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## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

#### PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

##### STANDARDS FOR FRUITS AND VEGETABLES AND OTHER PRODUCTS<sup>1</sup>

On March 18, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 1817) regarding the proposed issuance of United States Standards for Berries for Processing. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Berries for Processing are hereby promulgated pursuant to the provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946)

§ 51.213, *Berries for processing*—(a) *Grades.* (1) U. S. No. 1 shall consist of berries of similar varietal characteristics which are free from caps (calyxes) mold or decay, and from dried, undeveloped and distinctly immature berries and from damage caused by overmaturity, crushing, shriveling, dirt, or other foreign matter, hail, sunscald, moisture, birds, disease, insects, mechanical or other means. At least 85 percent, by weight, of the berries in the lot shall be well colored. (See Size.)

(i) In order to allow for variations incident to proper handling, not more than 10 percent, by weight, of the berries in any lot may fail to meet the requirements of this grade, including not more than 3 percent for distinctly immature berries. No part of any tolerance shall be allowed to reduce the percentage of well colored berries required in the grade, and no part of any tolerance shall be allowed for berries infested with worms.

(2) U. S. No. 2 shall consist of berries which meet the requirements for U. S. No. 1 grade except for color and except for the increased tolerance for defects

<sup>1</sup>These standards apply to berries of the genus *rubus*, such as blackberries, dewberries, Boysenberries, Loganberries, Youngberries and other similar types of berries, but not raspberries.

specified below. At least 75 percent, by weight, of the berries in the lot shall be well colored. (See Size.)

(i) In order to allow for variations incident to proper handling, not more than 20 percent, by weight, of the berries in any lot may fail to meet the requirements of this grade, including not more than 5 percent for distinctly immature berries. No part of any tolerance shall be allowed to reduce the percentage of well colored berries required in the grade, and no part of any tolerance shall be allowed for berries infested with worms.

(b) *Unclassified.* Unclassified shall consist of berries which fail to meet the requirements of either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Size.* In view of the size variations in different producing sections and size variations of different types and varieties of berries, no size requirements are specified in these standards. However, the size may be specified in terms of minimum diameter or length.

(1) In order to allow for variations incident to proper sizing, not more than 5 percent, by weight, of the berries in any lot may fail to meet the size specified.

(d) *Definitions.* (1) "Dried" means appreciably lacking in juice. Dried berries are excessively seedy and often shriveled.

(2) "Undeveloped" means lack of development, due to frost or insect injury, lack of pollination or other means, which causes the berry to be dwarfed or badly misshapen.

(3) "Distinctly immature" means that the berries are light red, whitish, or green in the case of types or varieties which are characteristically blue or black when well ripened; and that the berries are whitish or green in the case of types or varieties which are characteristically red when well ripened.

(4) "Damage" means any injury or defect which materially affects the berries for processing purposes. The following shall be considered as damage:

(1) Overmaturity, when the drupelets of the berry have lost their luster and are excessively soft. Such berries usually disintegrate when washed under pressure.

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(ii) Crushing, when more than one-fourth of the drupelets of the berry have been crushed.

(iii) Shriveling, when the berry is materially shriveled as evidenced by drying or undevelopment of more than one-fourth of the drupelets of the berry.

(iv) Dirt; when it cannot be removed from the berry in the ordinary washing process.

(5) "Well colored" means that the berry has the color characteristic for a well ripened berry of the type or variety.

(6) "Diameter" means the greatest dimension of the berry measured at right angles to a line running from the stem end to the blossom end.

(e) *Effective time.* The United States Standards for Berries for Processing contained in this section shall become effective on and after 12:01 a. m., e. s. t., June 2, 1947 (Pub. Law 422, 79th Cong., 11 F. R. 7713)

Done at Washington, D. C., this 1st day of May 1947.

[SEAL] F. R. BURKE,  
*Acting Assistant Administrator,  
Production and Marketing  
Administration.*

[F. R. Doc. 47-4279; Filed, May 5, 1947; 8:46 a. m.]

**TITLE 10—ARMY WAR DEPARTMENT**

**Subtitle A—Organization, Functions and Procedures**

**PART 1—DESCRIPTION OF CENTRAL AND FIELD AGENCIES**

**MISCELLANEOUS AMENDMENTS**

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, Part 1, 10 CFR, Subtitle A, is amended as follows:

1. The headnote of § 1.7 (11 F. R. 177A-762) is redesignated "*Chief of Information.*"

2. The headnote of § 1.16 (11 F. R. 177A-763) is redesignated "*Public Information Division*" and the first part of the text following the headnote is amended as follows:

§ 1.16 *Public Information Division.*  
The Chief, Public Information Division  
\* \* \*

3. The headnote of § 1.18 (11 F. R. 177A-763) is redesignated "*Troop Information and Education Division*" and the first part of the text following the headnote is amended as follows:

§ 1.18 *Troop Information and Education Division.* The Chief, Troop Information and Education Division \* \* \*

[W. D. Cir. 138, 1946, as amended by Cir. 100, Apr. 18, 1947] (60 Stat. 238; 5 U. S. C. Supp. 1002; E. O. 9082, Feb. 28, 1943, 3 CFR Cum. Supp., as amended by E. O. 9722, May 13, 1946, 11 F. R. 5281)

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

[F. R. Doc. 47-4258; Filed, May 5, 1947; 8:50 a. m.]

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

**PART 112—PRISONERS**

**PRISONERS CONFINED IN UNITED STATES DISCIPLINARY BARRACKS OR FEDERAL INSTITUTIONS**

In § 112.1 paragraphs (b) and (c) are amended and paragraph (d) is added as follows:

§ 112.1 *Clemency—(a) Applications.*  
\* \* \*

(b) *Prisoners confined in United States disciplinary barracks or Federal institutions.* The case of each general prisoner who is serving sentence in a United States disciplinary barracks or in a Federal institution will be considered in the War Department for clemency at some time within the first 6 months of the period of confinement and annually thereafter. For prisoners serving sentences in a United States disciplinary barracks, including those carried as absent sick in hospital, the commandant will make appropriate recommendation to The Adjutant General. In the event recommendation is not submitted within the first 6 months and annually thereafter, a report will be submitted in each instance stating the reason for such noncompliance. For those prisoners serving sentences in Federal institutions, request will be made by The Adjutant General upon the warden for report when needed.

(c) *Prisoners confined at posts.* The case of each general prisoner serving sentence of confinement of 6 months or more at a military post will be considered for clemency by the commanding officer holding general court-martial jurisdiction over the prisoner at some time within the first 6 months of the period of confinement and annually thereafter. A report will be submitted to The Adjutant General after each such consideration. In the event a prisoner is not considered for clemency within the first 6 months and annually thereafter, a report will be submitted in each instance stating the reason for such nonconsideration.

(d) *Prisoners confined in general, regional, or station hospitals.* The case of each general prisoner serving sentence of confinement of 6 months or more who is confined in a general, regional, or station hospital, and whose designated place of confinement is other than a disciplinary barracks, will be considered for clemency by the army commander in whose area the hospital is located at some time within the first 6 months of the period of confinement and annually thereafter. A report will be submitted to The Adjutant General after each such consideration. In the event a prisoner is not considered for clemency within the first 6 months and annually thereafter, a report will be submitted in each instance stating the reason for such nonconsideration.

[AR 600-375, May 17, 1943, as amended by Cir. 100, Apr. 18, 1947] (38 Stat. 1074; 10 U. S. C. 1457a)

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

[F. R. Doc. 47-4259; Filed, May 5, 1947; 8:50 a. m.]

**TITLE 24—HOUSING CREDIT**

**Chapter VIII—Office of Housing Expediter**

[Suspension Order S-9]

**PART 807—SUSPENSION ORDERS**

**JOSEPH PFINGSTEN**

Joseph Pfingsten, 3412 West 157th Street, Cleveland, Ohio, on or about January 27, 1947, without authorization of the Civilian Production Administration or the Office of the Housing Expediter, began and thereafter carried on construction of a one-story commercial structure for use as a restaurant, located at 21465 Lorain Road, Fairview Village, Ohio, the estimated cost of which was in excess of \$1,000. The beginning and carrying on of construction as aforesaid constituted a violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.9 *Suspension Order No. S-9.*

(a) Neither Joseph Pfingsten, his successors and assigns, nor any other person shall do any further construction on the one-story commercial structure located at 21465 Lorain Road, Fairview Village, Ohio, including the putting up, completing or altering said structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Joseph Pfingsten shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph Pfingsten, his successors and assigns, nor any other person from any restriction, prohibition or provision contained in any

other order or regulation of the Office of the Housing Expediter.

Issued this 5th day of May 1947.

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

[F. R. Doc. 47-4353; Filed, May 5, 1947; 11:55 a. m.]

[Suspension Order S-20]

**PART 807—SUSPENSION ORDERS**

**HAYDEN LAKE HONEYSUCKLE HILLS, INC.**

Hayden Lake Honeysuckle Hills, Inc., a corporation organized under the laws of the State of Idaho, on or about the 7th day of July, 1946, without authorization from the Civilian Production Administration or the Office of the Housing Expediter, began construction in the nature of remodeling and alteration of a three-story building 32' x 200' in size, at Hayden Lake, Idaho, to be used as a private club and summer hotel, the estimated cost of which was approximately \$20,000. This was a violation of Veterans' Housing Program Order 1 and has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.20 *Suspension Order No. S-20.*

(a) Neither Hayden Lake Honeysuckle Hills, Inc., a corporation, its successors or assigns, nor any other person shall do any further construction on the structure located at Hayden Lake, Idaho, including the putting up, completing or altering said structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Hayden Lake Honeysuckle Hills, Inc., shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

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

Issued this 2d day of May 1947.

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

[F. R. Doc. 47-4355; Filed, May 5, 1947; 11:55 a. m.]

