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*Washington, Tuesday, August 24, 1948*

## TITLE 3—THE PRESIDENT

### PROCLAMATION 2805

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: CZECHOSLOVAKIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Czechoslovakia registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Czechoslovakia accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including December 31, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of August, in the year of our Lord nineteen hundred and forty-eight and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
*Secretary of State.*

[F. R. Doc. 48-7652; Filed, Aug. 23, 1948; 11:32 a. m.]

### EXECUTIVE ORDER 9989

TRANSFERRING JURISDICTION OVER BLOCKED ASSETS TO THE ATTORNEY GENERAL

WHEREAS with the successful termination of hostilities, there has been a gradual release from control by the Treasury Department over foreign property and interests which had been blocked to prevent their looting by the Axis and their use in ways harmful to the war effort of the United States; and

WHEREAS certain of such foreign property and interests have not yet been unblocked; and

WHEREAS it is now necessary and desirable to place the jurisdiction over the assets remaining blocked on September 30, 1948, in the same agency which is administering the program of alien property control initiated under Executive Order No. 9095 of March 11, 1942, as amended, which program is presently being administered by the Attorney General:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of the United States, including the Trading With the Enemy Act of October 6, 1917, as amended, and as President of the United States, it is hereby ordered as follows:

1. The Attorney General is hereby authorized and directed to take such action as he may deem necessary with respect

(Continued on next page)

## CONTENTS

### THE PRESIDENT



### EXECUTIVE AGENCIES

FEDERAL REGISTER

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## CONTENTS—Continued



## CODIFICATION GUIDE

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



## CODIFICATION GUIDE—Con.



to any property or interest of any nature whatsoever in which any foreign country designated in Executive Order No. 8389 of April 10, 1940, as amended, or any national thereof has any interest (including property subject to the proviso of paragraph (a) of General License No. 94, as amended (31 CFR, 1947 Supp., 131.94), and including any Scheduled Securities within the meaning of General Ruling No. 5, as amended (31 CFR, 1947 Supp., 131, App. A), both issued by the Secretary of the Treasury) which on September 30, 1948, is not unblocked or otherwise removed from the restrictions of the said Executive Order No. 8389, as amended, by any order, regulation, ruling, instruction, license, or other action issued or taken by the Secretary of the Treasury. In the performance of his

duties under this order, the Attorney General or any officer, person, agency, or instrumentality designated by him, may exercise all powers and authority vested in the President by sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended. As used herein, the terms "national" and "foreign country" shall have the meanings prescribed in Executive Order No. 8389, as amended.

2. With respect to the property and interests referred to in section 1 hereof, all orders, regulations, rulings, instructions, or licenses issued by the Secretary of the Treasury under the authority of Executive Order No. 8389, as amended, and Executive Order No. 9095, as amended, and in force on September 30, 1948, shall continue in full force and effect except as amended, modified, or revoked by the Attorney General.

3. It is the policy of this order that administrative action under paragraph 1 hereof shall be taken by the Attorney General or any officer, person, agency, or instrumentality designated by him. However, nothing in this order shall be deemed to limit or remove any powers heretofore conferred upon the Secretary of the Treasury or the Attorney General by statute or by Executive order. No person affected by any order, regulation, ruling, instruction, license, or other action issued or taken by either the Secretary of the Treasury or the Attorney General may challenge the validity thereof or otherwise excuse his actions, or failure to act, on the ground that pursuant to the provisions of this Executive order, such order, regulation, ruling, instruction, license, or other action was within the jurisdiction of the Attorney General rather than the Secretary of the Treasury or *vice versa*.

4. This order shall become effective as of midnight, September 30, 1948.

HARRY S. TRUMAN

THE WHITE HOUSE,
*August 20, 1948.*

[F. R. Doc. 48-7630; Filed, Aug. 20, 1948; 4:51 p. m.]

## EXECUTIVE ORDER 9990

ENLARGING THE MEMBERSHIP OF THE AIR COORDINATING COMMITTEE TO INCLUDE A REPRESENTATIVE OF THE TREASURY DEPARTMENT

By virtue of the authority vested in me as President of the United States, it is hereby ordered that the membership of the Air Coordinating Committee, established by Executive Order No. 9781 of September 19, 1946, be, and it is hereby, enlarged to include a representative of the Treasury Department who shall be designated by the Secretary of the Treasury, and the provisions of the said order shall hereafter be applicable to the Treasury Department to the same extent as they are applicable to the participating agencies named in paragraph 1 of such order.

HARRY S. TRUMAN

THE WHITE HOUSE,
*August 21, 1948.*

[F. R. Doc. 48-7631; Filed, Aug. 23, 1948; 10:01 a. m.]

# TITLE 10—ARMY

## Subtitle A—Organization, Functions and Procedures

PART 1—DESCRIPTION OF CENTRAL AND FIELD AGENCIES

PART 3—ORGANIZATION AND PROCEDURES OF CIVIL AFFAIRS DIVISION

TRANSFER OF REGULATIONS

CROSS REFERENCE: For order withdrawing from the Code of Federal Regulations those regulations heretofore appearing in Parts 1 and 3 of this subtitle, future amendments of which will appear in the Notices section, see Federal Register Document 48-7559 in the Notices section, *infra*. This document also amends former Part 3 by the addition of new material describing the establishment in Germany of a Board of Review of the Civil Affairs Division.

## Chapter I—Aid of Civil Authorities and Public Relations

PART 102—RELIEF ASSISTANCE

PARCEL POST SHIPMENTS OF INDIVIDUAL RELIEF PACKAGES TO JAPAN, KOREA, AND THE RYUKYUS

The following new § 102.10, setting forth rules and regulations governing parcel post shipments of individual relief packages to Japan, Korea, and the Ryukyus, is added to Part 102. The provisions of this section have been approved by the Postmaster General.

§ 102.10 *Rules and regulations governing parcel post shipments of individual relief packages to Japan, Korea, and the Ryukyus*—(a) *Scope of section.* Provided herein are rules under which the Department of the Army will pay ocean freight charges from United States ports to certain foreign ports of entry of relief packages originating in the United States (including its territories and insular possessions) and consigned by an individual by parcel post to an individual residing in Japan, Korea, or the Ryukyus Islands.

(b) *Definition of relief package.* A "relief package" is defined as a gift parcel, containing articles permitted by paragraph (d) of this section to be sent by an individual free of cost to the person receiving it for the personal use of himself or his immediate family.

(c) *Manner of payment of ocean freight charges.* The Department of the Army will reimburse the Post Office Department for the ocean freight charges on relief packages sent by parcel post by an individual on or after August 2, 1948, to the countries listed above, to the extent that the international parcel post rate paid by the sender has been reduced pursuant to regulations of the Post Office Department.

(d) *Limitations of contents of relief packages.* (1) The items which may be included in relief packages are those approved by the Department of the Army and published from time to time in Post Office Bulletins. These items include non-perishable food; clothing and clothes-making materials; shoes and shoe-making materials; mailable medical and health supplies; and household supplies and utensils, if permitted under existing postal regulations.

(2) The combined total domestic retail value of all soap, butter, and other edible fats and oils included in each relief package must not exceed $5.00; and the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each relief package must not exceed $5.00.

(e) *Weight and size limitations.* The maximum weight and dimensions of each relief package sent by parcel post must conform to the limitations established by the Post Office Department for the particular country of destination.

(f) *Identification.* When a relief package is presented for mailing under this section, the words "U. S. A. Gift Parcel" shall be endorsed on the addressee side of the package and also entered on the customs declaration. The use of the words "U. S. A. Gift Parcel" is a certification by the individual mailing the relief package that the provisions of this section have been met.

(g) *Postal regulations.* Information concerning the Post Office regulations should be obtained from the local offices of the Post Office Department with respect to size and weight limitations, customs declaration (Form 2966), dispatch note (Form 2972), and the postage rate applicable for such shipments.

(h) *Import regulations.* Senders of relief packages are reminded that each receiving country has import and customs regulations and that certain items may be subject to import restrictions or duties. Information regarding such import and customs regulations may be ascertained either from the proposed recipient, from the Office of International Trade, Department of Commerce, Washington, D. C., or any of the district offices of the Department of Commerce.

(i) *Saving clause.* The secretary of the Army and the Postmaster General may waive, withdraw, or amend at any time or from time to time any or all of the regulations contained in this section.

(j) *Effective date.* This section is effective as of August 2, 1948. [Regs. Aug. 2, 1948, SAOSA] (Pub. Law 793, 80th Cong.)

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

[F. R. Doc. 48-7484; Filed, Aug. 23, 1948; 8:46 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. 5085]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICANA CORP. ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Personnel or staff:* § 3.6 (a 10) Advertising falsely *or misleadingly—Comparative data or*

*merits:* § 3.6 (k 5) *Advertising falsely or misleadingly—Individual's special selection or situation:* § 3.6 (o) *Advertising falsely or misleadingly—Old, reclaimed or reused as new:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc:* § 3.6 (dd) *Advertising falsely or misleadingly—Special or limited offers:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Comparative data or merits:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Old, secondhand, reclaimed or reconstructed as new:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Success, use or standing:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Unique nature or advantages:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased:* § 3.72 (f 20) *Offering unfair, improper and deceptive inducements to purchase or deal—Individual's special selection or situation:* § 3.72 (g 10) *Offering unfair, improper and deceptive inducements to purchase or deal—Limited offers or supply.* In connection with the offering for sale, sale or distribution of respondent corporation's encyclopedia designated "Americana" or "Encyclopedia Americana" and material supplementary thereto, or any other publication, in commerce, (1) representing, directly or by implication, that said publication is the only national American encyclopedia; (2) representing, directly or by implication, that said publication is the best known or most authoritative encyclopedia published in the United States, or that it is America's supreme authority; (3) representing, directly or by implication, that said publication contains more articles than any other encyclopedia, or that it presents more information than any other set of books; (4) representing, directly or by implication, that said publication is the choice of all government departments, educational institutions, boards of education or public libraries as the official reference work; (5) representing, directly or by implication, that said publication is available only to selected individuals under special conditions; (6) representing, directly or by inference, that individuals employed by the respondent to sell its publication are anything other than salesmen soliciting prospects to purchase said publication at prices regularly established by the respondent; (7) representing as the customary or usual price of said publication any price or value which is in fact in excess of the price at which it is customarily offered for sale and sold in the usual course of business; or, (8) representing that any issue of said publication, prepared through the use of old plates which have been merely revised, with new articles inserted, is a new edition; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Americana Corporation et al., Docket 5085, July 14, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 14th day of July A. D. 1948.

*In the Matter of Americana Corporation, a Corporation, and Fred P. Murphy, Joseph C. Graham, Jr., and Thomas J. Kirk, Individually and as Officers of Americana Corporation.*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, and a stipulation of facts entered into by and between the respondents and Daniel J. Murphy, Chief of Trial Division of the Commission, which stipulation provides, among other things, that the statement of facts contained therein may be taken as the facts in this proceeding in lieu of other evidence and that the Commission may proceed upon said stipulated facts to make its report stating its findings as to the facts, including inferences which it may draw therefrom, and its conclusions based thereon, and enter its order disposing of the proceeding (the recommended decision of the trial examiner, briefs and oral argument of counsel having been expressly waived); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* that the respondent, Americana Corporation, a Delaware corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its encyclopedia designated "Americana" or "Encyclopedia Americana" and material supplementary thereto, or any other publication, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that said publication is the only national American encyclopedia;

(2) Representing, directly or by implication, that said publication is the best known or most authoritative encyclopedia published in the United States, or that it is America's supreme authority;

(3) Representing, directly or by implication, that said publication contains more articles than any other encyclopedia, or that it presents more information than any other set of books;

(4) Representing, directly or by implication, that said publication is the choice of all government departments, educational institutions, boards of education or public libraries as the official reference work;

(5) Representing, directly or by implication, that said publication is available only to selected individuals under special conditions;

(6) Representing, directly or by inference, that individuals employed by the respondent to sell its publication are anything other than salesmen soliciting prospects to purchase said publication at prices regularly established by the respondent;

(7) Representing as the customary or usual price of said publication any price or value which is in fact in excess of the price at which it is customarily offered for sale and sold in the usual course of business;

(8) Representing that any issue of said publication, prepared through the use of old plates which have been merely revised, with new articles inserted, is a new edition.

