sheet embodied in the form of "General Financial Statement" prescribed by the Commission (Budget Bureau approval No. 62-R010-42):[1] *Provided,* That (1) in determining the amount of working capital, unpaid tenders of "just compensation" made by the Maritime Commission (or War Shipping Administration) for title to, or use (to the extent accrued) of, vessels (irrespective of whether or not such tenders have been accepted by the owners) may be included, (2) an amount equivalent to the excess (if any) of 50% of the amount of "Unterminated Voyage Revenue" over the amount of "Unterminated Voyage Expense" reflected in the balance sheet shall be deducted from the amount of working capital determined in accordance with the preceding provisions of this paragraph, and (3) the amount of working capital thus determined shall in no event be in excess of the sum of (i) unrestricted cash and readily marketable securities included in total current working assets, and (ii) admitted current receivables against the Maritime Commission and unpaid tenders of "just compensation" made by the Maritime Commission (or War Shipping Administration) for title to or use of vessels, less the amount of all current payables to the Maritime Commission.

[1] Copies of the "General Financial Statement" will be furnished by the Maritime Commission on request.

2. Section 299.1 *Definitions* is further amended by adding the following paragraph:

(q) *Related company.* The term "related company," used to indicate a relationship with the applicant, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the applicant. The term "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the applicant (or related company), whether through ownership of voting securities, by contract, or otherwise.

3. Paragraph (a) *Application* of § 299.21 *Sales of war-built vessels to citizens of the United States* is amended by changing the period at the end of subdivision (iii) of subparagraph (2) thereof to a colon and adding the following:

*Provided,* That in any instance where the applicant has no earning record for the fiscal years ended in 1939, 1940 and 1941 or where the earning record of the applicant for the fiscal years ended in 1939, 1940 and 1941 does not reflect funds available from earnings in each of such years in excess of one annual installment on the deferred portion of the purchase price of the vessel, plus interest on the deferred portion of the purchase price for one year at the rate of 3½% per annum, and plus the annual obligation with respect to any outstanding fixed liabilities of the applicant, (*a*) the purchase obligations of the applicant shall be guaranteed by a guarantor satisfactory to the Commission, or (*b*) the minimum net worth requirement shall be increased to 50% of the purchase price of the war-built vessel or such higher percentage as the Commission may require.

4. Paragraph (d) *Contract of sale* of § 299.21 *Sales of war-built vessels to citizens of the United States* is amended by revising the sentence inserted after the

first sentence thereof by Supplement 2 to General Order 60 to read as follows:

Such contract of sale (other than a sale for cash in full) and the mortgage given thereunder shall include provisions whereunder the purchaser shall agree, for a period corresponding to that during which any part of the purchase price of the vessel remains unpaid:

(1) That (i) no capital shall be withdrawn, (ii) no share capital shall be redeemed or converted into debt, (iii) no dividend shall be paid, (iv) no loan or advance (except advances to cover current expenses of the purchaser) shall be made, either directly or indirectly, to any stockholder, director, officer, or employee of the purchaser or to any related company (as defined in § 299.1 (q)), (v) no investment shall be made in the securities of any related company (as defined in § 299.1 (q)), (vi) no indebtedness to any stockholder, director, officer, or employee of the purchaser or to any related company (as defined in § 299.1 (q)), which was classified as long-term or noncurrent in the balance sheet submitted with the application (or amendment thereto) to purchase the vessel, shall be repaid in whole or in part, and (vii) no salary at a rate in excess of $25,000 per annum shall be paid, if, after such transaction, the amount of working capital or the amount of net worth thereby would be reduced below the minima prescribed in or required under subdivisions (ii) and (iii), respectively, of paragraph (a) (2) of this section; and

(2) That the purchaser shall file such financial and operating statements as the Commission may require, and shall permit the Commission to examine and audit its books, records and accounts.

5. Paragraph (g) *Mandatory provisions in charter* of § 299.31 *Charter of war-built vessels to citizens of the United States* is amended by revising subparagraph (8) *Financial limitations* to read as follows:

(8) *Financial limitations.* That the charterer agrees that (i) no capital shall be withdrawn, (ii) no share capital shall be redeemed or converted into debt, (iii) no dividend shall be paid, (iv) no loan or advance (except advances to cover current expenses of the charterer) shall be made, either directly or indirectly, to any stockholder, director, officer, or employee of the charterer or to any related company (as defined in § 299.1 (q)), (v) no investment shall be made in the securities of any related company (as defined in § 299.1 (q)), (vi) no indebtedness to any stockholder, director, officer, or employee of the charterer or to any related company (as defined in § 299.1 (q)), which was classified as long-term or noncurrent in the balance sheet submitted with the application (or amendment thereto) to charter the vessel, shall be repaid in whole or in part, and (vii) no salary at a rate in excess of $25,000.00 per annum shall be paid, if, after such transaction, the amount of working capital or the amount of net worth thereby would be reduced below the minima prescribed in paragraph (a) of this section.

6. Section 299.71 *Application to purchase a war-built vessel* is amended by revising the first paragraph under Exhibit III of item 29 to read as follows:

Exhibit III—A copy of (1) balance sheet as of the end of a calendar month (except in instances where the fiscal year of the applicant ends on some other day) within not more than six months and not less than one month (except in instances where the applicant was established more recently) of the date of the filing of the application (or amendment thereto changing the type or number of vessels applied for) with the Commission; (2) a brief statement of the nature of any substantial changes in the financial conditions of the applicant or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements for each year (or other accounting period) beginning with the fiscal counting period) beginning with the fiscal of the balance sheet.

7. Section 299.81 *Application to charter a war-built vessel for bareboat use* is amended by revising the first sentence under Exhibit III of item 28 to read as follows:

Exhibit III—A copy of (1) a balance sheet as of the end of a calendar month (except in instances where the fiscal year of the applicant ends on some other day) within not more than six months and not less than one month (except in instances where the applicant was established more recently) of the date of the filing of the application (or amendment thereto changing the type or number of the vessels applied for) with the Commission, (2) a brief statement of the nature of any substantial changes in the financial condition of the applicant, or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements for each year (or other accounting period) beginning with the fiscal year ended in 1939 and ending with the date of the balance sheet.

8. *Effective date.* This Amendment 2 of Supplement 2 to General Order 60 shall be effective with respect to applications (and amendments of prior applications) received by the Commission after the date of its publication in the FEDERAL REGISTER.

(Pub. Law 321, 79th Cong., 60 Stat. 41)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
*Secretary.*

JUNE 2, 1947.

[F. R. Doc. 47-5411; Filed, June 6, 1947; 9:09 a. m.]

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[Gen. Order 44, 2d Rev., WSA Function Series]

## PART 304—LABOR

The following rules and regulations are prescribed by the United States Maritime Commission to carry out the provisions of Public Law 87, 78th Congress, approved June 23, 1943 (57 Stat. 162), as amended:

Sec.
304.75 Definitions.
304.76 Substantially continuous service.
304.77 Completion of period.
304.78 Partial certificate.
304.79 Record of special proficiency or merit.
304.80 Applications for certificate.

AUTHORITY: §§ 304.75 to 304.80, inclusive, issued under 57 Stat. 162, as amended by Pub. Laws 660 and 692, 79th Cong., Pub. Law 492, 79th Cong.; 50 U. S. C. App. Sup. 1471.

§ 304.75 *Definitions.* As used in §§ 304.75 to 304.80, inclusive:

(a) "Commission" means, effective as of September 1, 1946, the United States Maritime Commission and means, prior to said date, the Administrator of the War Shipping Administration.

(b) "Marine Division" means the Marine Division, Operations Department (formerly the Recruitment and Manning Organization) of the United States Maritime Commission.

(c) "Training Division" means the Training Division (formerly the Training Organization) of the United States Maritime Commission.

(d) "Vessel" means any vessel documented under the laws of the United States, and any vessel owned by, chartered to, or operated by or for the account or use of the Commission or of the War Department: *Provided,* That "vessel" shall not mean any water-craft which is:

(1) Not self-propelled, or unrigged, unless operated in coastal, inter-coastal, or foreign shipping; or

(2) Operated in the fishing trade; or

(3) Operated exclusively as a yacht for pleasure purposes.

(e) "Enrollee" means any person serving in a student, trainee, instructor, administrative, or similar capacity.

(f) "Seaman" means any person who has entered service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941.

(g) "Service in the merchant marine" means service performed during the period between May 1, 1940, and three (3) months after the termination of the unlimited national emergency declared by the President on May 27, 1941: *Provided,* That it shall include service performed during a voyage, commenced prior to said termination of the unlimited national emergency, which continues beyond the end of the aforesaid period: *And provided further,* That it shall include service performed during the periods described in § 304.76 (a) (2), (3) and (4) and (b), and § 304.77 (b):

(1) As a civilian officer or member of the crew on or in connection with a vessel; or

(2) As an enrollee, as defined in paragraph (e) of this section, in the United States Maritime Service on active duty; or

(3) As an enrollee, as defined in paragraph (e) of this section, in any school or institution, including the United States Merchant Marine Cadet Corps and any State Maritime Academy, under the jurisdiction of the Commission or in any civilian marine school under the jurisdiction of the Army Transportation Corps; or

(4) In any combination of the foregoing.