[Suspension Order S-30]

**PART 807—SUSPENSION ORDERS**

**DORSEY GREENO**

Dorsey Greeno, doing business as Dorsey Motor Sales, 260 E. Pine Street, Findlay, Ohio, without authorization, began on or about April 12, 1946, and thereafter carried on construction of a structure for

use as a garage, at 260 E. Pine Street, Findlay, Ohio, the estimated cost of which was in excess of \$1,000, in violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.30 *Suspension Order No. S-30.*

(a) Neither Dorsey Greeno, doing business as Dorsey Motor Sales, his successors or assigns, nor any other person shall do any further construction on the structure located at 260 E. Pine Street, Findlay, Ohio, including putting up, completing or altering the structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Dorsey Greeno, doing business as Dorsey Motor Sales, shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

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

Issued this 5th day of May 1947.

OFFICE OF THE HOUSING  
EXPEDITER,

By JAMES V. SARCONI,  
*Authorizing Officer*

[F. R. Doc. 47-4360; Filed, May 5, 1947;  
11:55 a. m.]

[Suspension Order S-31]

PART 807—SUSPENSION ORDERS

IRA N. PETERSHEIM

Ira N. Petersheim is the owner of the property located on Route 23, near Route 122, Morgantown, Pennsylvania, and on or about November 5, 1946 began the construction on the aforementioned premises of a combination filling station, repair shop, and farm machinery sales room, at an estimated cost of \$4,000, without authorization of the Civilian Production Administration or the Office of the Housing Expediter. The beginning and carrying on of this construction, subsequent to March 26, 1946, with knowledge of the construction restrictions constituted a wilful violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.31 *Suspension Order No. S-31.*

(a) Neither Ira N. Petersheim, his successors or assigns, nor any other person shall do any further construction on the premises located on Route 23, near Route 122, Morgantown, Pennsylvania, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifi-

cally authorized in writing by the Office of the Housing Expediter.

(b) Ira N. Petersheim shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

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

Issued this 5th day of May 1947.

OFFICE OF THE HOUSING  
EXPEDITER,

By JAMES V. SARCONI,  
*Authorizing Officer*

[F. R. Doc. 47-4361; Filed, May 5, 1947;  
11:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard

PART 201—NATIONAL GUARD REGULATIONS

ENLISTED MEN OF THE NATIONAL GUARD

Sections 201.14 to 201.36 inclusive are hereby superseded by the following §§ 201.14 to 201.20, inclusive.

Sec.

201.14	Qualifications for enlistment.
201.15	Enlistments.
201.16	Reenlistments.
201.17	Recognition of enlisted man.
201.18	Grades and ratings.
201.19	Separation from the National Guard.
201.20	Discharge certificate.

AUTHORITY: §§ 201.14 to 201.20, inclusive, issued under 48 Stat. 155; 32 U. S. C. 4.

§ 201.14 *Qualifications for enlistment—(a) Who may be enlisted.* (1) Any able-bodied male resident of a State who is a citizen of the United States or an alien (if permissible by State law) who has filed a legal declaration of intention to become a citizen of the United States may be enlisted in the National Guard of his State, except as otherwise prescribed hereon.

(2) Male citizens of the United States possessing technical skills which are needed by the National Guard, who have reached their 35th birthday and who at the time of application for original enlistment have not attained their 45th birthday, may, when specifically authorized by the Chief, National Guard Bureau, be accepted for enlistment and assignment to State headquarters and headquarters detachments, provided they are qualified for general military service, and vacancies exist within the units.

(b) *Persons not authorized to be enlisted.* The enlistment of any of the following is not authorized:

(1) A person who has been convicted of a felony.

(2) A person who is not of good character and temperate habits.

(3) An insane person.

(4) A person who does not speak, read, and write English.

(5) A former member of the Regular Army, the Navy, the Marine Corps, the

Coast Guard, or the National Guard, whose services during his last enlistment were not honest and faithful, or whose discharge certificate from his last enlistment bears the notation "not recommended for reenlistment."

(6) A deserter from the Regular Army, the Navy, or the Marine Corps.

(7) An alien, who has not filed his legal declaration of intention to become a citizen of the United States.

(8) A person under 18 or over 35 years of age, except as prescribed in § 201.14 (a) (2). See § 201.16 (b) for age limit on reenlistment.

(9) A person who draws a pension, disability allowance, or disability compensation from the Government of the United States.

(10) A person who draws retirement pay from the Government of the United States where retirement has been made on account of physical disability or age.

(11) A person in the Regular Army, the Regular Army Reserve, the Officers' Reserve Corps, except as provided in paragraph (d) of this section, the Enlisted Reserve Corps, except as provided in paragraph (d) of this section, the Navy, the Marine Corps, the Naval Reserve, the Naval Militia, or the Marine Corps Reserve, or any member of the armed forces while in the active Federal military service.

(c) *Persons whose enlistment requires waivers or special authority.* (1) The following will be enlisted or reenlisted only upon written request signed by the applicant in which he specifically states he desires to waive his exemption from militia duty (see sec. 59, National Defense Act, as amended)

(i) Officers, judicial and executive, of the Government of the United States and of the several States.

(ii) Customhouse clerks.

(iii) Persons employed by the United States in the transmission of the mails.

(iv) Artificers and workmen employed in Government armories, arsenals, and Navy yards.

(v) Pilots and mariners actually employed in the sea service of any citizen or merchant within the United States.

(2) A civilian officer or employee of the United States or of the District of Columbia, including postal employees, and artificers or workmen employed in Government armories, arsenals, or Navy Yards, will not be enlisted or reenlisted in the National Guard without the written consent of the head of the departments or service in which he is employed.

(d) *Members of the Officer's Reserve Corps and Enlisted Reserve Corps.* (1) A member of the Officers' Reserve Corps or Enlisted Reserve Corps who applies for enlistment in the National Guard will be discharged from the Reserve Corps without prejudice.

(2) Section 604.9 (b) (2), 10 CFR, Chapter VI, provides that an enlisted Reservist who enlists in the National Guard of the United States will be administratively discharged from the Enlisted Reserve Corps. State military authorities need not defer the enlistment of men in this category until discharge from the Enlisted Reserve Corps is secured. Upon enlistment of an Enlisted Reservist in the National Guard,

the State adjutant general will immediately notify the army commander concerned of the fact and will submit the following information on each Enlisted Reservist:

- (i) Full name.
- (ii) Grade and branch.
- (iii) Army serial number.
- (iv) Date of enlistment in the National Guard.
- (v) Unit in which enlisted in the National Guard.

(3) Upon receipt of the information submitted above, action will be taken by Army authorities to terminate the enlistment of the individual in the Enlisted Reserve Corps effective the day prior to his enlistment in the National Guard of the United States.

(e) *Members of the Reserve Officer's Training Corps.* A member of the Reserve Officers' Training Corps may enlist in the National Guard. See NGR 45.

(f) *Parental consent in enlistment of minors.* Parental consent is not necessary for the enlistment of a minor 18 years of age or over unless the State law so provides.

(g) *Residence.* An applicant for enlistment will not be accepted unless he lives within such distance of the home station of the unit in which he desires to enlist that he can properly perform his military duties.

(h) *General examination of applicants.* (1) An officer will examine each applicant for enlistment, asking certain questions to determine whether the applicant fills the requirements for enlistment. If any statement of the applicant indicates a cause for rejection, the officer will inform the applicant that he is not eligible for enlistment and make notation accordingly on the WD NGB Form 21.

(2) Applicants for original enlistment, and those who have been discharged for more than 6 months from the Regular Army, Regular Army Reserve, Enlisted Reserve Corps, Navy, Naval Reserve, Marine Corps, Marine Corps Reserve, Army of the United States, or National Guard, will be required to furnish evidence of good character in addition to their discharges.

(i) *Physical examination.* All applicants for enlistment will appear before an authorized medical examiner, for physical examination in accordance with the standards for enlistment as prescribed for the Regular Army.

§ 201.15 *Enlistments*—(a) *Term of enlistment.* Original enlistment in the National Guard will be for a period of 3 years.

(b) *Immunization.* Before, or as soon as practicable after, taking the oath of enlistment as prescribed in paragraph (c) of this section, applicants for enlistment will be immunized against smallpox and will receive the first of the immunization series for immunization against typhoid and paratyphoid, if there is doubt as to previous immunization.

(c) *Enlistment and administration of oath.* (1) After an applicant has successfully passed the required examinations, an officer will read to him the oath of enlistment and explain to him the term of service, the obligations he as-

sumes, and the pay and other allowances to which he will be entitled. The officer will then complete the enlistment by administering the oath and requiring the enlisted man to sign the oath on all three copies of the enlistment record. The officer will then sign the certificate of enlistment on all three copies.

(2) Any officer of the National Guard so authorized by the laws of the State may administer the oath of enlistment in his State. See also administration of oaths by Federal inspectors under NGR-15.

(d) The date on which the oath is administered is the date of enlistment.

§ 201.16 *Reenlistments*—(a) *General provisions.* A person who has served one or more previous enlistments in the National Guard, either complete or incomplete, with honorable discharges in all cases, may be reenlisted in the National Guard for a period of 1 or 3 years if he is fully qualified for enlistment in accordance with § 201.14.

(b) *Age at reenlistment.* The age limit of 35 years applies only to original enlistment. A person who has served in one or more previous enlistments in the National Guard of any State, or in the Regular Army, Army of the United States, Navy, or Marine Corps, complete or incomplete, terminated by honorable discharge, other than under the provisions of AR 615-369 (Administrative regulations relative to discharge) may be reenlisted in the National Guard if he is not over 64, or subject to any other age limits prescribed by the laws of the State in which he is applying for reenlistment, provided he has had total active service in the National Guard of the United States, Regular Army, Army of the United States, Navy, and Marine Corps, equal to or exceeding that shown in the following table:

Age:	Prior service
36 under 38...	1 year.
38 under 41...	2 years.
41 under 55...	2 years plus the number of years applicant is over age of 40.