*It is further ordered,* For reasons appearing in the Commission's findings as to the facts, that the complaint herein be, and it hereby is, dismissed as to the individual respondents, Fred P. Murphy, Joseph C. Graham, Jr., and Thomas J. Kirk.

*It is further ordered,* That the respondent, Americana Corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

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

[F. R. Doc. 48-7556; Filed, Aug. 23, 1948; 8:46 a. m.]

# TITLE 24—HOUSING CREDIT

## Chapter VIII—Office of the Housing Expediter

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

#### CONTROLLED HOUSING RENT REGULATION

Amendment 33 to the Controlled Housing Rent Regulation.[1] The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule A, item 115 (b), is amended to describe the counties in the defense-rental area under the Controlled Rent Regulation for Housing as follows:

Kansas—that portion of Morris County designated as the City of Council Grove.

This amendment shall become effective August 23, 1948.

Issued this 23d day of August 1948.

TIGHE E. WOODS, *Housing Expediter.*

*Statement To Accompany Amendment 33 to the Controlled Housing Rent Regulation*

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Morris, excepting the City of Council Grove, a portion of the Council Grove defense-rental area, situated in the State of Kansas, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being

[1] 12 F. R. 4331, 5040, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 322, 441, 475, 476, 498, 523, 827, 861, 1118, 1628, 1793, 1861, 1927, 1929, 3116, 3339, 3628, 3673.

issued to decontrol said portion of the area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-7635; Filed, Aug. 23, 1948; 10:24 a. m.]

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

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

Amendment 33 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.[1] The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule A, item 115 (b), is amended to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows:

Kansas—that portion of Morris County designated as the City of Council Grove.

This amendment shall become effective August 23, 1948.

Issued this 23d day of August 1948.

TIGHE E. WOODS,
*Housing Expediter.*

*Statement to Accompany Amendment 33 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments*

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Morris, excepting the City of Council Grove, a portion of the Council Grove defense-rental area, situated in the State of Kansas, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said portion of the area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-7634; Filed, Aug. 23, 1948; 10:24 a. m.]

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## TITLE 36—PARKS AND FORESTS

### Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

TONGASS NATIONAL FOREST, ALASKA

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see correction to Public Land Order 514, excluding certain tracts of land from Tongass National Forest, Alaska, in the Appendix to Chapter I of Title 43, *infra*.

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## TITLE 43—PUBLIC LANDS: INTERIOR

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

**Appendix—Public Land Orders**

[Public Land Order 514]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM TONGASS NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITES

*Correction*

In Federal Register Document 48-7475, appearing on page 4820 of the issue for Friday, August 20, 1948, the third paragraph of the land description should read as follows:

U. S. Survey No. 2553, lot E, 1.97 acres; latitude 55°28'09" N., longitude 131°46'44" W. (Home-site No. 578, Clover Pass Group);

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## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[S. O. 768, Amdt. 2]

PART 95—CAR SERVICE

FREE TIME ON BOX CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of August A. D. 1948.

Upon further consideration of Service Order No. 768 (12 F. R. 5851) as amended (13 F. R. 1148), and good cause appearing therefor: It is ordered, that:

Section 95.768 *Free time on box cars loaded at ports*, of Service Order No. 768, be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 7:00 a. m., March 1, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective 7:00 a. m., August 31, 1948; 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; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

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

[F. R. Doc. 48-7555; Filed, Aug. 23, 1948; 8:46 a. m.]

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# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [7 CFR, Part 904]

REGULATING HANDLING OF MILK IN GREATER BOSTON MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 12 F. R. 4904), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed marketing agreement and the proposed amendment to the order, as amended, were formulated, was held at Morrisville, Vermont, on May 24, and Boston, Massachusetts, on May 26–28, 1948, pursuant to a notice issued on April 30, 1948 (13 F. R. 2415).

The material issues presented on the record of the hearing concerned the following subjects:

(1) The factors to be used in the price formula for Class II milk.

(2) The months during which a special Class II price for milk manufactured into salted butter and cheese should apply.

(3) The formula factors for determining the butterfat differential.

(4) The schedule of some differentials applicable to the Class II price for milk

[1] 12 F. R. 4302, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 295, 321, 442, 476, 497, 523, 828, 861, 1119, 1627, 1793, 1873, 1929, 3116, 3117, 3339, 3651, 3673.

received at plants various distances from Boston.

(5) Elimination of the special provisions relating to "segregated" dairy farmers.

(6) An increase in the allowable assessment rate for cost of administering the order.

(7) Minor changes.

(8) General.

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

(1) *Class II price formula factors.* Several proposals to change the formula factors for computing the price of Class II milk were considered at the hearing.

The formula for pricing Class II milk contains four basic factors: (1) One reflecting changes in the value of milk fat in New England, (2) another reflecting changes in the value of nonfat milk solids in New England, (3) another factor representing the location differential necessary to adjust central market prices to values at country plants in a representative mileage zone from Boston, and (4) an additional adjustment factor needed to relate the variations in product values to the value of Class II milk delivered by farmers to country plants.

Changes in the weighted average price for 40 percent bottling quality cream are generally recognized in the Boston market as a reliable measure of the changes in the value of the butterfat portion of Class II milk, except for that butterfat which must be manufactured into butter or cheese during the flush production season. A special price is established for butterfat manufactured into salted butter and Cheddar type cheese during the months April to July, inclusive.

There was no proposal at this hearing to recognize any other measure of the short-time changes in the value of butterfat in Class II milk. Both handlers and producers consider the cream price an accurate indicator of changes in the value of butterfat for Class II uses. The weighted average price reported by the United States Department of Agriculture for bottling quality cream of 40 percent butterfat content delivered at Boston should continue to serve as the basis for reflecting changes in the value of milk fat used in Class II products.

The value of the nonfat portion of Class II milk has been determined in accordance with the changing prices of nonfat dry milk solids made by the roller process and sold for human food and for animal feed. In recent years the manufacture of nonfat dry milk solids for animal feed products has diminished in the Boston milkshed and in the entire northeast region to such an extent that it is difficult to obtain reliable reports of sale prices. Accordingly it is recommended that the animal feed price be dropped from the calculation of the factor reflecting changes in the value of the nonfat portion of Class II milk. The only argument advanced for maintaining the animal feed price in this calculation was the claim that it helped to compensate for needed adjustment in the location and handling allowance factors. Adjustments in these factors are recommended in this decision and the effect of eliminating the price quotation for animal feed products has been considered.

Several witnesses suggested that the reported prices of a private price reporting firm be used in lieu of the United States Department of Agriculture quotations now specified in the order. The evidence fails to show that the private firm publishes more accurate quotations. The changes from month to month in prices reported as received by one handler corresponded more closely with changes in prices reported by the United States Department of Agriculture than with changes in prices reported by the private firm.

Although the manufacture of nonfat dry milk solids is not the predominant use of the nonfat portion of Class II milk in the Boston market, it does represent a substantial use. The product is one which is more standardized than most milk products, and for which market quotations are readily available. Accordingly it is recommended that the price of nonfat dry milk solids made by roller process for human food be continued in the order as the basis for reflecting changes in the nonfat portion of Class II milk.

The difference in the value of Class II products at the place of manufacture as compared to the value at the place of consumption, due to intervening costs of transportation, should be recognized in the order. Boston country milk plants where Class II milk is converted into Class II products are located for the most part in Northern New England whereas the areas of consumption for the products are metropolitan Boston, Southern New England and metropolitan New York.

Nonfat dry milk solids and 40 percent fluid cream represent the most compact items of Class II milk which are manufactured to any extent in the Boston market, excluding, of course, butter and cheese for which special pricing is established. Shipping costs of nonfat dry milk solids and 40 percent cream are therefore generally less than the transportation costs on other Class II products. If a handler chooses to transport other Class II products which must move at higher freight costs, the higher costs should not be recovered from producers.

The current freight rate on cream shipped in lots of 100–199 cans from the 201–210 mile zone is 50.78 cents per can plus 3 percent tax or about 5.75 cents per hundredweight of Class II milk. A large part of the cream shipped to Boston is transported at this rate and large quantities are shipped at the 200-can carlot rate which is 45.26 cents from the same point. It was argued that the less-than-carlot rate should be used in computing the rates on cream because the shipment in carlots involves extra assembling costs. The use of the less-than-carlot rate for this purpose would reflect an undue advantage to handlers operating the most distant plants, since the cost of assembling presumably would be the same in nearby and far out areas, but the difference between carlot and less-than-carlot rates ranges from 6.77 cents in the 41–50 mile zone to 16.43 cents in the 391–400 mile zone. These differences are reduced substantially by using the 100–199 can rate.

Prices of nonfat dry milk solids have been used to establish the value of nonfat solids in Class II milk, but the order has not recognized directly a factor representing the cost of transporting the product from the 201–210 mile zone to the city market. Although price quotations at New York City rather than Boston are used because of their greater coverage, freight costs to New York and Boston are about equal and the product is marketed in both cities. The cost of transporting nonfat dry milk solids in carlots, the usual method of shipment, from the 201–210 mile zone to Boston, is about one-half cent per pound. This amount should be deducted from the market quotation in computing the value of Class II milk.

The market values of fluid cream and nonfat dry milk solids adjusted by transportation costs are indicative of the value of Class II milk after it has been converted into these products and is ready for shipment at a plant 201–210 miles from Boston. Although Class II milk is marketed in several other forms, the record indicates that the prices of Class II products generally change in line with prices of cream and nonfat solids.

The volume of milk utilized in various Class II products varies seasonally with the amount of milk available for all Class II uses. The volume of Class II milk utilized in particular Class II products is affected also, but to a lesser extent, by demand for certain products. A strong demand for sweetened condensed milk and skim milk during 1946 resulted in more than average use of Class II milk in these products. The wide shifts in utilization of Class II milk indicate that manufacturing facilities are adequate to utilize milk in the more profitable outlets whenever market price relationships make it advantageous to shift from the production of one Class II product to another.

In addition to the value of Class II milk in terms of the forms in which it is sold, there is a certain value attributed to it by handlers who regard Class II milk as an insurance against paying extra high prices for Class I milk during the season of short milk production. This contribution to the value of Class II milk has been accentuated in recent years by chronic shortage of fall and winter milk in the Boston market. The record indicates that handlers have acquired additional supplies of milk in recent years primarily to meet Class I requirements. They have apparently been willing to take on more Class II milk even though the cost of handling such milk has increased.

Although a certain volume of Class II milk is regarded as a necessary adjunct to the fluid milk business in the Boston market in order to insure an adequate supply, each handler need not carry a volume of Class II milk in proportion to his Class I sales. The cost of milk to handlers who maintain their own reserve and those who purchase short season supplies from others tends to be equalized by the seasonally variable rates at which the short buyer acquires his supplies and the Class II operators' cost of

maintaining equipment to handle excess milk. It is not possible to determine whether increased costs of handling Class II milk will generally equal the increased cost of obtaining short season Class I milk. Accordingly, no precise adjustment is recommended in the handling allowance for Class II milk to represent losses incurred on Class II milk which are not offset by earnings on Class I milk.

The principal items of expense in handling Class II milk have increased substantially in recent years. One witness testifying for cooperative associations which handled 33 percent of the Class II milk in the market in 1947 stated that considerable losses were sustained in Class II operations.

