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## TITLE 7—AGRICULTURE

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

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

#### REGULATION BY GRADES AND SIZES

§ 936.308 *Plum Order 7*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of Wickson plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 9, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Wickson plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh) 12 F. R. 2305) with a total tolerance of ten (10) percent for

defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Wickson plums containing plums of a size smaller than the size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Wickson plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(a) Of said total quantity, at least eighty (80) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 4 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 4 x 4 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(b) The remainder of such total quantity may be of a size that will pack a 4 x 5 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 4 x 4 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Wickson plums that will pack a 4 x 5 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Wickson plums of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (1) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than 1<sup>1</sup>/<sub>16</sub> inches

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in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than  $1\frac{1}{16}$  inches in diameter; and, (iii) no plums contained in any such pack measure, as aforesaid, less than  $1\frac{1}{16}$  inches in diameter.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than  $1\frac{1}{16}$  inches in diameter, (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than  $1\frac{1}{16}$  inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than  $1\frac{1}{16}$  inches in diameter.

(5) Nothing contained herein shall be construed (i) as preventing a shipper from shipping Wickson plums of a size larger than the size that will pack a 4 x 4 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of Wickson plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirement.

(6) Each shipper, prior to making each shipment of Wickson plums shall, during the period set forth in sub-paragraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Wickson plums contained in each such lot or shipment: *Provided, however,* That in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) The terms "shipper," "ship," "shipping," "shipping point," and "shipment," shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 936.1 et seq.)

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

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

[F. R. Doc. 47-5495; Filed, June 9, 1947; 8:49 a. m.]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.309 Plum Order 8—(a) Findings.

(1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of El Dorado plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) Order. (1) During the period beginning at 12:01, a. m., P. s. t., June 9, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of El Dorado plums containing plums which

do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh) 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of El Dorado plums containing plums of a size smaller than the size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 823.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of El Dorado plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(a) Of said total quantity, at least eighty-five (85) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(b) The remainder of such total quantity may be of a size that will pack a 5 x 5 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 4 x 5 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such El Dorado plums that will pack a 5 x 5 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such El Dorado plums of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this regulation, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than  $1\frac{1}{16}$  inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than  $1\frac{1}{16}$  inches in diameter; and, (iii) no plums contained in any such pack measure, as aforesaid, less than  $1\frac{1}{16}$  inches in diameter.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than  $1\frac{1}{16}$  inches in diameter, (ii) at least sixty (60) percent, by count, of the total of

such plums contained in any such pack measure, as aforesaid, not less than  $1\frac{1}{16}$  inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than  $1\frac{1}{16}$  inches in diameter.

(5) Nothing contained herein shall be construed (i) as preventing a shipper from shipping El Dorado plums of a size larger than the size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of El Dorado plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(6) Each shipper, prior to making each shipment of El Dorado plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the El Dorado plums contained in each such lot or shipment: *Provided, however* That, in case the following conditions exist in connection with any such shipments:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) The terms "shipper," "ship," "shipping," and "shipping point" shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 936.1 et seq.)

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

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

[F. R. Doc. 47-5494; Filed, June 9, 1947; 8:49 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Departmental Reg. OR 4]

#### PART 1—FUNCTIONS AND ORGANIZATION DEPARTMENTAL COMMITTEES

Under authority contained in R. S. 161 (5 U. S. C. 22) and pursuant to Executive Order 9830, § 01.4, paragraph (a) (12 F. R. 1261) and Civil Service Commission Departmental Circular 552 of March 7, 1946, the Secretary of State prescribes the following regulations for inclusion in Part 1 of Title 22 of the Code of Federal Regulations.

§ 1.2551 *Committee of Expert Examiners—(a) Establishment.* A Committee of Expert Examiners is hereby established in the Department of State, in accordance with written agreement entered into by the Civil Service Commission and the Department, for the purpose of conducting examinations and filling scientific, professional (except legal) and technical positions peculiar to the Department service.

(b) *Functions.* The Committee shall:

(1) Determine what examinations are necessary.

(2) Establish Panels of Experts and designate members to serve thereon, subject to the approval of the Civil Service Commission, to assist in carrying out the examination program.

(3) Coordinate the activities of the Panels.

(4) Direct and review the work of the Panels.

(5) Promote the educational program relating to examinations.

(6) Represent the Secretary of State in negotiations with the Civil Service Commission respecting the examination program.

(c) *Membership.* (1) Membership of the Committee shall consist of not less than three officers or employees of the Department, each of whom must be outstanding in one of the scientific, professional, or technical fields for which examinations are to be held.

(2) All members shall be nominated by the Division of Departmental Personnel, approved by the Secretary of State, and subsequently acknowledged by the Civil Service Commission.

(3) The Chairman, designated by the Secretary of State, shall provide executive direction to the work for which the Committee is responsible.

(4) The Executive Secretary, designated by the Chief of the Division of Departmental Personnel, shall serve as a consultant and adviser to the Committee and shall assist in the coordination of the activities.

(d) *Policies governing the work of the Committee.* (1) No member of the Committee or Panels of Experts shall participate in any work of the Committee for which he or a relative is or may become an applicant.

(2) The work performed by members of the Committee or Panels of Experts shall be considered as part of their official duties, and adequate time shall be allowed for performance of such duties. (R. S. 161, 5 U. S. C. 22; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

This regulation will become effective immediately upon publication in the FEDERAL REGISTER.

Issued: May 22, 1947.

Approved: May 22, 1947.

For the Secretary of State.

[SEAL] STANLEY T. OREAR,  
Chief, Division of Organization  
and Budget.

[F. R. Doc. 47-5460; Filed, June 9, 1947; 8:49 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter V—Federal Housing Administration

#### PART 500—GENERAL

##### FIELD ORGANIZATION; LOCATIONS

Section 500.22 *Field organization*, paragraph (b) subparagraph (5) *Locations* (11 F. R. 177A-886) in Subpart C is amended, effective June 1, 1947, by Opposite the State of California, in the column headed *City*, and directly below "Los Angeles" adding "San Bernardino" and, on the same horizontal line, in the column headed *Address*, adding "283 F Street" and in the column headed *Jurisdiction*, adding "(See Los Angeles)"

(Sec. 1, 48 Stat. 1246, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 12 U. S. C. 1702)

R. WINTON ELLIOTT,  
Assistant Commissioner

MAY 29, 1947.

[F. R. Doc. 47-5432; Filed, June 9, 1947; 8:55 a. m.]

## TITLE 25—INDIANS

### Chapter I—Office of Indian Affairs, Department of the Interior

#### Subchapter J—Heirs and Wills

[Order No. 2329]

#### PART 81—DETERMINATION OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS

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**AUTHORITY:** §§ 81.0 to 81.33, inclusive, issued under secs. 1, 2; 36 Stat. 855, 856, 37 Stat. 678, 38 Stat. 586, 42 Stat. 1185, 45 Stat. 161, 48 Stat. 647, secs. 1 and 2, 56 Stat. 1021, 60 Stat. 237, 60 Stat. 939; 25 U. S. C. 1a, 372, 373, 374, 377, 373a, 373b; 5 U. S. C. 1001-1011.

**CROSS REFERENCES:** For regulations governing the determination of heirs and approval of wills in the Courts of Indian Offenses, see §§ 161.30-161.32C of Subchapter P of this title. For regulations governing admission of attorneys to practice before the Office of Indian Affairs or the Department of the Interior, see Part 14, Subchapter C, of this title.

Sections 81.0 to 81.62, inclusive, are revoked and the following new sections are substituted therefor:

§ 81.0 *Definitions.* (a) "Secretary" means the Secretary of the Interior; (b) "Commissioner" means the Commissioner of Indian Affairs, Department of the Interior; (c) "Superintendent" means the Superintendent of an Indian Agency; (d) "Examiner of Inheritance" means any employee upon whom authority has been conferred by the Secretary or the Commissioner to conduct hearings in accordance with the regulations of this part; (e) "Agency" means the Indian Agency having jurisdiction over an estate; (f) "Department" means the Department of the Interior.

§ 81.1 *Administration of estates.* The heirs of Indians who die intestate possessed of trust or restricted property shall be determined by Examiners of Inheritance except as otherwise provided in the regulations in this part. The wills of deceased Indians disposing of trust or restricted property shall be approved or disapproved by Examiners of Inheritance except as otherwise provided in the regulations in this part. Claims against the estates of Indians shall be allowed or disallowed by Examiners of Inheritance in accordance with the regulations in this part.

§ 81.2 *Notice of hearings.* Hearings to determine the heirs of deceased Indians or to probate their wills shall be conducted only after notice of the time and place of such hearings shall have been posted for twenty (20) days in five (5) or more conspicuous places on the reservation of which the decedent was a resident or, if the decedent was not a resident of a reservation, in five (5) or more conspicuous places in the vicinity of the proposed place of hearing.

§ 81.3 *Contents of notice.* The notice shall state that the Examiner of Inheritance will, at the time and place specified therein, take testimony to determine the heirs of the deceased Indian (naming him) and, if a will is offered for probate, testimony as to the validity of such will. The notice shall list the presumptive heirs of the decedent, and, if a will is offered for probate, the bene-

ficiaries under such will and the attesting witnesses to the will. The notice shall cite the regulations in this part as the source of the legal authority and jurisdiction for the holding of the hearing. It shall call upon all persons interested in the estate of the deceased Indian, including all persons having claims or accounts against the deceased Indian, to be present at the hearing. It shall call upon presumptive heirs to bring with them to the hearing two disinterested persons who are acquainted with and have a direct knowledge of the family history of the deceased. The notice shall state further that the Examiner of Inheritance may, in his discretion, continue the hearing at another time and place to be announced at the original hearing.

§ 81.4 *Service on interested parties.* A copy of the notice of hearing shall be served personally or by mail, addressed to the party at his last known place of residence, on each presumptive heir and each known claimant against the estate, and, if a will is offered for probate, on each beneficiary under and each attesting witness to the will. Such notice must be served or mailed a sufficient time in advance of the date set for the hearing to enable the interested parties to attend the hearing.

§ 81.5 *Uncontested estates.* In a case involving no contest, the parties in interest may appear before the Examiner of Inheritance and waive their right to the twenty (20) days' notice. In that event, the Examiner of Inheritance may take their testimony immediately. At the time and place set for the hearing in the notice, the testimony and the waiver shall be read aloud in order to afford any other persons who are present an opportunity to offer objections and to establish their interest. The Examiner of Inheritance will then proceed with the hearing in the usual manner if objections are offered.

§ 81.6 *Minors represented at hearings.* Minors in interest must be represented at the hearing by guardians ad litem appointed by the Examiner of Inheritance.

§ 81.7 *Attorneys.* Interested parties may appear in person or by attorneys admitted to practice in the State where the hearing is held. Attorneys must secure powers of attorney from their clients authorizing them to appear in the proceeding. Attorneys will be required to adhere to the rules of evidence of the State in which the evidence is taken.

§ 81.8 *Oaths, authority to administer.* Examiners of Inheritance are authorized to administer oaths.

§ 81.9 *Compulsory attendance of witnesses.* The Examiner of Inheritance may issue a subpoena under 25 U. S. C. 374 to any person whose testimony he believes to be material to the proper disposition of any estate set for hearing. Upon the failure or refusal of any person to whom a subpoena shall have been issued to appear at the hearing or to testify, the Examiner of Inheritance may file a petition in the appropriate United States District Court requesting

that the court issue an order requiring the appearance and testimony of the witness.

§ 81.10 *Examination of witnesses.* All witnesses shall be examined under oath, and their testimony shall be reduced to writing. Any interested party may cross-examine any witness. Affidavits or depositions may be introduced in evidence if the affiants or deponents are present at the hearing and are available for cross-examination by interested parties, or if, in the case of depositions, interested parties have been given a reasonable opportunity to be present when the depositions were taken or to submit counter interrogatories to be answered by the deponents.

§ 81.11 *Limiting number of witnesses.* When the evidence seems clear and conclusive, the Examiner of Inheritance may, in his discretion, limit the number of witnesses to be formally examined upon any matter.

§ 81.12 *Wills, validity attested.* No action shall be taken on the will of a deceased Indian until testimony shall have been taken as to the testamentary capacity of the decedent to execute the will and as to the circumstances surrounding its execution. A reasonable effort shall be made to procure the testimony of the attesting witnesses to the will; or, if their testimony is not reasonably available, an effort shall be made to identify their signatures through other evidence.

§ 81.13 *Supplemental hearing.* When it appears that a supplemental hearing is necessary to secure material evidence, such a hearing may be conducted after notice has been given to those persons on whom notice of the original hearing was served and to such other persons as the testimony taken at the original hearing indicates may have a possible interest in the estate.

§ 81.14 *Record.* After the completion of the hearing or hearings, the Examiner of Inheritance shall make up the record on the estate. The record shall contain: (a) A copy of the public notice of hearing; (b) copies of notices served on interested parties; (c) proof of service of notices; (d) the evidence received at the hearing or hearings, which should include, among other things, copies of any pertinent marriage records and decrees of divorce, certificates of appraisement of restricted property, information as to whether the decedent lived on trust land and, if so, whether any portion of the same could be termed a homestead, and, if a homestead right is involved and that right is limited in value by the law of the State governing descent, an additional certificate of appraisement showing separately the value of the land claimed as a homestead and the improvements thereon; and (e) the decision, if made by the Examiner of Inheritance.

§ 81.15 *Decision.* The Examiner of Inheritance shall, except as provided in §§ 81.20 and 81.21; decide the issues of fact and law involved in the proceeding and shall incorporate his findings and conclusions in a decision. Every decision determining the heirs of an Indian

who died intestate shall cite the law of descent and distribution in accordance with which the decision was made. Every decision approving the will of an Indian shall state the devisees and legatees who take under the will and the particular property which each is to receive, and shall construe any ambiguous provision of the will. Every decision shall state those claims against the estate which are allowed and those claims which are disallowed. A copy of the decision shall be mailed to each person who is found by the Examiner to be entitled to share in the estate, to each person whose claim to share in the estate was considered and denied by the Examiner, and to the Superintendent.