Applicants who have been awarded decorations of the Silver Star or higher will be accepted for enlistment without regard to the requirements of age until their 55th birthday. No enlisted man will be entitled to pay or allowances from Federal funds appropriated for the support of the National Guard after he is 64.

(c) *Men undergoing treatment.* Enlisted men of good character and faithful service, who, at the expiration of their terms, are undergoing treatment for injuries incurred or disease contracted in line of duty, may be reenlisted, if they so elect; and if so reenlisted, and the disability proves permanent, they will be discharged for disability in accordance with prescribed regulations.

(d) *Men of doubtful physical condition who are not under treatment.* An enlisted man not under treatment, but who has contracted illness or injury in line of duty (NGR 62) that may raise a question of physical eligibility for reenlistment, but not such as to prevent his performing the duties of a soldier, may be reenlisted by authority of the State adjutant general subject to approval by the Chief, National Guard Bureau, upon

application made by letter through channels, including the examining surgeon. Such applications will be made in time to receive a decision before the date of discharge.

(e) *Men in confinement.* If a soldier sentenced by court martial to confinement for a period extending beyond the expiration of his term of enlistment received an honorable discharge, he will be reenlisted only upon the remission, by competent military authority, of the unexecuted portion of his sentence, unless the laws of the State authorize otherwise.

(f) *Discharge and reenlistment of men detailed to schools.* An enlisted man, to be detailed to a service school, must have at least 2 years to serve in his current enlistment upon the date on which the course he is to take is scheduled to end. If he does not have this much unexpired service, he will be discharged and reenlist for 3 years before attending the service school.

§ 201.17 *Recognition of enlisted man*—(a) *Definition of recognition.* Whenever the term "recognition" or "recognized" is used in §§ 201.14 to 201.20, it will be understood to mean "Federal recognition" or "federally recognized."

(b) *Effective date of recognition of enlisted man.* (1) If an enlisted man has already qualified by taking the required oath as a member of a National Guard unit not yet recognized, his own recognition becomes effective on the date his unit is recognized.

(2) If the enlisted man enlists in a recognized unit of the National Guard, the date on which he takes and subscribes to the oath of enlistment is the date of his recognition.

§ 201.18 *Grades and ratings.* (a) All enlistments in the National Guard, except as otherwise provided in this NGR, shall be in the grade of private.

(b) Except that personnel who entered active Federal military service with the National Guard of a State on or subsequent to 16 September 1940 and who reenlist therein subsequent to release or discharge from active military service, may be reenlisted in their former National Guard grade.

(c) Where compatible with State law, qualified personnel may be enlisted in the National Guard of a State in the enlisted rating or grade held in the Army of the United States at time of release or discharge.

(d) When a noncommissioned officer or rated private is discharged and reenlists, his warrant or rating may be continued if the vacancy created by his discharge has not been filled and continues to exist at the time of his reenlistment.

(e) The appointment of noncommissioned officers, privates first class, and technicians of the National Guard, and reduction from such appointments are functions of the State military authorities.

§ 201.19 *Separation from the National Guard*—(a) *General.* The separation of enlisted men from the active National Guard is effected through discharge by proper authority. Unless otherwise stated in this section, enlisted men so

discharged will be given a discharge certificate. See § 201.20.

(b) *Date discharge is effective.* The discharge of an enlisted man takes effect on the date of discharge shown on his discharge certificate.

(c) *Discharge at expiration of term of enlistment.* An enlisted man will be discharged from his enlistment in the National Guard upon the expiration of his term of enlistment as determined under the military laws of his State.

(d) *Discharge at age of 64.* An enlisted man will be discharged from the National Guard on reaching the age of 64.

(e) *Discharge upon acceptance of a commission.* An enlisted man who accepts a commission in the National Guard, or in the Regular Army Navy, Marine Corps, Coast Guard, Public Health Service, Coast and Geodetic Survey, Officers' Reserve Corps, Naval Reserve, or Marine Corps Reserve, will be discharged from his enlistment in the National Guard.

(f) *Discharge to accept appointment as cadet, U. S. Military Academy, as midshipman, U. S. Naval Academy, or as cadet, U. S. Coast Guard Academy.* An enlisted man who accepts an appointment as cadet, U. S. Military Academy, as midshipman, U. S. Naval Academy, or as cadet, U. S. Coast Guard Academy, will be discharged from the National Guard.

(g) *Discharge to enlist in Regular Army, Navy, Marine Corps, or Coast Guard.* An enlisted man of the National Guard may enlist in the Regular Army, Navy, Marine Corps, or Coast Guard, but must be discharged from the National Guard before so enlisting.

(h) *Discharge for other reasons.* An enlisted man of the National Guard may be discharged for the convenience of the Government in the case of hardship and on account of incompatible occupation.

§ 201.20 *Discharge certificate.* An enlisted man discharged from service in the National Guard and the National Guard of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army. See section 72, National Defense Act, as amended.

[NGR 25, Jan. 9, 1947 and NGR Cir 11, Apr. 1, 1947]

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

[F. R. Doc. 47-4266; Filed, May 5, 1947; 8:45 a. m.]

**Chapter VIII—Office of International Trade, Department of Commerce**

Subchapter B—Export Control  
[Amdt. 329]

**PART 801—GENERAL REGULATIONS  
PROHIBITED EXPORTATIONS**

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following respect:

The description of the commodities classified under Department of Commerce Schedule B No. 707410 is amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity
707410	Electrical machinery and apparatus: Induction furnaces vacuum metal-melting only and component parts therefor.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: April 15, 1947.

FRANCIS McINTYRE,  
Deputy Director for Export Control,  
Commodities Branch.

[F. R. Doc. 47-4262; Filed, May 5, 1947; 8:51 a. m.]

[Amdt. 330]

**PART 801—GENERAL REGULATIONS  
PROHIBITED EXPORTATIONS**

By virtue of the Sugar Control Extension Act of 1947, Public Law 30, 80th Congress, the administration of export control of sugar pursuant to the act of July 2, 1940 (54 Stat. 714) as amended, was transferred to the Department of Agriculture.

In accordance therewith, § 801.2 *Prohibited exportations* is amended by deleting from the list of commodities therein the following commodities:

Sched. B No.	Commodity
161910	Sugar, refined.
161950	Sugar, raw.
162900	Molasses.
163500	Candy, other than chocolate, containing 70% or more sugar.
163700	Confections and desserts n. e. s., containing 70% or more sugar.
164300	Glucose, liquid.
164400	Glucose, dry.
164700	Sirups, including glypho sirup.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: April 28, 1947.

FRANCIS McINTYRE,  
Deputy Director for Export Control,  
Commodities Branch.

[F. R. Doc. 47-4263; Filed, May 5, 1947; 8:51 a. m.]

[Amdt. 331]

**PART 801—GENERAL REGULATIONS  
PROHIBITED EXPORTATIONS**

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	Commodity
154911	Spices: Pepper, unground.
154998	Black pepper, ground.
154998	White pepper, ground.
	Cotton, unmanufactured:
	Linters:
300401	First cut cotton linters, grades 1 to 3 inclusive (U. S. official standard) (include cottonseed hull fiber and motes).
322401	Vegetable fibers and manufactures: Used Cuban and Puerto Rican raw sugar bags of any weight.
615000	Iron and steel manufactures: Central heating equipment: Domestic conversion oil burners, over 6 gallons' hourly capacity.
842800	Pigments, paints, and varnishes: Titanium dioxide and titanium pigments.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: May 1, 1947.

FRANCIS McINTYRE,  
Deputy Director for Export Control,  
Commodities Branch.

[F. R. Doc. 47-4264; Filed, May 5, 1947; 8:51 a. m.]

[Amdt. 332]

**PART 801—GENERAL REGULATIONS  
PROHIBITED EXPORTATIONS**

Section 801.2 *Prohibited exportation* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodity:

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
603811	Iron and steel strip, hot rolled, containing no alloy, with less than 0.40% carbon content.	Lb....	100	23

Shipments of the above commodity added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective May 10, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: May 1, 1947.

FRANCIS McINTYRE,  
Deputy Director for Export Control,  
Commodities Branch.

[F. R. Doc. 47-4265; Filed May 5, 1947; 8:51 a. m.]

**Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)**

[Directive 41, Amdt. 12]

**PART 4004—PRICE STABILIZATION; MAXIMUM PRICES**

**LIVESTOCK SLAUGHTER PAYMENTS**

Directive 41 (§ 4004.1 *Livestock slaughter payments*) is amended in the following respects:

1. Paragraph (a) of section 7 is amended to read as follows:

(a) Upon certification by the Price Administrator to the Reconstruction Finance Corporation that a slaughterer has refused or failed to furnish any information requested by the Office of Price Administration or has refused to permit the inspection and examination of his slaughtering operations by the Office of Price Administration, Reconstruction Finance Corporation shall withhold payment of all accrued and future payments to such slaughterer until the Price Administrator certifies to Reconstruction Finance Corporation that such slaughterer has furnished the information requested or permitted the inspection and examination of his slaughtering operations. Upon this latter certification, Reconstruction Finance Corporation shall then pay to such slaughterer the amount of subsidy to which such slaughterer would otherwise be entitled. No subsidy withheld under this section 7 (a) for refusal or failure to furnish information requested or required by the Office of Price Administration shall be released unless the requested or required information is provided on or before May 15, 1947.

2. Subparagraph (1) of section 7 (b) is amended to read as follows:

(1) (i) Reconstruction Finance Corporation is directed to continue its present procedure of declaring invalid, in whole or in part, any claim for subsidy payments filed by an applicant who, in the judgment of the Price Administrator or his successor in authority, has willfully violated any meat or livestock regulation or order issued by the Price Administrator. Such a judgment shall be made only in the event the alleged violation is referred to the United States Attorney for prosecution.