(h) "Date of entry" into the merchant marine means the date of a seaman's first service in the merchant marine, as defined in paragraph (g) of this section, except that after more than 90 days

absence from the service, the "date of entry" means the date of such subsequent re-entry into the merchant marine, unless in the opinion of the Commission such absence is justified by extenuating circumstances.

§ 304.76 *Substantially continuous service.* The service of any seaman in the merchant marine shall be deemed to have been "substantially continuous" if such seaman performs service, as defined in § 304.75, seventy-five percent (75%) or more of the time elapsing between the date of his entry into such service and the conclusion of one of the periods described in § 304.77: *Provided,* That:

(a) Any such seaman shall be credited with service in the merchant marine:

(1) For any period awaiting assignment for service, as defined above, to such extent as may be established to the satisfaction of the Commission; or

(2) For any reasonable period, including hospitalization, during which he may be disabled for active employment in such service as the result of illness or injury not caused by his own wilful misconduct; or

(3) For any time required for his repatriation following his separation from the vessel for any cause not due to his own neglect or wilful misconduct (not including time consumed in delay resulting from his refusal to be repatriated); or

(4) For any period of internment by an enemy nation.

(b) No disadvantage shall accrue to any seaman, who applies within thirty (30) days after his last active service in the merchant marine, as a result of the time intervening between the date of the filing of his application and the date of issuance of his certificate.

§ 304.77 *Completion of period of substantially continuous service.* A seaman shall be deemed to have completed a period of substantially continuous service in the merchant marine if he has performed substantially continuous service, as defined in § 304.76:

(a) For a period of not less than twelve (12) months or, in the case of a person who is performing service in the merchant marine upon the date of the termination of the unlimited national emergency declared by the President on May 27, 1941, for any period not exceeding three (3) months thereafter, except as provided in § 304.75 (g): *And provided,* That in the case of a person who, having been discharged or released from active military or naval service in the land or naval forces of the United States, receives a certificate evidencing satisfactory completion of such service and who, within thirty (30) days from date of discharge or release from such service, enters upon service in the merchant marine, his length of service in the land or naval forces of the United States shall be credited towards this requirement; or

(b) To the date he is permanently disabled for further service as a result of an illness or injury not caused by his own wilful misconduct, plus a reasonable period for necessary medical treatment and hospitalization; or

(c) To the date when the Commission certifies that the continued service of the applicant is no longer desirable or necessary. Upon verification of such service he shall be entitled to a certificate of substantially continuous service, worded as in form A attached.

§ 304.78 *Partial certificate.* Any seaman who terminates his service in the merchant marine for the purpose of performing active military or naval service in the land or naval forces of the United States and enters thereupon within (30) days after termination of his service in the merchant marine shall be entitled to a partial certificate of substantially continuous service, worded as in form B attached, if he performs service, as defined in § 304.75, seventy-five per cent (75%) of the time from the date he enters such service to the date he terminates such service and he shall be entitled to be credited with service in accordance with the provisions of § 304.76.

§ 304.79 *Record of special proficiency or merit.* The applicable certificates described in §§ 304.77 and 304.78 shall contain a record of any special proficiency or merit obtained, as evidenced by any special awards that may have been issued to such seaman by the Merchant Marine Decorations and Medals Board or its predecessor Committees.

§ 304.80 *Applications for certificate.* All applications for certificates must be submitted promptly after completion of periods of substantially continuous service, but not later than thirty (30) days after the end of the three-month period immediately following the termination of the unlimited national emergency declared by the President on May 27, 1941: *Provided,* That (a) any seaman entitled to credit for service, as described in § 304.76 (a) (2), (3) and (4) and § 304.77 (b), or (b) any seaman performing service on a vessel during a voyage, as described in § 304.75 (g), subsequent to the termination of the aforesaid unlimited national emergency, must submit his application not later than thirty (30) days after the date of his last creditable service. Applications for partial certificates, described in § 304.78, shall be submitted not later than ninety (90) days after discharge or release from active military or naval service in the land or naval forces of the United States. If at the time of application for a certificate or partial certificate of substantially continuous service in the merchant marine, the applicant has most recently been engaged as an enrollee in the United States Maritime Service, as a cadet-midshipman, or as an enrollee in any school or institution under the jurisdiction of the Commission, application for such certificate shall be made through the Training Division. Application for such certificates by all other seamen shall be made through the Marine Division. Application forms shall be provided at all regional offices, port offices, and schools or institutions under the jurisdiction or supervision of the Commission, and at other accessible places.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
*Secretary.*

JUNE 2, 1947.

No. _____

CERTIFICATE OF SUBSTANTIALLY CONTINUOUS SERVICE IN THE UNITED STATES MERCHANT MARINE

This is to certify that _____ has completed a period of substantially continuous service in the United States Merchant Marine, said period of service having commenced _____ and terminated on _____, within the meaning of the Rules and Regulations prescribed pursuant to Public Law 87, 78th Congress (57 Stat. 162), as amended.

[The following statement will be added when applicable. The holder hereof has received the following special awards: _____.]

By direction of the United States Maritime Commission.

[SEAL] W. W. SMITH,
*Chairman.*

Attest:

A. J. WILLIAMS,
*Secretary.*

Dated _____

No. _____

PARTIAL CERTIFICATE OF SUBSTANTIALLY CONTINUOUS SERVICE IN THE UNITED STATES MERCHANT MARINE

This is to certify that _____ has terminated a partial period of substantially continuous service in the United States Merchant Marine, said period of service having commenced on _____ and terminated on _____, within the meaning of the Rules and Regulations prescribed pursuant to Public Law 87, 78th Congress (57 Stat. 162), as amended. This Partial Certificate is issued for use only in conjunction with a certificate evidencing satisfactory completion of active service in the armed forces of the United States for the purpose of establishing reemployment rights under the Selective Training and Service Act of 1940, as amended, and the Service Extension Act of 1941, as amended.

[The following statement will be added when applicable. The holder hereof has received the following special awards: _____.]

By direction of the United States Maritime Commission.

[SEAL] W. W. SMITH,
*Chairman.*

Attest:

A. J. WILLIAMS,
*Secretary.*

Dated _____

[F. R. Doc. 47-5413; Filed, June 6, 1947; 8:47 a. m.]

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[Gen. Order 22, 2d Rev., WSA Function Series]

## PART 310—MERCHANT MARINE TRAINING

### REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

General Order 22 is revised to read:

The United States Maritime Commission, pursuant to the authority conferred

upon it by the Merchant Marine Act, 1936, as amended; Title 34 U. S. C., sections 1121, 1122, 1123, and 1123 a–e inclusive; Executive Order No. 9083 dated March 2, 1942; Executive Order 9198 dated July 11, 1942; and section 202 of Public Law 492, 79th Congress (60 Stat. 501), hereby prescribes and adopts as necessary and appropriate to maintain trained and efficient merchant marine personnel the following regulations for State Maritime Academies:

Sec.
310.1 Definitions.
310.2 Federal aid and finance.
310.3 Schools and courses.
310.4 Training ship.
310.5 Personnel.
310.6 Entrance standards.
310.7 Enrollment.
310.8 Scholarship subsidy, subsistence, and charges.
310.9 Leave.
310.10 Medical attention and injury claims.
310.11 Discipline and dismissal.
310.12 Scope and effect of §§ 310.1 to 310.12, inclusive.

AUTHORITY: §§ 310.1 to 310.12, inclusive, issued under 36 Stat. 1353, 50 Stat. 621, 54 Stat. 1236, 55 Stat. 247, 55 Stat. 607; sec. 202, Pub. Law 492, 60 Stat. 501; 34 U. S. C. and Supp. 1121–1123e; E. O. 9083, Feb. 28, 1942, E. O. 9198, July 11, 1942, 3 CFR Cum. Supp.

§ 310.1 *Definitions.* For the purposes of §§ 310.1 to 310.12, inclusive:

(a) "Commission" means the United States Maritime Commission.

(b) "Chairman" means the chairman, United States Maritime Commission.

(c) "Director" means the Director of the Training Division, United States Maritime Commission.

(d) "Training Division" means the Training Division, United States Maritime Commission.

(e) "Superintendent" means the Superintendent of the State Maritime Academy and "Commanding Officer" means the Commanding Officer of the training ship.

(f) "Officers" means all officers and instructors connected with the State Maritime Academy or the training ship, except part time civilian instructors.

(g) "Maritime Service" means the United States Maritime Service.

(h) "Supervisor" means the Supervisor of State Maritime Academies, Training Division, United States Maritime Commission.

§ 310.2 *Federal aid and finances*—(a) *Annual grant and loan of training vessel.* An annual grant of $50,000.00 if funds therefor are appropriated by the Congress, and such additional sums as the Congress may authorize and appropriate, will be paid to each of the State Maritime Academies and to such others as may be authorized by law and approved by the Commission, and the Commission will furnish to each such school a training vessel as provided by statute and § 310.4, subject to the following terms and conditions:

(1) Such school shall under appropriate authority agree to conform to such minimum standards in regard to students' entrance requirements, the staff of instructors, and courses of and facilities for training, as the Commission shall approve (including §§ 310.1 to 310.12, inclusive).

(2) The State shall appropriate and spend each year for the purpose of maintaining such school, an amount not less than that received from the Federal Government for such year for the same purpose.

(3) The Federal grant shall be spent in the operation of the training vessel and in the maintenance and operation of a shore base.

(4) The Superintendent and the finance officer of the State Maritime Academy shall be responsible for financial matters pertaining to the academy and to the training ship; they shall be bonded in accordance with requirements established by the state.