§ 81.16 *Distribution of estate.* Distribution of an estate may be made by the Superintendent after sixty (60) days have elapsed from the date upon which notice of the decision is mailed to the interested parties unless, within that period, a petition for rehearing is filed pursuant to § 81.17 or unless otherwise directed by the Commissioner.

§ 81.17 *Rehearing.* (a) Any person who feels aggrieved by the decision of the Examiner may file a written petition for rehearing within sixty (60) days from the date of notice to the parties of the decision. The petition shall be addressed to the Examiner of Inheritance and shall be filed with or mailed to him at his headquarters. A petition so filed shall act as a supersedeas until otherwise directed by the Examiner of Inheritance. The Examiner shall immediately notify the Superintendent of the filing of the petition.

(b) If the Examiner believes that proper grounds are not shown, the rehearing will be denied by the Examiner, who will issue his order setting forth the reasons for the denial of the petition. Copies of the order shall be furnished to the petitioner, the Superintendent, and to those persons who share in the estate.

(c) If the petition appears to show merit, the Examiner shall cause copies of the petition and supporting papers to be served on those persons whose interest in the estate might be adversely affected by the granting of the petition. The Examiner shall allow all persons served with copies of the petition a reasonable specified time in which to submit answers or legal briefs in opposition to the petition. Thereafter, the case will be reconsidered by the Examiner and appropriate action will be taken, which may consist of adhering to the former decision, or of modifying or vacating it, or of making such further or other order as the Examiner deems warranted. Copies of the Examiner's action shall be furnished to the petitioner, to all persons who received copies of the petition, and to the Superintendent.

§ 81.18 *Reopening.* (a) Within a period of three (3) years from the date of a decision by an Examiner of Inheritance under the regulations in this part, but not thereafter, any person claiming an interest in the estate who had no actual notice of the original proceedings and who was not on the reservation or other-

wise in the vicinity at any time while the public notices of the hearing were posted may petition in writing for reopening of the case. Any such petition shall be addressed to the Examiner of Inheritance and shall be filed with or mailed to him at his headquarters. All grounds for the reopening must be set forth fully. If based on alleged errors of fact, all such allegations must be under oath and must be accompanied by affidavits or other supporting evidence.

(b) If he believes that proper grounds are not shown, the petition will be denied by the Examiner, who will issue his order setting forth the reasons for the denial of the petition. Copies of the order shall be furnished to the petitioner, the Superintendent, and to those persons who share in the estate.

(c) If the petition appears to show merit, the Examiner shall cause copies of the petition and all papers filed by the petitioner to be served on those persons whose interest in the estate might be adversely affected by the granting of the petition. An opportunity to answer the petition or to file briefs shall be afforded to all persons who receive copies of the petition. The answers or briefs must be filed within such reasonable time as the Examiner may specify. Thereafter, the case will be reconsidered and appropriate action will be taken, which may consist in adhering to the former decision, or in modifying or vacating it, or in making any further or other order which the Examiner deems warranted. Copies of the Examiner's action shall be furnished to the petitioner, to all persons who received copies of the petition, and to the Superintendent.

§ 81.19 *Appeals.* (a) Any person who feels aggrieved by the action taken by the Examiner of Inheritance on a petition for rehearing or a petition for reopening may, within sixty (60) days after the date of the notice of the action of the Examiner on the petition, file with the Examiner a notice of appeal to the Secretary. Such notice of appeal shall be in writing and shall set forth the reasons for the appeal. Copies of the notice of appeal shall be furnished by the appellant to the Superintendent and to all parties who share in the estate under the decision of the Examiner, and the notice of appeal shall contain a certificate stating that this has been done.

(b) The appeal and the record in the proceeding, including all papers relating to the petition for rehearing or reopening, shall be submitted to the Secretary through the Commissioner.

(c) The appellant and any other interested party may, within sixty (60) days from the date on which a notice of appeal is filed, submit written arguments to the Secretary.

(d) No distribution of any estate shall be made during the pendency of an appeal.

(e) Copies of the decision of the Secretary on the appeal will be mailed to (1) the Examiner, (2) the Superintendent, (3) the Commissioner, (4) each person who shares in the estate under the decision of the Secretary, and (5) each person whose claim to share in the estate

is considered and denied by the Secretary.

§ 81.20 *Presumption of death.* When the record in any estate discloses that there is a presumption of death of an Indian by reason of his unexplained absence over the statutory period of years, the record shall be transmitted to the Commissioner for decision. The provisions of §§ 81.15 to 81.19, inclusive, shall be applicable to cases decided by the Commissioner under this section in like manner as to cases decided by an Examiner of Inheritance, the word "Commissioner" being substituted for "Examiner" or "Examiner of Inheritance" in such sections insofar as cases under this section are concerned.

§ 81.21 *Escheat.* When the record in any estate indicates that an Indian has died intestate without heirs, the record shall be transmitted to the Secretary for decision.

§ 81.22 *Probate fees, by whom paid and amount.* (a) Upon a determination of the heirs to any trust or restricted Indian property of the value of \$250 or more or to any allotment, or after approval of any will disposing of such trust or restricted property, the following fees shall be paid (1) by the heirs, or (2) by the beneficiaries under the will, or (3) from the estate of the decedent, or (4) from the proceeds of the sale of the allotment, or (5) from any trust funds belonging to the estate of the decedent:

On estates appraised at:	
\$250 and not exceeding \$1,000.....	\$20.00
Over \$1,000 and less than \$2,000..	25.00
\$2,000 and not exceeding \$3,000.....	30.00
Over \$3,000 and not exceeding \$5,000..	50.00
Over \$5,000 and not exceeding \$7,500..	65.00
Over \$7,500.....	75.00

(b) Similar fees shall be collected in all estates probated by the Department in compliance with tribal resolutions requesting that the Department provide probate service.

§ 81.23 *Creditors' claims, filing.* (a) Persons having claims against the estates of deceased Indians may file the same with the Superintendent or the Examiner of Inheritance at any time after the death of the decedent and up to and including the time of hearing.

(b) The claims of non-Indians must be filed in triplicate. They must be itemized in detail and sworn to before a notary public. Each such claim must be supported by an affidavit of the claimant or someone in his behalf that the amount is justly due from decedent, that no payments have been made on the account that are not credited thereon, and that there are no offsets to the knowledge of affiant.

(c) Indians may submit claims against the estate of a deceased Indian at the hearing and subject themselves to examination under oath relative thereto.

(d) Claims for care will not receive favorable consideration unless clear and convincing proof is offered showing that the care was given on a promise of compensation and that compensation was expected.

(e) No claims filed after the conclusion of the hearing shall be considered unless the claimant can present satisfactory proof that he had no actual notice of the hearing and that he was not on the reservation or otherwise in the vicinity during the period when the public notices of the hearing were posted.

(f) Any person who has filed a claim must, if so directed by the Examiner of Inheritance, present himself for examination thereon at the hearing or at a supplemental hearing.

§ 81.24 *Statute of limitations.* The claims of non-Indians that have existed for more than the period prescribed by the State laws applicable to limitation of actions shall not be allowed.

§ 81.25 *Priority of claims.* (a) Claims shall be allowed priority in payment in the following order: (1) Probate fee; (2) claims for expenses of last illness and funeral charges; (3) claims of indebtedness to the United States or any of its agencies; (4) claims of indebtedness to the tribe of which the decedent was a member or to any of its subsidiary organizations; (5) claims authorized in writing by the Superintendent during the lifetime of the Indian; (6) claims of the State on account of social security or old-age assistance payments; and (7) claims of general creditors.

(b) No claims of general creditors shall be allowed if the value of the estate is \$1,500 or less and the decedent is survived by a spouse or by one or more minor children. If the estate is valued in excess of \$1,500, or if the estate is valued at \$1,500 or less and the decedent is not survived by a spouse or by any minor children, the claims of general creditors may be allowed in the discretion of the Examiner of Inheritance. If the income of the estate is not sufficient to permit the payment of allowed claims of general creditors within three (3) years from the date of allowance, the unpaid balance of such claims shall not be enforceable against the estate or any of its assets.

(c) The preference of the probate fee and of other claims may be deferred, in the discretion of the Examiner, in making adjustments or compromises beneficial to the estate.

§ 81.26 *Claims for attorney fees.* Attorneys representing Indians under the regulations in this part shall be allowed compensation in reasonable amounts. In determining attorneys' fees, consideration shall be given to the fact that the property of the decedent is restricted or held in trust and that it is the duty of the Department to protect the rights of all interested parties. Such fees as may be allowed shall be charged against the interests of the attorneys' clients.

§ 81.27 *Witness fees.* Witnesses are expected to testify without compensation. When it is necessary to pay the expenses of a witness, they must be paid by the party calling him. In the case of an indigent party, the Examiner may, in his discretion, allow per diem at a rate of not to exceed \$3 for not more than two disinterested witnesses, and

the Superintendent is authorized to pay said sums from the estate immediately, if funds are available. On the determination of the heirs or final action on the will, said sums shall be charged against the interest of the party in whose behalf said witnesses were called, unless such party does not share in the estate, in which event the charge will be made against the estate.

§ 81.28 *Inspection of wills and approval for form during testator's lifetime.* Where a will has been executed and filed with the Superintendent during the lifetime of the testator, the will shall be sent to the Examiner of Inheritance, who shall pass on the form of the will and return it to the Superintendent with appropriate instructions. A will shall be held in absolute confidence and its contents shall not be divulged prior to the death of the testator.

§ 81.29 *Care of personal property pending administration.* (a) The Superintendent is authorized to assume custody or control of all trust or restricted personal property of a deceased Indian, in addition to individual Indian money, and shall take such action with respect thereto as, in his judgment, may be necessary for the preservation of such property or for the most advantageous sale thereof, pending the probate of the estate; and all expense, including the expense of roundup, branding, care, and feeding of livestock shall be a proper charge against the estate and may be paid by the Superintendent from the funds in the decedent's individual money account, or from the proceeds of sale of the property.

(b) If, upon the completion of the probate proceedings, the heirs as found are unable to agree upon a proper division of such personal property, it shall be sold and the proceeds distributed in accordance with the applicable law of descent or under the terms of an approved will. The Superintendent shall prepare a complete inventory of such personal property, together with an appraisal thereof, and retain the same in decedent's file for the information of the Examiner of Inheritance.

(c) When personal property is bequeathed to an individual, such legatee may be given possession thereof upon the death of the testator if he signs an agreement to return such property or the appraised value thereof in the event the will is disapproved. The Superintendent may, in his discretion, require a bond.

(d) The provisions of this section shall apply to the estate of any Indian holding a homestead allotment upon the public domain or an interest therein.

§ 81.30 *Summary distribution.* When an Indian dies intestate leaving only restricted personal property or cash of a value of less than \$250, the Examiner or Superintendent shall assemble the apparent heirs and hold an informal hearing with a view to the proper distribution thereof. A memorandum covering the hearing shall be retained in the Agency files showing the date of

death of decedent, the date of hearing, the persons notified and attending, the amount on hand, and the disposition thereof. In the disposition of such funds, the Examiner or Superintendent shall have in mind the payment of funeral charges and expenses of last illness and any just claims for necessities furnished decedent; and the balance, if any shall be credited to the heirs as found. This section shall not include the so-called Pony Claims.

§ 81.31 *Omitted property.* When, subsequent to the final decision in any estate, it is found that property belonging to the estate has not been included in the inventory of the estate, the decision relating to the estate shall be modified to include the omitted property. When the property to be included takes a different line of descent from that shown in the original decision, a supplemental hearing to determine the heirs thereto shall be had in accordance with the regulations in this part. Copies of such modifications shall be furnished to the Superintendent and to all those persons who share in the estate.

§ 81.32 *Improperly included property.* When, subsequent to the final decision in any estate, it is found that property has been improperly included in the inventory of the estate, the decision shall be modified to eliminate from the estate the property improperly included therein. Copies of such modification shall be furnished to the Superintendent and to all those persons who share in the estate.

§ 81.33 *Excepted tribes.* The regulations in this part shall not apply to the Five Civilized Tribes or to the Osage Indians in Oklahoma; nor shall they apply to any tribe organized under section 16 of the act of June 18, 1934 (48 Stat. 987) to the extent that the constitution, bylaws, or charter of such tribe may be inconsistent with any of the regulations in this part.

C. GERRARD DAVIDSON,  
Assistant Secretary of the Interior.

MAY 29, 1947.

[F. R. Doc. 47-5437; Filed, June 9, 1947;  
8:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IV—National Advisory Committee for Aeronautics

#### PART 403—ORGANIZATION

##### LABORATORIES

In § 403.7 *Laboratories*, delete the words: "Aircraft Engine Research Laboratory" and substitute therefor the words: "Flight Propulsion Research Laboratory"

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL]

J. F. VICTORY,  
Executive Secretary.

[F. R. Doc. 47-5480; Filed, June 9, 1947;  
8:49 a. m.]

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

[3d Rev. RO 3, Amdt. 52]

**PART 707—RATIONING OF SUGAR**

**SUGAR**

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

Third Revised Ration Order 3 is amended in the following respects:

1. Section 16.1 is amended to read as follows:

**Sec. 16.1 *New or unregistered retailer or wholesaler establishment desiring sugar*** (a) Any person desiring to get sugar for a new or an unregistered wholesale or retail establishment may apply to the Sugar Branch Office for registration and assignment to such establishment of an allowable inventory. The application must be made in duplicate on SRA Form R-362 (Rev.) and filed with the Sugar Branch Office for the place where the principal business office of the establishment is or will be located. The applicant must give all of the information required by the form.