(ii) As used in subdivision (i) of this section 7 (b) (1) the phrase "its present procedure" was intended to and does refer to the procedure whereby subsidy funds are withheld from subsidy applicants involved in criminal proceedings. This procedure was and is as follows:

Withholding of subsidy funds from a subsidy applicant involved in criminal proceedings is initially recommended to the Reconstruction Finance Corporation by the Price Administrator only when all three of these factors are present: (1) The Price Administrator (or his duly authorized representative) has investigated the alleged willful violation and referred the case to the United States Attorney for the institution of criminal proceedings; (2) the grand jury has returned an indictment or the United States Attorney has filed an information

against the subsidy applicant for the alleged willful violations of any meat or livestock regulation or order issued by the Price Administrator; and (3) a responsible member of the applicant's management was chargeable with knowledge of the facts alleged to constitute the willful violation.

The amount of subsidy money withheld is that allocable to the selling establishments involved in the criminal proceedings, and, as to each selling establishment, to the accounting periods during which the violations are alleged. The recommendation of the Price Administrator as to such withholding is in the form of a letter to the Reconstruction Finance Corporation notifying that agency of the pending criminal proceedings and the selling establishments and periods involved.

After receiving the Price Administrator's recommendation, the Reconstruction Finance Corporation then notifies the applicant as to the specific amount of subsidy funds that are thus to be withheld or recaptured, in the event the subsidy applicant has received the funds.

The recommendations of the Price Administrator as to permanent withholding automatically follow the judicial determinations as to criminal responsibility and may, therefore, be made despite the fact that there was no initial recommendation for withholding based upon the institution of criminal proceedings, due to the absence of either or both of factors (1) and (3). If the criminal proceedings terminate with a conviction of the subsidy applicant, the subsidy payments allocable to the selling establishments for the periods involved in the conviction are then permanently withheld or recaptured. In the event the subsidy applicant is found upon trial to be not guilty of all violations charged in the indictment or information with respect to any particular accounting period or periods, or in the event all counts in the indictment or information relating to any particular accounting period or periods are dismissed or not proscribed by the United States Attorney, the Administrator certifies such facts to the Reconstruction Finance Corporation and thereupon the subsidy funds withheld or recaptured for such accounting period or periods are payable forthwith. However, the fact that all of the counts in the indictment or information relating to any particular accounting period or periods are dismissed or not proscribed by the United States Attorney, does not operate as a bar to an appropriate certification by the Price Administrator in accordance with section 7 (b) (2).

The Reconstruction Finance Corporation is directed to amend its Livestock Slaughter Payments Regulation No. 3 (subsequently redesignated Regulation No. 10) to make it clear that in any instance in which a subsidy applicant may have had subsidy funds withheld after termination of the criminal proceedings contrary to the procedure for such withholding described in this Amendment, the applicant may apply for and obtain release of such subsidy funds. The Price Administrator will review all recommendations for initial withholding, in cases in which criminal proceedings are

still pending, to assure that such recommendations are in accordance with the procedure for such withholding described in this amendment.

3. Subparagraph (4) of section 7 (b) is amended to read as follows:

(4) (i) Effective as of April 1, 1946, Reconstruction Finance Corporation is also directed to withhold payment of subsidy claims upon a certification by a Regional Administrator of the Office of Price Administration or a District Director authorized by a Regional Administrator, that the slaughterer's report filed with the Office of Price Administration on a DS-T-55 or 636-2202 form pursuant to the provisions of Maximum Price Regulation 574, shows a cost of cattle in excess of his maximum permissible cost. The withholding shall apply to the net cattle subsidy (exclusive of extra-compensation payments) otherwise due the slaughterer on cattle slaughtered at the particular establishment during the accounting period involved and at the same rates as specified in paragraph (b) (3) above. In cases of slaughterers whose maximum permissible cattle costs are determined by section 11 of Maximum Price Regulation No. 574, or whose maximum permissible cattle costs are determined by section 9 of Maximum Price Regulation No. 574 but who do not file subsidy claims on DS-T-55 Forms, the appropriate Regional Administrator of the Office of Price Administration or the appropriate District Director authorized by him shall as promptly as possible certify to Reconstruction Finance Corporation (i) the name of any slaughterer whose filed report on a DS-T-55 or 636-2202 form, after correction for errors, shows a cost of cattle in excess of his maximum permissible cost; (ii) the address of the establishment and the accounting period for which the report is filed; and (iii) the percentage by which such slaughterer's excess in cattle cost exceeds his maximum permissible cost; and (iv) the percentage of subsidy to be withheld.

(ii) Any and all withholdings by Reconstruction Finance Corporation made in conformity with the foregoing provisions of subdivision (i) of this section 7 (b) (4) during the period April 1, 1946, through May 1, 1947, inclusive, and any and all certifications by a Regional Administrator of the Office of Price Administration, or a District Director authorized by a Regional Administrator, made in conformity with the foregoing provisions of subdivision (i) of this section 7 (b) (4) during the period April 1, 1946, through May 1, 1947, inclusive, shall be deemed to have been made pursuant to section 7 (b) (4) (i), and all such actions hereby are acknowledged, approved, ratified, adopted and confirmed, and shall have the same full force and effect which would have been accorded such withholdings and certifications if the provisions set forth in foregoing subdivision (i) of this section 7 (b) (4) had been incorporated in Directive 41 as section 7 (b) (4) during and throughout the entire period April 1, 1945, through May 1, 1947, inclusive.

4. Subparagraph (5) of section 7 (b) is amended to read as follows:

(5) (i) Upon a finding by the Price Administrator on application by a slaughterer that the slaughterer's overpayment for cattle slaughtered after March 31, 1946, was due to extenuating circumstances and that the release of the subsidy withheld, or a portion thereof, would not be inconsistent with the stabilization program, he may so certify, to the Reconstruction Finance Corporation, setting forth the amount of the subsidy to be released and thereupon the Reconstruction Finance Corporation shall release such amount of subsidy. Only slaughterers, whose subsidy payments have been withheld pursuant to subparagraphs (3) or (4) of this section 7 (b) may apply to the Price Administrator at Washington, D. C., for such a certification. Applications for release of subsidy made pursuant to this section 7 (b) (5) must be made on or before May 15, 1947.

(ii) Any and all findings and certifications of the Price Administrator or his successor in authority made in conformity with the provisions of subdivision (i) of this section 7 (b) (5) prior to May 2, 1947, and any and all releases of subsidy by Reconstruction Finance Corporation made in conformity with the provisions of subdivision (i) of this section 7 (b) (5) prior to May 2, 1947, shall be deemed to have been made pursuant to section 7 (b) (5) (i) and all such actions hereby are acknowledged, approved, ratified, adopted and confirmed, and shall have the same full force and effect which would have been accorded such findings, certifications and releases if the provisions set forth in foregoing subdivision (i) of this section 7 (b) (5) had been incorporated in Directive 41 as section 7 (b) (5) during and throughout the entire period April 1, 1946 through May 1, 1947, inclusive.

5. Subparagraph (6) of section 7 (b) is amended to read as follows:

(6) On and after April 1, 1946, the provisions of section 7 (b) (2) shall not apply to those violations of Maximum Price Regulation No. 574—Live Bovine Animals (cattle and calves)—which on and after the same date provided the basis or bases for withholdings of subsidy pursuant to the provisions of section 7 (b) (3) or (4) as the latter may have provided at any time on or after April 1, 1946.

6. Subparagraphs (7) and (8) of section 7 (b) are added, in the event they were not issued properly on November 18, 1946, or, in the event they properly were issued on such date, they hereby are amended to read as follows:

(7) Effective as of the first day of any slaughterer's accounting period scheduled to end after October 14, 1946, but which was terminated automatically prior to such scheduled ending date by operation of law at 12:01 a. m. on October 15, 1946, the provisions of subparagraphs (1) and (2) of this section 7 (b) shall not apply to any violation of the maximum permissible cost provisions of section 9 or section 11 of Maximum Price Regulation No. 574—Live Bovine Animals (cattle and calves)—that occurred during such shortened accounting period.

(8) Effective as of the first day of any slaughterer's accounting period scheduled to end after October 14, 1946, but which was terminated automatically prior to such scheduled ending date by operations of law at 12:01 a. m. on October 15, 1946, the provisions of subparagraphs (3) and (4) of this section 7 (b) shall not apply to subsidy claims filed for such shortened accounting period.

7. Subparagraph (6) of section 7 (e) is amended to read as follows:

(6) If a slaughterer has exceeded his authorized quota by an amount which is not in excess of 3 percent of such quota or 2,000 pounds, liveweight, whichever is larger, or if a slaughterer has failed to set aside or deliver meat or meat products by an amount which is not in excess of 3 percent of the quantity of meat or meat products required to be set aside and delivered, he may apply to the Secretary of Agriculture, or the Price Administrator at Washington, D. C., depending upon whether his report was filed with the Department of Agriculture or the Office of Price Administration, for a release of the subsidy withheld pursuant to this paragraph (e) Upon a finding by the Secretary of Agriculture (or his duly authorized representative) or the Price Administrator, that the slaughterer's excess slaughter or failure to set aside or deliver was due to extenuating circumstances and that the release of the subsidy withheld will not be inconsistent with the stabilization program or the Government procurement program, the Secretary of Agriculture or his duly authorized representative, or the Price Administrator, may so certify to the Reconstruction Finance Corporation, and thereupon the subsidy withheld shall be payable forthwith. Applications for release of subsidy made pursuant to this section 7 (e) (6) must be made on or before May 15, 1947.

8. Subparagraph (7) of section 7 (e) is added, in the event it was not issued properly on March 12, 1947, or in the event it properly was issued on such date, it hereby is reissued to read as follows:

(7) As used in this section 7 (e) the phrase "authorized quota" was intended to and does mean the total live weight of livestock, by species, authorized to be slaughtered during an entire "quota period" or "interim quota period" as such periods are defined in Control Order 2—"Livestock Slaughter" issued by the Office of Price Administration; but was not intended to and does not apply to additional restrictions and limitations made on the quantity of livestock, by species, within the "authorized quota" that are authorized to be slaughtered during a part of a "quota period."