(5) Each such academy, as a condition to receiving any portion of such monetary aid in excess of $25,000, shall agree under appropriate authority to and shall admit students resident in other states who meet such academy's eligibility requirements and who are approved for such admission by the Commission, *Provided,* That:

(i) No academy shall be compelled to accept out-of-state students if the full quota can be obtained within the state.

(ii) The number of students so admitted from other states shall not exceed one-third of the total student capacity of such academy.

(iii) The per capita cost of such students shall be paid out of the Federal funds provided for in this section and shall be computed annually. To determine this cost, the total number of state cadets will be divided into the total operating expense, less the grant. Vouchers, Standard Form 1034, will be submitted monthly covering the per capita cost of cadets at the academy, accompanied with a list of the cadets who have been nominated.

FOR EXAMPLE: Assuming that the per capita cost for cadets is $650.00 and 20 cadets were nominated from out-of-state to an academy, the voucher submitted would be:

1/12 of $650.00 equals $54.17 per cadet,
$54.17 × 20 cadets equals $1,083.40

$1,083.40 being the amount for which the voucher is submitted.

The above voucher would then be made out monthly and submitted to the Supervisor for the duration of the cadets' training. If the per capita cost of the cadets is $650.00, no more than 38 cadets can be assigned by the Training Division to any one academy. Also if 38 candidates were nominated to any academy, no more candidates could be approved by the Training Division until these men had graduated from that academy.

(b) *Accounting for $195.00 clothing and textbook allowance.* In the case of cadets presently enrolled at State Maritime Academies who received the $195.00 clothing and textbook allowance, the following applies:

(1) When such a cadet is disenrolled from a State Maritime Academy before the termination of his course and the Superintendent declares him so disenrolled, the Superintendent shall require him forthwith to surrender all distinctive articles of uniforms (including devices, insignia, caps, raincoats, overcoats, uniform coats and trousers (except dungaree and khaki trousers) and any other items that were paid for from such allowance) and textbooks; shall cause such effects to be inventoried, and, together with a copy of the inventory, turned over to the supply officer for safe keeping; and may, in his discretion, require reimbursement by the cadet for all such articles as are not so surrendered.

At any time after 15 days from the date of such disenrollment, such effects shall be disposed of as follows:

(i) Unstencilled clothing having the appearance of new articles shall be taken into inventory in the clothing account as gain by returned clothing for reissue at regular prices.

(ii) Used outer clothing, if in satisfactory condition, shall be cleaned, renovated, and taken into inventory in the clothing account as gain by returned clothing for reissue at 60% of regular price.

(iii) Names on such clothing will be cancelled by stencilling in large letters over the original stencil, the letters "D. C."

(iv) Re-usable textbooks and insignia shall be taken into inventory for resale at 60% of the regular price.

(v) Such effects considered unsuitable for reissue shall be sold at auction and the proceeds deposited to the credit of Miscellaneous Receipts, United States Treasury.

(2) Upon graduation of each class, each being considered as a separate unit for accounting purposes, an accounting for the following shall be furnished:

Funds expended for uniforms.
Funds expended for textbooks.
Funds remaining on hand.
Uniforms purchased, number and cost.
Textbooks purchased, number and cost.
Uniforms issued.
Textbooks issued.
Uniforms remaining unissued.
Textbooks remaining unissued.
Uniforms repossessed, number and issue price.
Textbooks repossessed, number and issue price.
Repossessed uniforms taken into inventory for resale at regular price.
Repossessed uniforms taken into inventory for resale at 60% of the regular price.
Repossessed uniforms considered unsuitable for reissue, number and issue price.
Repossessed textbooks taken into inventory for resale 60% of the original price.
Repossessed textbooks considered unsuitable for reissue, number and issue price.
Repossessed uniforms reissued, number and price.
Repossessed textbooks reissued, number and price.

§ 310.3 *Schools and courses*—(a) *State Maritime Academies operating with Federal aid.* The following State Maritime Academies are operated with Federal aid and subject to §§ 310.1 to 310.12, inclusive:

California Maritime Academy.
Maine Maritime Academy.
Massachusetts Maritime Academy.
New York State Maritime Academy.
Pennsylvania Maritime Academy.

(b) *General rules for operation of academies.* (1) The State Maritime

Academies shall maintain berthing, messing, and classroom instruction facilities ashore for at least 200 cadets.

(2) To insure economical and efficient operation, the maximum number of cadets a State Maritime Academy may enroll in the Maritime Service for payment as provided in § 310.8, shall be determined by the Director.

(3) Rules and regulations for the internal organization and administration of each State Maritime Academy will be determined under the direction of the state authority. Wherever possible, such rules and regulations shall follow those prescribed by the Commission for the administration of the Federal academies.

(4) The Commission shall have the right to inspect shore base facilities at all reasonable times.

(5) Records pertaining to the academy, its officers, instructors, crew cadets, the training ship, and shore base shall be maintained by each academy and shall be available to the Director upon request. A detailed daily log of absences, with or without leave, hospitalizations, disenrollments and other analogous data shall be kept by each academy. A copy of these daily logs shall be furnished to the finance officer and the Supervisor.

(6) Communications from the State Maritime Academies to other executive or administrative government agencies concerning the policies of the Commission shall be forwarded through the Supervisor. Communications concerning Naval administration shall be forwarded through official Naval channels via the Director.

(c) *Curriculum.* For all classes enrolled after July 1, 1946, the minimum period of training shall be three years, at least six months of which must be aboard a training vessel in a cruise status. The period of training may be extended by the several State Maritime Academies.

The state authorities shall prescribe and be responsible for the courses of instruction and general system of training subject to approval by the Director and with the addition of such courses as may be prescribed by Federal authorities.

(d) *Board of visitors.* It is recommended that a board of visitors, acting in an advisory capacity only and meeting at least once a year, be appointed by the state for its academy. It should be composed of at least eight members including the following:

One from the shipping industry;
One from the shipbuilding or ship repair industry;
One from the alumni of the academy;
One merchant marine master mariner possessing an active license;
One merchant marine chief engineer possessing an active license;
One officer of the United States Navy, active or retired, designated by the Commandant of the Naval District in which the Academy is located;
One from the State Board of Education or other State department, bureau, or agency; and
One representative of the Commission designated by the Chairman.

§ 310.4 *Training ship.* The Commission will loan a training vessel, if such is available, to each of the State Maritime Academies. If such a vessel is not available, adequate cruising facilities will be arranged if possible. The loan of the training ship shall be subject to the following terms and conditions:

(a) *General provisions.* (1) The State shall exercise due diligence to safeguard the interests of the Commission and avoid loss and damage of every nature. The Superintendent, or in his absence, the Commanding Officer of the training ship, or in the absence of both, the next senior deck officer shall be responsible for the training ship and all Federal and State property aboard.

(2) Log books and reports shall be submitted as directed by the Director.

(3) Detailed reports shall be forwarded promptly to the Supervisor in the event of accident causing damage to the training ship, equipment or machinery, or damage inflicted by the training ship to any other ship or property.

(4) The Director shall determine whether or not the berth of the training ship at the base in its home port is satisfactory from the standpoint of safety. When the ship is not on a cruise, the Commanding Officer shall keep the Supervisor informed of the location of the vessel and of any contemplated change of berth.

(5) The following notice shall be posted conspicuously on board a training ship on loan to the state:

This training ship is the property of the United States of America. It is loaned to the State of ---------- by the United States Maritime Commission for the purpose of training young men to become officers in the Merchant Marine of the United States. Neither the State, the Commanding Officer, nor any other person has any right, power, or authority to create, incur, or permit to be imposed upon this vessel, any lien whatever.

(6) No structural changes shall be made to the training ship, her machinery, or boilers without the written approval of the Commission.

(7) Upon termination of the loan of a training ship, the state shall return, in the state base port, the vessel and all property whatsoever owned by the Commission. Title to all additions, replacements, and renewals made by the state shall be in the Commission without charge therefor.

(b) *Termination of loan.* The Commission may terminate the loan of a vessel:

(1) By substituting another vessel therefor.

(2) If the vessel is required for other purposes, in which case the Commission, as soon as practicable, will return the vessel or provide another to the academy.

(3) If she is not operated to the satisfaction of the Commission, and after due notice thereof, state authorities fail to remedy conditions complained of.

(c) *Property aboard ship.* The state shall have the use of all equipment, appliances, apparel, spare and replacement parts on board a training ship, subject to the following terms and conditions:

(1) The same or their substantial equivalent shall be returned to the Commission, ordinary wear and tear, unavoidable accident, and perils of the sea excepted, and any such items otherwise lost or destroyed shall be replaced at the expense of the state.

(2) Commission property shall not be permanently removed from the training ship to shore base without the written approval of the Director.

(3) The Commission shall take inventories of state and Federal property on board the vessel at such times as it deems necessary after consultation with the academy authorities. A representative of the state shall be present when such inventories are being taken. The academy shall furnish such assistance as may be necessary for this purpose.

(d) *Condition surveys.* Before a vessel is released to a State Maritime Academy and is manned by state officers under state control, a condition survey will be made by duly authorized representatives of the academy and the Commission. If the vessel is found in order, the State Maritime Academy representative shall receipt for the ship. Subsequently, after due notice to the state authorities, a condition survey may be made of the ship whenever deemed advisable by the Commission, and, in any event, upon redelivery of the vessel by the state to the Commission.