A major factor responsible for both the increased cost of handling Class II milk and for the premiums which handlers have been required to pay for short season Class I milk is the increased seasonality of producer deliveries. The high level of Class I sales relative to producer deliveries accentuates the problems of seasonal supply and the extra costs of idle equipment for handling Class II products. In recent years producers have delivered a larger part of their annual milk production during those months in which the market was already adequately supplied with Class I milk. Since greater seasonality of milk production makes it necessary to maintain standby equipment throughout the year to handle an excess of milk produced in a few months, the value of their excess milk is reduced by the cost of maintaining idle equipment the rest of the year. If milk were produced more evenly throughout the year the investment necessary to handle the reserve for Class I sales would be much less than at present. One handler estimated that the investment required to handle only the increased seasonality of flush milk production since 1943 had added 3 cents per hundredweight to his cost on all Class II milk.

The value of Class II milk to a handler as insurance against paying high prices for short season milk cannot be measured precisely from the information in this record. However, the seasonal range in mark-ups on Class I milk indicates that reserve supplies are worth substantially more in the short production season than they are in the months of flush production. This factor should be recognized in increased seasonality of the allowance factor.

The seasonal pattern of production and volume of Class II milk in the year 1940 provides a reasonable base for computing the amount of increased seasonality in the allowance which would be desirable. The year 1940 preceded the period of recurrent fall shortages and also was a period of more normal seasonal variation in producer deliveries than at present. As producer deliveries return to a more normal pattern and the variation in Class II utilization is reduced, the total annual allowance will be automatically reduced. The seasonal schedule herein recommended would reduce the total allowance factor, including freight costs, 2.5 cents per hundredweight during the months of October through February and would increase the factor 14 cents in May and June compared to the allowances which were effective during 1947. The changes in other months are graduated between these extremes.

The combined allowances in 1947 including the effect of using the price of nonfat milk solids for animal feed in the price computation are shown below with the recommended allowance rates. The effect of using the price of nonfat milk solids sold for animal feed is computed by comparing the actual weighted average price of all nonfat solids used in the price computation each month in 1947 with the price excluding the animal feed product. Other allowances in 1947 were included in the 27 cents per hundredweight of milk subtracted from the butterfat value factor and the 4 cents deducted from the price per pound of nonfat dry milk solids in the skim milk value factor.

| Month | 1947 rates (including freight) | Recommended rates | |
|---|---|---|---|
| | | Including freight | (Excluding freight) |
| | *Cents* | *Cents* | *Cents* |
| January | 57.0 | 54.5 | 45.0 |
| February | 57.0 | 54.5 | 45.0 |
| March | 67.5 | 74.5 | 65.0 |
| April | 67.5 | 74.5 | 65.0 |
| May | 70.5 | 84.5 | 75.0 |
| June | 70.5 | 84.5 | 75.0 |
| July | 67.5 | 74.5 | 65.0 |
| August | 64.0 | 64.5 | 55.0 |
| September | 64.0 | 64.5 | 55.0 |
| October | 57.0 | 54.5 | 45.0 |
| November | 57.0 | 54.5 | 45.0 |
| December | 57.0 | 54.5 | 45.0 |

It would not be advisable to adjust the allowance rates seasonally to such an extent that Class II prices in the flush production season would be lower than the actual value of Class II milk for conversion into Class II products. The cost data in the record, although it was analyzed on the basis of charges on an annual basis, with monthly rates reflecting the volume handled each month, indicates that the rate of 75 cents in May and June is not likely to bring about such a situation. During the short supply months in which little Class II milk is utilized the rate would be reduced to 45 cents. The handler who has Class II milk in those months can dispose of most of it in the higher value Class II uses.

The variable rate will tend to grant a greater total allowance to those handlers who handle a larger share of the seasonal surplus of milk. The evidence concerning handling costs and the distribution of Class II milk in the market indicates that the allowance should be established on this variable basis.

(2) *Special Class II price months.* Representatives of a group of producer associations handling milk for this market requested that the period during which the butter and cheese adjustment would apply should be extended to include the months of March through October each year. Although the order at present allows the butter and cheese differental to be applied to milk used to make these products in the months of April through July, proponents indicated that it was often necessary to make butter in other months because of inability to find a market for all of their butterfat in the form of other Class II products.

Evidence indicated that butter manufacturing operations in months in which the butter and cheese differential does not apply are in a large part for the purpose of disposing of unforeseeable residuals of butterfat resulting from day to day fluctuations in supply and demand. The demand for fluid cream in the market is so greatly in excess of the local supply during these months that it does not appear logical to encourage the utilization of local supplies of butterfat in the lowest value product at such times. If the application of the butter and cheese differential were extended to the months proposed, it might be attractive for handlers to dispose of considerable quantities of milk as butter at times when milk could be utilized in a higher value product. While it is recognized that losses might be incurred by handlers on milk for which no other use than butter can be found in months in which the differential does not apply, an extension of the butter and cheese differential to additional months is not the only or proper way in which such loss may be compensated. It is necessary to provide some incentive for handlers to try to market milk in a higher value form than butter. It is concluded that the evidence in the record does not justify extension of the application of the butter and cheese differential to additional months.

Another producer group proposed that the butter-cheese differential apply to the months of May and June with the provision that application of the differential to the months of April and July would be within the discretion of the market administrator. A handler also proposed that the differential apply only to May and June.

Although during April and July in 1947 the amount of butterfat in cream brought into the market from nonpool sources exceeded the amount used for butter and cheese, this fact does not in itself indicate that handlers of such Boston pool butterfat could have found a market for it in the form of cream. The high degree of variation in the supply of locally produced cream during these months, and day-to-day variations in demand make it difficult for handlers to use local cream to replace western cream which must be contracted for at least 10 days in advance. Furthermore, some handlers, in order to be assured of a sufficient supply of fluid cream for the year around, must contract with western sources to take a minimum quantity during the months of flush production. Handlers buying cream on that basis sometimes are unwilling to purchase local cream except at some discount from the average market price. No evidence was given on the record to support the proposal that the market administrator should determine whether the butter and cheese differential should apply in the months of April and July. It is recommended that the butter and cheese differential continue to apply only to the months of April, May, June, and July.

In view of the changes which are recommended in the provisions relating to the regular Class II price, it is necessary to revise the order language relating to the butter and cheese differential so as to maintain the present cost of Class

II milk disposed of in these special uses. Such necessary revisions should be made in the paragraph dealing with the butter and cheese differential in order to compensate for the changes made in the handling and transportation allowances in those months in which this differential applies.

(3) *Value of the butterfat differential.* A proposal to reduce the butterfat differential per hundredweight of milk one-tenth cent per one-tenth pound of butterfat was made at the hearing. It was argued that the increased costs of handling Class II milk applied also to the handling of differential butterfat in excess of the standard 3.7 percent.

The order establishes prices for both Class I and Class II milk at a basic test of 3.7 percent butterfat and applies the same butterfat differential to each Class price for milk testing other than 3.7 percent. Since costs which may apply to Class II milk do not necessarily apply to Class I milk in the same degree, it does not appear reasonable to revise the butterfat differential substantially without consideration of its relation to Class I prices. The relationship of the butterfat differential to Class I prices was not considered at this hearing and no proposal to establish separate differentials for the two classes was made.

A change does appear necessary in the method of computing the butterfat differential in order to allow for changes in the freight rates applying to cream. In order to be consistent with the proposed method of computing the basic Class II price, it is recommended that the currently applicable cost for transporting butterfat in the form of 40 percent cream from the 201–210 mile zone in carloads of 100–199 40-quart cans should be deducted from the market value of butterfat as measured by average cream prices at Boston or butter prices at Chicago.

(4) *Zone differentials applicable to the prices for Class II milk.* It was proposed at the hearing that the zone differentials be revised in three respects, (1) to establish a schedule graduated with intervals for each 10-mile railroad freight mileage distance, (2) to bring the schedule up to date in reflecting the cost of shipping cream, and (3) to incorporate an allowance based on the cost of transporting the nonfat portion of Class II milk.

Since the order already establishes zone differentials for Class I milk at 10-mile intervals, using the same intervals for Class II milk would simplify the terms of the order. Furthermore, recent increases in freight rates have made differences in transportation costs for Class II milk between zones more important. It is therefore recommended that the differentials be established for intervals of 10 miles of railroad freight mileage distance.

A revision of the zone differentials for Class II milk should be made in order to reflect the current freight rates applicable to shipments of cream. Schedules of freight rates for shipments of 40 percent cream showing carload rates for 100 and 200 can minimum shipments, and less-than-carload rates, were introduced at the hearing. Substantial quantities are shipped at each rate in this milkshed. It appears that freight rates on carloads of 100–199 cans of 40 percent cream are representative of the rates for shipments of cream to this market. One handler suggested that the less-than-carload rates, which are higher than the carload rates, should be used so that the difference between the less-than-carload rates and the actual freight from the shipping point to the city would compensate the handler for costs of assembling at the country shipping point. As pointed out above in reference to the total allowance for the cost of handling Class II milk, using the less-than-carlot rates would increase the allowance unduly at points in the milkshed most distant from the market. Accordingly, it is recommended that the most recent schedule of freight rates for transporting 40 percent cream in carload lots of 100–199 cans be used for establishing transportation differentials.

One handler proposed that the zone differentials for Class II milk should include a factor representing the cost of shipping a small amount of Class II milk to the city in the form of milk, so that all handlers who use Class II milk in the form of milk at city plants could obtain that milk at an equal cost. However, Class II milk is utilized in a number of forms other than as cream and nonfat dry milk solids which are recognized as the basic reflectors of changes in the total value of such milk. Transportation costs and other costs vary with the different products. Inasmuch as Class II milk is not priced on the basis of each different product use, it does not appear practical in setting up zone differentials to make a special adjustment for a relatively minor use.

The handler advanced an alternative proposal which would incorporate the cost of shipping nonfat dry milk solids in the Class II transportation differentials. Since the price of nonfat dry milk solids is a basic factor in the Class II formula price, it would be consistent to establish differentials based, in part, on the actual cost of shipping that product to Boston from various mileage distances. This would give recognition, in the Class II zone differentials, to the cost of transportation to central markets of the products made from the nonfat portion of Class II milk.

Examination of the schedules submitted at the hearing showing freight rates applying to shipments of nonfat dry milk solids indicates that these schedules do not conform in some instances to the most recently published tariffs. Therefore official notice is hereby taken of the New England Freight Association's Tariffs numbered 16–A, X–162–A, and X–166–A, including supplements to each, and of rates published therein applicable to nonfat dry milk solids, in order that freight rates derived therefrom may be used in determining zone differentials for Class II milk.

The transportation costs for 40 percent cream in 100–199 can carlots and for carlots of nonfat dry milk solids should be combined for the purpose of computing the zone differentials on Class II milk so that the total represents transportation costs for the quantity of cream obtainable from 100 pounds of milk containing 3.7 pounds of butterfat plus the transportation costs for the quantity of nonfat dry milk solids obtainable from 100 pounds of such milk. The additional cost due to the 3-percent Federal transportation tax should be recognized in both computations. The ratio of 9.05 hundredweight of milk required to make one 40-quart can of 40 percent cream is recognized in the market. The yield of 7.5 pounds of nonfat dry milk solids per 100 pounds of milk is implied in the present order. The transportation costs may be converted to a per hundredweight of milk basis by these factors. The differentials for all zones beyond 40 miles from Boston should reflect the difference between transportation costs for shipments from each zone to Boston and the transportation costs for shipments from the 201–210 mile zone to Boston.

The zone differential for Class II milk delivered at plants within 40 miles of Boston reflects the cost of shipping milk to the city from the 201–210 mile zone. This differential should reflect the current rate for shipping milk by railroad in tank cars since that is the most common method of shipping milk in this area.

As a part of the proposal for revising the Class II zone differentials, it was proposed that such differentials should be adjusted automatically in the order with each change in freight rates applying to cream. Since the freight rate on cream would be the larger part of the transportation allowance in the proposed zone differentials, it is desirable that such an automatic adjustment be incorporated in the order. It does not appear practical on the basis of this record to include an automatic adjustment of freight rate changes applicable to nonfat milk solids.