9. Section 11 is added to read as follows:

SEC. 11. (a) as used herein the terms "Price Administrator", "Regional Administrator of the Office of Price Administration", "District Director" (of the Office of Price Administration), and "Secretary of Agriculture (or his duly authorized representative)" include the

duly qualified legal successors in authority to such officials to whom any of the duties, powers and functions herein involved may be or may have been delegated, or otherwise lawfully transferred.

(b) As used herein the terms "Office of Price Administration" and "Department of Agriculture" include the duly qualified legal successors in authority to such offices to which any of the duties, powers and functions herein involved may be or may have been delegated or otherwise lawfully transferred.

10. Section 12 is added, in the event it was not issued properly on October 17, 1946, or, in the event it properly was issued on such date, it hereby is amended to read as follows:

SEC. 12. (a) Effective as of October 17, 1946, the amount of subsidy withheld for each period after March 31, 1946, pursuant to section 7 (b) (4) as it read prior to October 17, 1946, which would not have been withheld in accordance with Directive 41 had section 7 (b) (4), as amended this 2nd day of May, 1947, been in effect from April 1, 1946, is hereby released.

(b) On and after October 17, 1946, and upon application by the slaughterer to the Washington Office of the Office of Price Administration, the Price Administrator shall certify to Reconstruction Finance Corporation the amount of subsidy so released and thereupon such amount of subsidy shall be payable forthwith. The Price Administrator may issue regulations prescribing the contents of the applications and including such other provisions as the Price Administrator deems necessary to effectuate the provisions of this section. Applications for releases of subsidy made pursuant to this section 12 (b) must be made on or before May 15, 1947.

(c) Any and all certifications by the Price Administrator made in conformity with the provisions of paragraph (b) of this section 12 during the period October 17, 1946, through May 1, 1947, inclusive, and any and all releases of subsidies by Reconstruction Finance Corporation made in conformity with the provisions of paragraph (b) of this section 12 during the period October 17, 1946, through May 1, 1947, inclusive, shall be deemed to have been made pursuant to said paragraph (b) of this section 12, and all such actions hereby are acknowledged, approved, ratified, adopted and confirmed, and shall have the same full force and effect which would have been accorded such certifications and releases of subsidy if the provisions set forth in foregoing paragraph (b) of this section 12 had been incorporated in Directive 41 as section 12 (b) during and throughout the period October 17, 1946 through May 1, 1947, inclusive.

This amendment shall become effective as of the date of issuance. The provisions of Directive 41 incorporated in such directive by previous amendments No. 7 through No. 11 thereto, and which either are restated or are amended in this amendment became effective as of the respective effective dates indicated in the said previous incorporating

amendments, and remain effective as of those dates.

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; 15 U. S. C. 713a-3, 713a-3 note, 50 U. S. C. App. 901-903, 921-925, 961-971, Pub. Law 548, 79th Cong., E. O. 9250, 9328, 9599, 9651, 9697, 9699, 9762, 9809, 7 F. R. 7871, 8 F. R. 4681, 10 F. R. 10155, 13487, 11 F. R. 1691, 1929, 8073, 14281)

Issued this 2d day of May 1947.

PHILIP B. FLEMING,  
Temporary Controls Administrator.

[F. R. Doc. 47-4348; Filed, May 5, 1947; 10:54 a. m.]

**TITLE 37—PATENTS AND COPYRIGHTS**

**Chapter II—Copyright Office, Library of Congress**

**PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT**

**APPLICATION FORMS**

**§ 201.12 Application forms. \* \* \***

Commencing May 6, 1947, the Copyright Office will issue the following new forms of applications and certificates used for the registration of claims to copyright: Form B5 (Contribution to a periodical printed or otherwise produced in the United States) <sup>2</sup> Form C (Lecture or similar production prepared for oral delivery) <sup>2</sup> and, Form D (Dramatic or dramatico-musical composition) <sup>2</sup>

(Sec. 53, 35 Stat. 1085; 17 U. S. C. 53)

[SEAL] SAM B. WARNER,  
Register of Copyrights.

Approved: May 1, 1947.

LUTHER H. EVANS,  
Librarian of Congress.

[F. R. Doc. 47-4261; Filed, May 5, 1947; 8:50 a. m.]

**TITLE 47—TELECOMMUNICATION**

**Chapter I—Federal Communications Commission**

**PART 1—ORGANIZATION, PRACTICE AND PROCEDURE**

**AMENDMENTS OF APPLICATIONS**

APRIL 25, 1947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of April 1947;

It appearing, that § 1.365 (a) of the Commission's rules requires that after an application has been designated for hearing, every petition requesting leave to amend that application must be accompanied by an affidavit stating whether consideration has been promised to or received by petitioner in connection with the filing of such petition for amendment; and

It further appearing, that it would be conducive to the dispatch of the Commis-

sion's business and the ends of justice to relax the said rule so that the necessity for filing an affidavit regarding consideration would only apply to petitions to amend wherein a change in frequency or power is requested; and

It further appearing, that general notice of proposed rule making and procedure required by section 4 of the Administrative Procedure Act is not required herein for the reason that the proposed amendment is procedural and is designed to relieve certain restrictions which now exist in connection with the filing of petitions for amendment of applications for station licenses;

It is therefore ordered, That § 1.365 (a) of the Commission's rules and regulations be, and it is hereby, amended, effective immediately, to read as follows:

**§ 1.365 Amendments of applications.**

(a) Any application may be amended as a matter of right prior to the designation of such application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. Such a petition which requests either a change in frequency or power must be accompanied by the affidavit of a person with knowledge of facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. After a proposed decision has been rendered with respect to an application, petitions to amend such applications will not be considered if they are not filed within 20 days after public notice is given of the proposed decision unless good cause is shown as to why it was not possible to file such petition within the period specified. (Sec. 4 (l) 5 (e), 48 Stat. 1068; 47 U. S. C. 154 (l) 155 (e))

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

[F. R. Doc. 47-4282; Filed, May 5, 1947; 8:47 a. m.]

**TITLE 49—TRANSPORTATION AND RAILROADS**

**Chapter I—Interstate Commerce Commission**

[S. O. 725]

**PART 95—CAR SERVICE**

**BULKHEADS PROHIBITED IN CARS OF WATERMELONS**

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of April A. D. 1947.

It appearing, that in southern territory certain tariffs provide the minimum weight for cars 36 feet 6 inches or

less in length will be applied to cars 40 feet 7 inches in length, when such cars are equipped with bulkheads so that the available loading space does not exceed 36 feet 6 inches; that such use of bulkheads is wasteful and contributes to the shortage of equipment; the Commission is of opinion an emergency requiring immediate action exists in the southern section of the country. It is ordered, that:

§ 95.725 Bulkheads prohibited in cars of watermelons—(a) Bulkheads prohibited in watermelon cars. No common carrier by railroad, subject to the Interstate Commerce Act, shall install or allow or permit to be installed in any freight car, loaded or to be loaded with watermelons, a bulkhead which will reduce or restrict the capacity of the car; nor transport a car in which a bulkhead has been installed in violation of this section.

(b) Distribution of cars. That common carriers by railroad shall distribute and furnish to shippers of watermelons cars suitable for the transportation of watermelons without regard to ownership and in such manner as to afford a fair and equitable distribution of cars of lengths (inside measurement) ranging from 36 feet 6 inches to 40 feet 7 inches.

(c) Application. The provisions of this section shall apply to interstate traffic originating in southern territory east of the Mississippi River and south of the Ohio and Potomac Rivers.

(d) Regulations suspended; announcement required. The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(e) Effective date. This section shall become effective at 12:01 a. m., May 15, 1947.

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

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

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-4248; Filed, May 5, 1947; 8:56 a. m.]

<sup>2</sup> Filed as part of the original document. No. 89—2

## PROPOSED RULE MAKING

### TREASURY DEPARTMENT.

Bureau of Internal Revenue

[26 CFR, Part 194.]

WHOLESALE AND RETAIL DEALERS IN LIQUORS

#### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form herein are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2857, 2858, 3254 and 3791 of the Internal Revenue Code (26 U. S. C. A. 2857, 2858, 3254, and 3791)

1. Sections 194.27 (a) 194.75 (a) and (b) 194.76, and 194.78 (a) of Regulations 20 (Part 194, 26 CFR) are hereby amended as follows:

§ 194.27 *Warehouse receipts covering spirits.* (a) Since the sale of warehouse receipts for spirits is equivalent to the sale of spirits, a person engaged in the business of selling, or offering for sale, warehouse receipts for spirits stored in Government bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors, unless exempted by the provisions of §§ 194.62 to 196.73, inclusive.

§ 194.75 *Records to be kept by wholesale liquor dealers.* (a) Every wholesale dealer in liquors who sells distilled spirits (by warehouse receipt or otherwise) in quantities of 5 wine gallons or more to the same person at the same time shall keep Record 52, "Wholesale Liquor Dealer's Record," and render monthly transcripts, Forms 52A and 52B, "Wholesale Liquor Dealer's Monthly Report," and Form 338 "Wholesale Liquor Dealer's Monthly Report (Summary of Forms 52A and 52B)." Separate Records 52 shall be maintained for (1) the recording of transactions in warehouse receipts and (2) the recording of receipts and removal of spirits. The record covering transactions in warehouse receipts shall be so identified.

(b) Daily entries shall be made on Record 52 of all distilled spirits received and disposed of (by warehouse receipt or otherwise) as indicated by the headings of the various columns, and in accordance with the instructions printed thereon and contained in pertinent regulations, not later than the close of business of the day on which the transactions occur. *Provided*, That if the keeping of such separate record is approved by the district supervisor, a wholesale liquor dealer may keep a separate record of the

disposal of distilled spirits, showing the data required to be entered on Record 52, but the daily entries of the disposal of distilled spirits shall be made on Record 52 not later than the close of business of the following business day.