(e) *Maintenance, repairs, and operating expenses*—(1) *To be borne by the Commission.* Expenses for repairs to the vessel, changes, and alterations, repairs to equipage, and replacements of equipage in accordance with Commission approved allowance lists of the vessel, will be borne by the Commission under the following terms and conditions:

(i) Except for emergencies or while the vessel is on foreign cruise, repairs shall not be made without the prior written approval thereof by the Director.

(ii) When it is necessary to repair or dry dock the training ship because of damage or other reasons (except in an emergency, when the vessel is on foreign cruise, or for annual overhaul), the Commanding Officer shall notify the Supervisor sufficiently in advance thereof to enable a representative of the Training Division to be present, and, when it is anticipated or it is determined that major spare parts will be or are required, shall promptly so advise the Supervisor.

(iii) To further training and for the purpose of reducing expenses, repairs which need not be carried out during the annual overhaul period shall be made by the cadets under the supervision of the ship's officers. When material is needed or has been ordered by the State, the Commanding Officer shall forward to the Supervisor a list of such material and estimated costs, and a description of the repairs to be carried out by the cadets. The Supervisor shall promptly advise the Commanding Officer whether or not such work comes under the heading of repairs.

(iv) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the training ship and submitted by the Commanding Officer to the Supervisor at least thirty days before the date of the annual overhaul.

(v) The state is authorized to expend not to exceed $5,000.00 for repairs which become necessary while the vessel is on foreign cruise and will be reimbursed by

the Commission therefor upon submission of vouchers to and approval thereof by the Director after termination of such cruise. To be so reimbursed for repairs estimated to cost in excess of $5,000.00, authority must be obtained by the state from the Supervisor prior to undertaking such repairs.

(2) *To be borne by the state.* Except as otherwise provided in this section, the state shall, at its own expense,

(i) Keep the training ship and its machinery, boilers, appurtenances, equipment, and spare parts in good order and condition, and shall keep her clean and painted to the satisfaction of the Director with the exception of such items approved by the Director as repairs.

(ii) Cause the training ship to be fumigated at least twice a year if required by the Director and shall forward to the Supervisor, after each such fumigation, a copy of the fumigation certificate.

(iii) Pay for all consumable stores, fresh water, fuel, and costs incidental to the operation of the training ship, such payment of operating expenses being subject to approval by the Commanding Officer of the State Maritime Academy.

(f) *Cruises.* The cruise itinerary of the training ship, including a listing of foreign ports to be visited must have the approval of the Supervisor and shall be submitted to him by the Commanding Officer at least sixty days in advance of the date such cruise is scheduled to begin. While on cruise, the Commanding Officer shall advise the Supervisor by dispatch of the date of arrival at each port visited and of the date of departure if the latter is at variance with the approved itinerary. Permission for the training ship to visit the U. S. Naval stations or Naval bases shall be arranged by the Commanding Officer.

§ 310.5 *Personnel*—(a) *Superintendent and Commanding Officer.* The Superintendent of a State Maritime Academy and the Commanding Officer of the training ship shall be nominated by the State and approved by the Chairman of the Commission after consultation with the Navy Department. They shall be either:

(1) Officers of the United States Navy, Naval Reserve, or Maritime Service, active or retired, or

(2) State Maritime Academy graduates with wide experience as masters of vessels no less in size than the one used as a training ship and shall be officers of the United States Navy or Naval Reserve, active or retired.

The transcript of service of the nominee and such other documents as may be prescribed must be submitted to the Director for approval before his nomination by the State.

If for any good and sufficient reason, following due investigation and hearing, the Commission is dissatisfied with the Superintendent or the Commanding Officer, it will request his discharge by the State.

(b) *Officers and instructors.* Officers and instructors shall be considered for qualities of practical experience and training in their specialties, their ability to impart their knowledge to students, and their personality, including ability to deal with young men without friction; they shall be nominated by the State and shall be satisfactory to the Director.

Special qualifications for the following training ship officers are:

(1) *Radio operators.* Radio operators shall hold active licenses issued by the Federal Communications Commission.

(2) *Watch officers.* Watch officers shall be qualified line Naval officers, Naval Reserve officers, or licensed officers of the merchant marine.

(3) *Chief engineer.* The chief engineer shall possess an active unlimited license as chief engineer of steam and motor vessels, or be an experienced engineer officer of the United States Navy or Naval Reserve, or shall have had experience as a licensed engineer officer in the merchant marine or in a State Maritime Academy training ship and must be satisfactory to the Director.

(c) *Insignia for officers and instructors.* The insignia for officers and instructors, other than officers of the United States Navy, Naval Reserve, Maritime Service, and part-time instructors shall be the seal or shield of the state. All officers of the United States Navy or Naval Reserve in inactive status are authorized to wear Merchant Marine Reserve insignia as prescribed by the Bureau of Naval Personnel, or of the Maritime Service as prescribed by the Commission.

(d) *Pay and allowances for officers and instructors.* The Commission recommends that the minimum pay and allowances for officers and instructors at the State Maritime Academies shall not be less than those for officers and instructors at comparable state institutions, with due allowance for the fact that State Maritime Academy personnel are on a full time basis instead of a nine months' basis.

(e) *Training ship crew.* Members of the crew of a training ship shall be citizens of the United States, shall take an oath or affirmation of allegiance to the United States, and shall submit to finger-printing.

§ 310.6 *Entrance standards.* (a) A candidate for admission to a State Maritime Academy must be a male citizen of the United States and must qualify in all respects for appointment as a midshipman, Merchant Marine Reserve, United States Naval Reserve. He must be of robust constitution, physically sound and of good moral character, not less than seventeen years of age and not yet twenty-three years of age: *Provided,* That, within this range, each state may fix its upper age limit for cadets appointed by the state: *Provided further,* That, in any case, if the candidate is a veteran honorably discharged or if he served in the merchant marine for not less than one year, the upper age limit is extended one year so that such candidate shall be not yet twenty-four years of age.

(b) A candidate must be unmarried.

(c) A candidate must be a graduate of an accredited secondary school or possess secondary school requirements determined by the Supervisor to be satisfactory; he must have at least two and one-half years of mathematics that meets college entrance requirements for a B. S. degree, at least three years of English, and adequate training in science including at least one year of physics.

(d) Admission to the academy will be granted on the basis of the candidate's ability to satisfy the requirements established by the academy as indicated by such criteria as the individual's secondary school grades, rank in graduating class, intelligence as measured by an objective examination, character, personality, and qualities of leadership.

§ 310.7 *Enrollment.* A candidate, upon acceptance, will be enrolled in the Maritime Service and in the United States Naval Reserve, as a midshipman, Merchant Marine Reserve (inactive) and, after approval by the Navy, will wear the insignia and be entitled to all the rights and privileges of the Naval Reserve, and will wear the seal or shield of the state. Upon enrollment, he shall be required to take an oath or affirmation of allegiance to the United States of America, and submit to fingerprinting. A copy of the oath or affirmation of allegiance and a copy of the fingerprints shall be furnished to the Director.

§ 310.8 *Scholarship subsidy, subsistence, and charges.* (a) Each cadet at a State Maritime Academy will be paid a scholarship subsidy of $65.00 per month plus a subsistence allowance of 75¢ per day. The subsistence allowance is to be paid, at the discretion of duly constituted State Maritime Academy authorities, either directly to the cadet concerned or to the State Maritime Academy upon presentation of a statement to the Supervisor which statement shall be prepared and submitted at the end of each month and shall contain the names of the cadets for whom subsistence has been furnished during that month. No cadet will be paid or subsisted when absent without leave for a condition not in line of duty.

(b) An academy shall make no charge to a cadet for tuition but may require a cadet to pay not more than $200.00 a year to cover service charges.

§ 310.9 *Leave.* Leave with pay from the Government for cadets, the specific periods of which shall be at the discretion of the Superintendents, shall be as follows:

(a) If transferred to a hospital, or sick at home, or in the sick bay, not to exceed four months.

(b) For an emergency due to the serious illness, injury, or death of a very near relative, not to exceed seven days.

(c) Annual leave not to exceed the following:

Third classmen, fourteen days.
Second classmen, twenty-eight days.
First classmen, forty-two days.

(d) Leave with pay, in addition to that provided in paragraphs (a), (b), and (c) of this section, may be granted only if approved by the Supervisor upon direct request therefor by the Superintendent.

§ 310.10 *Medical attention and injury claims*—(a) *Medical attention and hospitalization for cadets.* Cadets shall receive medical attention and Public Health Service hospitalization. A medi-

cal officer shall be attached to the State Maritime Academy and one to the training ship at all times when cadets are in attendance.

(b) *Compensation claims of cadets.* Compensation claims for personal injuries or death sustained by a cadet in performance of duty shall be forwarded to the Supervisor for transmission to the Bureau of Employees' Compensation.

(c) *Medical care and compensation for personnel.* Officers, instructors, and crew members may avail themselves of any medical facilities furnished by the state or Federal Government. During illness or while recovering from injury, officers and instructors who are not on the Federal pay roll, shall receive pay and allowances as authorized by the state. The Superintendent, Commanding Officers, officers, and instructors, left in other than the vessel's home port by reason of illness or injury while on the training ship, shall be furnished suitable transportation to the home port unless contrary to state law.