(5) *Special provisions for "segregated" dairy farmers.* Special provisions are contained in the order establishing the method of classifying milk received at pool plants from certain dairy farmers and handled in a manner so that it does not become intermingled with producer milk. The record indicates that handlers have discontinued the practice of segregating special lots of milk to qualify for these special provisions. No one appeared at the hearing to urge their continuation. Since these special provisions make the order unwieldy and there is no real need for them, they should be eliminated.

(6) *Increase in assessment rate.* Increased costs of administering Order No. 4 prompted a proposal that the maximum allowable assessment rate be raised from the present rate of 2.5 cents to 3.0 cents per hundredweight of milk received from producers and from outside sources. The record indicates that costs of administration are likely to reach 3.0 cents per hundredweight in the coming months and that this maximum rate should be established as soon as possible. If after a period of time it appears that costs of administration will be less than 3 cents per hundredweight, then the assessment rate can be reduced pursuant to a determination of the Secretary that the rate of assessment is greater than needed.

(7) *Minor changes.* Certain minor changes to clarify certain references in the order and to make the various provisions consistent with the amendments

herewith proposed should be made at this time.

One of these changes pertains to the Class I plant handling and transportation differentials set forth in Column B of the schedule contained in § 904.7 (c) of the order. The order already provides for automatic changes in the Class I zone differentials in accordance with changes in freight rates. In order that changes in the Class I and Class II zone differentials be calculated from the same date to simplify the terms of the provision, this schedule should show the currently effective Class I differentials. For this purpose official notice is hereby taken of the actual zone differentials effective under the present provisions of the order.

Other minor changes in § 904.4 (a) (1), § 904.6 (f), and § 904.9 (c) were described at the hearing. The proposed amendments to these paragraphs which were contained in the hearing notice are recommended for adoption.

(8) *General.* (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of: Bethel Cooperative Creamery, Inc., Grand Isle County Cooperative Creamery Association, Inc., Maine Dairymen's Association, Inc., Milton Cooperative Dairy Corporation, Mt. Mansfield Cooperative Creamery and Grain Association, Inc., New England Milk Producers' Association, Northern Farms Cooperative, Inc., Richmond Cooperative Association, Inc., United Farmers of New England, Inc., H. P. Hood & Sons, Inc., Independent Cooperative Association and Eastern New York Dairy Cooperative, Inc.

The proposed findings and conclusions contained in the briefs, and the arguments in support thereof, were carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth.

To the extent that any of the proposed findings and conclusions are inconsistent with the findings and conclusions hereinbefore set forth, the request to make such proposed findings or reach such proposed conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Recommended amendment to the order.* The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The amendment to a proposed marketing agreement is not repeated because it would be identical to the following:

1. Delete all provisions of the order relating to "Segregated Dairy Farmer" in the following manner:

a. Delete § 904.1 (b) (5).

b. Renumber the present subparagraph (6) of § 904.1 (b) as (5), and delete therefrom the phrase "except a segregated dairy farmer".

c. Renumber the present subparagraph (7) of § 904.1 (b) as (6), and delete therefrom the phrase "and a segregated dairy farmer".

d. Renumber the present subparagraphs (8) through (13) of § 904.1 (b) as (7) through (12), respectively, and in the present subparagraph (11) delete the closing phrase "or segregated dairy farmers".

e. In § 904.4 (d) (1) delete the phrase "his receipts from segregated dairy farmers and".

2. In § 904.4 (a) (1) delete the words "section 16" and substitute therefor the words "sections 16C and 16G".

3. In § 904.6 (f) change the period at the end of the sentence to a comma, and add the following: "and the quantities of milk and milk products on hand at the end of the month."

4. Delete § 904.7 (b) and substitute the following:

(b) *Class II prices.* For Class II milk received from producers each pool handler shall pay producers, in the manner set forth in § 904.9 and subject to the differentials applicable pursuant to this section, not less than the price per hundredweight determined pursuant to this paragraph.

(1) Subtract from the amount determined in subdivision (i) or (ii) of this subparagraph whichever is applicable, an amount equal to the rail tariff rate per can for the transportation of cream 201–210 miles in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff—M, No. 5, and supplements thereto or revisions thereof, times 1.03 divided by 33.48.

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent quality cream f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered.

(ii) For any month for which no cream price as described in subdivision (i) of this subparagraph is reported, multiply by 1.4 the average price reported for such month by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the Chicago market.

(2) Multiply the amount determined pursuant to subparagraph (1) of this paragraph by 3.7.

(3) Using the midpoint in any range as one price, compute the average of the prices per pound of roller process nonfat dry milk solids suitable for human consumption in barrels in carlots, as published during the month by the United States Department of Agriculture for New York City, subtract one-half cent, and multiply the remainder by 7.5.

(4) Add the results obtained in subparagraphs (2) and (3) of this paragraph and subtract the amount shown below applicable to the month for which the price computation is made.

| Month: | *Amount (cents)* |
|---|---|
| January and February | 45 |
| March and April | 65 |
| May and June | 75 |
| July | 65 |
| August and September | 55 |
| October, November, and December | 45 |

5. Delete § 904.7 (c) and substitute the following:

(c) *Zone price differentials.* (1) The minimum prices determined pursuant to paragraphs (a) and (b) of this section shall be subject to the differentials contained in the following table for the zone applicable to the plant at which the milk is received from producers. For each country plant the zone shall be determined in accordance with the railroad freight mileage distance to Boston from the railroad shipping point for such plant. For the purpose of this paragraph, it shall be considered that each city plant is in the 0-mile zone and that the rail tariff on milk received at a city plant is zero.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

| A Zone (miles) | B Class I—price differentials (cents per cwt.) | C Class II—price differentials (cents per cwt.) |
|---|---|---|
| City plant | +52.0 | +38.1 |
| 41–50 | +14.5 | +4.2 |
| 51–60 | +13.5 | +4.0 |
| 61–70 | +13.0 | +3.7 |
| 71–80 | +11.5 | +3.5 |
| 81–90 | +11.0 | +3.2 |
| 91–100 | +10.5 | +3.0 |
| 101–110 | +10.5 | +2.9 |
| 111–120 | +9.0 | +2.6 |
| 121–130 | +9.0 | +2.4 |
| 131–140 | +8.0 | +2.1 |
| 141–150 | +5.5 | +1.6 |
| 151–160 | +4.0 | +1.3 |
| 161–170 | +4.0 | +1.2 |
| 171–180 | +1.5 | +.6 |
| 181–190 | +1.5 | +.4 |
| 191–200 | 0 | +.1 |
| 201–210 | (1) | (1) |
| 211–220 | −4.0 | −.6 |
| 221–230 | −4.5 | −.7 |
| 231–240 | −5.5 | −.9 |
| 241–250 | −5.5 | −.9 |
| 251–260 | −6.5 | −1.2 |
| 261–270 | −7.0 | −1.3 |
| 271–280 | −7.5 | −1.5 |
| 281–290 | −8.5 | −1.6 |
| 291–300 | −9.5 | −1.8 |
| 301–310 | −13.0 | −2.3 |
| 311–320 | −13.0 | −2.4 |
| 321–330 | −14.0 | −2.5 |
| 331–340 | −14.0 | −2.8 |
| 341–350 | −15.0 | −2.8 |
| 351–360 | −15.0 | −3.0 |
| 361–370 | −15.0 | −3.1 |
| 371–380 | −15.5 | −3.3 |
| 381–390 | −15.5 | −3.4 |
| 391 and over | −15.5 | −3.5 |

[1] No differential.

(2) In case the rail tariff for the transportation of milk in carlots in tank cars, as published in New England Joint Tariff—M, No. 5, is increased or de-

creased, the differentials set forth in Column B of the table and the city plant differential in Column C shall be increased or decreased to the extent of any increase or decrease in the difference between the rail tariff for mileage distances of 201–210 miles inclusive and for the other applicable distances. Such adjustments shall be made to the nearest one-half cent per hundredweight in Column B, and to the nearest one-tenth cent per hundredweight in Column C.

(3) In case the rail tariff for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff—M No. 5, is increased or decreased, the country plant zone differentials set forth in Column C of the table shall be increased or decreased to the extent of any increase or decrease in the difference between the rail tariff for mileage distances of 201–210 miles and for the other applicable distances, divided by 9.05. Such adjustments shall be made to the nearest one-tenth cent per hundredweight.

(4) Adjustments pursuant to subparagraphs (2) and (3) of this paragraph shall be effective beginning with the first complete month in which the increases or decreases in rail tariffs apply.

6. Delete § 904.7 (d) (2) and substitute the following: (2) From the value determined pursuant to subparagraph (1) of paragraph (b) of this section deduct 7.6 cents for April and July and 9.5 cents for May and June. Subtract from the remainder the amount determined pursuant to subparagraph (1) of this paragraph. The result is the butter and cheese differential.

7. In § 904.9 (c) delete the words "pursuant to subparagraph (2) of paragraph (b)", and substitute therefor the words "pursuant to subparagraph (2) of paragraph (b) and pursuant to paragraph (g)".

8. Delete § 904.9 (d) and substitute the following:

(d) *Butterfat differential.* Each pool handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: Subtract from the amount determined in subparagraph (1) or (2) of this paragraph whichever is applicable, an amount equal to the rail tariff rate per can for the transportation of cream 201–210 miles in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff, M, No. 5, and supplements thereto or revisions thereof, times 1.03 divided by 33.48, and divided the remainder by 10.

(1) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered.

(2) If the cream price as described in subparagraph (1) of this paragraph is not reported, multiply by 1.4 the average price reported for such period by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the Chicago market.

9. In § 904.11 delete the figures "2.5" and substitute therefor the figure "3."

Issued at Washington, D. C. this 20th day of August 1948.

[SEAL] F. R. BURKE,
*Acting Assistant Administrator.*

[F. R. Doc. 48–7629; Filed, Aug. 23, 1948; 8:55 a. m.]

## CIVIL AERONAUTICS BOARD

### [14 CFR, Part 52]

FOREIGN REPAIR STATION CERTIFICATE AND RATINGS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 52 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulations, Washington 25, D. C. All communications received within 30 days from date of this publication will be considered by the Board before taking further action on the proposed rule.

The greatly increased operation of United States aircraft in foreign countries and the operation in such countries of United States registered aircraft under leasing agreements with foreign nationals has created a need for the establishment of approved aircraft repair agencies outside the United States. The standards, privileges, and limitations contained in present Part 52 were designed principally to provide for the operation of such air agencies in the continental United States or by United States citizens outside the United States. The provisions of this part with respect to agency ratings, certificated personnel, and the duration of certificates are not appropriate for the certification of foreign agencies. Many of the locations in foreign countries, are in isolated areas, and the infrequency of air carrier flights as well as the irregularity of non-air carrier flights would not justify the establishment of approved repair stations of the type required by the present provisions of Part 52. However, there are some foreign repair stations which are fully competent to make repairs and perform maintenance on United States aircraft. Certification of such agencies to perform work for which they have demonstrated their capacity will be of benefit to the United States in that the issuance of repair station certificates and ratings to foreign nationals for facilities located in foreign countries will expedite the maintenance, repair, and return to service of United States aircraft in foreign countries in accordance with our airworthiness standards.

The proposal prescribed herein will permit the Administrator to provide specialized ratings to foreign nationals in accordance with Part 52 and to limit the scope and class of the work to be accomplished in accordance with such ratings. Thus, aircraft operators will be afforded a means of having necessary aircraft maintenance and repairs accomplished in accordance with appropriate airworthiness standards and to continue flight without being unduly delayed. The present practice which requires obtainment of a special permit to continue flight or to return to the United States, thereby causing considerable inconvenience to aircraft owners, will be eliminated by the establishment of approved air agencies. In addition, the establishment of approved air agencies will promote and encourage the use of United States aircraft and equipment in foreign countries.