§ 194.76 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52: *Provided*, That the proprietor keeps at his place of business a separate record, showing such serial numbers, with necessary identifying data, including the date of removal (or the date of disposal in the case of warehouse receipts) and the name and address of the person or persons to whom sold and consigned: *Provided further*, That the keeping of such record is approved by the district supervisor. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such manner that the required information may be ascertained readily therefrom, and, during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by revenue officers. If a record in book form is kept, entries shall be made on such separate approved record not later than the close of business of the day on which the transactions occur. The dealer shall note on Record 52, in the column for reporting serial numbers of cases of spirits disposed of, "Serial numbers shown on commercial records per authority, dated \_\_\_\_\_." (Sec. 2857, I. R. C.)

§ 194.78 *Place where Record 52 shall be kept.* (a) Every wholesale dealer in liquors shall keep the Record 52 covering transactions in warehouse receipts at the place of business covered by the wholesale liquor dealer special tax stamp, and, except as provided in paragraph (b) of this section shall keep Records 52 covering the receipt and removal of spirits at such premises.

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER. (Secs. 2857, 2858, 3254, and 3791 of the Internal Revenue Code (26 U. S. C. A. 2857, 2858, 3254 and 3791))

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

[F. R. Doc. 47-4280; Filed, May 5, 1947; 8:46 a. m.]

### DEPARTMENT OF THE INTERIOR

Office of the Secretary

[50 CFR, Part 11]

PROTECTION OF MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

#### NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved

June 11, 1946 (Pub. Law 404, 79th Cong.), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704) as amended, notice is hereby given that the Secretary of the Interior intends to take the following action:

Adopt amended regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds, and parts, nests, and eggs thereof, and of certain game mammals.

The foregoing regulations are to be effective beginning July 1, 1947, or as soon thereafter as approved by the President, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington, D. C., or by presenting their views at a series of open discussions scheduled to be held at the following designated places on the dates specified:

April 30, Chicago, Illinois, Academy of Sciences.

May 6, New York City, Shelton Hotel.

May 8, Washington, D. C., Department of the Interior Auditorium.

May 10, Jacksonville, Florida, Roosevelt Hotel.

May 12, New Orleans, Louisiana, St. Charles Hotel.

May 14, San Antonio, Texas, Gunter Hotel.

May 19, San Francisco, California, Masonic Hall.

May 22, Portland, Oregon, Public Library.

May 27, Denver, Colorado, Phipps Memorial Museum.

May 29, St. Louis, Missouri, Kiel Auditorium.

June 2, St. Paul, Minnesota, Lowry Hotel.

J. A. KRUG,  
Secretary of the Interior

APRIL 29, 1947.

[F. R. Doc. 47-4256; Filed May 5, 1947; 8:50 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Ch. 1]

[Docket No. 8288]

OPERATION OF CERTAIN LICENSED RADIO STATIONS BY UNLICENSED PERSONNEL

#### NOTICE OF PROPOSED RULE MAKING

APRIL 25, 1947.

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

2. On May 10, 1946, the Commission adopted its Order 133 providing for the operation under certain circumstances of certain mobile and portable radio transmitting equipment in certain radio services by unlicensed personnel. Among other things, this order provides that it shall not be construed "to authorize

any person not holding a proper operator license issued by this Commission to make adjustments to any radio transmitter."

3. The Commission has been requested to modify Order 133 to permit certain adjustments to be made to mobile radio transmitters by unlicensed personnel. After consideration of this request, the Commission has concluded that the public interest, convenience, or necessity would be served if specially trained unlicensed maintenance personnel were permitted to make certain minor adjustments to antenna tuning and coupling controls of certain mobile radio transmitters under limited circumstances. In brief, the conclusion reached is that such adjustments may be permitted if the equipment is of certain general design and if the station licensee determines in advance that the adjustments throughout their possible range cannot cause any off-frequency operation or result in any other unauthorized emissions.

4. The proposal herein, which is set forth herein is authorized by sections 303 (f) (1) and (r) and section 318 of the Communications Act of 1934, as amended. If comprises certain proposed amendments to order 133, which amendments, if adopted, will both accomplish the aforesaid purpose and also clarify the scope and application of the entire order.

5. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before May 25, 1947, a written statement or brief setting forth his comments. Before final action is taken, all comments received will be considered, and if any comments are received which appear to warrant the Commission in holding an oral argument, notice of the time and place of such oral argument will be given.

It is proposed that Order 133-A be adopted, amending Commission Order 133 by cancelling its ordering provisions and substituting therefor the following:

That, until further order of the Commission and subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act of 1934, as amended, be and they are hereby waived insofar as such provisions require any person to hold a radio operator license in order to operate the various classes of mobile or portable radio transmitting equipment authorized for use in the Experimental, Emergency, Miscellaneous, Railroad, and Utility Services (Parts 5, 10, 11, 16, and 17 of the Commission's rules) *Provided, however*

1. This order shall not apply to any portable or mobile radio station engaging in communications in the international service (i. e., communications originating at or directed to any location beyond the territorial limits of the continental United States or of its territories or possessions, or communications with any foreign station wherever located) *Provided, however* That this order shall apply to radar stations licensed in the Experimental Service and installed on ships or aircraft.

2. This order shall not apply to any portable or mobile station using radiotelegraphy employing manual operation.

3. This order shall not apply to any portable or mobile station operating on frequencies below 25 megacycles unless such operation is subject to control by a licensed operator of an associated land station licensed to the same licensee.

4. This order shall not apply to any portable or mobile station being operated as a common carrier on frequencies below 30 megacycles.

5. This order shall not apply to any portable or mobile station licensed in the Experimental Service looking to common carrier operation on a regular basis other than in the General Mobile Radio Service.

6. This order shall not be construed to authorize any person who does not hold a valid first or second class radio operator license to make adjustments to any radio transmitting equipment except as provided in the following paragraph numbered 7.

7. Pursuant to paragraph numbered 6 above, antenna tuning and coupling adjustments of radio transmitting equipment of mobile stations (except stations licensed in the Experimental Service on board ships or aircraft) licensed in the above enumerated services may be made by persons (including unlicensed personnel) who do not hold valid first or second class radio operator licenses who have been specially trained and designated by the station licensee to make such adjustments, *Provided, That*:

(a) The station licensee shall determine prior to each installation of a transmitter that the transmitter antenna tuning and coupling controls can be adjusted throughout their range without causing any off-frequency operation or resulting in any other unauthorized emissions when the particular transmitter is attached to an antenna having the same over-all characteristics as the one to be used in regular service.

(b) The station licensee, shall, in addition to making the determination specified in paragraph (a) above, insure that the particular transmitter shall have been completely and properly adjusted and checked (except for the final post-installation adjustment of the antenna circuit) by, or in the presence of, a first or second class licensed radio operator.

(c) The transmitter shall be so designed that the controls intended to be used in adjusting the transmitter antenna tuning and coupling are readily identifiable.

(d) Immediately upon completion of the antenna circuit adjustments of the transmitter following the transmitter's installation in a mobile unit, and prior to placing the mobile unit in service, the operating frequency of the transmitter shall be measured to determine that such frequency is within the allowable tolerance for the particular service and class of station and that there are no unauthorized emissions.

(Sec. 303 (f) 303 (1), 303(r) 318, 48 Stat. 1082, 1089, as amended by 50 Stat. 56, 47 U. S. C. 303 (f) 303 (1) 303(r) 318)

Adopted: April 24, 1947.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4281; Filed, May 5, 1947;  
8:46 a. m.]

## FEDERAL SECURITY AGENCY

### Food and Drug Administration

[21 CFR, Part 531

[Docket No. FDC 47]

#### CANNED TOMATOES; DEFINITION AND STANDARD OF IDENTITY

##### NOTICE OF PROPOSED RULE MAKING

It is proposed that by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice issued on February 15, 1947 (12 F. R. 1030), the following order be made:

*Findings of fact:*<sup>1</sup> 1. By order dated June 18, 1940, and published in the FEDERAL REGISTER on June 19, 1940 (5 F. R. 2282) the definition and standard of identity for canned tomatoes was amended to provide for the use of, as an additional optional ingredient in canned tomatoes, purified calcium chloride, in a quantity reasonably necessary to firm the tomatoes, but in no case more than 0.07 percent (calculated as anhydrous calcium chloride) of the weight of the finished canned tomatoes.

The amended definition and standard of identity provided that when the optional ingredient, calcium chloride, was present the label should bear the statement "Trace of Calcium Chloride Added" or "With Added Trace of Calcium Chloride." R. 4-5; Exh. 2.

2. On the basis of the evidence received at a public hearing held prior to the promulgation of the order dated June 18, 1940 (see finding one) it was determined that the addition of calcium salts in the canning of tomatoes resulted in protecting the tomatoes against softening. At the time of that order a finding was made that, on the basis of the reported experiments with calcium salts, only calcium chloride had been demonstrated to be satisfactory for the purpose of retaining the tomatoes in a firm state. R. 4-5, 58-60; Exh. 2, 4, 5.

3. Since promulgation of the order dated June 18, 1940 (see finding one) further information has shown that in

<sup>1</sup>The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.

addition to calcium chloride, there are other calcium salts which are suitable optional ingredients for firming canned tomatoes. These additional calcium salts are calcium sulphate, calcium citrate, and monocalcium phosphate. R. 11, 14, 16, 38, 51, 53, 59-61, 63, 65, 72-77; Exh. 3, 4, 5, 6, 7.

4. The firming effect of calcium chloride, calcium sulphate, calcium citrate, and monocalcium phosphate upon canned tomatoes is attributable in each instance to the calcium ion, and equivalent quantities of calcium ions produce substantially equivalent firming effect. The evidence of record at the hearing did not indicate that the present limit on the amount of calcium derived from the calcium salt (see finding one) should be changed. R. 16, 24, 25, 38-41; 44-45, 47-48, 53, 58-60, 64, 73, 81, Exh. 3, 4.