(b) The Sugar Branch Office may register the establishment and grant a temporary allowable inventory if it finds that the applicant has adequate facilities for handling the amount of sugar requested in the application and that the applicant actually intends to engage in business as a wholesaler or retailer of sugar at the place of business described in the application.

(c) However, if the Sugar Branch Office finds that any of the following are true it shall deny the application:

(1) The applicant formerly owned or had a substantial interest in a transferred or closed wholesale or retail establishment and has not complied with the requirements of sections 18.2 and 18.5 in the closing or transfer of such establishment;

(2) That the applicant has or had an establishment for which there are outstanding loans or overdrafts which have not been repaid;

(3) That the applicant's (or in the case of a corporation or partnership, any person holding a substantial interest in such corporation or partnership) right to deal in sugar is suspended or enjoined;

(4) If the establishment is one acquired by transfer, that the transferee is a member of the immediate family of the transferor or the transferor has a substantial interest in the transferred establishment; (For example, a transferor still has a substantial stock interest in the establishment if it is a corporation or a right to the distribution of assets or profits if it is a partnership), or

(5) If the establishment is one acquired by transfer, that the transferee has not complied with all of the requirements of section 18.2 of this order.

*Provided, however* That the restrictions in subparagraphs 1 through 5 of this paragraph do not apply to a transferee who acquires the establishment by will or inheritance.

(d) The Sugar Branch Office may in its discretion deny the application if it has substantial evidence from which it finds that the establishment will not be operated in accordance with the provisions of this order.

(e) If the Sugar Branch Office registers the establishment and grants a temporary allowable inventory to the applicant, the retailer or wholesaler must report in duplicate on OPA Form R-362A (Rev.) within 10 days after the first eight weeks of operation, giving all of the information required by the form covering such operation. Upon receipt of the eight weeks operation report, the Sugar Branch Office may assign a permanent allowable inventory to such establishment.

2. Section 18.2 (a) is amended to read as follows:

(a) *General.* (1) When any person sells or transfers to any other person the business and inventory of his retail or wholesale establishment for continued operation, they must both notify the Sugar Branch Office at which the establishment is registered. The notice must be made on SRA Form R-383 within five days after the sale or transfer of the establishment and all of the information required by the form must be given. The notice of transfer on SRA Form R-383 must be a joint notice signed by both the transferor and the transferee. In addition, the transferor must file with the Sugar Branch Office a report of his inventory (taken at the time of actual transfer) on OPA Form R-346 (Rev.) The transferor shall also give a copy of OPA Form R-346 (Rev.) to the transferee.

(2) If the transferor has a ration bank account, he must notify the Sugar Branch Office in the way required by section 15.8 (b) of this order.

3. Section 18.2 is amended by adding a note at the end thereof to read as follows:

**NOTE:** Certain transferees may apply for a new allowable inventory in accordance with the provisions of section 16.1 of this order. Any transferee who is not eligible for a new allowable inventory under the provisions of section 16.1 of this order will be charged with all of the obligations and liabilities of the transferor.

This amendment shall become effective June 9, 1947.

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

Issued this 28th day of May 1947.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

*Rationale Accompanying Amendment No. 52 to Third Revised Ration Order 3*

The present regulations providing for the registration and assignment-of al-

lowable inventories to new or unregistered retailer or wholesaler establishments desiring sugar, and for the sale or transfer of retailer or wholesaler establishments, do not contain the necessary safeguards which, if incorporated within the regulations, would insure against evasions of the inventory provisions of the regulations.

Recurring examples of such evasions are transfers between members of immediate families where dissipation of allowable inventories has occurred; and dissipation of allowable inventories by wholesalers or retailers followed by transfers of their establishments to corporations or partnerships in which they possess large interests. After the transfer the "new entity" makes application for a new allowable inventory of sugar. Another frequently used device to evade the regulations is the formation of a partnership or corporation which applies as a new business after a member of the newly-formed business organization had been suspended or enjoined from further dealing in sugar because he has been found untrustworthy to handle sugar. In some cases, applicants have been able to circumvent the intent and spirit of the regulations by requesting amounts of sugar which are obviously far in excess of their storage facilities; and some have applied for evidences with no actual intent to engage in business as a wholesaler or retailer of sugar at the place of business described in the application.

Under the proposed amendment the Sugar Branch Office will be granted increased authority, including the authority to deny the application for a sugar inventory by a retailer or wholesaler who failed to make the required reports in closing or transferring his establishment; who failed to liquidate outstanding loans or overdrafts; who has outstanding against him an administrative suspension order or injunction for violation of the sugar rationing regulations; who acquired his establishment by reason of a transfer from a member of his immediate family other than by inheritance or will; or where the transferor of the retailer or wholesaler establishment retains a substantial interest in the transferred establishment. The Sugar Branch Office is also empowered to deny any application if it finds that the applicant does not have adequate facilities for handling the amount of sugar for which he applied, or does not actually intend to operate as a wholesaler or retailer at the place of business described in the application; or if it finds that the establishment will not be operated in accordance with the provisions of the regulations.

The proposed amendment further provides that certain transferees who fulfill the requirements of the order may apply for a new allowable inventory. However, any transferee who is not eligible for a new allowable inventory under the provisions of the order will be charged with all of the obligations and liabilities of his transferor.

[F. R. Doc. 47-5505; Filed, June 9, 1947; 8:46 a. m.]

<sup>1</sup> 11 F. R. 177, 14281.

[3d Rev. RO 3, Amdt. 26 to Supp. 1]

PART 707—RATIONING OF SUGAR

SUGAR

Supplement 1 to Third Revised Ration Order 3 is amended in the following respects:

Section 4.1 is amended to read as follows:

Section 4.1 *Areas which have had a substantial increase in population and the percentage for each such area.*

For periods commencing on or after July 1, 1947.

<i>Alabama</i>	
Baldwin	20
Calhoun	30
Colbert	10
Etowah	15
Jefferson	10
Madison	10
Mobile	60
Russell	15
Talladega	20
<i>Arizona</i>	
Apache	20
Cochise	15
Gila	10
Greenlee	20
Maricopa	30
Mohave	50
Navajo	15
Pima	40
Pinal	30
Yuma	20
<i>Arkansas</i>	
Jefferson	15
Pulaski	15
Saline	20
Sebastian	10
<i>California</i>	
Alameda	50
Butte	15
Contra Costa	160
Fresno	30
Glenn	10
Inyo	30
Kern	30
Lake	15
Lassen	20
Los Angeles	30
Madera	30
Marin	40
Mendocino	10
Merced	15
Monterey	40
Napa	40
Orange	30
Placer	10
Riverside	40
Sacramento	30
San Bernardino	40
San Diego	80
San Francisco	20
San Joaquin	30
San Luis Obispo	40
San Mateo	50
Santa Barbara	20
Santa Clara	20
Santa Cruz	15
Shasta	10
Solano	160
Sonoma	20
Stanislaus	40
Tulare	15
Ventura	15
Yolo	20
Yuba	40
<i>Colorado</i>	
Arapahoe	15
Denver	10
Delores	10
El Paso	30
Jefferson	10
Lake	15
Otero	10
<i>Connecticut</i>	
Fairfield	10
Hartford	10
<i>Delaware</i>	
New Castle	10
District of Columbia	30
<i>Florida</i>	
Alachua	10
Bay	110
Bradford	60
Brevard	30
Broward	20
Charlotte	15
Clay	20
Dade	30
De Soto	10
Duval	30
Escambia	40
Franklin	40
Gulf	10
Highlands	80
Hillsborough	20
Indian River	10
Lee	30
Leon	30
Monroe	50
Okaloosa	40
Okeechobee	10
Orange	20
Palm Beach	15
Pinellas	15
Polk	10
Putnam	10
St. Lucie	20
Sarasota	30
Volusia	10

<i>Georgia</i>	
Bartow	10
Bibb	30
Camden	20
Chatham	30
Clarke	15
Cobb	50
Dougherty	20
Fulton	10
Glynn	10
Houston	10
Liberty	30
McIntosh	15
Murcogee	50
Peach	10
Polk	10
Richmond	20
Stephens	15
Thomas	15
Whitfield	10
<i>Idaho</i>	
Ada	10
Bannock	10
Elmore	10
Ecotonal	20
Valley	15
<i>Illinois</i>	
Champaign	10
Du Page	10
Lake	15
Madison	20
St. Clair	15
Winnebago	10
<i>Indiana</i>	
Bartholomew	15
Clark	30
Fayette	10
Floyd	10
Lake	10
Marion	10
Monroe	10
Porter	10
St. Joseph	10
Scott	10
Starke	15
Tippecanoe	15
Vanderburgh	20
<i>Iowa</i>	
Des Moines	10
Johnson	10
Story	10
<i>Kansas</i>	
Barton	10
Douglas	10
Finney	20
Geary	15
Johnson	30
Pratt	10
Riley	15
Saline	20
Sedgwick	30
Seward	20
Shawnee	30
<i>Kentucky</i>	
Hardin	40
Henderson	10
Jefferson	15
<i>Louisiana</i>	
Beauregard	15
Calcasieu	40
East Baton Rouge	30
Jefferson	30
La Salle	15
Orleans	15
Rapides	30
St. Bernard	10
St. Mary	10
Vermillion	10
Vernon	70
Webster	15
<i>Maine</i>	
Cumberland	10
Sagadahoc	15
York	10
<i>Maryland</i>	
Anne Arundel	20
Baltimore	30
Calvert	10
Cecil	20
Charles	20
City of Baltimore	15
Harford	40
Howard	10
Montgomery	30
Prince Georges	50
St. Marys	30
<i>Michigan</i>	
Bay	10
Berrien	10
Calhoun	15
Ingham	15
Lenawee	10
Macomb	30
Midland	10
Monroe	10
Muskegon	15
Oakland	20
Washtenaw	30
Wayne	15
<i>Mississippi</i>	
Forrest	10
Grenada	15
Harrison	30
Hinds	10
Jackson	80
Lowndes	10
Wilkinson	15
<i>Missouri</i>	
Boone	20
Clay	10
Jackson	10
Phelps	20
Pulaski	20
St. Charles	10
St. Louis	20
<i>Montana</i>	
Cascade	10
Gallatin	10
Missoula	10

<i>Nebraska</i>	
Adams	20
Cheyenne	10
Hall	15
Langcaster	20
Sarpy	10
<i>Nevada</i>	
Clark	120
Mineral	200
Washoe	30
<i>New Jersey</i>	
Gloucester	10
Middlesex	10
Monmouth	15
Sussex	15
<i>New Mexico</i>	
Bernalillo	15
Chaves	40
Curry	30
De Baca	15
Eddy	30
Luna	40
Otero	30
<i>New York</i>	
Nassau	10
Niagara	10
<i>North Carolina</i>	
Brunswick	10
Cabarrus	10
Craven	30
Cumberland	40
Durham	10
Gaston	10
Graham	30
New Hanover	70
Onslow	40
Pasquotank	20
<i>Ohio</i>	
Allen	15
Clinton	10
Erle	10
Franklin	10
Greene	30
Hamilton	10
Lake	15
Montgomery	20
Portage	10
Stark	10
Summit	10
Trumbull	10
Warren	10
<i>Oklahoma</i>	
Cleveland	20
Comanche	40
Oklahoma	10
Texas	10
Tulsa	15
<i>Oregon</i>	
Benton	30
Clatsop	15
Cook	20
Douglas	30
Jackson	20
Jefferson	70
Josephine	30
Lane	30
Lincoln	20
Linn	30
Marion	10
Multnomah	50
Tillamook	10
Umatilla	15
Washington	15
Yamhill	10
<i>Pennsylvania</i>	
Delaware	10
<i>Rhode Island</i>	
Kent	10
Newport	20
Washington	15
<i>South Carolina</i>	
Beaufort	10
Charleston	30
Dorchester	15
Greenville	10
Richland	15
<i>South Dakota</i>	
Fall River	20
Pennington	10
<i>Tennessee</i>	
Anderson	50
Blount	15
Coffee	40
Davidson	10
Hamilton	10
Knox	10
Loudon	15
Roane	15
Rutherford	10
Shelby	15
Sullivan	20
<i>Texas</i>	
Bailey	20
Bastrop	15
Bell	40
Bexar	20
Bowie	20
Brazoria	90
Brazos	10
Brewster	20
Brown	30
Cameron	10
Childress	20
Cochran	15
Cooke	15
Cottle	10
Crosby	20
Dallam	30
Dallas	20
Dawson	40
Dickens	10
Ector	50

11 F. R. 177, 14281.

Texas—Continued

El Paso.....	20	Medina .....	15
Galveston .....	30	Midland .....	40
Garza .....	30	Moore .....	110
Hale .....	15	Nueces .....	40
Hansford .....	10	Oldham .....	15
Harris .....	20	Orange .....	180
Hays .....	20	Palo Pinto.....	10
Hockley .....	70	Pecos .....	10
Howard .....	30	Potter .....	20
Hudspeth .....	20	Reeves .....	20
Hutchinson .....	40	Tarrant .....	30
Jefferson .....	30	Taylor .....	30
Kleberg .....	20	Terry .....	30
Lamb .....	20	Tom Green.....	10
Lubbock .....	30	Travis .....	15
Lynn .....	50	Val Verde.....	20
McLennan .....	10	Victoria .....	20
Martin .....	20	Ward .....	20
Matagorda .....	20	Webb .....	10
Maverick .....	20	Wichita .....	10

Utah

Carbon .....	15	Tooele .....	30
Davis .....	80	Uintah .....	10
Millard .....	15	Utah .....	30
Salt Lake.....	20	Weber .....	30

Virginia

Arlington .....	100	Nottoway .....	10
Elizabeth City...	50	Prince William...	20
Fairfax .....	30	Princess Anne...	30
Giles .....	10	Pulaski .....	10
Henry .....	10	Tazewell .....	20
King George.....	15	Warwick .....	210
Montgomery .....	20	York .....	30
Norfolk .....	160		

Independent Cities

Alexandria .....	80	Norfolk .....	40
Bristol .....	50	Petersburg .....	30
Buena Vista.....	50	Portsmouth .....	30
Charlottesville ..	15	Radford .....	30
Fredericksburg ..	30	Richmond .....	20
Hampton .....	60	South Norfolk...	30
Hopewell .....	20	Suffolk .....	20
Martinsville .....	10	Williamsburg ..	120
Newport News.....	50		

Washington

Benton .....	130	King .....	30
Chelan .....	10	Kitsap .....	100
Clallam .....	10	Mason .....	10
Clark .....	60	Okanogan .....	10
Franklin .....	30	Pierce .....	20
Grant .....	10	Spokane .....	10
Island .....	20	Thurston .....	15
Jefferson .....	10	Yakima .....	15

West Virginia

Kanawha .....	20	Mingo .....	10
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Wisconsin

Dane .....	10	Sauk .....	15
Door .....	20		

Wyoming

Albany .....	10	Park .....	15
Laramie .....	20	Sweetwater .....	10

Territory of

Alaska .....	35	Hawaii .....	30
Panama Canal Zone.....			60

Persons who apply for allotments for the Second period of 1947 will be entitled to the population increase effective for that period on May 31, 1947 subject to the deductions for late application provided in section 2.2 (b) of this order.