Therefore, it is proposed to amend Part 52 to provide for the issuance of foreign repair station certificates outside the United States where the Administrator finds that such agencies are needed for the maintenance, alteration, and repair of United States aircraft.

It is proposed to amend Part 52 by adding a new § 52.38 to read as follows:

§ 52.38 *Foreign repair station certificate and ratings.* A foreign repair station certificate with appropriate ratings may be issued to a citizen of a foreign government subject to the following requirements:

(a) A repair station may be certificated only where it is necessary to provide for the maintenance, alteration, and repair of United States registered aircraft outside the United States.

(b) The applicant shall meet the requirements of this part, except that in lieu of complying with:

(1) Section 52.20 the applicant shall have adequate personnel who are competent to perform or supervise the work for which the repair station is rated.

(2) Sections 52.42 and 52.43 the applicant shall be required to maintain such records and make such reports as the Administrator finds would affect United States registered aircraft.

(c) The certificate shall be limited to performance of work on aircraft operated outside the United States and contain such operating specifications as the Administrator may prescribe to insure compliance with the applicable aircraft airworthiness requirements of the Civil Air Regulations.

(d) The certificate shall be of six-month duration, unless sooner revoked, suspended, or terminated by a general order of the Board.

This amendment is proposed under the authority of section 1 (6) and Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 1 (6), 205 (a), 601–610, 52 Stat. 977, 984, 1007–1012; 49 U. S. C. 401 (6), 425 (a), 551–560)

Dated: August 18, 1948 at Washington, D. C.

By the Bureau of Safety Regulations.

[SEAL] JOHN M. CHAMBERLAIN,
*Director.*

[F. R. Doc. 48–7562; Filed, Aug. 23, 1948; 8:47 a. m.]

# NOTICES

## NATIONAL MILITARY ESTABLISHMENT

### Department of the Army

ORGANIZATION AND PROCEDURES OF CIVIL AFFAIRS DIVISION

REGULATION 4 UNDER MILITARY GOVERNMENT LAW 59 (GERMANY); ESTABLISHMENT OF BOARD OF REVIEW

The rules and regulations appearing under Parts 1 and 3, Subtitle A, Title 10, Code of Federal Regulations, are hereby withdrawn from the Code of Federal Regulations. These regulations remain in effect, and changes or new material affecting these regulations will appear as notices in the daily issue of the FEDERAL REGISTER. The following section 3.95, which contains Regulation No. 4 under Military Government Law No. 59, is added to the material which formerly appeared under Part 3, Subtitle A, 10 CFR:

SEC. 3.95. *Regulation No. 4 under Military Government Law No. 59; establishment of Board of Review.* Pursuant to Article 69 of Military Government Law No. 59, "Restitution of Identifiable Property" (section 3.84 (d) of this part), it is hereby ordered as follows:

(a) *Organization and seat.* The Board of Review (hereinafter referred to as "the Board") provided for in Article 69 of Military Government Law No. 59 is hereby established. Its principal seat shall be at Nurnberg, but it may sit at such other places in the U. S. Zone as it may from time to time deem appropriate.

(b) *Appointment and composition.* (1) The Board shall consist of four members, three of whom shall constitute a quorum. The members of the Board shall be designated by the Military Governor for a term of not less than one year. They shall be citizens of the United States who shall have been admitted to practice law, for at least five years, in the highest courts of one of the United States, its territories, or the District of Columbia. They shall devote their full time to their duties on the Board. They may be removed from the Board by the Military Governor for reasons of health or for other good reasons.

(2) The Military Governor shall appoint one member of the Board to serve as the President. The President shall designate the members to sit in each case and shall be responsible for the administration of the Board.

(3) The Board shall appoint a Legal Advisor to advise it on questions of German law. The Board shall have the power to appoint additional consultants as well as clerks and administrative personnel necessary to assist the Board in the performance of its functions.

(c) *Jurisdiction and powers.* (1) Any party aggrieved by a decision of the Civil Division of the Court of Appeals (Oberlandesgericht) may file with the Board a petition for review of that decision based only on the ground that the decision violates the law.

(2) Any party aggrieved by a decision of the Restitution Chamber may file with the Board a petition for review of the decision of the Restitution Chamber upon the following questions only:

(i) Whether the findings of fact are supported by substantial evidence;

(ii) Whether there has been abuse of discretion by the Chamber;

(iii) Whether prejudice on the part of the Chamber is indicated.

(3) The Board may, in its discretion, refuse to grant petitions for review under subparagraphs (1) and (2), of this paragraph. The decision of the Board is final and not subject to further review.

(4) The Board may, pending final decision upon the petition for review, stay execution of the decision of the Civil Division of the Court of Appeals (Oberlandesgericht) or the Restitution Chamber.

(5) The Board shall have jurisdiction to enter judgment affirming, modifying or reversing, in whole or in part, the decision reviewed and to order execution thereof, or, in its discretion, to remand the case or any part thereof to the Restitution Chamber or the Civil Division of the Court of Appeals which had previously heard the case.

(6) For the purpose of the review of a decision under subparagraph (2) of this paragraph, the Board shall have power to subpoena witnesses, require production of evidence and administer oaths.

(7) The Military Governor may, if he deems it necessary or desirable in order to expedite the administration of Military Government Law No. 59 (sections 3.75–3.90) or to insure uniform application or interpretation of that law, request the Board to issue an advisory opinion on any question submitted by him.

(d) *Decisions.* (1) Decisions, rulings, orders, judgments and advisory opinions of the Board shall be by a majority vote of the members sitting; they shall be incorporated in written opinions except where the Board refuses to review a case.

(2) All opinions of the Board rendered under paragraph (c) of this regulation shall be published in a manner to be determined by Military Government. They shall be published in English and German, but in case of any discrepancy the English text shall prevail.

(3) All opinions of the Board published pursuant to subparagraph (2) of this paragraph shall, as far as they involve the interpretation of Military Government Law No. 59, be binding upon all German courts and authorities.

(e) *Practice and procedure.* The proceedings of the Board shall be conducted in accordance with such rules of practice and procedure as the Board may from time to time prescribe. The members of the Board cannot be challenged by the parties to a proceeding or their counsel; any member of the Board who feels that for any reason he may be biased in connection with a proceeding may disqualify himself.

(f) *Time limitations on petition for review.* Petitions for review under subparagraphs (1) and (2) of paragraph (c) of this regulation may be filed only within the following periods:

(1) Petitions for review under subparagraph (1) of paragraph (c) of this regulation must be filed within one month from the date of service of the decision of the Court of Appeals (Oberlandesgericht), or within three months if the aggrieved party resides in a foreign country.

(2) Where an appeal under paragraph 2 of Article 68 of Military Government Law No. 59 (section 3.84 (c) (2)) has been taken, petitions for review of the same case under subparagraph (2) of paragraph (c) of this regulation cannot be filed before and must be filed during the period specified in subparagraph (1) of this paragraph.

(3) Where no appeal has been filed with the Civil Division of the Court of Appeals under paragraph 2 of Article 68 of Military Government Law No. 59, a petition for review under subparagraph (2) of paragraph (c) of this regulation cannot be filed before, and must be filed within one month after the expiration of the time within which an appeal under Article 68 could have been taken.

(g) *Effective date.* This regulation shall become effective within the Laender of Bavaria, Bremen, Hesse and Wuerttemberg-Baden on 10 August 1948.

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

By order of Military Government.

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

[F. R. Doc. 48–7559; Filed, Aug. 23, 1948; 8:47 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 11746]

W. KOHNK

In re: Debt owing to W. Kohnk, also known as Victor Koehnk and as Victor Kohnk. F–28–321–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 W. Kohnk also known as Victor Koehnk and as Victor Kohnk, whose last known address is Alsterdamm 6, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to W. Kohnk also known as Victor Koehnk and as Victor Kohnk by

the Columbian Carbon Company, 41 East 42d Street, New York, New York, a corporation organized under the laws of the State of Delaware, in the amount of $474.72, as of December 31, 1945, representing unpaid dividends on capital stock of said Columbian Carbon Company, on deposit with the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, Dividend Disbursing Agent for said Columbian Carbon Company, 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 July 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-7563; Filed, Aug. 23, 1948; 8:48 a. m.]

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[Vesting Order 11758]

TOME TSUCHIDA ET AL.

In re: Debts owing to Tome Tsuchida and others. D-39-19175-E-1, D-39-19176E-1, D-39-19177-E-1, D-39-16721-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 Tome Tsuchida, whose last known address is Shiga, Japan; Yoshinori Kataoka, whose last known address is Hiroshima, Japan; Shoei Adachi, whose last known address is Tottori, Japan; and George Ushimatsu Matsuoka, also known as G. U. Matsuoka, whose last known address is Yamaguchi, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations of The Yokohama Specie Bank, Ltd., Los Angeles Office, Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of fixed deposit accounts numbered 69407, 67948 and 68899, 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 Tome Tsuchida, Yoshinori Kataoka and Shoei Adachi, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Ltd., Los Angeles Office, Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a commercial checking account entitled G. U. Matsuoka, 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 George Ushimatsu Matsuoka, also known as G. U. Matsuoka, the aforesaid national of a designated enemy country (Japan);

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 (Japan).

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

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

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

Executed at Washington, D. C., on July 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-7564; Filed, Aug. 23, 1948; 8:48 a. m.]

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[Vesting Order 11759]

HERWARTH VON DER DECKEN

In re: Stock, bonds and other property owned by, and debt owing to, Herwarth von der Decken. F-28-23542-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 Herwarth von der Decken, whose last known address is Berg am Stranbergersee, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) shares of capital stock of Fifth Avenue and 45th Street Corporation (In Liquidation) evidenced by a certificate numbered 91, registered in the name of Herwarth von der Decken, and presently in the custody of the City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in an account numbered 390269, together with all declared and unpaid dividends thereon,

b. 9983/10,000th of a share of capital stock of 2141 Broadway Corporation evidenced by a certificate presently in the custody of the City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in an account numbered 390269, together with all declared and unpaid dividends thereon,

c. One (1) 2141 Broadway Corporation debenture bond, presently in the custody of the City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in an account numbered 390269, together with any and all rights thereunder and thereto,

d. One (1) Fifth Avenue and 45th Street Corporation (In Liquidation) debenture bond, bearing the number 92, registered in the name of Herwarth von der Decken, and presently in the custody of the City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in an account numbered 390269, together with any and all rights thereunder and thereto,

e. One (1) participation certificate, issued by the City Bank Farmers Trust Company, representing an interest in bond and mortgage No. 20062, covering property at 6 West 29th Street, New York, New York, said certificate numbered A-28999, registered in the name of Herwarth von der Decken, and presently in the custody of the City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in an account numbered 390269, together with any and all rights thereunder and thereto, and

f. That certain debt or other obligation owing to Herwarth von der Decken, by the City Bank Farmers Trust Company, 22 William Street, New York 15, New York, arising out of a special custodian account, account numbered 390269, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 48-7565; Filed, Aug. 23, 1948; 8:48 a. m.]

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[Vesting Order 11771]

MARY MARTHA HOLZMAISTER ET AL.

In re: Trust indenture of Mary Martha Holzmaister dated October 31, 1924, and Central Union Trust Company of New York (Central Hanover Bank and Trust Company), trustee, for the benefit of Frau Emma Roder, et al. File No. F-17-1329; E. T. sec. 16480.

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 Mrs. Martha Jungwirth and Friederich Roder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Mrs. Martha Jungwirth, and the issue, names unknown, of Friederich Roder, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2, each of them, in and to and arising out of or under that certain Trust Indenture, dated October 31, 1924, by and between Mary Martha Holzmaister, as Settlor and the Central Union Trust Company of New York, as Trustee, and presently being administered by Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, as trustee, 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:

4. That to the extent that the persons identified in subparagraph 1 hereof and the issue, names unknown, of Mrs. Martha Jungwirth, and the issue, names unknown, of Friederich Roder, 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 August 3, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7566; Filed, Aug. 23, 1948; 8:48 a. m.]