5. It is advantageous and practicable to limit the amount of any calcium chloride, calcium sulfate, calcium citrate, or monocalcium phosphate added as an optional ingredient to canned tomatoes in terms of the calcium content of these salts. The limit of not more than 0.07 percent calcium chloride which is specified in the present definition and standard of identity for canned tomatoes (see finding one) corresponds in terms of calcium content to 0.026 percent. R. 27, 42, 56, 61-62, 63; Exh. 4.

6. Since the effect of the addition of the calcium salts designated in finding 3 is essentially dependent on the calcium ions furnished and the acidic radi-

cal is unimportant a reasonably informative label statement for canned tomatoes to which one or more such calcium salts have been added is "Trace of ----- Added" or "With Added Trace of -----" the blank being filled in with the words "Calcium Salt" or "Calcium Salts" as the case may be, or with the name or names of the particular calcium salt or salts added. R. 22, 40, 62, 82; Exh. 3, 5, 6.

*Conclusion.* On the basis of the foregoing findings of fact it is concluded that the following amendments to the regulations fixing and establishing a definition and standard of identity for canned tomatoes (21 CFR Cum. Supp. 53.40) will promote honesty and fair dealing in the interest of consumers and it is proposed to amend § 53.40 *Canned tomatoes; identity; label statement of optional ingredients* as follows:

1. That subparagraph (4) of paragraph (a) be deleted and the following substituted therefor:

(4) Purified calcium chloride, calcium sulphate, calcium citrate, monocalcium phosphate, or any two or more of these calcium salts, in a quantity reasonably necessary to firm the tomatoes, but in no case such that the amount of the calcium contained in such salts is more than 0.026 percent of the weight of the finished canned tomatoes.

2. That the third sentence in paragraph (b) be deleted and the following

substituted therefor: "When one or more of the optional ingredients designated in paragraph (a) (4) of this section is present, the label shall bear the statement "Trace of ----- Added" or "With Added Trace of -----", the blank being filled in with the words "Calcium Salt" or "Calcium Salts" as the case may be or with the name or names of the particular calcium salt or salts added.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, Room 3255 Social Security Building, 4th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

Dated: April 30, 1947.

[SEAL] WATSON B. MILLER,  
Administrator

[F. R. Doc. 47-4260; Filed, May 5, 1947; 8:50 a. m.]

## NOTICES

### 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 8770]

EUGENE THUM

In re: Trusts under will of Eugene Thum, deceased. File No. D-28-6574; E. T. sec. No. 4719.

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 Tilla Schoepfer, Gertrud Von Wangenheim, Heinz Von Wangenheim, Sofie Krauss, Margarethe Krauss, Ernst Von Watter, Gerta Morian, and Anne-liese Von Watter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the children, names unknown, of Tilla Schoepfer; the children, names unknown, of Gertrud Von Wangenheim; the children, names unknown, of Sofie Krauss; the children, names unknown of Ernst Von Watter; the children,

names unknown of Margarethe Krauss; the children, names unknown, of Heinz Von Wangenheim; and the children, names unknown, of Gerta Morian, 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 trusts created under the Will of Eugene Thum, 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 City Bank, Farmers Trust Company, as Trustee of the Trusts created under the Will of Eugene Thum, deceased, for the benefit of Tilla Schoepfer, Gertrud Von Wangenheim, Sofie Krauss and Ernst Von Watter, 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 above named persons and the children, names unknown, of Tilla Schoepfer, the children, names unknown, of Gertrud Von Wangenheim, the children, names unknown, of Sofie Krauss, the children, names unknown, of Ernst Von Watter,

the children, names unknown, of Margarethe Krauss, the children, names unknown, of Heinz Von Wangenheim, and the children, names unknown, of Gerta Morian, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

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

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

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

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-4267; Filed, May 5, 1947; 8:45 a. m.]

[Vesting Order 8819]

HEDWIG STEINBORN

In re: Bank accounts owned by Hedwig Steinborn. F-28-22732-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 Hedwig Steinborn, whose last known address is Buchen-Bad, Odenwald, Buchen, 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 Hedwig Steinborn by Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a savings account, Account Number 983,724, entitled Hedwig Steinborn, maintained at the 14th Street Branch Office of the aforesaid bank located at 4th Avenue at 14th Street, New York 3, 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 aforesaid national of a designated enemy country (Germany)

3. That the property described as follows:

a. That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a savings account, Account Number 998,530, entitled Hedwig Steinborn in trust for Theresa Steinborn, maintained at the 14th Street Branch Office of the aforesaid bank located at 4th Avenue and 14th Street, New York 3, New York, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a savings account, Account Number 998,531, entitled Hedwig Steinborn in trust for Herbert Steinborn, maintained at the 14th Street Branch Office of the aforesaid bank located at 4th Avenue and 14th Street, New York 3, 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 Hedwig Steinborn, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

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

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

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

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

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

For the Attorney General,

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-4273; Filed, May 5, 1947; 8:45 a. m.]

[Vesting Order 8820]

GEORG STRICKER ET AL.

In re: Bank accounts owned by Georg Stricker, Adam Stricker and Anton Stricker. F-28-12377-E-1, F-28-12375-C-1, F-28-12375-E-1, F-28-12376-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 Georg Stricker, Adam Stricker and Anton Stricker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Georg Stricker, by Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, arising out of a term savings account, Account Number 394230, entitled Georg Stricker, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Adam Stricker, by Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, arising out of a savings account, Account Number 394232, entitled Adam Stricker, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Anton Stricker, by Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, arising out of an account numbered 394231, entitled Anton Stricker, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the

national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

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

For the Attorney General,

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-4274; Filed, May 5, 1947; 8:46 a. m.]

[Vesting Order 8822]

PRISCA VON LIERES UND WILKAU

In re: Debt owing to Prisca von Lieres and Wilkau. F-28-373-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 Prisca von Lieres and Wilkau, whose last known address is Alt Rosenberg, Upper Silesia, 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 Prisca von Lieres and Wilkau by Dominick & Dominick, 14 Wall Street, New York 5, New York, in the amount of \$1,997.72, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

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

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-4275; Filed, May 5, 1947;  
8:46 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### ALASKA

#### SHORE SPACE RESTORATION NO. 390

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372) *It is ordered as follows:*

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409) as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) is hereby revoked as to the following described land:

#### TERRITORY OF ALASKA

A tract of land on Kodiak Island described as beginning at Corner No. 1 identical with Corner No. 3 M. C. of U. S. Survey No. 2371 on the west shore of Chip Cove, in Moser Bay, an arm of Alitak Bay, thence S. 58°04' W. 6.6 chains to Corner No. 2, thence approximately S. 8°30' E. 18.3 chains to Corner No. 3, thence east 6 chains to Corner No. 4 at line of mean high tide on west shore of Chip Cove, thence northerly by meanders on the west shore of Chip Cove 22 chains to Corner No. 1, the place of beginning, Latitude 57°01'29" N., Longitude 154°09'05" W. (soldiers' additional homestead application Anchorage 09694 of John B. Stiles).

The area described contains approximately 13 acres.

WARNER W. GARDNER,  
Assistant Secretary of the Interior

APRIL 23, 1947.

[F. R. Doc. 47-4243; Filed, May 5, 1947;  
8:55 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[P. & S. Docket No. 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

#### NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) the Secretary of Agriculture, on December 4, 1946, issued an order (5 A. D. 873) providing for certain temporary rates and charges for the respondent stockyard company for the period ending June 30, 1947.

By a petition filed April 25, 1947, the respondent has requested that said temporary rates and charges of the respondent stockyard company be extended and made effective until June 30, 1948.

It appears that public notice should be given of the filing of such petition in

order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested person who desire to be heard upon the matter requested in said petition shall notify the hearing clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 1st day of May 1947.

[SEAL] H. E. REED,  
Director Livestock Branch,  
Production and Marketing  
Administration.

[F. R. Doc. 47-4276, Filed, May 5, 1947;  
8:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

GULF BROADCASTING CO., INC., ET AL.

#### NOTICE OF ORAL ARGUMENT

Beginning at 10:30 o'clock a. m. on Tuesday, May 6, 1947 the Commission will hear oral argument in Room 6121 of the offices of the Commission, on the following matters, in the order indicated:

(1)

- Report and Docket No. B-339:  
7313 Gulf Broadcasting Co., Inc., Mobile, Ala., 1340 kc 250 w unl.  
7314 Burton Broadcasting Co., Mobile, Ala., 1340 kc 250 w unl.  
7482 Mobile Broadcasting Co., Mobile, Ala., 1330 kc 1 kw night 5 kw day unl. DA-N&D.

(2)

- Report and Docket No. B-338:  
6921 WJPS, Inc., Evansville, Ind., 1330 kc 5 kw D 1 kw N unl. DA-night and day.  
6922 Tri-State Broadcasting Corp., Evansville, Ind., 1330 kc 5 kw unl. DA-night and day.

(3)

- Report and Docket No. B-341.  
6843 Bay State Beacon, Inc., Brockton, Mass., 1450 kc 250 w unl.  
6845 Cur-Nan Co., Brockton, Mass., 1450 kc 250 w unl.  
7008 Plymouth County Broadcasting Corp., Brockton, Mass., 1450 kc 250 w unl.

(4)

- Report and Docket No. B-340:  
7216 Central Broadcasting Co., Eau Claire, Wis., 790 kc 5 kw N&D DA unl.  
7333 Texas Star Broadcasting Co., Houston, Tex., 790 kc 1 kw N 5 kw D.  
7334 Lubbock County Broadcasting Co., Lubbock, Tex., 790 kc 1 kw unl.  
7335 Plains Radio Broadcasting Co., Lubbock, Tex., 790 kc 5 kw.  
7336 Veterans Broadcasting Co., Houston, Tex., 1230 kc 250 w unl.

(5)

- Report and Docket No. B-345:  
7367 Abilene Broadcasting Co., Abilene, Tex., 1340 kc 250 w unl.