§ 310.11 *Discipline and dismissal.* (a) The Superintendent is authorized to place any cadet on a non-pay basis for disciplinary reasons, not to exceed a maximum of thirty days.

(b) In the event it is determined that a cadet was married at the time of admission to the academy or if he marries while in attendance at the academy he shall be dismissed.

(c) In the event a cadet is dismissed from a State Maritime Academy for disciplinary reasons, the Superintendent may deny payment to such cadet of all earnings due and unpaid such cadet at the time of dismissal.

§ 310.12 *Scope and effect of §§ 310.1 to 310.12, inclusive.* (a) If any provisions of §§ 310.1 to 310.12, inclusive, are in conflict with laws and regulations of the state, the appropriate state authorities shall notify the Director in writing of such conflict and pertinent circumstances.

(b) The Director may, after consultation with the appropriate state authorities, issue instructions supplementing §§ 310.1 to 310.12, inclusive.

(c) Effective June 1, 1947, §§ 310.1 to 310.12, inclusive, supersede all previous regulations for State Maritime Academies.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
*Secretary.*

JUNE 2, 1947.

[F. R. Doc. 47-5414; Filed, June 6, 1947; 8:47 a. m.]

# NOTICES

## NAVY DEPARTMENT

### PUBLIC SALE OF ROYALTY GAS FROM NAVAL PETROLEUM RESERVE 2

#### CALL FOR BIDS

Invitation to qualified bidders to bid with respect to public sale of royalty gas from Naval Petroleum Reserve No. 2 (Buena Vista), Kern County, California.

1. Pursuant to the act of June 4, 1920 (41 Stat. 813), as amended by the act of June 30, 1938 (52 Stat. 1252), and as further amended by the act of June 17, 1944 (58 Stat. 280), the Secretary of the Navy (hereinafter referred to as "Navy") will have available from Naval Petroleum Reserve No. 2 royalty gas which will be offered for public sale to the highest qualified bidder in the estimated quantities, at the approximate times, and at the places indicated below. Bids for all of such royalty gas are requested in compliance with the terms of the above-cited act and the conditions and provisions to which reference is hereinafter made.

2. The public sale will take place in Room 402, U. S. Post Office and Court House, Los Angeles, California, at 10:00 a. m., June 25, 1947. Sealed bids will be received by the Supply Officer in Command, Navy Supply Depot of San Pedro, California, addressed to him at Room 402, U. S. Post Office and Court House, Los Angeles, California, until 10:00 a. m., June 25, 1947, and then publicly opened. The bids and statements will be read aloud at the said time and place, and any interested parties may be present and will be heard with respect to the subject matter. A bidder who has complied with the provisions of the specifications may forthwith, after all proposals have been read, change the price or any other terms of his bid and such change or changes shall immediately be written into his bid. No change will be permitted, however, which will have the effect of lowering the prices bid. The bids will then be taken under advisement by Navy and an acceptance by the Secretary of the Navy will be made within 60 (sixty) days thereafter. Navy reserves the right in the public interest to reject all bids and order a new public sale.

3. The royalty gas which will be offered for sale consists of all of Navy's share of royalty gas which it may be entitled to for the 5 (five) year period commencing on or about July 15, 1947, and ending on or about July 14, 1952, subject to the right of either party to cancel the contract after the same has been in effect for a period of 2 (two) years by giving 60 (sixty) days written notice. The royalty gas which will be available for sale will include all royalty gas to be produced from Naval Petroleum Reserve No. 2 excepting, however, from sale such quantity of natural gas as Navy shall use in its operations within Naval Petroleum Reserve No. 2. The quantity of royalty gas to become available from time to time is entirely dependent upon the amount of royalty gas due Navy. The gas to be sold and delivered hereunder shall be delivered by the seller to the buyer in the following manner:

(a) Royalty gas produced from dry gas wells on said lands within Naval Petroleum Reserve No. 2 shall be taken by the buyer at the particular well where such gas is being produced and shall be delivered at full well pressure.

(b) Royalty gas produced from oil wells, that is to say casing head royalty gas which the seller shall see fit to save and collect, shall be delivered by the seller or its agent to the buyer at the outlet of the one or more gasoline extraction plants where said gas is processed for the extraction of natural gasoline.

The buyer shall be obligated to accept the royalty gas from the seller at the above-described points of delivery in Kern County, California. The buyer shall not be found to purchase (but may if it so desires) more than 3,000,000 (three million) cubic feet of royalty gas (including both royalty casing head gas and royalty dry gas) during any calendar day of 24 (twenty-four) hours, nor more than 93,000,000 (ninety-three million) cubic feet of royalty gas (including both royalty casing head gas and royalty dry gas) during any one calendar month.

4. Specifications containing information on the quantity of royalty gas offered for sale, form of bids, bond requirements, payments, deliveries, volume measurements, provisions respecting price, quality of gas, form of contract, information to be supplied by bidders, etc., can and should be obtained by prospective bidders from the Director, Naval Petroleum and Oil Shale Reserves, Executive Office of the Secretary, Navy Department, Washington, D. C. or the Inspector, Naval Petroleum Reserves in California, Room 402, U. S. Post Office and Court House, Los Angeles, California, or the Supply Officer in Command, Navy Supply Depot, San Pedro (Terminal Island), California. All proposals must conform to such specifications.

JOHN L. SULLIVAN,
*Acting Secretary of the Navy.*

[F. R. Doc. 47-5407; Filed, June 6, 1947; 8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-852]

### UNION GAS SYSTEM, INC.

#### ORDER FIXING DATE OF HEARING

Upon consideration of the application filed January 27, 1947, by Union Gas System, Inc., a Kansas corporation with its principal place of business at Independence, Kansas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation of the facilities of Union Gas System, Inc., a Delaware corporation, which are subject to the jurisdiction of the Federal Power Commission, and described as follows:

A pipe line system extending in general from northern Oklahoma to Burlington,

Kansas, and extending east and west from approximately Cedar Vale, Kansas, to Altamont, Kansas.

It appearing to the Commission that:

(a) Applicant proposes the acquisition and operation of the above-described facilities for the purpose of effectuating ownership of the aforesaid facilities in a corporation organized in the State of Kansas and to render the same service as performed by Union Gas System, Inc., a Delaware corporation.

(b) This proceeding is a proper one for disposition under the rules of 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard or 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 11, 1947 (12 F. R. 968).

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 June 17, 1947, at 9:45 a. m. (e. d. 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 proceeding; *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: June 3, 1947.

By the Commission.

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

[F. R. Doc. 47-5394; Filed, June 6, 1947; 8:52 a. m.]

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[Docket No. G-885]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 2, 1947, by Cities Service Gas Company (applicant), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, for authority to abandon a certain portion of its natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

Approximately 8.09 miles of 4-inch pipeline extending from a point on Applicant's 10-inch pipeline in Section 11, Township 25 South, Range 2 West, Sedgwick County, Kansas, North to a point near Halstead, Kansas, in Section 35, Township 23 South, Range 2 West, Harvey County, Kansas.

It appearing to the Commission that:

(a) The facilities sought to be abandoned were constructed in 1906 to transport gas to the City of Halstead, Kansas. At the present time, the City of Halstead operates a municipal gas distribution system for which it purchases gas from Drillers Gas Company. The facilities described in the application are no longer used nor useful in the present location.

(b) 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 April 22, 1947 (12 F. R. 2585).

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 18th day of June, 1947 at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., 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: June 3, 1947.

By the Commission.

LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 47-5395; Filed, June 6, 1947; 8:52 a. m.]

[Docket No. G-901]

KENTUCKY NATURAL GAS CORP.

NOTICE OF APPLICATION

JUNE 2, 1947.

Notice is hereby given that on May 19, 1947, Kentucky Natural Gas Corporation (applicant), a Delaware corporation having its principal place of business at Owensboro, Kentucky, 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 sell natural gas to Indiana Gas & Chemical Corporation through an existing connection south of the City of Terre Haute, Indiana.

Applicant recites that Indiana Gas & Chemical Corporation is engaged in manufacturing 570 Btu coke oven gas for resale to its wholly owned subsidiary, Terre Haute Gas Corporation, which in turn distributes gas to consumers in Terre Haute, West Terre Haute, Brazil and Clinton, Indiana. From 1932 to 1940 applicant delivered natural gas to Indiana Gas & Chemical Corporation for underfiring its coke ovens.

According to the application, Indiana Gas & Chemical Corporation requires a supply of natural gas for underfiring its coke ovens and for mixing with manufactured gas; it being proposed to increase the heating value of the gas sold to Terre Haute Gas Corporation from 570 Btu to 750 Btu, by such mixing, in order to meet increased demands of consumers which it is alleged cannot be met with existing gas manufacturing facilities.

Applicant states that the peak day requirement of Indiana Gas & Chemical Corporation for the coming winter will be 3,400 Mcf of natural gas, and the annual requirement will be 405,278 Mcf.

No new construction is involved, so that there is no financing involved.

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 reasons for such request.

The application of Kentucky Natural Gas Corporation 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 proceed-

ing 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] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 47-5396; Filed, June 6, 1947; 8:52 a. m.]

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[Docket No. G-902]

NORTHERN INDIANA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JUNE 2, 1947.

Notice is hereby given that on May 19, 1947, Northern Indiana Public Service Company (applicant) an Indiana corporation having its principal place of business at Hammond, Indiana, filed an application pursuant to section 7 of the Natural Gas Act, as amended, seeking permission and approval to discontinue service and to abandon facilities subject to the jurisdiction of the Commission.