This amendment shall become effective June 1, 1947.

Issued this 5th day of June 1947.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 47-5560; Filed, June 9, 1947; 11:44 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service,  
Department of Agriculture

PART 201—NATIONAL FORESTS

CHUGACH AND TONGASS NATIONAL FORESTS

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see Public Land Order 375 under Title 43, Chapter I, *infra*, excluding certain tracts of land from the Chugach and Tongass National Forests and restoring them to entry.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

INDEMNITY

In § 21.110 *Postal Union Registered Articles* (39 CFR, Part 21) of Subpart A make the following changes:

1. In paragraph (a) (1) delete "\$1.93" and substitute therefor "\$3.27"
2. In paragraph (a) (2) delete "\$9.65" and substitute therefor "\$16.33"
3. In paragraph (b) (1) delete "\$9.65" and substitute therefor "\$16.33" and delete "\$1.93" and substitute therefor "\$3.27"
4. In paragraph (b) (2) delete "\$9.65" and substitute therefor "\$16.33"

In § 21.111 *Americo-Spanish ordinary and registered parcel-post* (39 CFR, Part 21) of Subpart A amend the table to read as follows:

2 lbs.....	\$3.27
7 lbs.....	4.90
11 lbs.....	8.17
22 lbs.....	13.07
33 lbs.....	17.97
44 lbs. <sup>1</sup> .....	22.87

<sup>1</sup> Up to 70 pounds for Panama.

Section 21.112 (39 CFR, Part 21) of subpart A is amended to read as follows:

§ 21.112 *Indemnity for other registered parcel-post.* Except as stated in § 21.115, so far as applicable to registered parcels, as well as under the country items of certain countries, indemnity for actual value in amount claimed up to 50 gold francs (\$16.33) may be paid for the loss, rifling or damage of registered parcel-post packages exchanged with Cape Verde Islands, Cuba (total loss) Latvia (suspended) and Portuguese West Africa.

Under the same conditions, indemnity for actual value in amount claimed may be paid for the loss, rifling, or damage of registered parcel-post packages exchanged with Ecuador, and Macao and for the total loss only (wrapper and contents) of registered parcel-post packages exchanged with Portugal (including Madeira and the Azores) provided that the indemnity in any case shall not exceed the amount prescribed for the registry fee paid at the time of mailing. (See country items, Subpart B, for scales of fees and limits of indemnity payable.)

Except as stated in this section and in § 21.111, indemnity is not paid in connection with registered parcel-post packages exchanged with any other foreign country.

Section 21.114 (39 CFR, Part 21) of subpart A is amended to read as follows:

§ 21.114 *Indemnity for c. o. d. mail.* Under the same conditions that apply to insured or registered parcels without c. o. d. charges, as stated in the two preceding sections, indemnity is paid for the loss, rifling, or damage of registered or insured c. o. d. parcels; and indemnity for registered c. o. d. parcels exchanged with Mexico is paid for loss only; and when delivery of a c. o. d. parcel has been effected but through the fault of the Postal Service the collect-on-delivery charges, as a whole or in part, have not been remitted to the sender.

In § 21.115 *Exceptions* (39 CFR, Part 21) of subpart A, make the following changes:

1. Amend paragraph (j) to read as follows:

(j) However, in the event of loss, rifling, or damage in this country of mail matter erroneously accepted for insurance to foreign countries, or, on which postage was erroneously collected at other than parcel post rates, but otherwise properly accepted for mailing, limited indemnity may specially be paid under the conditions set forth in §§ 21.110, 21.111, 21.112, 21.113, and 21.114.

2. Amend paragraph (l) to read as follows:

(l) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the article or parcel. In the case of insured mail with Canada and Newfoundland, however, a claim or an initial inquiry, oral or written, must be made within six months from the date of mailing unless it is established to the satisfaction of the Department that the delay was unavoidable and not the fault of the claimant.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL]

J. M. DONALDSON,  
Acting Postmaster General.

[F. R. Doc. 47-5443; Filed, June 9, 1947; 8:55 a. m.]

TITLE 43—PUBLIC LANDS:  
INTERIOR

Subtitle A—Office of the Secretary of  
the Interior

[Order 2327]

PART 4—DELEGATION OF AUTHORITY

ALASKA RAILROAD

The regulations of the Secretary of the Interior of January 11, 1929 entitled "Regulations governing the office of the General Manager of the Alaska Railroad and the Affairs of the Railroad at Washington, D. C.," and the memorandum approved June 3, 1946 by the Acting Secretary, amending the said regulations, and Order No. 2218, dated July 3, 1946, No. 2234, dated July 26, 1946, and No. 2281, dated December 5, 1946, are hereby revoked, and § 4.530, superseding

the said regulations, memorandum, and orders, is added to Subpart F as follows:

§ 4.530 *The Alaska Railroad.* (a) Except as specified in paragraphs (b) and (c) of this section, the General Manager of the Alaska Railroad is authorized to act for and in the place of the Secretary of the Interior with respect to any matter having to do with the operation of the Railroad and its related activities.

(b) The following matters must be presented to and receive the approval of the Secretary before becoming effective:

(1) Proposed important changes in the policy of the Railroad, its operation and management, or in all or part of a service previously rendered such as the extension of main lines or branches, the construction of additional branches, the discontinuance of terminal facilities, the opening of new stations, the extension or abandonment of river-boat service or coal mining activities, the construction of major bridges or buildings, or the operation of tourist facilities in McKinley Park.

(2) Proposed extension of the service of the Railroad into a new field or creation of a new kind or character of service rendered by or to the Railroad.

(3) Proposed general increases or reductions in freight rates or passenger fares.

(4) Proposed appointments to positions with base pay in excess of \$7,000 per annum.

(5) Proposed policies and procedures for dealing with employees and their representatives in the determination of rates of pay and methods of compensation, regulation of working hours, working rules and adjustment of grievances, as well as proposed increases or decreases in rates of pay or changes in methods of compensation, regulation of working hours, or in the basic working rules of any employee by class, craft, department or appropriate subdivisions thereof.

(c) Proposed contracts for construction, equipment, supplies or services must be presented to and receive the approval of the Secretary before becoming effective in any case where the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement, or such approval by the Secretary is specifically required by statute. In all other cases, and irrespective of the amount involved, the General Manager is authorized to enter into binding contracts for the Railroad in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. However, the General Manager may request Secretarial approval of any proposed contract. This paragraph is not intended to affect any requirement that proposed programs be cleared with the Office of the Secretary prior to their inauguration.

With respect to any binding contract, including a contract approved by the Secretary, the General Manager may issue change orders and extra work orders pursuant to a contract, enter into modifications of a contract which are legally

permissible, and terminate a contract if such action is legally authorized, and except in those cases in which he is the contracting officer, act as the authorized representative of the Secretary within the meaning of the following provisions of United States Standard Form Contracts: Articles 3 and 4 of Form No. 23, Article 2 of Form No. 32, and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23, Article 5 of Form No. 32, and paragraph 4 of the conditions to Form No. 33.

The General Manager may redelegate to subordinate officials and employees of the Railroad or to the Purchasing Officer, Alaska-Seattle Service Office, the authority granted in this paragraph. Each such re delegation shall be published in the FEDERAL REGISTER.

(d) The Director or Assistant Director, Division of Territories and Island Possessions, or the General Manager or Assistant General Manager of The Alaska Railroad are authorized to make the certification in connection with the transfer without charge to The Alaska Railroad of materials, roadway and bridge maintenance and other necessary equipment, locomotives and spare parts, shop facilities and machinery, supplies, rolling stock and buildings and docks which are necessary for the improvement, maintenance or operation of the Railroad, required by the Interior Department Appropriation Act, 1947 (60 Stat. 348, 383), to be made by the Department of the Interior to the War Department or any other agency of the United States Government having title to such property.

(e) The General Manager shall submit to the Secretary (through the Director, Division of Territories and Island Possessions) a monthly report covering the operation of the Railroad. He shall also submit an annual report to the Secretary at the close of each fiscal year and upon request of the Secretary or the Director, Division of Territories and Island Possessions, forward to the Department such material or data relative to the operation of the Railroad and its related activities or concerning the exercise of the authority granted to him by this section as the said Secretary or Director may require.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

OSCAR L. CHAPMAN,  
Secretary of the Interior.

MAY 29, 1947.

[F. R. Doc. 47-5433; Filed, June 9, 1947; 8:45 a. m.]

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

Appendix—Public Land Orders  
[Public Land Order 375]

ALASKA

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

By virtue of the authority vested in the President by the act of June 4, 1897, 30

Stat. 11, 36 (U. S. C. Title 16, sec. 473) and pursuant to Executive Order No. 9337 of April 24, 1943, *It is ordered as follows:*

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

CHUGACH NATIONAL FOREST

U. S. Survey No. 2525, Lot 8, 3.42 acres; latitude 60°30'05" N., longitude 149°47'00" W. (Homestead No. 59, Snug Harbor Group);

TONGASS NATIONAL FOREST

U. S. Survey No. 2475, Lot "L," 4.18 acres; latitude 58°21'35" N., longitude 134°33'00" W. (Homestead No. 239, Mile 7 Group, Glacier Highway);  
Lot 6, Mud Bay Group, Revillagigedo Island, 1.53 acres; latitude 55°24'30" N., longitude 131°45'35" W. (Homestead No. 834).

WARNER W. GARDNER,  
Assistant Secretary of the Interior.

JUNE 3, 1947.

[F. R. Doc. 47-5435; Filed, June 9, 1947; 8:45 a. m.]

**TITLE 50—WILDLIFE**

**Chapter I—Fish and Wildlife Service, Department of the Interior**

Subchapter C—National Wildlife Refuges; Individual Regulations

**PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES**

NOXUBEE NATIONAL WILDLIFE REFUGE, MISSISSIPPI; FISHING

Section 25.691 is revised to read as follows:

§ 25.691 *Noxubee National Wildlife Refuge, Mississippi; fishing.* Fishing is permitted within the Noxubee National Wildlife Refuge, Mississippi in accordance with the State laws of Mississippi during the daylight hours in Bluff Lake, Patterson Lake, and on such portions of Noxubee River and Oitic Creek as are designated by suitable posting by the officer in charge.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284) as amended, and strict compliance therewith is required. All fishermen must comply with all State fishing laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license and/or permit is required by such law and regulations. Such State license and/or permit will serve as a Federal permit for entry on the refuge for the purpose of fishing. Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by posting.

Persons may use boats for fishing on Bluff Lake but motors of greater than 5 horsepower capacity may not be used on or in any such boat. Boats with motors are prohibited in any other refuge waters except for official purposes.

During periods of waterfowl concentration, wild turkeys nesting, or other wildlife concentrations, fishing may be closed on such areas of the refuge as, in the judgment of the officer in charge, such limitations and restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting.

State cooperation may be enlisted in the regulation, management, and operation of the public fishing areas and the State may issue special licenses at a reasonable rate of charge as may be determined to be necessary. In the event such State regulations are issued, any permit therein required will be a requisite to lawful entry for the purpose of fishing.

(35 Stat. 1104, 43 Stat. 98, 45 Stat. 1224, 49 Stat. 383; 18 U. S. C. 145, 16 U. S. C. 715i, 715s, and Reorganization Plan No. II, 53 Stat. 1433; 5 U. S. C. 133t, note)

Dated: May 29, 1947.

O. H. JOHNSON,  
Acting Director

[F R. Doc. 47-5434; Filed, June 9, 1947;  
8:45 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF JUSTICE Immigration and Naturalization Service

#### [8 CFR, Part 125]

#### NONQUOTA IMMIGRANT STUDENTS

#### NOTICE OF PROPOSED RULE MAKING

MAY 20, 1947.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rule, which is a revision of Part 125, Chapter I, Title 8, Code of Federal Regulations, such part being entitled "Students" in accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1806, Franklin Trust Building, Philadelphia 2, Pennsylvania, written data, views, or arguments relative to the substantive provisions of the proposed rule. Such representations may not be presented orally in any manner. All relevant material received within twenty days following the day of publication of this notice will be considered.