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[Vesting Order 11772]

MARIE KIDWELL

In re: Trust under the will of Marie Kidwell, deceased. File No. F-28-8733; E. T. sec. 1780.

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

1. That Richard Purnhagen, Meta Purnhagen Jaeger, Hinrich Purnhagen, Johann Purnhagen, Gesine Purnhagen Oetjen, Gertrude Purnhagen, Marie Purnhagen, Alberta Purnhagen, Diedrich Purnhagen, Friedrich Jaeger, Johann Jaeger, Annegret Purnhagen, Hilde Purnhagen, Hermann Oetjen, and Diedrich Jaeger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Richard Purnhagen, of Meta Purnhagen Jaeger, of Hinrich Purnhagen, of Johann Purnhagen, and of Gesine Purnhagen Oetjen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

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

4. That such property is in the process of administration by the Treasurer of the City of New York, Chambers Street, Municipal Building, New York, New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Richard Purnhagen, of Meta Purnhagen Jaeger, of Hinrich Purnhagen, of Johann Purnhagen, and of Gesine Purnhagen Oetjen, 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 August 3, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7567; Filed, Aug. 23, 1948; 8:48 a. m.]

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[Vesting Order 11781]

LOUISE HARTMAN ET AL.

In re: Debts owing to Louise Hartman and others. F-28-28396-C-1, F-28-28397-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 Louise Hartman, whose last known address is Ravensburg, Wurtemburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That the property described as follows: All those debts or other obligations owing to Louise Hartman, by the Silk Finishing Company of America (In Liquidation), c/o Bandler, Brady, Haas & Kass, 11 Broadway, New York 4, New York, said debts or other obligations representing that portion of the proceeds of liquidation of the aforesaid company allocable to 86 shares therein, said shares evidenced by a certificate numbered 507 and registered in the name of Louise Hartman, including particularly, but not

limited to, a portion of the sum of money on deposit with the National City Bank of New York, 55 Wall Street, New York 15, New York, in a blocked account of the aforesaid company, maintained at the branch office of the aforesaid bank located at Cortland Avenue and East 149th Street, Bronx, New York, and any and all rights to demand, enforce and collect the same,

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

4. That the property described as follows: All those debts or other obligations owing to the personal representatives, heirs, next of kin, legatees and distributees of Rosalie Zimmerman, deceased, by the Silk Finishing Company of America (In Liquidation), c/o Bandler, Brady, Haas & Kass, 11 Broadway, New York 4, New York, said debts or other obligations representing that portion of the proceeds of liquidation of the aforesaid company allocable to 85 shares therein, said shares evidenced by a certificate numbered 508 and registered in the name of Rosalie Zimmerman, including particularly, but not limited to, a portion of the sum of money on deposit with the National City Bank of New York, 55 Wall Street, New York 15, New York, in a blocked account of the aforesaid company, maintained at the branch office of the aforesaid bank located at Cortland Avenue and East 149th Street, Bronx, New York, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Rosalie Zimmerman, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7568; Filed, Aug. 23, 1948; 8:48 a. m.]

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[Vesting Order 11787]

JOSEF VIERACKER

In re: Bonds owned by Josef Vieracker. F-28-4586-C-1, F-28-4586-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 Josef Vieracker, whose last known address is Engelsee Strasse 27, Amberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by four (4) Prudence-Bonds Corporation First Mortgage Collateral Bonds, 13th Series with an aggregate face value of $4000, bearing the numbers 13M-4054, 13M-5191, 13M-5201, 13M-5231, registered in the name of Josef Vieracker, and all rights to demand, enforce and collect the same, together with any and all rights in and under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Josef Vieracker, 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.

Executer at Washington, D. C., on August 3, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7569; Filed, Aug. 23, 1948; 8:48 a. m.]

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[Vesting Order 11791]

WILLIAM GERNHARDT

In re: Trust under the will of William Gernhardt, deceased. File No. D-28-7835; E. T. sec. 8457.

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 Conrad Gernhardt, Marie Schaub, Marie Gernhardt, Carl Conrad Gernhardt, Anna Katherine Schade, Johannes Gernhardt, Marie Spies and Elizabeth D. Schade, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Trust created under the Will of William Gernhardt, 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 the Commissioner of Finance of Westchester County, as Depositary, acting under the judicial supervision of the Surrogate's Court of Westchester 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 August 4, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7570; Filed, Aug. 23, 1948; 8:48 a. m.]

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[Vesting Order 11801]

RUDOLPH M. JAPPER

In re: Debt owing to Rudolph M. Japper. F-28-4946-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 Rudolph M. Japper, whose last known address is Toftum, Insel Fohr, Schleswig Holstein, 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 Rudolph M. Japper, by Allied Chemical & Dye Corporation, 61 Broadway, New York 6, New York, in the amount of $54.00, as of December 31, 1945, arising out of an account closed out on stock records, 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 August 4, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7571; Filed, Aug. 23, 1948; 8:48 a. m.]

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[Vesting Order 11813]

PHELIX MERTENS

In re: Bank account owned by Phelix Mertens, also known as Felix Mertens. F-28-7212-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 Phelix Mertens, also known as Felix Mertens, whose last known address is Herdorf-Sieg-22B-Hellerstr. 16, 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 Phelix Mertens, also known as Felix Mertens by Manhattan Savings and Loan Association, 2394 Second Avenue, New York, New York, arising out of a Savings Account entitled Phelix Mertens, maintained at the aforesaid association, 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 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 August 9, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7572; Filed, Aug. 23, 1948; 8:48 a. m.]

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[Vesting Order 11175, Amdt.]

MRS. WILHELMINA KLEIN

In re: Bonds owned by Mrs. Wilhelmina Klein, also known as Minnie Klein.

Vesting Order 11175, dated April 30, 1948, is hereby amended as follows and not otherwise:

By deleting from paragraph 2a relating to 21 United States of America Savings Bonds the number "Q68619327E" and substituting therefor the number "Q68519327E."

All other provisions of said Vesting Order 11175 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 9, 1948.

For the Attorney General.

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

[F. R. Doc. 48-7578; Filed, Aug. 23, 1948; 8:49 a. m.]

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# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Circular 1692]

TOWNSITE OF TULELAKE, CALIF.

REGULATIONS FOR SALE OF TOWN LOTS

1. *Statutory authority.* Certain additional lots in the Tulelake Townsite, California, will be disposed of under the acts of April 15 and June 27, 1906 (34 Stat. 116 and 519, 43 U. S. C. 561 and 568).

2. *Area and price.* The area and minimum price of the lots which are to be sold are shown by the attached schedule.

3. *Public sale.* On Tuesday, August 24, 1948, beginning at 10:00 a. m., a sale at public auction to the highest bidder at not less than the appraised price will be held at the Bureau of Reclamation office at Klamath Falls, Oregon. E. L. Stephens has been designated as superintendent of the sale and Luther McNulty as auctioneer.

4. *Terms of sale.* Full payment for the lots must be made in cash on the date of the sale. The superintendent of the sale will forward the money received to the District Land Office at Sacramento, California.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any lot and to suspend, adjourn, or postpone the sale of any lot or lots to such time and place as he may deem proper. After all the lots have been offered, the superintendent will close the sale. Any lot or lots remaining unsold will be subject to private sale at the District Land Office at Sacramento, California.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code, U. S. C. Title 18, section 113.

MARION CLAWSON,
*Director.*

Approved: August 20, 1948.

OSCAR L. CHAPMAN,
*Acting Secretary of the Interior.*

SCHEDULE OF APPRAISEMENT

| Block No. | Lot No. | Area (sq. ft.) | Valuation | Character of land |
|---|---|---|---|---|
| | 1 | 9,938.5 | $100.00 | Good soil and level topography. |
| | 2 | 9,938.5 | 75.00 | Do. |
| | 3 | 9,938.5 | 75.00 | Do. |
| | 4 | 9,938.5 | 75.00 | Do. |
| | 5 | 9,938.5 | 75.00 | Do. |
| | 6 | 9,938.5 | 75.00 | Do. |
| | 7 | 9,938.5 | 75.00 | Do. |
| 33 | 8 | 9,938.5 | 80.00 | Do. |
| | 9 | 8,250 | 80.00 | Do. |
| | 10 | 8,250 | 75.00 | Do. |
| | 11 | 8,250 | 75.00 | Do. |
| | 12 | 8,250 | 75.00 | Do. |
| | 13 | 8,250 | 75.00 | Do. |
| | 14 | 8,250 | 75.00 | Do. |
| | 15 | 8,250 | 75.00 | Do. |
| | 16 | 8,250 | 100.00 | Do. |
| | 1 | 8,250 | 110.00 | Do. |
| | 2 | 8,250 | 80.00 | Do. |
| | 3 | 8,250 | 80.00 | Do. |
| | 4 | 8,250 | 80.00 | Do. |
| 34 | 5 | 8,250 | 80.00 | Do. |
| | 6 | 8,250 | 80.00 | Do. |
| | 7 | 8,250 | 80.00 | Do. |
| | 8 | 8,250 | 90.00 | Do. |
| | 9 | 8,250 | 90.00 | Do. |

SCHEDULE OF APPRAISEMENT—Continued

| Block No. | Lot No. | Area (sq. ft.) | Valuation | Character of land |
|---|---|---|---|---|
| | 10 | 8,250 | $80.00 | Good soil and level topography. |
| | 11 | 8,250 | 80.00 | Do. |
| 34 | 12 | 8,250 | 80.00 | Do. |
| | 13 | 8,250 | 80.00 | Do. |
| | 14 | 8,250 | 80.00 | Do. |
| | 15 | 8,250 | 80.00 | Do. |
| | 16 | 8,250 | 110.00 | Do. |
| | 1 | 8,250 | 125.00 | Do. |
| | 2 | 8,250 | 110.00 | Do. |
| | 3 | 8,250 | 100.00 | Do. |
| | 4 | 8,250 | 100.00 | Do. |
| | 5 | 8,250 | 100.00 | Do. |
| | 6 | 8,250 | 100.00 | Do. |
| | 7 | 8,250 | 100.00 | Do. |
| 35 | 8 | 8,250 | 110.00 | Do. |
| | 9 | 8,250 | 150.00 | Do. |
| | 10 | 8,250 | 125.00 | Do. |
| | 11 | 8,250 | 125.00 | Do. |
| | 12 | 8,250 | 125.00 | Do. |
| | 13 | 8,250 | 125.00 | Do. |
| | 14 | 8,250 | 150.00 | Do. |
| | 15 | 8,250 | 150.00 | Do. |
| | 16 | 8,250 | 175.00 | Do. |
| | 1 | 6,600 | 175.00 | Do. |
| | 2 | 6,600 | 150.00 | Do. |
| | 3 | 6,600 | 150.00 | Do. |
| | 4 | 6,600 | 125.00 | Do. |
| | 5 | 6,600 | 125.00 | Do. |
| | 6 | 6,600 | 125.00 | Do. |
| | 7 | 6,600 | 125.00 | Do. |
| 36 | 8 | 6,600 | 150.00 | Do. |
| | 9 | 6,600 | 110.00 | Do. |
| | 10 | 6,600 | 100.00 | Do. |
| | 11 | 6,600 | 100.00 | Do. |
| | 12 | 6,600 | 100.00 | Do. |
| | 13 | 6,600 | 100.00 | Do. |
| | 14 | 6,600 | 100.00 | Do. |
| | 15 | 6,600 | 110.00 | Do. |
| | 16 | 6,600 | 125.00 | Do. |
| | 1 | 6,600 | 125.00 | Do. |
| | 2 | 6,600 | 90.00 | Do. |
| | 3 | 6,600 | 90.00 | Do. |
| | 4 | 6,600 | 90.00 | Do. |
| | 5 | 6,600 | 90.00 | Do. |
| | 6 | 6,600 | 90.00 | Do. |
| | 7 | 6,600 | 90.00 | Do. |
| 37 | 8 | 6,600 | 100.00 | Do. |
| | 9 | 6,600 | 100.00 | Do. |
| | 10 | 6,600 | 90.00 | Do. |
| | 11 | 6,600 | 90.00 | Do. |
| | 12 | 6,600 | 90.00 | Do. |
| | 13 | 6,600 | 90.00 | Do. |
| | 14 | 6,600 | 90.00 | Do. |
| | 15 | 6,600 | 90.00 | Do. |
| | 16 | 6,600 | 125.00 | Do. |
| | 1 | 11,000 | 150.00 | Do. |
| | 2 | 11,000 | 110.00 | Do. |
| | 3 | 11,000 | 110.00 | Do. |
| | 4 | 11,000 | 110.00 | Do. |
| | 5 | 11,000 | 110.00 | Do. |
| | 6 | 11,000 | 110.00 | Do. |
| | 7 | 11,000 | 110.00 | Do. |
| 38 | 8 | 11,000 | 125.00 | Do. |
| | 9 | 11,000 | 125.00 | Do. |
| | 10 | 11,000 | 110.00 | Do. |
| | 11 | 11,000 | 110.00 | Do |
| | 12 | 11,000 | 110.00 | Do |
| | 13 | 11,000 | 110.00 | Do |
| | 14 | 11,000 | 110.00 | Do. |
| | 15 | 11,000 | 110.00 | Do. |
| | 16 | 11,000 | 150.00 | Do |
| Total | | | 9,960.00 | |

[F. R. Doc. 48-7598; Filed, Aug. 23, 1948; 8:48 a. m.]