Applicant recites that it has been purchasing natural gas from Panhandle Eastern Pipe Line Company (Panhandle) for resale to Indiana Gas & Water Company, Inc. (Indiana Gas) for distribution in the City of Huntington, Indiana, and its environs.

Applicant states that on March 24, 1947, Panhandle, Indiana Gas and Applicant entered into a tripartite agreement whereby it is proposed that Panhandle will serve Indiana Gas directly the natural gas requirements for Huntington, Indiana,[1] and applicant will cease to so serve Indiana Gas. Applicant recites that the discontinuance of the service as aforesaid will necessitate the abandonment of approximately 750 feet of 4-inch pipe located in U. S. Highway 24 together with meter station and all appurtenant facilities of said meter station, all located in section 11, Township 28 North, Range 9 East, Huntington County, Indiana.

Applicant proposes to sell to Indiana Gas the following:

(a) Approximately .02448 acre of land in the Southeast Quarter of said Section 11, Township 28 North, Range 9 East, Huntington County, Indiana;

(b) Approximately 2,195 feet of 4-inch pipe, together with two 4-inch valves, and certain gas mains, all located in the Southeast Quarter of said Section 11, as aforesaid;

(c) The service pipe to a customer in said Section 11, as aforesaid; and all as more particularly described in the application.

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 reasons for such request.

The application of Northern Indiana Public Service 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] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 47-5397; Filed, June 6, 1947; 8:52 a. m.]

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[Docket No. G-903]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JUNE 2, 1947.

Notice is hereby given that on May 19, 1947, Panhandle Eastern Pipe Line Company (applicant), a Delaware corporation with its principal offices at Kansas City, Missouri, and at Chicago, Illinois, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a metering and regulating station at the point of connection of the 8-inch leased pipe line of Indiana Gas and Water Company Inc. (Indiana Gas) with applicant's 22-inch main line in the west half of the Southeast Quarter of Section 34, Preble Township, Adams County, Indiana, approximately one-half mile east of Magley, Indiana, for the purpose of serving said Indiana Gas natural gas for distribution in the City of Huntington, Indiana, and its environs.

Applicant recites that it has been supplying Northern Indiana Public Service Company (Northern Indiana) the natural gas requirements for resale to Indiana Gas for distribution in the City of Huntington, Indiana. Applicant states that to enable Indiana Gas to render more adequate and efficient service in said city and its environs, particularly on peak days, a tripartite agreement was entered into March 24, 1947 between Applicant, Indiana Gas and Northern Indiana, whereby the gas requirements for said city of Huntington and environs are to be supplied directly by applicant to Indiana Gas.

The application states that in order to effectuate the delivery of the gas at the town border of Huntington, Indiana, Indiana Gas has made a lease agreement with The Buckeye Pipe Line Company, an Ohio corporation covering the use of an existing 8" pipe line, heretofore utilized for the transportation of petroleum products; said line extends from the proposed point of connection with applicant's pipe line, in a westerly direction, a distance of approximately twenty miles to the town border of Huntington.

Applicant recites that under the tripartite agreement, from and after the first delivery of gas by applicant to Indiana Gas thereunder, applicant shall no longer be obligated to supply Northern Indiana with natural gas for resale to Indiana Gas for distribution in the City of Huntington, Indiana.[1] Applicant states it is not intended under the proposed new plan of delivery of gas to Indiana Gas, to increase the total volume of gas to be delivered by applicant either to Northern Indiana or Indiana Gas, so that no impairment of service will result to applicant's other customers on its pipeline system.

Applicant estimates the overall cost of construction will total $5,000, to be advanced by applicant out of current funds. Indiana Gas has agreed, as a contribution in aid of construction, to reimburse applicant for all costs incurred by applicant in connection with the construction of the facilities involved herein.

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 reasons for such request.

The application of Panhandle Eastern 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 deter-

[1] Application filed on May 19, 1947, In the Matter of Panhandle Eastern Pipe Line Company, Docket No. G-903.

[1] Application filed on May 19, 1947 by Northern Indiana Public Service Company, Docket No. G-902, seeking permission to discontinue service to Indiana Gas & Water Company, Inc., for distribution in the City of Huntington, Indiana, and environs.

mined. 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] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 47-5398; Filed, June 6, 1947; 8:52 a. m.]

## FEDERAL TRADE COMMISSION

[Docket No. 5491]

DILA-THERM CO., INC.

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 29th day of May A. D. 1947.

In the matter of The Dila-Therm Co., Inc., a corporation, and W. P. Thielens, J. R. Dorsey, and Louis N. Rugee, individually and as Officers of the Dila-Therm Co., Inc.

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 Clyde M. Hadley, 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 23, 1947, at nine o'clock in the forenoon of that day (Central Standard Time), in Room 320, Post Office Building, South Bend, Indiana.

Upon 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 respondents. 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. 47-5404; Filed, June 6, 1947; 8:53 a. m.]

[Docket No. 5233]

WHEELER LABORATORY

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

In the matter of Ruth Wheeler Collins, trading as Wheeler Laboratory.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May A. D. 1947.

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 Clyde M. Hadley, 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 Tuesday, June 17, 1947, at nine o'clock in the forenoon of that day (Central Standard Time), in Room 1121, 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 respondents. 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. 47-5405; Filed, June 6, 1947; 8:53 a. m.]

## INTERSTATE COMMERCE COMMISSION

[S. O. 749]

UNLOADING OF POPCORN AT LAREDO, TEX.

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

It appearing that 1 car, containing popcorn, at Laredo, Texas, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Popcorn at Laredo, Tex., be unloaded.* The International-Great Northern Railroad Company (Guy A. Thompson, Trustee), its agents or employees, shall unload immediately car Mil. 705709, loaded with popcorn, now on hand at Laredo, Texas, consigned shippers order—notify Isidora Trevino.

(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., June 5, 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. 47-5399; Filed, June 6, 1947; 8:53 a. m.]

[S. O. 750]

UNLOADING OF STEEL AT NEW YORK, N. Y.

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

It appearing, that 1 car containing sheet steel at New York, N. Y., on The New York Central Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Steel at New York, N. Y., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately car B&M 90938, containing steel in bond, on hand at 30th Street, New York, N. Y.,

consigned to Chas. Williams & Associates, Ltd., New York, New York.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 5, 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. 47–5400; Filed, June 6, 1947; 8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1472]

AMERICAN POWER & LIGHT CO. AND TEXAS PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of May A. D. 1947.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's wholly-owned non-utility subsidiary, Texas Public Utilities Corporation ("Texas"), having filed a joint declaration and amendments thereto, in which sections 12 (b) and 12 (f) of the act and Rules U-44 and U-45 promulgated thereunder are designated as applicable to the following transactions:

Texas is a corporation organized under the laws of the State of Texas and owns and operates certain ice and cold storage facilities in that State. All of its issued and outstanding securities, consisting of 10,000 shares of common stock without par value and a past-due 7% income note in the principal amount of $2,200,000, are owned by American. American states that it has invited bids from a limited number of prospective purchasers for the securities of Texas and has accepted the highest of six bids submitted, namely, that of a group consisting of twenty residents of Texas ("Thompson Group"), none of whom is affiliated or associated with declarants. American has entered into an agreement with the Thompson Group whereby American will sell and the Thompson Group will purchase the securities of Texas for a cash consideration of $711,000 plus $118.50 for each day elapsed from March 31, 1947 to the closing date, and within 5 days after the closing date, the purchasers will cause Texas to pay to American the further sum of $160,000.

American has further entered into an agreement with Texas under which Texas agrees to assign to American its claim against Electric Bond and Share Company and the latter's present or former subsidiary service companies, and American agrees to reimburse Texas out of any proceeds from such claims for all amounts subsequently paid by Texas as state or Federal income or excess profits taxes on account of the proceeds of such claims, and all expenses incurred by Texas in connection with the claims so assigned. American further agrees to indemnify Texas against liability for Federal income or excess profits taxes in excess of the amounts shown therefor on the books of Texas for each of the years ended December 31, prior to and including the year ended December 31, 1946 and that portion of 1947 ended the last day of the month last preceding the sale of the securities. It is further agreed that American may include Texas in a consolidated income tax return up to the date last above mentioned;

It is stated that no commission was paid or is to be paid in connection with the sale of the securities; and

American having requested that the order of the Commission conform to the requirements of section 1808 (f) of the Internal Revenue Code, as amended, and Supplement R thereof, and contain the findings therein specified; and

Said joint declaration having been filed on March 8, 1947, and amendments thereto having been filed on May 16, 1947 and May 20, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the joint declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant the request of joint declarants that the order become effective at the earliest date possible;

*It is hereby ordered,* Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint declaration, as amended, be, and the same hereby is, permitted to become effective forthwith; and

*It is further ordered,* That the sale by American to the Thompson Group of the securities of Texas, consisting of 10,000 shares of common stock without par value and a past-due 7% income note in the principal amount of $2,200,000 for a cash consideration of $711,000 plus $118.50 for each day elapsed from March 31, 1947 to the closing date and the further payment, within 5 days after the closing, of $160,000 which the purchasers will cause Texas to pay to American, is necessary or appropriate to the integration or simplication of the holding company system of which American is a member and is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

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

[F. R. Doc. 47–5391; Filed, June 6, 1947; 8:49 a. m.]