Part 125, Chapter I, Title 8, Code of Federal Regulations is amended so that such part will be as follows:

#### PART 125—STUDENTS

##### SUBPART A—SUBSTANTIVE PROVISIONS

- |       |  |
|-------|--|
| Sec.  |  |
| 125.1 | Student defined.                               |
| 125.2 | Time for which admitted.                       |
| 125.3 | Conditions of admission.                       |
| 125.4 | Extension of stay; period of time; conditions. |
| 125.5 | Deportation.                                   |

##### SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

- |        |   |
|--------|---|
| 125.11 | Authority to admit.                               |
| 125.12 | Records of admission, readmission, and departure. |
| 125.13 | Extension of stay; procedure.                     |
| 125.14 | Transfers from one school to another.             |
| 125.15 | Employment.                                       |
| 125.16 | Schools; petition for approval.                   |
| 125.17 | Schools; conditions for approval.                 |
| 125.18 | Schools; officer to make petition.                |
| 125.19 | Schools; withdrawal of approval.                  |

AUTHORITY: §§ 125.1 to 125.19, inclusive, issued under sec. 23, 29 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 5 U. S. C. 133t; 8 CFR, 1943 Supp., 90.1. §§ 125.1 to 125.19, inclusive, interpret and apply secs. 4 (e), 13 (a) (3), and 15 of the Immigration Act of 1924, as amended (43

Stat. 155; 43 Stat. 161, 50 Stat. 165; 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 204 (e), 213 (a), 215).

CROSS REFERENCES: For consular procedure with respect to students, see 22 CFR 61.227-61.230. For head tax and visa exemption for students returning from visits in nearby countries, see 8 CFR 105.3 (n) and 176.203 (d), respectively.

##### SUBPART A—SUBSTANTIVE PROVISIONS

§ 125.1 *Student defined.* As used in this part, the term "student" means an alien admitted temporarily to the United States as a nonquota immigrant under the provisions of section 4 (e) of the Immigration Act of 1924 (43 Stat. 155; 8 U. S. C. 204 (e)) and under the provisions of this part.

§ 125.2 *Time for which admitted.* A student shall be admitted to the United States for a period of time not to exceed one year. If his intended course of study is less than one year, the period of admission shall not exceed the period of such intended course of study plus necessary travel time. He shall not be admitted for a period of time extending beyond the date 60 days prior to the end of the period during which he will be eligible for readmission to the country from which he came or to some other foreign country. Such eligibility will ordinarily be established by the presentation of a passport having the period of validity prescribed in § 176.500 of this chapter.

§ 125.3 *Conditions of admission.* In order to be admissible as a student, an alien shall:

(a) Be at least 15 years of age;  
(b) Be qualified to enter and have definitely arranged to enter an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Attorney General;

(c) Establish that he seeks to enter the United States solely for the purpose of pursuing a definite course of study in such institution and that he will carry a course of studies in day classes, which course will consist of a minimum of 12 semester hours or the equivalent of that amount if he is an undergraduate student or, if he is a graduate student, will consist of a full program of study toward a degree and will be in the amount and of the nature required by the school; also establish that he has sufficient scholastic preparation and knowledge of the English language to enable him to undertake his intended course.

(d) Establish that he is or will be financially able, subject to the provisions of this part, to pursue such course of study;

(e) Establish that he intends to leave the United States at the expiration of the period of his admission or of any authorized extension of such period or upon cessation of the status under which admitted, whichever occurs first;

(f) Furnish bond on Form I-374 or Form 574 in the sum of not less than \$150 to insure that he will depart from the United States at the expiration of his authorized stay or upon failure to maintain the status under which admitted, whichever occurs first, if such bond is required by an officer in charge or by a board of special inquiry or pursuant to an order entered on appeal from the decision of such board;

(g) Present whatever document or documents are required by the applicable Executive order and regulations prescribing the documents to be presented by aliens entering the United States under the provisions of section 4 (e) of the Immigration Act of 1924, such document or documents having been issued after compliance with all applicable provisions of Title III of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451), relating to registration and fingerprinting;

(h) Establish that he is not a member of any class of aliens subject to exclusion from the United States under the applicable provisions of the immigration laws or regulations.

§ 125.4 *Extension of stay; period of time; conditions.* After a student is admitted to the United States for a fixed period of time, his stay may be extended for a period or periods not exceeding one year each. Any such extension of his stay shall be subject to the same time limitations as are placed on original admissions by § 125.2 and must be predicated on a finding that the student establishes that he has fulfilled and will continue to fulfill the conditions of admission prescribed by § 125.3. As a condition precedent to the granting of an extension, the district director having jurisdiction may require the student to furnish bond, or bond in greater sum, on the form and containing the conditions stated in § 125.3 (f) Where a bond furnished on admission is to be continued during the time of an extension of stay, any arrangements necessary in that connection must be made by the student.

CROSS REFERENCE: For procedure for extensions of stay, see § 125.13.

§ 125.5 *Deportation.* A student who violates or fails to fulfill any of the conditions of his admission to or extended stay in the United States or who otherwise becomes a member of any deportable class defined in any of the immigration laws shall be made the subject of deportation proceedings in accordance with the provisions of the applicable immigration laws and the provisions of Part 150 of this chapter.

SUBPART B—PROCEDURAL AND OTHER  
NONSUBSTANTIVE PROVISIONS

§ 125.11 *Authority to admit.* If the examining immigrant inspector is satisfied beyond a doubt that an alien is admissible as a student, he may admit him as such. If the examining immigrant inspector is satisfied that an alien would be admissible as a student provided a bond was furnished in accordance with the provisions of § 125.3 (f) the examining immigrant inspector may refer the case to the officer in charge of the port and if the officer in charge concludes that the alien would be admissible provided such bond was furnished, the officer in charge may admit the alien as a student upon the furnishing of such bond. If the examining immigrant inspector is not satisfied that an alien applying for admission to the United States as a student is admissible as a student, he shall hold the alien for examination by a board of special inquiry. The bond prescribed in § 125.3 (f) may be exacted by the board of special inquiry. All admissions shall be subject to the time limitations prescribed in § 125.2.

§ 125.12 *Records of admission, readmission, and departure.* (a) When a student is admitted to the United States on surrender of an immigration visa, the endorsements and records, other than Form I-151, required by § 108.6 of this chapter shall be made. In addition, Form I-94 in triplicate shall be executed in the case of every student admitted to the United States on surrender of an immigration visa. The admitting immigrant inspector shall note on the Form I-94 the name and location of the institution to which the student is destined. The original Form I-94 shall be sent to the district headquarters of the district to which the student is destined. The duplicate Form I-94 shall be given to the student at the time of his admission to the United States. The triplicate Form I-94 shall be fastened to the face of the immigration visa and shall accompany it to the Central Office. The duplicate Form I-94 shall be the alien registration receipt card. Form I-151 shall not be furnished to students; in that respect, § 108.6 (a) of this chapter shall not apply to students.

(b) When a student is admitted to the United States, the admitting immigrant inspector shall stamp any passport presented by the student (as the term "passport" is defined in § 176.101 (e) of this chapter) to show the word "Admitted" and the date and place of admission.

(c) A notice of the admission of a student shall be sent from the port of admission to the appropriate official of the institution to which the student is destined, with advice as to the location

of the district immigration office to which the required reports from the institution and any applications by the student shall be sent.

(d) During a student's authorized stay in the United States, he may under certain circumstances visit nearby countries and be readmitted to the United States without obtaining a new immigration visa (see § 176.203 (d) of this chapter) When that occurs, no notice of the readmission need be sent from the port of readmission to the institution. The readmitting immigrant inspector shall execute Form I-94 in triplicate, showing the name and location of the institution to which destined. The original of the Form I-94 shall be retained at the port of entry and filed with other records of arrival; the duplicate Form I-94 shall be given to the student at the time of his readmission; and the triplicate Form I-94 shall be sent to the district headquarters office of the district responsible for the supervision of the student.

(e) When a student departs from the United States either temporarily or permanently, he shall surrender his duplicate Form I-94. Notwithstanding the provisions of Part 108 of this chapter, the duplicate Form I-94 surrendered by a departing student shall be forwarded to the district headquarters office of the district where the institution which the student is or was last attending is located. If it is definitely shown or known that the student's departure is permanent, the file in that district shall be closed and the surrendered duplicate Form I-94 with an additional notation showing that the case has been closed shall be sent to the Central Office; otherwise, the form shall be held in that district for six months. If during that time no notice of the student's readmission is received by a new Form I-94 or otherwise, inquiry shall be made as to the student's whereabouts and status. If it is found that the student has departed permanently from the United States or has been readmitted under some other status, the district file shall then be closed and the duplicate Form I-94 bearing the additional endorsement showing termination shall be sent to the Central Office.

§ 125.13 *Extension of stay; procedure.* (a) A student may apply for an extension of the period of his temporary admission. Such application shall be submitted on Form I-535 approximately 30 days before the expiration of the period of admission, or previously authorized extension thereof, to the district director of the district in which is located the institution which the student is attending. All available data specified in Form I-535 shall be furnished by the applicant. The application shall be accompanied by his passport and by the duplicate Form I-94 issued to him at the time of his entry.

(b) After making such inquiry as may be necessary, the district director shall make a decision on the application and such decision shall be final: *Provided*, That the district director shall not grant any extension of stay which would authorize the student to remain in the United States for a period of more than four years after arrival unless the dis-

trict director first obtains approval from the Commissioner: *And provided further*, That the Commissioner may from time to time require in individual cases or in certain classes of cases that district directors submit to him for review or decision cases of applications on Form I-535 on which they have acted or which they receive. In all cases the district director shall send notice of the decision to the student. If the decision is favorable, such notice shall be made by placing a signed endorsement on the duplicate Form I-94, showing the date to which the stay is extended and by returning the duplicate Form I-94 and the passport to the student. The district director of the district in which is located the institution which a student is attending shall by form letter notify each student of the imminent expiration of authorized stay unless the district director is in receipt of an application for an extension of such stay or of information that the student will depart from the United States at the expiration of the period of authorized stay.

§ 125.14 *Transfers from one school to another.* A student may transfer from one approved institution to another only if he first secures written permission from the district director of the district in which is located the institution from which the transfer is desired. There shall be placed on the duplicate Form I-94 a signed endorsement showing the name and location of the institution to which the transfer is authorized, and the duplicate Form I-94 shall be returned to the student. When a student is permitted to transfer from one approved institution to another and the institution to which he transfers is located in another immigration district, the district director of the first district shall forward his complete file (including the original and any triplicate Forms I-94) pertaining to the student to the director of the district into which the student transfers and shall send a notice of the transfer to the Central Office.

§ 125.15 *Employment.* (a) A student shall not be permitted to work during a school term either for wages or for board or lodging unless he has insufficient means to cover his necessary expenses. If a student wishes to accept employment, he shall apply prior to the acceptance of such employment to the district director of the district in which is located the institution which he is attending. If the district director is satisfied that the student is meeting all of the requirements in this part and that he does not have sufficient means to cover his expenses and that the employment requested will not interfere with his carrying successfully a course of study of the required amount, he may grant permission to the student to accept such employment. A district director may, in his discretion and subject to all the limitations prescribed in this section, permit a student to take employment during summer vacations. Subject to the limitations in this section and part, a student may in connection with his admission be granted permission to accept employment, but where permission is granted in that connection, the facts must be re-

## PROPOSED RULE MAKING

ported to the district immigration office responsible for handling the case while the student is in the United States.

(b) In cases where employment for practical training is required by the school, the district director may permit the student to engage in such employment for a six-month period subject to extension for not over two additional six-month periods, but any such extensions shall be granted only upon certification by the school and the training agency that the practical training cannot be accomplished in a shorter period of time.

§ 125.16 *Schools; petition for approval.* Any school, college, academy, seminary, or university desiring approval as a school for immigrant students may file with the Attorney General a petition in writing (Form I-17) stating its name and location; the date when established; the requirements for admission, including age; whether coeducational; the courses of study offered and the time required to complete such course; the degrees, if any conferred; the calendar of its school year, including terms and semesters; whether day or night sessions are held or both; the average annual number of students attending; the number of teachers or instructors employed; the approximate total annual cost of board, tuition, etc., per student; and the causes for expulsions: *Provided*, That when a catalog is issued by such school, college, academy, seminary, or university, a copy of the latest edition thereof shall be filed with and made part of the petition with appropriate references to the pages of such catalog where the information herein required may be found. If the Attorney General is satisfied that such school, college, academy, seminary, or university has been established for at least two years immediately preceding the filing of the petition herein required; that it is a bona fide institution of learning; and that it possesses the necessary facilities and is otherwise qualified for the instruction and education of immigrant students he may approve such school, college, academy, seminary, or university as a school for immigrant students.

§ 125.17 *Schools; conditions for approval.* No petition for approval as a school for immigrant students shall be considered unless such petition is accompanied by the written agreement of the school, college, academy, seminary, or university seeking such approval, to report in writing to the district director of the district in which such institution is located, immediately upon the admission of an immigrant student to such institution, the name, age, and local address of such student; the name and complete address of a friend or relative of such student in the United States; the date when such student was admitted to such institution; the course of study to be pursued by him; and at the termination of the attendance of such student, to report at once, in writing, to the district director of the district in which such institution is located the date when and the reasons why such attendance was terminated. The foregoing conditions for approval of schools are hereby

made applicable to all such approvals heretofore granted and the continuance of approval of a school will depend on the observance of this section.

§ 125.18 *Schools; officer to make petition.* Form I-17 and the written agreement accompanying it must be executed by the principal officer of the school, college, academy, seminary, or university having authority to execute contracts.

§ 125.19 *Schools; withdrawal of approval.* If it shall appear to the satisfaction of the Attorney General that any school, college, academy, seminary, or university approved as a school for immigrant students fails, neglects, or refuses to comply with all the terms of its agreement, he may withdraw or revoke his approval of such school, college, academy, seminary, or university as a school for immigrant students.