Report and Docket No. B-345—Continued  
7483 Citizens Broadcasting Co., Abilene, Tex., 1340 kc 250 w unl.

Dated: April 28, 1947.

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

[F. R. Doc. 47-4283; Filed, May 5, 1947;  
8:47 a. m.]

## OFFICE OF HOUSING EXPEDITER

[C-19]

STANLEY M. BURNS

#### CONSENT ORDER

Stanley M. Burns of Silver Street, Dover, New Hampshire, is the owner of a house on Ocean Boulevard, Gay Hills, Rye Beach, New Hampshire. Under application on Form CPA-4386, Stanley M. Burns was authorized by the Federal Housing Administration September 10, 1946, to repair the roof and to renew the outside covering of the above-described house. Under this authorization, extensive remodeling, alterations and additions were done to the building beginning October 1946, also extensive alterations and additions to a garage located on the premises were undertaken. This work, which was not authorized nor permitted under any exemption provided for, constituted a violation of Veterans' Housing Program Order 1.

Stanley M. Burns admits the violation as charged but denies that it was wilful and consents to the issuance of this order.

Wherefore, upon the agreement and consent of Stanley M. Burns, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Stanley M. Burns, his successors or assigns, nor any other person shall do any further construction on the premises located on Ocean Boulevard, Gay Hills, Rye Beach, New Hampshire, including completing or altering the structure or any part thereof unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) The provision of paragraph (a) above shall apply only so long as Veterans Housing Program Order 1 or other applicable substitute or successor orders restricting, prohibiting or controlling construction of this nature in the United States shall remain in effect.

(c) The provisions of paragraph (a) above do not apply to the work to be done under authorization from the Federal Housing Administration, dated March 20, 1947, and being project No. 77-024-173 NR which authorization provides for the completion of an apartment over the garage for rental to a veteran nor to the minimum amount of work specifically authorized by the Office of the Housing Expediter under Serial No. 1-5.617, dated April 15, 1947, necessary to protect material already incorporated into the structure, nor to the completion of painting of the exterior parts of the building which existed before alterations were begun and which were resided under authorization from the Federal Housing Administration.

(d) Stanley M. Burns shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter or any other Federal agency to do any further construction on this project.

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

(f) This order shall take effect on the date of issuance.

Issued this 5th day of May 1947.

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

[F. R. Doc. 47-4356; Filed, May 5, 1947;  
11:55 a. m.]

[C-20]

READING OIL & GAS CO.  
CONSENT ORDER

The Reading Oil and Gas Company is an Ohio Corporation engaged in the business of selling gasoline and oil at retail. A Wm. H. Jamison is the Vice-President of said corporation. Clifford J. Hock is the secretary of said corporation. The Reading Oil and Gas Company is charged by the Office of the Housing Expediter with violating Veterans' Housing Program Order 1 in that on or about December 1, 1946, without authorization, it began construction and thereafter carried on and participated in construction in connection with the altering, remodeling, and making of an addition to a building for use as a gasoline service station located at 1326 Main Avenue, Reading, Ohio, at an estimated cost of \$3,500.

The Reading Oil and Gas Company admits the violation as charged, but denies that it was wilful or deliberate and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of the Reading Oil and Gas Company, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither the Reading Oil and Gas Company, its successors or assigns, nor any other person shall do any further construction on the premises located at 1326 Main Avenue, Reading, Ohio, including the putting up, completing, or altering the structure and addition to be used as a gasoline service station located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) The Reading Oil and Gas Company shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on this construction.

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

Issued this 5th day of May 1947.

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

[F. R. Doc. 47-4357; Filed, May 5, 1947;  
11:55 a. m.]

[C-21]

FRANK MONOPOLE  
CONSENT ORDER

Frank Monopole, 3806 Floral Avenue, Norwood, Cincinnati, Ohio, is charged by the Office of the Housing Expediter with violating Veterans' Housing Program Order 1 in that on or about January 6, 1947 he began construction and thereafter carried on and participated in the construction of an addition at 2720 Williams Avenue, Norwood, Cincinnati, Ohio, to a commercial building located at 4101 Edwards Road, Norwood, Cincinnati, Ohio, for use as a restaurant, at a cost in excess of \$1,000, without authorization.

Frank Monopole admits the violation as charged, but denies that it was wilful and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Frank Monopole, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither Frank Monopole, his successors or assigns, nor any other person shall do any further construction on the addition located at 2720 Williams Avenue, Norwood, Cincinnati, Ohio, to the commercial building at 4101 Edwards Road, Norwood, Cincinnati, Ohio, including completing, putting up or altering said addition, unless authorized in writing by the Office of the Housing Expediter.

(b) Frank Monopole shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authority to carry on construction.

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

Issued this 5th day of May 1947.

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

[F. R. Doc. 47-4358; Filed, May 5, 1947;  
11:55 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File Nos. 54-50, 54-82, 54-147, 53-10, 53-39]

NORTH AMERICAN CO. ET AL.

ORDER PERMITTING DECLARATION TO  
BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of April 1947.

In the matter of The North American Company and its subsidiary companies, File No. 59-10; The North American Company, File No. 54-82; North American Light & Power Company, Holding-Company System and The North American Company, File No. 53-39; North American Light & Power Company, File No. 54-50; Illinois Power Company, File No. 54-147.

The Commission having issued its preliminary opinion and order on February 28, 1947, pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935, approving that portion of Plan I, filed by The North American Company on January 6, 1947, which provides for the settlement by The North American Company, North American Light & Power Company and Illinois Power Company of all claims and counterclaims affecting Illinois Power Company; and

Illinois Power Company having proposed to use part of the cash to be received by it upon consummation of the aforesaid portion of Plan I for retirement of its outstanding Dividend Arrears Certificates and having requested that the Commission permit the cash payment of \$6,256,650 on said Dividend Arrears Certificates and to charge such amount to Paid-In Surplus, and the Commission having this day entered its findings and opinion in which such request of Illinois Power was treated as a declaration pursuant to section 12 (c) of the act and Rule U-46 thereunder; and

The Commission having observed no basis for adverse findings under the particular circumstances of this case, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective;

*It is hereby ordered, That* said declaration be and it hereby is permitted to become effective, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-4244; Filed, May 5, 1947;  
8:55 a. m.]

[File No. 53-89]

EASTERN UTILITIES ASSOCIATES ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pa., on the 30th day of April A. D. 1947.

The Commission having previously designated May 6, 1947 as the date for hearing in the above proceeding instituted by the Commission under sections 11 (b) (1) 11 (b) (2) 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935, with respect to Eastern Utilities Associates and its subsidiary companies; and

Counsel for the respondents and counsel for the Commission having mutually agreed that the hearing in this matter should be postponed until May 20, 1947; and

The Commission deeming it appropriate to grant such postponement:

*It is ordered*, That the hearing in this matter previously scheduled for May 8, 1947 at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, be, and hereby is, postponed to May 20, 1947, at 10:00 a. m., e. d. s. t., at the same place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-4245; Filed, May 5, 1947;  
8:55 a. m.]

[File No. 70-1511]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

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

Notice is hereby given that a declaration has been filed with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company ("Standard Gas") a registered holding company. All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Standard Gas proposes, with the consent of the holders of its outstanding bank loan notes, to extend the maturity of such of its bank loan notes as now mature on May 10, 1947 (which notes previously matured April 10, 1947 and an extension of which was previously authorized), from that date to July 10, 1947. The principal amount of such notes now outstanding which mature on May 10, 1947 and which it is proposed should be extended as aforesaid, aggregates \$8,010,826.95. Said notes are a portion of an issue originally made on April 10, 1946 in the sum of \$51,000,000, of which the total amount now outstanding aggregates \$33,510,826.95.

Standard Gas has designated section 6 of the Public Utility Holding Company Act of 1935 as being applicable to the proposed transaction, and has requested

that the Commission act on the declaration at as early a date as possible.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said declaration and that said declaration should not be permitted to become effective except pursuant to further order of this Commission; and it appearing that in view of the approaching maturity of said notes the hearing on said declaration should be expedited;

*It is ordered*, That a hearing on said declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on May 5, 1947, at 10:00 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before May 2, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered*, That William W Swift or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed extension of the maturity date of the notes meets the requirements of sections 6 and 7 of the act and the rules and regulations thereunder.

2. Whether the bank loan notes which would be outstanding in the event of the proposed extension of the maturity date thereof would be reasonably adapted to the security structure and earning capacity of Standard Gas and the other companies in this holding company system.

3. Whether the proposed extension of the maturity date of said notes is detrimental to the public interest or the interest of investors or consumers or to the carrying out of section 11.

4. Whether it is necessary or appropriate in the public interest and in the interests of investors and consumers that such extension of maturity be permitted.

5. Whether the Commission should permit said declaration to become effective only to the limited extent of permitting an extension for a period of time less than the sixty-day period proposed by Standard Gas.

6. Generally, whether the proposed transactions are in all respects in the

public interest and the interest of investors or consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the standards of the act.

*It is further ordered*, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this order by registered mail on the Standard Gas and Electric Company; and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-4247; Filed, May 8, 1947;  
8:56 a. m.]

[File No. 811-130]

SPENCER TRASK FUND, INC.

NOTICE OF AND ORDER FOR HEARING

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

The Commission having reasonable cause to believe that the Spencer Trask Fund, Inc., a registered investment company, has been dissolved and has ceased to do business and that its assets have been liquidated;

*It is ordered*, Pursuant to section 40 (a) of said act, that a hearing be held on May 14, 1947 at 9:30 a. m., eastern daylight saving time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, to determine whether the Commission shall declare by order, pursuant to section 8 (f) of said act, that the Spencer Trask Fund, Inc. has ceased to be an investment company; and

*It is further ordered*, That Richard Townsend, Esquire, or any other officer of the Commission designated by it for that purpose, shall exercise all powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the Spencer Trask Fund, Inc. and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-4246; Filed, May 5, 1947;  
8:56 a. m.]