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[File No. 70–1505]

MIDDLE WEST CORP.

NOTICE OF FILING

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

Notice is hereby given that The Middle West Corporation ("Middle West"), a registered holding company, has filed a declaration, and amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935. The declarant has designated section 12 (d) of the act and Rule U-44 thereunder as applicable to the transactions proposed.

Notice is further given that any interested person may, not later than June 9, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 9, 1947, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule

U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

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

Public Service Company of Indiana, Inc. ("Service Company"), a subsidiary of Middle West and the parent of Indiana Gas & Water Company, Inc. ("Gas-Water") has adopted a program of distributing to its own common stockholders its holdings of the common stock, $10 par value, of Gas-Water in the form of quarterly dividends in lieu of cash dividends at the rate of 1/20 share of Gas-Water common on each share of Service Company common. Under this program the initial dividend was payable on March 1, 1947 and the Board of Directors of Service Company has declared the second quarterly distribution payable on or about June 1, 1947. Middle West, as the owner of 224,586 shares (approximately 20.27%) of the common stock of Service Company, will hold, as a result of the payment of these dividends, a total of 22,458¾ shares of the common stock of Gas-Water.

Middle West proposes to sell said shares of Gas-Water common stock to certain of the directors of Gas-Water and Service Company, or to members of their families, and to a business enterprise, of which one of such directors is President, at a price of $14 per share, for a total consideration of $314,420.40, as follows:

| Purchasers | Amount in shares |
|---|---|
| Hugh A. Barnhart | 300 |
| Ruth P. Griffith | 1,000 |
| William C. and Ruth P. Griffith, trustees: | |
| For William C. Griffith, Jr. | 1,500 |
| For Charles P. Griffith | 1,500 |
| For Walter F. Griffith | 1,500 |
| Mary F. Hulman | 1,800 |
| Mary A. Hulman | 3,600 |
| Edith A. Ward | 1,800 |
| Edith A. Ward, trustee: For Edith Ward, daughter | 200 |
| P. C. Ward & Co., Inc. | 9,258¾ |
| | 22,458¾ |

It is stated that such purchases are for investment and not for resale or distribution.

The declarant requests that the Commission's order permitting such declaration, as amended, to become effective be issued on or before June 16, 1947 and that it shall be effective forthwith.

By the Commission.

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

[F. R. Doc. 47-5390; Filed, June 6, 1947; 8:49 a. m.]

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[File No. 70-1516]

MISSISSIPPI POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna., on the 28th day of May A. D. 1947.

Mississippi Power & Light Company ("Mississippi"), an electric and gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration, and amendments thereto, under the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-50 thereunder regarding the issue and sale, in accordance with the competitive bidding provisions of said Rule U-50, of $8,500,000 principal amount of First Mortgage Bonds, __% Series due 1977, the proceeds from the sale of said bonds to be applied as follows: (a) $2,500,000 will be retained by the Trustees pending withdrawal by Mississippi, under the terms of its Mortgage and Deed of Trust dated September 1, 1944, as supplemented, on the basis of property additions; (b) $1,250,000 will be used by Mississippi to pay short-term loans made from certain local banks; and (c) approximately $4,750,000 will be added to Mississippi's general cash funds to be used for construction of new facilities, extension and improvement of present facilities and for other corporate purposes; and

A public hearing having been held with respect to said declaration, as amended, after appropriate notice, and the Commission having examined the record, and having made and filed its findings and opinion herein:

*It is ordered*, That said declaration, as amended, be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U24 and to the following additional conditions:

1. That the proposed sale of bonds by Mississippi shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record as so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof;

2. That jurisdiction be and it hereby is reserved over the payment of all fees and expenses of all counsel incurred or to be incurred in connection with the proposed transactions.

By the Commission.

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

[F. R. Doc. 47-5392; Filed, June 6, 1947; 8:50 a. m.]

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## UNITED STATES MARITIME COMMISSION

[Docket No. 659]

FREE TIME AND DEMURRAGE CHARGES AT NEW YORK

NOTICE OF HEARING ON PROPOSED RULE MAKING

In Docket No. 221, Storage of Import Property, 1 U. S. M. C. 676, decided November 16, 1937, the Commission ordered the respondents therein to cease and desist from allowing more than ten days' free time (exclusive of Sundays and legal holidays) on import property at the port of New York.

In 1941, for the purpose of minimizing congestion of the port in the interest of national defense, the Commission requested carriers to reduce free time on import property at New York to five days, which (exclusive of Saturdays, Sundays and legal holidays, and with some exceptions) is the free time period now in effect. Demurrage charges are imposed on the basis of penalty rates which increase progressively for successive periods after expiration of free time.

Shippers and consignees have submitted to the Commission evidence tending to show that free time allowances and penalty charges currently in effect at New York are inequitable as to them in the light of present conditions and result in unwarranted hardships.

The termination of hostilities and the consequent adjustment of commerce to a peacetime basis call for re-examination by the Commission of questions pertaining to the storage of import property at New York with special reference to free time and demurrage charges. The Commission desires to receive evidence of conditions in the port relevant to such questions for use in determining what action, if any, is required to assure the establishment, observance and enforcement of just and reasonable regulations and practices.

Accordingly, pursuant to sections 17 and 22 of the Shipping Act, 1916, and section 4 (a) of the Administrative Procedure Act, *It is ordered*, That the Commission institute public hearings for the purpose of obtaining the views of interested persons (including individuals, corporations, associations, firms, partnerships and public bodies) with respect to free time and demurrage charges on import property at the port of New York; and, *It is further ordered*, That all persons desiring to be heard at such hearings file with the Commission within twenty days from the publication of this notice in the FEDERAL REGISTER written request to appear and be heard; and, *It is further ordered*, That this notice be published in the FEDERAL REGISTER and that the matter be assigned for hearing at such times and places as the Commission may hereafter direct, and that such hearings be conducted in accordance with the rules of procedure of the Commission.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

MAY 29, 1947.

[F. R. Doc. 47-5412; Filed, June 6, 1947; 8:54 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

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

[Vesting Order 9026]

FRITZ SCHUBERT

In re: Stock owned by Fritz Schubert.

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 Fritz Schubert, 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: Thirty (30) shares of $100.00 par value capital stock of Silver Gardens Inc., a corporation organized under the laws of the State of New York, evidenced by certificates numbered 2 and 4 for two and twenty-eight shares respectively, dated February 4, 1942, registered in the name of Fritz Schubert, and presently in the custody of the Attorney General of the United States, 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 May 20, 1947.

For the Attorney General.

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

[F. R. Doc. 47-5382; Filed, June 5, 1947; 8:56 a. m.]

No. 112——4

[Vesting Order 9033]

LOUIS A. AND IMGAARD VON HORST

In re: Debt owing to Louis A. and Imgaard Von Horst. F-28-13837-B-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 Louis A. and Imgaard Von Horst, whose last known address is Festungsstr. 5, Coburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Louis A. and Imgaard Von Horst, by E. Clemens Horst Co., 235 Pine Street, San Francisco 4, California, in the amount of $500.00, 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 nationals of a designated enemy country;

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 May 20, 1947.

For the Attorney General.

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

[F. R. Doc. 47-5415; Filed, June 6, 1947; 8:55 a. m.]

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[Vesting Order 9034]

ANNA VON SCHUH

In re: Bank account and stock owned by Anna Von Schuh, also known as Anna von Schuh. F-28-12172-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 Anna Von Schuh, also known as Anna von Schuh, whose last known address is Parkstrasse 75, Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anna Von Schuh, also known as Anna von Schuh, by Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland 1, Ohio, arising out of an Estates Trust Department account, account number A-2831, entitled Anna von Schuh Agency, and any and all rights to demand, enforce and collect the same,

b. Fourteen (14) shares of $100.00 par value capital stock of Bedford Land and Improvement Company, Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number 32, and presently in the custody of Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland 1, Ohio, together with all declared and unpaid dividends thereon,

c. Four hundred and forty-six (466) shares of no par value common capital stock of Interstate Foundry Company, Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number 94, and presently in the custody of Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland 1, Ohio, together with all declared and unpaid dividends thereon, and

d. One hundred and eleven (111) shares of no par value common capital stock of Interstate Foundries, Inc., Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number 54, and presently in the custody of Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland 1, Ohio, 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 May 20, 1947.

For the Attorney General.

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

[F. R. Doc. 47-5383; Filed, June 5, 1947; 8:57 a. m.]

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[Vesting Order 9042]

BADISCHE BAUERNBANK, G. M. B. H. ET AL.

In re: Bank accounts owned by Badische Bauernbank, G. m. b. H. and others. F-28-24916-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 each partnership, association, corporation or other organization, whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a partnership, association, corporation or other organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each partnership, association, corporation or other organization, whose name is set forth in Exhibit A, by Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of the unpresented foreign draft accounts, entitled in the manner set forth in the aforementioned Exhibit A, 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 May 21, 1947.

For the Attorney General.

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

EXHIBIT A

| Name of owner and last known address | Title of account | OAP file No. |
|---|---|---|
| Badische Bauernbank, G. m. b. H., Freiburg, Germany. | Badische Bauernbank, G. m. b. H. | F-28-24916-E-1 |
| Eschweiler Bank, Eschweiler, Germany | Eschweiler Bank | F-28-25282-E-1 |
| Goldschmidt & Guggenheim, Nuernberg, Germany | Goldschmidt & Guggenheim | F-28-25455-E-1 |
| Freiburger Gewerbebank, Freiburg, Germany | Freiburger Gewerbebank | F-28-25519-E-1 |
| Warnemuende Bank, Warnemuende, Germany | Warnemuende Bank | F-28-26529-E-1 |

[F. R. Doc. 47-5416; Filed, June 6, 1947; 8:55 a. m.]