UGO CARUSI,  
Commissioner of  
Immigration and Naturalization.

Approved: June 3, 1947.

TOM C. CLARK,  
Attorney General.

[F. R. Doc. 47-5459; Filed, June 9, 1947;  
8:49 a. m.]

## DEPARTMENT OF AGRICULTURE

Production and Marketing  
Administration

## [7 CFR, Part 947]

HANDLING OF MILK IN FALL RIVER, MASS.,  
MARKETING AREANOTICE OF RECOMMENDED DECISION AND  
OPPORTUNITY TO FILE WRITTEN EXCEP-  
TIONS WITH RESPECT TO PROPOSED MAR-  
KETING AGREEMENT AND TO PROPOSED  
AMENDMENT

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159) notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a marketing agreement and a proposed amended order, regulating the handling of milk in the Fall River, Massachusetts, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The proceedings were initiated by the Production and Marketing Administration as a result of requests received from cooperative associations of producers and from handlers of milk in the Fall River mar-

ket. In a letter dated January 17, 1947, the market administrator of the Fall River marketing area notified all handlers, cooperative associations, and other interested persons that they should file not later than February 3, 1947, any proposals which they wished to make with respect to amendments to the order. Seventeen proposals were submitted by cooperative associations, handlers, and the Dairy Branch. After consideration of these various proposals, it was concluded that a hearing should be held to accept evidence on all of the proposals.

On March 10, 1947, there was issued a notice of hearing which listed all of the proposals on which evidence would be taken. The hearing was held at Fall River, Massachusetts, on March 21 and 22, 1947.

Previously a hearing was held at Boston on November 20, 1946, to consider amendments to Order No. 47, which had been proposed by cooperative associations of producers and by the Dairy Branch. Action was taken at that time with respect to all of the issues except one which were developed at the hearing. No action was taken then or has since been taken on a proposal designed to prevent contraseasonal changes in the Class I price which might otherwise occur as a result of the butter-nonfat dry milk solids formula contained in the order. This issue should be disposed of at this time.

*Findings and conclusions.* The issues which were listed in the notice and which were developed at the hearing in March 1947 are grouped under the following headings. The issue developed at the hearing held on November 20, 1946, is included under the issue "Class I prices."

(1) *Class I prices.* The butter-nonfat dry milk solids formula for determining the Class I price should be retained in its present form with a provision to prevent contraseasonal changes in the Class I price. Minimum floor prices should be established for the last half of 1947, and any price decrease in January or February 1948, should be limited to 44 cents per hundredweight below the price of the previous month. The Class I price should be maintained at its present relationship to the Class I price established by the Boston order for milk received at the 201-210 mile zone from that market.

There is a serious need for encouraging a shift toward more fall production in the Fall River milk shed. Prior to 1946, for a period of six years, seasonal variation in production increased each year. In 1946 fall production increased relative to spring production. Minimum Class I floor prices are required for each month through December 1947 in order to assure a substantial rise in prices from the spring to the fall and thus develop a better seasonal pattern of production in the area.

The minimum floor prices should be \$5.52 per hundredweight for July, August, and September, and \$5.96 per hundredweight for October, November, and December. If the butter-nonfat dry milk solids formula yields a price higher than \$5.96 in any of the months of September, October, or November, that price should continue through December.

The uncertainty of economic conditions in the fall and winter makes necessary a safeguard in addition to minimum floor prices. The butter-nonfat dry milk solids formula should be retained to give producers the benefit of any increase over the floor prices which may be justified by prices of other dairy products and by the general price level. The formula should be modified to prevent contraseasonal price changes in the months just preceding or during the seasons of greater shortage or flush production. The Class I prices for any of the months of September, October, November, and December of any year should not be lower than the Class I price in effect for the preceding month and the Class I prices for the months of March, April, May, and June of any year should not be higher than the Class I price in effect for the preceding month.

Exact prices cannot be determined from this record for a period of 8 to 12 months in advance. The formula based on values of butter and nonfat dry milk solids should be retained until some other plan is developed. The formula will establish prices this fall above the floor prices if conditions warrant higher prices and will provide a method of pricing after December. The provision to prevent contraseasonal price changes will avoid the nullification of the seasonal price plan by movements of the general price level. It is not considered advisable to provide for complete prevention of downward price movements in the last half of the year or upward price movements in the first half because such a provision would hold back unduly adjustments to the general price level. The limitation of price drops from December to January and January to February to 44 cents will prevent any precipitous price drop immediately following the period for which greater production is to be encouraged.

The large quantities of milk which move from the Boston market into Fall River and the nearness of the two markets make it imperative that the Class I prices in the two markets move together. The prices recommended herein are such that the established relationship will be maintained between Fall River prices and the prices recommended for the Boston 201-210 mile zone in a recommended decision issued May 21 and published in the FEDERAL REGISTER on May 24, 1947 (12 F. R. 3340). The Boston 201-210 mile zone price represents the average price of Boston milk which may be offered for sale in Fall River. An increase of 2 cents in the differential between the Boston price and the prices recommended herein should not be adopted since the record supports the continuation of the present relationship between prices in the two markets.

(2) *Pricing all milk sold in the marketing area.* The order should be revised to price all milk entering the marketing area except milk from another marketing area regulated by an order of the Secretary of Agriculture, milk which is a part of a handler's normal supply for a market other than the marketing area, and milk delivered by dairy farmers to plants located outside of the New England States and New York.

Large quantities of milk which are not subject to the pricing provisions of the Fall River order or any other order of the Secretary of Agriculture come into the marketing area. The entrance of such unpriced milk into the marketing area constitutes a threat to the stability of the market.

The supply of milk in New England available for fluid uses is increasing. Certain manufacturing outlets for milk are becoming less attractive and milk formerly used in such outlets is becoming available for fluid uses. Plants which are withdrawn from the Boston pool can supply milk to Fall River handlers for Class I use at, or slightly above, the Boston blended price.

Some handlers obtain a larger percentage of their supply from unpriced sources than other handlers. This results in inequality in the prices handlers pay for their milk.

Milk from another marketing area regulated by an order of the Secretary of Agriculture is priced under the provisions of that order and need not be subject to the pricing provisions of Order No. 47. Milk which is a part of a handler's normal supply for a market other than the marketing area should be exempted from the pricing provisions of the order to allow certain handlers to continue their practice of distributing milk in Fall River and one or more nearby markets from the same plant without making those operations in the nearby markets subject to the pricing provisions of the order. Milk received from plants located outside of New England and New York State should not be subject to the pricing provisions of the order because it would not be administratively feasible to regulate plants so far away.

(3) *Method of pooling.* Payment on the basis of individual handler pools should be adopted to replace the present market-wide pool.

The method of pooling must be coordinated with the objective of bringing under the pricing provisions of the order that milk which now enters the marketing area free from any price regulation. To expand the market-wide pool to include all plants from which unpriced milk now enters the marketing area would increase the supply several times over the amount needed for the market. To designate certain of these plants as Fall River pool plants would bring about a problem of which of the plants should and which should not be Fall River pool plants. If the market-wide pool were extended, it would be possible for handlers to shift plants to the Fall River pool, regardless of whether or not the milk was needed in Fall River. Under the individual handler pool a handler must keep his purchases in line with his Class I requirements and his competitors' uniform prices in order to maintain a supply of milk. Because of this the individual handler pool provides better machinery for the allocation of the available supply of milk between handlers according to their requirements.

(4) *Definitions of "producer" and "dairy farmer"* The definition of a producer should be revised to include more specifically those farmers who constitute

a regular source of supply of milk for the marketing area. A definition for a dairy farmer should be provided in order to facilitate references to those farmers who produce milk but are not a regular source of supply for the marketing area.

The present producer definition was placed in the order at a time when the market was practically self-sufficient. Under the present deficit conditions the benefits of the order are limited to only certain of the farmers supplying the market. The definition should be broadened to include those farmers who are now excluded.

Dairy farmers who are part of a handler's normal supply for a market other than the marketing area should be excluded from the producer definition if none of their milk is disposed of as Class I in the marketing area. With the close relationship which exists between the Fall River market and nearby markets, it is doubtful if a situation would develop in which the Fall River supply was below Class I requirements while the supply in nearby markets was substantially in excess of Class I requirements. Producers contended that dairy farmers who are a part of a handler's normal supply for another market should be excluded in the producer definition only if none of their milk was disposed of as Class I in a market other than the one for which they are designated. Such a requirement would cause inefficiencies in plants serving other markets in addition to Fall River.

A large portion of the supply for Class II uses in the Fall River market is obtained from cream plants in the midwest. These suppliers of cream should not be considered handlers of the Fall River milk supply nor should the dairy farmers shipping to such plants be considered producers.

Milk received at a plant which has operations in another market and from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received from Fall River handlers, plus the quantity of bulk milk received from plants subject to another order of the Secretary of Agriculture during the delivery period should not be considered as milk from producers. Such a provision would allow a cooperative association to continue its operation of using one plant to clean up scattered surpluses during the flush season and to provide supplemental supplies in the short season for Fall River handlers and dealers in a nearby market. The provision should apply to any person who engages in such a function.

The producer definition should not contain a qualification based on Board of Health approval of individual dairy farmers since there is no assurance that such inspections could be made in all cases.

In order to be consistent with the producer definition the handler definition should be revised to include any person who receives milk from producers, dairy farmers, or other handlers, all or a portion of which is disposed of as Class I milk in the marketing area.

(5) *Classification of milk.* The provisions for classifying milk received from producers and other sources should contain the directions for computing the amount of each source milk used in each class. Allowable plant shrinkage should be computed and prorated on all receipts at a plant except receipts from other handlers who receive milk from producers and milk received completely processed and packaged. Under the present provisions it is possible for producers to bear plant shrinkage on milk received from sources other than producers.

Milk from other handlers who receive milk from producers would be excluded from the proration because it has already shared in the plant loss at the first handler's plant. Plant shrinkage on milk received completely processed and packaged should be computed on the basis of actual units lost.

Transfers from a handler's plant at which milk is received from producers to another handler should be classified according to agreement between the buyer and seller provided that the buyer has utilization in the class agreed upon equal to or greater than the amount transferred during the delivery period. Optional classification of transfers from a handler's plant at which milk is received from producers to another handler will permit a handler with Class II facilities to absorb the surpluses of handlers without Class II facilities without the receiving handler's producer pool being diluted with Class II milk. The receiving handler should not be required to show that it was physically possible for receipts to have been utilized in Class II. Such a requirement would involve additional effort on the part of the market administrator in making his audits of receipts and utilization without affecting net payments to producers.

Milk from sources other than producers, dairy farmers who are a part of a handler's normal supply for a market other than the marketing area, and other marketing areas regulated by an order of the Secretary of Agriculture should be classified as Class II up to the amount of Class II utilization remaining after the classification and proration of allowable plant shrinkage. Such classification is necessary in order to prevent the possible displacement of producer milk by milk from plants located outside New England and New York State which would remain exempt from minimum pricing.

The amount of Class II milk remaining after the classification of allowable plant shrinkage and outside milk at a plant at which milk is received from producers should be prorated to receipts from producers, dairy farmers designated for other markets, and plants subject to an order of the Secretary of Agriculture regulating the handling of milk in another marketing area, except, as presently provided in the order, that the total amount of milk received from producers which is classified as Class II should not exceed 5 percent of total receipts from producers, if receipts from other sources are sufficient to absorb the Class II utilization in excess of 5 percent. The 5 percent limitation should not be extended to cover handlers'

receipts from other handlers who receive milk from producers since such a provision would be inconsistent with a provision to allow optional classification of interhandler transfers.

Since milk of a handler's own production is considered as producer milk, no special provisions for its classification are necessary. If the handler has receipts from producers and from any other source, the amount of Class II which producers bear is limited by the 5 percent provision, and the break-down of Class II between own farm production and sources other than producers would be only a statistical result.

Milk used in standardizing cream should not be classified as Class I. Classification of such milk as Class I would result in inequalities in prices handlers pay for cream depending upon whether cream was brought into Fall River as cream containing 40 percent butterfat or as cream already standardized.

(6) *Base rating plan.* The base rating provisions should be deleted from the order. These provisions have been suspended since January 31, 1943. Changes which have been made in the order since that date are such as to make the existing base rating plan unworkable in its present form even if such a plan were considered desirable. No new base rating plan should be established at this time. The base rating payment plan was not considered in detail since most witnesses offered testimony on seasonal changes in Class I prices to achieve the level production objective which is the purpose of a base rating plan.

(7) *Class II prices.* No change should be made in the formula for establishing Class II prices.

The established relationship between Fall River and Boston Class II prices should be maintained. No change was recommended in the Boston Class II pricing formula in the recommended decision which was issued on May 21 with respect to the Boston order.

(8) *Administration assessment.* The basis for assessing handlers to defray the expenses of administering the order should not be changed. The language should be clarified to show specifically that a handler should not be assessed on milk which has already borne assessment in another Fall River handler's plant.

Assessment for expense of administration should be paid upon milk from dairy farmers designated for other markets and on milk received from outside the marketing area and resold in bulk outside the marketing area since the administrative effort required of the market administrator in auditing receipts and disposition is no less for such milk than for any other milk.

The provision that the rate of assessment may be established at an amount lower than the specified maximum rate should be revised to reflect the actual practice that no change is made without the approval of the Secretary of Agriculture.

The records of the Milk Control Board of Massachusetts, with respect to milk received from producers designated for the New Bedford market, should not be

adopted by the market administrator in lieu of an audit conducted by him of all the milk received in a handler's plant. An over-all audit of all of the operations in a handler's plant is required to verify the utilization of milk subject to the provisions of Order No. 47. To adopt the audit made by another agency would require the other agency to apply the same rules of auditing and accounting as those applied by the market administrator. No evidence of present similarity of auditing practices was submitted.