## Office of the Secretary

### ALLOCATION OF PETROLEUM PRODUCTS

### VOLUNTARY PLAN

It appearing that during the latter half of 1948 and the early months of 1949 the supply of petroleum products may be insufficient to satisfy the essential requirements of all domestic consumers thereof in all areas throughout the country as and when needed; that any serious disruption in the supply of such products to domestic consumers would adversely affect the economy of the area in which it might occur; that a program of voluntary action by the petroleum industry duly approved by the Secretary of the Interior and the Attorney General of the United States has with the effective assistance of the state and local fuel coordinators helped to eliminate consumer hardships in the areas in which they have occurred during the past few months; and that the adoption of the voluntary plan hereinafter set forth will aid in stabilizing the economy of the United States, aid in curbing inflationary tendencies, and promote the orderly and equitable distribution of petroleum products.

Now, therefore, pursuant to Executive Order 9919, dated January 3, 1948 (13 F. R. 59), and after consulting with representatives of the petroleum industry and after affording industry, labor, and the public generally an opportunity to present their views with respect to such plan at a public hearing, the Secretary of the Interior hereby promulgates the following voluntary plan for the petroleum industry under Public Law 395, 80th Congress.

1. This plan shall become effective upon the date of its formal approval by the Secretary of the Interior and shall terminate at the close of business on February 28, 1949, or at such earlier time as the Secretary of the Interior may hereafter designate in accordance with section 2 (d) of Public Law 395, 80th Congress.

2. Each member of the petroleum industry participating in this plan shall direct its efforts toward the prevention, elimination and alleviation of hardship situations at the consumer level which result from the insufficiency or disruption in the supply of any of the following products: gasoline and other motor fuels, kerosene, distillates and heavy fuel oils. Cooperative activities among such industry members and with state and local fuel coordinators for the prevention, elimination and alleviation of hardship situations at the consumer level are authorized hereunder.

3. Each member of the petroleum industry participating herein shall equitably distribute its available supplies of gasoline and other motor fuels, kerosene, distillates and heavy fuel oils among all its customers, at all levels, after fulfilling essential requirements for the military, food production and services essential to public health and safety, including, but not limited to, essential transportation and communication. In determining equitable distribution each such member shall give primary consideration to its pattern of distribution among its customers of the preceding season or year and to such other factors as lend themselves to the fulfillment of the purposes of Public Law 395. Each such supplier shall make known to its customers periodically, at least once every three months commencing with the effective date of this plan, the formula employed by it for equitably allocating distribution of such products.

4. For the purposes of activating and implementing the provisions of this plan, the National Petroleum Council is authorized to appoint District Committees which shall be representative of all segments of the petroleum industry. The districts in which such committees are to operate shall be substantially identical in geographical area with the districts created under the Petroleum Administration for War. The District Committees may appoint Subcommittees to operate in local zones or regions within each district. The proposed personnel of all district Committees and Subcommittees thereof shall be submitted to the Director of the Oil and Gas Division of the United States Department of the Interior for approval and his approval shall be obtained before their appointments may become effective.

5. Minutes of meetings of all Committees and Subcommittees shall be kept and copies thereof shall be promptly furnished to the Director of the Oil and Gas Division of the United States Department of the Interior. Meetings of all District Committees and Subcommittees shall be open to duly accredited representatives of the Federal Government, but the presence of representatives thereof shall not be a requisite to the holding of any meeting.

6. In order to assist the Federal Government and the Petroleum Industry in fulfilling their respective responsibilities under this plan and to secure the maximum benefits therefrom, the National Petroleum Council, the District Committees and the Subcommittees are authorized to assemble such data and to make such studies relating to the supply and demand of petroleum, petroleum products, or any of them, including the study of seasonable inventories in each district or area, as they may deem advisable. All data so assembled and the results of all such studies shall be promptly furnished to the Director of the Oil and Gas Division of the United States Department of the Interior.

7. Each District Committee and each Subcommittee is authorized to make recommendations from time to time for voluntary action by members of the industry (a) for adjusting the refinery yields of petroleum products in a manner deemed advisable by such committee to prevent disruptions in supply at the consumer level, and (b) for the more effective distribution of petroleum products to prevent, eliminate or alleviate hardship at the consumer level. Such recommendations may also deal with purchases, exchanges, loans, transportation agreements, or other measures which such committee may deem appropriate, including the voluntary participation in local programs, for the relief of hardship situations on the consumer level. The Director of the Oil and Gas Division of the United States Department of the Interior shall be promptly advised of all such recommendations and he may disapprove any recommendation not in his opinion in accord with the purpose and spirit of Public Law 395, whereupon such recommendation shall become void and no further action shall be taken pursuant thereto. All recommendations shall be kept on file by the secretary of the District Committee, available for public inspection.

8. The National Petroleum Council, each District Committee and each Subcommittee is authorized to obtain such facilities and personnel as it may deem necessary for its activities hereunder and to finance its activities by voluntary con-

tributions on such basis as it may determine.

9. All members and organizations of the petroleum industry participating in this plan may continue and extend the efforts heretofore made to promote consumer conservation of all petroleum products by all classes of users.

10. This plan does not apply to the exportation of petroleum or petroleum products.

11. No activity authorized under this plan shall concern the fixing of prices for petroleum or petroleum products nor shall anything in this plan be construed as permitting any member or organization of the petroleum industry to engage in any activities which are beyond the scope and purposes of Public Law 395.

12. The District Committees and Subcommittees created hereunder are authorized to cooperate with and assist state and local fuel coordinators and similar groups in the discharge of their responsibilities, and, in this connection, to encourage and foster the adoption by them of uniform practices and procedures to aid in furthering the objectives of this plan.

All members of the petroleum industry are hereby requested and authorized to comply with this voluntary plan, to to follow any and all recommendations made pursuant to this plan, and to cooperate with other members of the industry in carrying on any and all activities authorized by this plan. To the extent that a member of the petroleum industry complies with this voluntary plan, with recommendations made under the plan, and cooperates with other members of the industry in carrying on activities under the plan, he will be entitled to the immunities from the antitrust laws of the United States and the Federal Trade Commission Act as provided for in section 2 (c) of Public Law 395, 80th Congress, but such immunities however shall not extend to any activities which are not within the intent and purposes of said Public Law 395.

Approved: August 10, 1948.

J. A. KRUG,
*Secretary of the Interior.*

Approved: August 9, 1948.

TOM C. CLARK,
*Attorney General.*

[F. R. Doc. 48-7560; Filed, Aug. 23, 1948; 8:47 a. m.]

## UNITED STATES DEPARTMENT OF LABOR

### Wage and Hour Division

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOP

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATE

AUGUST 19, 1948.

Notice is hereby given that a special certificate authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act has been issued to the sheltered workshop hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The name and address of the sheltered workshop to which a certificate was issued, wage rate, and the effective and expiration dates of the certificate are as follows:

Goodwill Industries of Washington, D. C., 1214-1222 New Hampshire Avenue NW., Washington, D. C.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective August 10, 1948, and expires July 31, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshop under this certificate is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. This certificate has been issued on the applicant's representation that it is a sheltered workshop as defined in the regulations and that special services are provided its handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificate may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of this certificate may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 16th day of August 1948.

RAYMOND G. GARCEAU,
*Director,*
*Field Operations Branch.*

[F. R. Doc. 48-7557; Filed, Aug. 23, 1948; 8:47 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 3249]

AEROVIAS NACIONALES DE COLOMBIA, S. A. (AVIANCA)

NOTICE OF ORAL ARGUMENT

In the matter of the application of Aerovias Nacionales de Colombia, S. A., for issuance of a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, authorizing it to engage in the transportation, as a common carrier, in scheduled or nonscheduled flights, of passengers, mail, and property between the terminal points Bogota and/or Barranquilla, Colombia, and New York City, N. Y., with or without intermediate traffic stops in Jamaica and/or Havana, Cuba, and/or Haiti, and/or British West Indies, and/or Miami, Florida.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on August 30, 1948, at 10:00 a. m. (eastern daylight saving time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., August 17, 1948.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
*Acting Secretary.*

[F. R. Doc. 48-7558; Filed, Aug. 23, 1948; 8:47 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-1094]

CANADIAN RIVER GAS CO.

NOTICE OF APPLICATION

AUGUST 18, 1948.

Notice is hereby given that on August 2, 1948, Canadian River Gas Company (Applicant), a Delaware corporation with its principal place of business at Amarillo, Texas, 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 two 600 B. h. p. gas engine driven compressor units, together with certain other equipment, at Applicant's Bivins Compressor Station and Gasoline Plant, located in Moore County, Texas.

Applicant states that the rock pressure of the gas wells supplying Applicant is declining, and as a result there is a corresponding drop in the suction pressure at the Bivins Compressor Station. In order to maintain the present peak day deliveries to Colorado Interstate Gas Company of 140,022 Mcf at 250 psi pressure, Applicant will require the additional compressor units. Other items are appurtenant to the additional compressor units.

The remaining items will enable Applicant to more effectively operate its Bivins gasoline plant and more satisfactorily dehydrate the natural gas leaving Bivins.

The total estimated over-all cost of all the proposed facilities is $307,200, which will be financed by Applicant under the terms of its contract with Colorado Interstate Gas Company, dated January 3, 1928.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 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 de-

sires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Canadian River Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 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 §§ 1.8 and 1.10, whichever is applicable, of the rules of practice and procedure.

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

[F. R. Doc. 48-7546; Filed, Aug. 23, 1948; 8:45 a. m.]

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[Docket No. G-1095]

CONSUMERS GAS CO.

NOTICE OF APPLICATION

AUGUST 18, 1948.

Notice is hereby given that on August 2, 1948, Consumers Gas Company (Applicant), a Pennsylvania corporation having its principal place of business at Reading, Pennsylvania, 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 (1) continue the operation of its 12-inch main transmission line extending from a point of connection with the facilities of Philadelphia Electric Company on the Montgomery-Berks County line, Pennsylvania, to Applicant's plant at Reading, Pennsylvania, a distance of approximately 15.03 miles, for the purpose of transporting natural gas in interstate commerce for resale, and (2) continue the operation of facilities being used for the delivery of natural gas to Lebanon Valley Gas Company in interstate commerce for resale.