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[Vesting Order 9045]

EMMA LUND ET AL.

In re: Bank accounts owned by Emma Lund 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 Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of the term savings accounts, 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 May 21, 1947.

For the Attorney General.

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

EXHIBIT A

| Names of owners and titles of accounts | Accounts numbered | OAP files numbered |
|---|---|---|
| Emma Lund | 393521 | F-28-26319-E-1 |
| Eugene Hoerner | 393557 | F-28-25798-E-1 |
| Elizabeth Kretchmar, also known as Elizabeth Kretschmar. | 393579 | F-28-26275-E-1 |
| Emil Neilsen | 393556 | F-28-26672-E-1 |

[F. R. Doc. 47-5417; Filed, June 6, 1947; 8:55 a. m.]

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[Vesting Order 9047]

MARIE SCHMANN

In re: Bank account owned by Marie Schmann. F-28-26298-C-1.

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

1. That Marie Schmann, 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 of Bank of America, National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 1578, entitled I. F. or Tom F. Chapman, Trustees for Marie Schmann, maintained at the Market-New Montgomery Branch, San Francisco, California, of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Marie Schmann, 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 May 21, 1947.

For the Attorney General.

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

[F. R. Doc. 47-5418; Filed, June 6, 1947; 8:55 a. m.]

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[Vesting Order 9048]

MARGARETHA SCHULTZ

In re: Bank account owned by Margaretha Schultz. F-28-26002-C-1, F-28-26002-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 Margaretha Schultz, 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 of Bank of America, National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 1563, entitled I. F. or Tom F. Chapman, Trustees for Margaretha Schultz, maintained at the Market-New Montgomery Branch, San Francisco, California, of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control, by Margaretha Schultz, 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 May 21, 1947.

For the Attorney General.

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

[F. R. Doc. 47-5419; Filed, June 6, 1947; 8:55 a. m.]

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[Vesting Order 9049]

ADOLF L. SEEBOHM ET AL.

In re: Stock owned by Adolf L. Seebohm and others. F-28-26411-D-1, F-28-26118-D-1, F-28-26120-D-1, F-28-26409-D-1, F-28-26412-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 each person whose name and last known address are listed in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty-nine (59) shares of no par value common capital stock of Southern Pacific Company, 165 Broadway, New York, New York, a corporation organized under the laws of the State of Kentucky, evidenced by the certificates whose numbers are set forth in Exhibit A, registered in the names of the persons listed in Exhibit A in the amounts appearing opposite the names therein, 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 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 May 21, 1947.

For the Attorney General.

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

EXHIBIT A

| Name of owner | Last known address | Certificate Nos. | Number of shares |
|---|---|---|---|
| Adolf L. Seebohm | Emserstrasse 1/2, Wilmersdorf, Berlin, Germany | F384267 | 6 |
| Mrs. Agnes Selma Delfendahl | Priessnitz St. 30, Dresden 21, Germany | F325323 | 5 |
| Hans Frundt | Augustastrasse 23, Neustrelitz, Germany | F440907 | 2 |
| Miss Lisette Klare | Hauptstrasse 133, Wilsloch, Baden, Germany | A52229 | 8 |
| | | F368965 | 8 |
| A. D. Woldemar von Dietel | Oberliederbach, near Frankfort O/M, Germany | F368966 | 6 |
| | | F402574 | 24 |

[F. R. Doc. 47-5384; Filed, June 5, 1947; 8:57 a. m.]

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JOSEPHINE M. LORSCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

| Claimant | Claim No. | Property |
|---|---|---|
| Josephine M. Lorsch, c/o Mortimer H. Hess, Attorney-in-fact, New York, N. Y. | 5852 | $14,251.67 in the Treasury of the United States. |

Executed at Washington, D. C., on June 3, 1947.

For the Attorney General.

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

[F. R. Doc. 47-5425; Filed, June 6, 1947; 8:56 a. m.]

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UNDERWOOD CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

| Claimant | Claim No. | Property |
|---|---|---|
| Underwood Corp., Hartford 6, Conn. | A-182 | All right, title and interest in and to the following patents, vested under Vesting Order No. 27 (7 F. R. 4629, June 23, 1942), Vesting Order No. 112 (7 F. R. 7785, October 1, 1942), and Vesting Order No. 201 (7 F. R. 625, January 16, 1943):<br>United States Letters Patent Nos.:<br>2,257,409 — 1,922,971 — 2,132,192 — 2,286,887<br>1,935,858 — 2,143,428 — 2,288,323 — 1,936,004<br>2,143,741 — 1,566,962 — 1,947,620 — 2,162,691<br>1,573,751 — 1,959,779 — 2,173,635 — 1,579,151<br>2,033,439 — 2,173,636 — 1,582,788 — 2,046,524<br>2,186,642 — 1,708,066 — 2,059,652 — 2,228,035<br>1,789,661 — 2,071,880 — 2,236,642 — 1,804,103<br>2,091,133 — 2,266,366 — 1,862,240 — 2,110,987<br>2,268,166 — 1,913,892<br>to the extent owned by Mercedes Buromaschinen-Werke A. G. immediately prior to the vesting thereof.<br>All right, title and interest in and to Patent Application Serial No. 287,671, vested under Vesting Order No. 68 (7 F. R. 6181, August 11, 1942), to the extent owned by Mercedes Buromaschinen-Werke A. G. immediately prior to the vesting thereof.<br>All right, title and interest in and to the following patents, vested as patent applications under Vesting Order No. 68 (7 F. R. 6181, August 11, 1942):<br>United States Letters Patent Nos.:<br>2,297,243 (vested as Patent Application Serial No. 147,588)<br>2,308,906 (vested as Patent Application Serial No. 241,673)<br>2,308,924 (vested as Patent Application Serial No. 287,670)<br>2,390,163 (vested as Patent Application Serial No. 86,664)<br>2,347,235 (vested as Patent Application Serial No. 146,897)<br>2,347,610 (vested as Patent Application Serial No. 182,336)<br>2,351,898 (vested as Patent Application Serial No. 219,076)<br>2,322,996 (vested as Patent Application Serial No. 219,077)<br>2,342,782 (vested as Patent Application Serial No. 219,078)<br>2,322,997 (vested as Patent Application Serial No. 229,026)<br>2,351,896 (vested as Patent Application Serial No. 241,672)<br>2,351,897 (vested as Patent Application Serial No. 251,634)<br>2,364,025 (vested as Patent Application Serial No. 259,030)<br>2,335,251 (vested as Patent Application Serial No. 280,405)<br>2,371,826 (vested as Patent Application Serial No. 287,668)<br>2,369,574 (vested as Patent Application Serial No. 287,669)<br>2,380,598 (vested as Patent Application Serial No. 287,672)<br>2,361,707 (vested as Patent Application Serial No. 301,289)<br>2,408,097 (vested as Patent Application Serial No. 316,079)<br>2,382,661 (vested as Patent Application Serial No. 316,080)<br>2,399,890 (vested as Patent Application Serial No. 326,111)<br>2,378,527 (vested as Patent Application Serial No. 338,272)<br>2,352,006 (vested as Patent Application Serial No. 363,552)<br>2,341,588 (vested as Patent Application Serial No. 363,566)<br>2,392,515 (vested as Patent Application Serial No. 373,996)<br>to the extent owned by Mercedes Buromaschinen-Werke A. G. immediately prior to the vesting thereof. |

Executed at Washington, D. C., on June 3, 1947.

For the Attorney General.

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

[F. R. Doc. 47-5426; Filed, June 6, 1947; 8:56 a. m.]

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[Vesting Order 9053]

F. CONRAD UHL

In re: Bonds and bank account owned by F. Conrad Uhl. F-28-4543-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 F. Conrad Uhl, whose last known address is Auguste Viktoriastrasse 64 Berlin, 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) Baltimore & Ohio Railroad Company 4½% Convertible gold bonds, bearing the numbers 1082; 3521; 3522; 3523; 3524; 3525; 3526; 3527; 3528 and 3529 of $1,000 face value each, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

b. Ten (10) St. Louis-San Francisco Railway Company Series A, 4½% consolidated gold bonds, bearing the numbers 2362; 76273; 91987; 50496; 76272; 50494; 50495; 90548; 90549 and 90550 of $1,000 face value each, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to F. Conrad Uhl, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a Cash Custodian Account, entitled F. Conrad Uhl, 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 May 21, 1947.

For the Attorney General.

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

[F. R. Doc. 47-5385; Filed, June 5, 1947; 8:57 a. m.]

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[Vesting Order 9058]

HENRY GUENTHER

In re: Estate of Henry Guenther, deceased. File D-28-10998; E. T. sec. 15397.

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 Anna Nees, Karoline Grundsteedt, Emilie Lang, Wilhelmiene Ratzel, Luise Hirsch and Emilie Gorenslo, 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 Henry Guenther, 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 Emil Guenther, 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 26, 1947.

For the Attorney General.

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

[F. R. Doc. 47-5422; Filed, June 6, 1947; 8:55 a. m.]