(9) *Language changes to comply with present organization of the Department of Agriculture.* Changes in organization within the Department of Agriculture have rendered obsolete certain terms now used in the order. Those terms should be changed to coincide with the present organization.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of New England Milk Producers' Association; New Bedford Milk Producers' Association, Inc., Braley's Creamery, Inc., and H. P. Hood and Sons, Inc.

The briefs contain statements of fact, conclusions and arguments with respect to nearly all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although the briefs do not contain specific requests to make the proposed findings and conclusions stated therein, it is assumed that they were submitted with that intention and are treated accordingly. Some of the proposed findings of fact are immaterial to the issues presented or outweighed by other facts found herein, and some of the proposed conclusions do not logically follow from the proposed findings of fact. To the extent that the proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the implied requests to make such findings are denied because of the reasons stated for the conclusions in this recommended decision.

*Recommended marketing agreement and order.* The following amended order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

§ 947.1 *Definitions.* The following terms as used in this section have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Fall River, Massachusetts, marketing area", hereinafter called the "marketing area," means the city of Fall

River and the town of Somerset, both in the Commonwealth of Massachusetts, and the town of Tiverton in the State of Rhode Island.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Dairy farmer" means any person who produces milk.

(f) "Producer" means any dairy farmer, irrespective of whether such dairy farmer is also a handler, whose milk is received at a plant from which Class I milk is shipped to, or sold in, the marketing area either directly or through another plant during the delivery period: *Provided*, That a dairy farmer shall not be a producer within this definition:

(1) If minimum prices are required to be paid to him under provisions of any other Federal order;

(2) If milk delivered by him is determined by the market administrator to be a part of the handler's normal supply for a market other than the marketing area and (i) is classified in Class II or is disposed of outside the marketing area and is classified as Class I, or (ii) is moved to a plant from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received during the delivery period at such plant from Fall River handlers plus the quantity of bulk milk received from a Federal order plant during the delivery period; or

(3) If his milk is delivered to a plant located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

(g) "Dairy farmers designated for other markets" means those dairy farmers which are reported to the market administrator by a handler as his normal supply for a market other than the marketing area.

(h) "Cooperative association" means any association of producers or producers and dairy farmers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(i) "Handler" means any person, irrespective of whether such person is also a dairy farmer, a producer, or a cooperative association, who receives milk from producers, dairy farmers, cooperative associations, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area during the delivery period.

(j) "Producer-handler" means a producer who is also a handler who receives no milk from producers: *Provided*, That such handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care, and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

(k) "Delivery period" means the calendar month, or the portion thereof, during which the provisions hereof are effective.

(l) "Producer milk" means all milk produced by a producer, which is purchased or received by a handler either directly from such producer or from a cooperative association.

(m) "Other source milk" means all milk received by a handler which is not producer milk, milk from dairy farmers designated for other markets, or milk from a Federal order plant.

(n) "Federal order" means any order of the Secretary regulating the handling of milk pursuant to the act.

(o) "Federal order plant" means any plant at which the milk is subject to the minimum pricing provisions of another Federal order during the delivery period.

§ 947.2 *Market administrator*—(a) *Designation*. The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary. The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(b) *Powers*. The market administrator shall have the power to:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violations hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties*. The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records for examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request.

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 947.3 or made payments required by § 947.8;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as do not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(8) Pay out of the funds received pursuant to § 947.10 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market

administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(9) Promptly verify the information contained in the reports submitted by handlers; and

(10) Verify, subject to review by the Secretary, evidence furnished by handlers pursuant to § 947.1 (j) such verification to be made within 15 days of the date of receipt of such evidence, and to be effective from the first day of the delivery period during which verification is made.

§ 947.3 *Reports of handlers*—(a) *Submission of reports*. Each handler shall report to the market administrator in the form and detail prescribed by the market administrator:

(1) On or before the 7th day after the end of each delivery period, the records of milk, skim milk, and cream at each plant from producers, from other handlers, from such handler's own production, from any other sources, and inventories on hand at the beginning and end of such delivery period;

(2) On or before the 7th day after the end of each delivery period, the respective quantities of milk, skim milk, and cream which were sold, distributed, or disposed of, including sales or deliveries to other handlers, for the several purposes and classifications as set forth in § 947.5;

(3) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name, post office address, and farm location; (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered, and (iv) the number of days on which deliveries were made;

(4) At such time after the 18th day after the end of each delivery period as the market administrator may require, each handler shall within 10 days submit to the market administrator his producer records for such delivery period which shall show for each producer: (i) The total delivery of milk with the average butterfat test thereof, (ii) the net amount of the payment to each producer and each cooperative association made pursuant to § 947.8, and (iii) the deductions and charges made by the handler;

(5) On or before the 18th day after the end of the first delivery period following the effective date hereof, a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant and such information with respect to distances involved as the market administrator may require;

(6) On or before the 18th day after any changes are made in the schedule filed in accordance with subparagraph (5) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule; and

(7) On or before the 7th day after the end of each delivery period, the names of dairy farmers designated for other markets.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent those records which are necessary for the verification of the information contained in reports submitted by such handler pursuant to this section and those facilities necessary for the weighing, measuring, sampling, and testing for butterfat content of milk or any product therefrom and for determining the utilization made by the handler of milk or any product therefrom.

§ 947.4 *Application of provisions.* (a) Sections 947.6, 947.8, 947.9, and 947.10 are not applicable to any producer-handler as defined in these sections.

(b) Milk received in bulk by a handler from a producer-handler shall be considered as being received from a producer.

§ 947.5 *Classification of milk—(a) Responsibility of handlers.* In establishing the classification of milk received by a handler the burden rests upon the handler who received the milk from producers to account for all milk received at each plant at which milk is received from producers, and to prove that such milk should not be classified as Class I. The burden rests upon the handler who distributes milk in the marketing area to established the source of all milk received.

(b) *Classes of milk.* Milk received by each handler at a plant where milk is received from producers shall be classified in Class I or Class II in accordance with subparagraphs (1) and (2) of this paragraph, subject to paragraphs (c) and (d) of this section.

(1) All milk the utilization of which is not established as Class II shall be Class I.

(2) Class II milk shall be all milk which is accounted for as (i) sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and (ii) actual plant shrinkage not in excess of 2 percent of milk received from all sources including the handler's own production but not including receipts from other handlers who receive milk from producers or milk received completed processed and packaged from a Federal order plant.

(c) *Transfers of milk from a plant at which milk is received from producers.* (1) Transfers to a producer-handler shall be Class I.

(2) Transfers to another handler not a producer-handler or to a Federal order plant shall be classified as reported by the seller, or, if the seller submits no report, as reported by the buyer: *Provided*, That the quantity classified as Class II milk shall not exceed the total quantity of Class II milk of such buyer during the delivery period.

(3) Transfers to a plant, other than a plant at which milk is received from producers or a Federal order plant, from

which milk is distributed or at which milk products are manufactured shall be Class I not to exceed the total Class I at such plant during the delivery period.

(d) *Classification of milk received at plants at which milk is received from producers.* For each delivery period each handler shall report the classification of milk which was received at plants at which milk is received from producers by making computations in the order indicated as follows:

(1) Determine the pounds of milk, skim milk, cream, and other milk products received at all plants of the handler at which milk is received from producers (i) from producers, including own production, (ii) from dairy farmers designated for other markets, (iii) in the form of products received completely processed and packaged from a Federal order plant, (iv) in the form of bulk milk received from another Federal order plant; (v) from other handlers who receive milk from producers, and (vi) from other sources, and the total.

(2) Determine the total pounds of milk, skim milk, cream, and other milk products utilized in Class II products including allowable plant shrinkage as provided in § 947.5 (b) (2) (ii)

(3) Prorate allowable plant shrinkage classified as Class II to producer milk, milk from dairy farmers designated for other markets, bulk milk received from a Federal order plant, and other source milk, and deduct such plant shrinkage from total Class II computed pursuant to subparagraph (2) of this paragraph.

(4) Classify other source milk as Class II in an amount no greater than the amount of Class II remaining.

(5) Deduct from the remaining pounds in each class the quantity of milk, skim milk, cream, and other milk products received from other handlers who receive milk from producers and classified according to paragraph (c) (2) of this section, and Class I and Class II products received completely processed and packaged from a Federal order plant classified according to the actual use established.

(6) Prorate remaining Class II to producer milk, milk from dairy farmers designated for other markets, and bulk milk received from a Federal order plant: *Provided*, That the amount of producer milk classified as Class II inclusive of plant shrinkage shall not exceed 5 percent of the total amount of producer milk.

(7) Deduct any remaining Class II amounts from the total quantity received from producers and the remainder is Class I producer milk.

(8) From the total receipts from each source listed in subparagraph (1) of this paragraph deduct the amount classified as Class II for each source in subparagraphs (3) (4) (5) (6) and (7) of this paragraph and the remainder from each source is Class I. *Provided*, That the total Class I utilization in the marketing area is not more than the Class I producer milk determined in this subparagraph plus Class I milk received from Federal order plants and Class I milk from plants located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

§ 947.6. *Minimum prices—(a) Class I prices.* (1) Each handler shall pay producers or cooperative associations for their milk containing 3.7 percent butterfat, during each delivery period, in the manner set forth in § 947.8 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined as follows:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(ii) Using the midpoint of any range as one quotation, compute the average of all the hot roller process nonfat dry milk solids quotations per pound for "other brands, animal feed, carlots, bags, or barrels," and for "other brands, human consumption, carlots, bags, or barrels," published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current;" subtract 4 cents; and multiply the remainder by 1.8.

(iii) Add the values determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to subdivision (iii) of this subparagraph (cents)	Class I price (dollars per cwt.)		
		April through June	July through March
At least—	But less than—		
0.....	25	2.44	2.88
25.....	30	2.66	3.10
30.....	35	2.88	3.32
35.....	40	3.10	3.54
40.....	45	3.32	3.76
45.....	50	3.54	3.98
50.....	55	3.76	4.20
55.....	60	3.98	4.42
60.....	65	4.20	4.64
65.....	70	4.42	4.86
70.....	75	4.64	5.08
75.....	80	4.86	5.30
80.....	85	5.08	5.52
85.....	90	5.30	5.74
90.....	95	5.52	5.96
95.....	100	5.74	6.18
100.....	105	5.96	6.40

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than \$5.52 per hundredweight for each of the months of July through September 1947 and shall not be less than \$5.96 per hundredweight for each of the months of October through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, there shall be deducted the sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff, for the transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point for such plant to the handler's railroad delivery point for the marketing area.

(b) *Class II prices.* (1) Except as provided in subparagraph (2) of this paragraph, each handler shall pay producers or cooperative associations for their milk in the manner set forth in § 947.8 not less than the price per hundredweight, for milk containing 3.7 percent butterfat calculated for each delivery period by the market administrator as follows:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply the result by 3.7 and subtract 15 cents;

(ii) Add any plus amount which results from the following computation: Using the midpoint in any range as one quotation, compute the average quotation per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the delivery period by the United States Department of Agriculture for New York City. Multiply each such quotation by the applicable percentage indicated for the delivery period in the following table and combine the results, subtract 4 cents, and multiply the remainder by 7.5.

Delivery period	Human food products	Animal feed products
	Percent	Percent
January	100	0
February	100	0
March	50	25
April	50	50
May	25	75
June	25	75
July	50	50
August	75	25
September	75	25
October	100	0
November	100	0
December	100	0

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, the price shall be the amount computed pursuant to subparagraph (1) of this paragraph minus 14 cents.

(c) *Butterfat differential.* If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.7 percent, such handler shall, in making

the payments to such producer prescribed by paragraph (a) of § 947.8, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, or the last such price reported for a delivery period and if no such price is reported for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, subtract 1½ cents and divide the result by 10.

§ 947.7 *Determination of uniform prices to producers—(a) Computation of value of milk of basic test received by each handler from producers.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers in the following manner:

(1) Multiply the quantity of milk received from producers and classified in Class I and Class II pursuant to § 947.5 (d) by the respective class prices pursuant to § 947.6 (a) and (b),

(2) Combine the resulting values.

(b) *Computation of uniform prices.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received from producers during each delivery period in the following manner:

(1) Add to the total value computed pursuant to paragraph (a) of this section the total amount of the differentials pursuant to § 947.8 (b), and

(2) Divide the amount computed pursuant to subparagraph (1) of this paragraph by the total quantity of milk received from producers. This result shall be the handler's uniform price for milk containing 3.7 percent butterfat.

(c) *Announcement of uniform prices.* The market administrator shall, on or before the 11th day after the end of each delivery period, mail to each handler and publicly announce:

(1) The uniform prices per hundredweight computed pursuant to paragraph (b) of this section; and

(2) The Class II price and the butterfat differential.

§ 947.8 *Payments for milk—(a) Time and method of payment.* (1) On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. On or before the 17th day after the end of each delivery period, each handler shall make payment for the total value of milk received from producers or cooperative associations during the preceding delivery period, computed pursuant to § 947.7, subject to the differentials set forth in paragraph (c) of § 947.6

and paragraphs (b) and (c) of this section as follows:

(i) To producers, at not less than the uniform price per hundredweight announced pursuant to § 947.7 (c) for the quantity of milk received from each producer.

(ii) To a cooperative association for milk which is caused to be delivered to a handler from producers by such cooperative association, and for which such cooperative association collects payment, a total amount equal to not less than the sum of the payments otherwise payable to such producers individually, pursuant to subdivision (i) of this subparagraph.