The application recites that both Applicant and Lebanon Valley Gas Company are subsidiaries of The United Gas Improvement Company, a Pennsylvania corporation, and that United Gas Improvement Company owns 63.42 per cent of the common stock of Applicant and 99.99 percent of the common stock of Lebanon Valley Gas Company.

The application further states that since the year 1929, Applicant has purchased practically all of its gas requirements from the Philadelphia Electric Company, which company was granted a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act on June 1, 1948, at Docket No. G-1030. It is stated that Applicant purchases this gas under an agreement dated December 28, 1929, and amended August 27, 1947, which agreement is a part of the record in Docket No. G-1030. Philadelphia Electric Company transports the gas it sells to Applicant from its West Conshohocken plant to the point on the Montgomery-Berks County line in Stowe, Pennsylvania, at which point Applicant takes title to the gas. It is stated that Applicant has been advised that Philadelphia Electric Company contemplates the utilization of natural gas in the manufacture of gas which will be delivered to Applicant.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) 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 Consumers Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 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 Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947 (18 CFR 1.8 and 1.10)).

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

[F. R. Doc. 48-7547; Filed, Aug. 23, 1948; 8:45 a. m.]

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[Docket Nos. G-921, G-1073]

UNITED GAS PIPE LINE CO. AND TENNESSEE GAS TRANSMISSION CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Upon consideration of the following:

(a) Application filed July 1, 1947, as amended on March 22 and July 6, 1948, by United Gas Pipe Line Company (United), a Delaware corporation, with its principal place of business at Shreveport, Louisiana, at Docket No. G-921, 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 certain natural-gas facilities, subject to the jurisdiction of the Commission, all as more fully described in such application, as amended, on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on July 24, 1947 (12 F. R. 4910), and on July 27, 1948 (13 F. R. 4298).

(b) Application filed July 8, 1948, by Tennessee Gas Transmission Company (Tennessee), a Delaware corporation, with its principal place of business at Houston, Texas, at Docket No. G-1073, 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 certain natural-gas facilities, subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission, and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on July 27, 1948 (13 F. R. 4299).

It appears to the Commission that: Good cause exists for consolidating the above matters for the purpose of hearing.

The Commission orders that:

(A) The above docketed proceedings be and they are hereby consolidated for the purpose of hearing.

(B) 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, a public hearing be held commencing on September 8, 1948, at 10:00 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 involved and the issues presented by the applications, as amended, and other pleadings in these proceedings.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: August 18, 1948.

By the Commission.

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

[F. R. Doc. 48-7548; Filed, Aug. 23, 1948; 8:45 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[No. 30035]

KANSAS INTRASTATE RATES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of August A. D. 1948.

It appearing, that a petition has been filed on behalf of The Atchison, Topeka and Santa Fe Railway Company and other common carriers by railroad operating to, from, and between points in the State of Kansas, averring (1) that in Ex Parte No. 162, "Increased Railway Rates, Fares, and Charges, 1946," and Ex Parte No. 148, "Increased Railway Rates, Fares and Charges, 1942," 266 I. C. C. 537, this Commission authorized certain increases in interstate rates and charges throughout the United States, which were established January 1, 1947, and that the Corporation Commission of the State of Kansas, by order dated February 5, 1947, in its dockets Nos. 23850-R and 30400-R, has refused to authorize or permit said petitioners to apply to the transportation of sand; gravel; fluxing stone; stone broken, ground or crushed; chatt; furnace slag; agricultural or ground limestone (in open top cars); road-building aggregates; cinders; brick and articles taking brick rates as described in item 10-G, supplement 36, of Agent L. E. Kipp's tariff I. C. C. A-5039; and sugar beets, moving intrastate by railroad in Kansas, increases in freight rates and charges corresponding to those approved for interstate application in the proceedings above cited, or to apply an increased minimum charge per ship-

ment, in less than carloads, or in any quantity, or to apply an increased minimum rate for pick-up and/or delivery services in connection with less-than-carload or any-quantity shipments, moving intrastate by railroad in Kansas, corresponding to those approved for interstate application in said proceedings; and (2) that in Ex Parte No. 166, "Increased Freight Rates, 1947," 269 I. C. C. 33, 270 I. C. C. 81 and 270 I. C. C. 93, this Commission authorized certain increases in interstate rates and charges throughout the United States, which were established October 13, 1947, January 5 and 13, 1948, and May 6, 1948, and that the Corporation Commission of the State of Kansas, by orders dated March 31, 1948, and June 16, 1948, in its docket No. 33880–R, has refused to authorize or permit said petitioners to apply to the transportation of carload and less-than-carload freight traffic generally, moving intrastate by railroad in Kansas, increases in rates and charges corresponding to those approved for interstate application in the proceeding last hereinabove cited; or to apply an increased minimum charge per shipment, in less than carloads, or in any quantity; or to apply an increased minimum rate for pick-up and/or delivery services in connection with less-than-carload or any-quantity shipments, moving intrastate by railroad in Kansas, corresponding to those approved for interstate application in the said last-cited proceeding;

It further appearing, that said petitioners allege that the intrastate rates and charges which they are required to maintain for the transportation of property as aforesaid, moving intrastate by railroad in Kansas as a result of such refusal by the Corporation Commission of the State of Kansas, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination, against interstate and foreign commerce;

And it further appearing, that the said petition brings in issue freight rates and charges made or imposed by authority of the State of Kansas:

*It is ordered*, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Kansas for the intrastate transportation of the property as referred to in the first paragraph of this order, and the minimum charge per shipment and minimum rate for pick-up and/or delivery services referred to in said paragraph, made or imposed by authority of the State of Kansas, cause any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

*It is further ordered*, That all common carriers by railroad operating within the State of Kansas subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Kansas be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Corporation Commission of the State of Kansas at Topeka, Kans.;

*It is further ordered*, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

*And it is further ordered*, That this proceeding be, and the same is hereby, assigned for hearing October 19, 1948, 9:30 a. m., U. S. Standard Time, at the rooms of the Corporation Commission of the State of Kansas, Topeka, Kans., before Examiner John P. McGrath.

By the Commission, Division 1.

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

[F. R. Doc. 48–7554; Filed, Aug. 23, 1948; 8:46 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 31–494]

MANUFACTURERS TRUST CO.

ORDER GRANTING APPLICATION AND MODIFYING PREVIOUS ORDERS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of August A. D. 1948.

The Commission having, by orders entered December 30, 1943, and prior thereto, exempted Manufacturers Trust Company until further order of the Commission from all the provisions of the act applicable to it as a holding company by reason of its direct and indirect ownership of the voting securities, inter alia, of New England Public Service Company, and subsidiary companies thereof, except the provisions of section 4 (a) (3) of the act, insofar as they relate to the sale or other disposition by Manufacturers Trust Company of said voting securities, upon condition, however, that Manufacturers Trust Company should not, except upon approval by this Commission by order, make or renew any loan to, enter into a financial transaction with, receive deposits from, act as trustee under any indenture of, act as transfer agent for any securities of, or in any manner act as financial agent for, New England Public Service Company, or any of its subsidiary companies, other than to the extent that said Manufacturers Trust Company was then acting as co-paying agent for Central Maine Power Company and Central Vermont Public Service Corporation; and

Manufacturers Trust Company having, on August 2, 1948, filed an application requesting that the Commission enter an order modifying its order of December 30, 1943, or orders prior thereto, to enable applicant to act as paying agent for all bonds of Central Maine Power Company, heretofore issued and now outstanding and hereafter to be issued under the indenture of Central Maine Power Company, dated June 1, 1921, as supplemented and amended, to Old Colony Trust Company, Trustee; and

The Commission having considered such application and deeming it appropriate that it be granted;

*It is ordered*, That the application filed with the Commission on August 2, 1948, by Manufacturers Trust Company be, and the same hereby is, granted, and that the Commission's order of December 30, 1943, and orders prior thereto, be, and the same hereby are modified to the extent that Manufacturers Trust Company may act as paying agent for all bonds of Central Maine Power Company heretofore issued and now outstanding and hereafter to be issued under the indenture of the company, and that said orders shall, in all other respects, remain in full force and effect.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48–7551; Filed, Aug. 23, 1948; 8:45 a. m.]

[File No. 70–1906]

QUEENS BOROUGH GAS AND ELECTRIC 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 Washington, D. C., on the 17th day of August 1948.

Queens Borough Gas and Electric Company, a subsidiary of Long Island Lighting Company, a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transaction:

Declarant proposes to issue and sell for cash at face amount to two commercial banks unsecured promissory notes having an aggregate face amount of $150,000 which will bear interest at the rate of 2¼% per annum and will mature January 22, 1949. The proceeds of the sale of the notes are to be used to repay outstanding notes in the same amount which are due August 26, 1948 and which are held by the same commercial banks.

Such declaration having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest date possible:

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

By the Commission.

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

[F. R. Doc. 48-7549; Filed, Aug. 23, 1948; 8:45 a. m.]

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[File No. 70-1923]

CENTRAL MAINE POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of August A. D. 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Central Maine Power Company ("Central Maine"), a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 30, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, 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, 425 Second Street NW., Washington 25, D. C. At any time after August 30, 1948, said application, as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

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

Central Maine proposes to increase its short-term debt to a maximum amount of $8,500,000 up to and including December 31, 1948, by the issue of promissory notes to The First National Bank of Boston, from time to time, to and including December 31, 1948, said notes having a maturity of nine months or less. The company had outstanding as of August 11, 1948, notes payable to The First National Bank of Boston aggregating $3,800,000. It is stated that the company has an understanding with The First National Bank of Boston that, until further notice, interest rates on the first $5,000,000 of renewals or new money will be at the rate of 1¾% per annum and on amounts in excess of $5,000,000 will be at the rate of 2% per annum. It is further stated that in case said rates shall exceed such amounts, the company will file an amendment to its application, stating the rates of interest, at least five days prior to the execution and delivery of any note bearing such new interest rates, and unless the Commission shall notify the company to the contrary within said five-day period, the amendment shall become effective at the end of said period. The issuance of such notes is for the stated purpose of obtaining the funds necessary to continue the company's 1948 construction program. The application states that the company intends to issue and sell sufficient shares of common stock between now and the end of 1948 to yield approximately $5,000,000, and that it is its present intention that this sale take place during the month of November. It is further stated that the proceeds from the sale of such common stock will be applied toward the payment of outstanding notes.

The application states that no State commission or other Federal commission has jurisdiction over the proposed transactions.

The amount of notes proposed to be issued by Central Maine is in excess of 5% of the principal amount and par value of other outstanding securities of the company. The company requests authorization pursuant to the first sentence of section 6 (b) of the act to issue such notes.

Central Maine requests that the Commission's order be issued on or before August 31, 1948, and that such order become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 48-7552; Filed, Aug. 23, 1948; 8:46 a. m.]

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[File No. 812-497]

TRANSIT INVESTMENT CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of August A. D. 1948.

Notice is hereby given that Transit Investment Corporation, a registered investment company, has filed an application for an order of the Commission exempting Transit Investment Corporation from the necessity of filing with the Commission and submitting to security holders the reports required by section 30 of the Investment Company Act of 1940 (the act) and for an order of the Commission pursuant to section 8 (f) of the act declaring that Transit Investment Corporation has ceased to be an investment company.

Applicant maintains that it has ceased to be an investment company as defined in the act by reason of the liquidation of its assets and the transfer of the proceeds thereof to the Philadelphia National Bank in escrow for distribution to the holders of its preferred stock, and that such distribution is now going on. Applicant contends that no useful purpose would be served by the preparation and filing with the Commission of a quarterly report for the period ended June 30, 1948 pursuant to the provisions of section 30 (b) (1) of the act or by sending to its stockholders a report for the six months' period ended June 30, 1948 pursuant to section 30 (d) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 27, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 25, 1948, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary: Securities and Exchange Commission, Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he wishes to controvert.

By the Commission.

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

[F. R. Doc. 48-7550; Filed, Aug. 23, 1948; 8:45 a. m.]