(b) *Differential for plant handling and transportation.* The payments to be made by handlers to producers, pursuant to paragraph (a) of this section shall be reduced by differentials as follows: With respect to milk received from a producer at a plant located more than 100 miles from the City Hall in Fall River, a sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff for transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto) for the distance from the railroad shipping point of such plant to the handler's delivery point for the marketing area.

(c) *Other differentials.* In making payments to producers or cooperative associations pursuant to paragraph (a) of this section, handlers may deduct \$0.0075 per hundredweight with respect to milk received from producers in containers supplied by the handler for the transportation of milk from their farms to the handler's plant as rental for such containers.

(d) *Correction of errors in payments to producers.* Errors in making any of the payments required in this section shall be corrected not later than the date for making payments next following the determination of such errors.

§ 947.9 *Marketing service deductions—*

(a) *Marketing services performed by market administrator.* On or before the 15th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler shall deduct, with respect to milk received from each producer during such delivery period, except as set forth in paragraph (b) of this section, 4 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall pay an amount equivalent to such deductions to the market administrator. Such amount shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples and tests of milk received from, producers. The market administrator may contract with a cooperative association or associations for the furnishing of the whole or any part of such services to or with respect to the milk received by handlers from, producers.

(b) *Marketing services performed by cooperative associations.* On or before the 17th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler

shall deduct, with respect to milk received from producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act" is actually performing the services set forth in paragraph (a) of this section, such amounts as are authorized by such producers, and pay an equivalent amount to the cooperative association rendering such services to its members.

§ 947.10 *Expense of administration—*

(a) *Payments by handlers.* As his pro rata share of the expense of administration hereof, each handler not a producer-handler shall, on or before the 15th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to all milk received during such delivery period at a plant at which milk is received from producers: *Provided*, That such handler, which is a cooperative association, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such cooperative association collects payment: *And provided further*, That any amounts required by this paragraph to be paid to the market administrator shall be reduced by an amount equivalent to any amounts paid with respect to such milk, for cost of administration of a Federal order.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of payments required by this section.

§ 947.11 *Effective time, suspension, or termination of order—*(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend, or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market ad-

ministrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary.

(2) From time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 947.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

§ 947.13 *Marketing committee—*(a) *Establishment.* At the request of handlers of more than 50 percent of the milk which is produced for sale in the marketing area, the Director of the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as Director) may select a committee, to be known as the "Marketing Committee," which shall have as its members repre-

sentatives of the various groups directly interested in the marketing of milk in the marketing area, all of whom may be selected from among the persons nominated by the handlers in accordance with the procedure established by the Director.

(b) *Duties.* The Marketing Committee shall have such duties as the Director determines to be necessary and appropriate to effectuate the declared policy of the act in its application to this order, as amended, and the administration thereof, all of which duties shall be prescribed by the Director.

(c) *Compensation.* The members of the Marketing Committee shall serve without compensation but shall be entitled to expenses necessarily incurred by them in the performance of their duties, and such expenses shall be paid by the market administrator out of the assessments collected hereunder for the cost of administration hereof.

(d) *Supervision.* Each and every act of the Marketing Committee shall be subject to the continuing right of the Director or the Secretary to disapprove at any time.

(e) *Procedure.* The procedure to be followed by the Marketing Committee shall be recommended by the market administrator hereunder and shall be approved by the Director.

§ 947.14 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

Filed at Washington, D. C. this 5th day of June 1947.

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

[F. R. Doc. 47-5478; Filed, June 9, 1947; 8:59 a. m.]

## NOTICES

## TREASURY DEPARTMENT

## Bureau of Customs

[T. D. 51693]

BULGARIA

"NO CONSUL" LIST

JUNE 4, 1947.

In accordance with a recommendation from the Department of State, Bulgaria is hereby removed from the "No consul" list, (1946) T. D. 51400, as amended.

Invoices certified after the date of publication of this decision in the weekly Treasury Decisions, covering shipments of merchandise from Bulgaria, shall be accepted by collectors of customs only when certified by an American consular officer, as provided in section 482 (a) Tariff Act of 1930.

[SEAL] G. H. GRIFFITH,  
Acting Deputy Commissioner.

[F. R. Doc. 47-5454; Filed, June 9, 1947;  
8:56 a. m.]

## NAVY DEPARTMENT

[No. 6]

MINESWEEPERS (AM)

NAVIGATION LIGHTS

Certification of the Secretary of the Navy under the act of December 3, 1945 (Public Law 239, 79th Congress)

Whereas, the act of December 3, 1945 (Public Law 239, 79th Congress) provides that any requirements as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of naval vessel, known as Minesweepers (AM) has been made in the Navy Department and, as a result of such study, it has been determined that because of their special construction it is not possible for Minesweepers (AM) to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore, I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study, do hereby find and certify that the type of naval vessels known as Minesweepers (AM) are naval vessels of special construction and that on such vessels, with respect to the position of the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in the act of 3 December 1945. Further, I do find and cer-

tify that it is feasible to locate the said additional white light (commonly termed the range light), if such light is installed, forward of the masthead light in such position that the said additional white light and the masthead light shall be in line with the keel and the after light shall be at least fifteen feet higher than the forward light and the vertical distance between the two lights shall be less than the horizontal distance. I further direct that the aforesaid additional white light, if such light is installed, shall be located in the manner above described and I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 9th day of May A. D. 1947.

JAMES FORRESTAL,  
Secretary of the Navy.

[F. R. Doc. 47-5448; Filed, June 9, 1947;  
8:55 a. m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Misc. No. 1578415]

NEVADA

REVOCATION OF WITHDRAWALS FOR PROPOSED  
GRAZING DISTRICTS AND OPENING OF PUBLIC LANDS

Pursuant to section 1 of the act of June 28, 1934, as amended (48 Stat. 1269; 49 Stat. 1976; U. S. C. 315), notices of hearings were given by Departmental Orders of November 12 and November 34, 1937, to consider the establishment of grazing districts in Esmeralda, Eureka, Lander, Lincoln, and Nye Counties, Nevada, which orders were published in the FEDERAL REGISTER on November 18 and December 1, 1937, respectively (2 F. R. 2490 and 2 F. R. 2556). The publication of these notices had the effect, in accordance with the provisions of the aforesaid act, of withdrawing all vacant and unappropriated public lands in the counties mentioned from all forms of entry or settlement.

The withdrawals, having served their purpose, are hereby revoked.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on August 7, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from August 7, 1947, to November 5, 1947, inclusive, the public lands effected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the require-

ments of applicable law, and (2) apportionment under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from July 18, 1947, to August 6, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on August 7, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on November 6, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from October 17, 1947, to November 5, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on November 6, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise and those having equitable claims shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 295 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Carson City, Nevada.

The land is desert to mountainous and is characterized by flat to rolling enclosed valleys bordered by hills which, in the central part of the area, merge into high rocky masses having distinct mountainous characteristics. The small streams emanating from upland areas are utilized in connection with local ranching or are dissipated into

the desert valleys. The soil ranges from a light sand to heavy clay. Much of the land is rocky. The area is sparsely settled.

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

JUNE 4, 1947.

[F. R. Doc. 47-5436; Filed, June 9, 1947;  
8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Sugar Rationing Administration

#### LIST OF COMMUNITY CEILING PRICE ORDERS

List of community ceiling price orders under Revised General Order No. 51 and General Order No. 2.

The following orders establishing dollar-and-cents ceiling prices for sales at retail of sugar were issued under General Order No. 2, issued by the Secretary of Agriculture. The date of filing with the FEDERAL REGISTER is shown following the regional designation.

#### REGION 2

*Filed May 12, 1947*

Order No. CP-1 covering sales in all the City of New York and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester Counties in the State of New York. Filed 2:30 p. m.

Order No. CP-2 covering sales in all the State of New York North and West of, but not including Dutchess and Orange Counties. Filed 2:31 p. m.

Order No. CP-3 covering sales in all the State of New Jersey except Camden and Gloucester Counties. Filed 2:31 p. m.

Order No. CP-4 covering sales in Camden and Gloucester Counties in the State of New Jersey and Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in the Commonwealth of Pennsylvania. Filed 2:31 p. m.

Order No. CP-5 covering sales in Berks, Lehigh and Northampton Counties in the Commonwealth of Pennsylvania. Filed 2:31 p. m.

Order No. CP-6 covering sales in Adams, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Mifflin, Perry and York. Filed 2:31 p. m.

Order No. CP-7 covering sales in Bedford, Blair, Bradford, Cambria, Cameron, Carbon, Centre, Clearfield, Clinton, Columbia, Elk, Fulton, Huntington, Indiana, Jefferson, Lackawanna, Luzerne, Lycoming, McKean, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne and Wyoming Counties in the Commonwealth of Pennsylvania. Filed 2:32 p. m.

Order No. CP-8 covering sales in all the State of Pennsylvania West of the Eastern Boundaries of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette Counties. Filed 2:32 p. m.

Order No. CP-9 covering sales in Baltimore City County of Maryland. Filed 2:32 p. m.

Order No. CP-10 covering sales in the District of Columbia; New Castle County, Delaware; and Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys and Washington

Counties (not including Baltimore City County) in the State of Maryland. Filed 2:32 p. m.

Order No. CP-11 covering sales in Kent and Sussex Counties in the State of Delaware and Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester Counties in the State of Maryland. Filed 2:33 p. m.

Order No. CP-12 covering sales in Allegheny and Garrett Counties in the State of Maryland. Filed 2:33 p. m.

Order No. CP-13 covering sales in the following cities and towns in the Commonwealth of Massachusetts: Boston (all parts) Arlington, Belmont, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Concord, Dedham, Dover, Everett, Hingham, Hull, Lexington, Lincoln, Lynn, Malden, Medford, Melrose, Milton, Nahant, Natick, Needham, Newton, Norwood, Quincy, Revere, Saugus, Sherborn, Somerville, Stoneham, Sudbury, Wakefield, Waltham, Watertown, Wayland, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn. Filed 2:33 p. m.

Order No. CP-14 covering sales in the following counties, cities and towns in the Commonwealth of Massachusetts: Berkshire, Franklin, Hampshire, Hampden, Worcester, Bristol, Barnstable and Plymouth Counties. Also in Middlesex County the cities and towns of Acton, Ashby Ashland, Ayer, Bedford, Billerica, Boxborough, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Croton, Holliston, Hopkinton, Hudson, Littleton, Lowell, Marlborough, Maynard, North Reading, Pepperell, Reading, Shirley, Stow, Tewksbury, Townsend, Tyngsboro, Westford, and Wilmington; in Essex County, cities and towns of Amesbury, Andover, Beverly, Boxford, Danvers, Essex, Georgetown, Gloucester, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lynnfield, Manchester, Marblehead, Merrimac, Methuen, Middleton, Newbury, Newburyport, North Andover, Peabody, Rockport, Rowley, Salem, Salisbury, Swampscott, Topsfield, Wenham, and West Newbury in Norfolk County, Avon, Bellingham, Foxborough, Franklin, Holbrook, Medfield, Medway, Millis, Norfolk, Plainville, Randolph, Sharon, Stoughton, Walpole, and Wrentham. Filed 2:33 p. m.

Order No. CP-15 covering sales in the following areas in the State of Maine: Aroostook County, all towns and cities in Aroostook County, also the town of Patten in Penobscot County. Filed 2:34 p. m.

Order No. CP-16 covering sales in the following areas in the State of Maine: Towns and cities in York County, Cumberland County, Sagadahoc County, Lincoln County, Knox County, Androscoggin County, Oxford County, Kennebec County, Bangor and Brewer in Penobscot County, also towns of Jay, Chesterville, Wilton, Farmington, New Sharon (in Franklin County) and towns of Pittsfield, Hartland, Skowhegan, Madison, Anson, Bingham, Solon, Norridgewock, Mercer, Smithfield, Fairfield, Starks, and Canaan (in Somerset County) All Coastal Islands are excluded. Filed 2:34 p. m.

Order No. CP-17 covering sales in the following areas in the State of Maine:

Towns and cities in Penobscot County (except Bangor, Brewer and Patten), Piscataquis County, Hancock County, Washington County (except Northfield, Cutler, and Wesley) Waldo County. All coastal islands are excluded. Filed 2:35 p. m.

Order No. CP-18 covering sales in the State of New Hampshire. Filed 2:35 p. m.

Order No. CP-19 covering sales in the State of Vermont. Filed 2:35 p. m.

Order No. CP-20 covering sales in the State of Rhode Island. Filed 2:35 p. m.

Order No. CP-21 covering sales in the State of Connecticut. Filed 2:35 p. m.

#### REGION 3

*Filed May 12, 1947*

Order No. Sugar CP-1 covering sales in all of the counties in the State of Indiana with the exception of Lake County. Filed 2:42 p. m.

Order No. Sugar CP-2 covering sales in the following counties in the State of Kentucky: Bath, Bell, Bourbon, Boyd, Breathitt, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Maccoskin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owsley, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford. Filed 2:42 p. m.

Order No. Sugar CP-3 covering sales in the following counties in the State of Kentucky: Adair, Allen, Anderson, Hallard, Barren, Boone, Boyle, Bracken, Breckinridge, Bullet, Butler, Caldwell, Calloway, Campbell, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Kenton, LaRue, Livingston, Logan, Lyon, Marion, Marshall, McCracken, McClean, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pendleton, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, and Webster. Filed 2:43 p. m.

Order No. Sugar CP-4 covering sales in all of the counties in the Upper Peninsula of the State of Michigan. Filed 2:43 p. m.

Order No. Sugar CP-5 covering sales in all of the counties in the Lower Peninsula of the State of Michigan. Filed 2:43 p. m.

Order No. Sugar CP-6 covering sales in the following counties in the State of Ohio: Allen, Ashland, Ashtabula, Auglaize, Carroll, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Henry, Huron, Lake, Lorain, Lucas, Mahoning, Medina, Mercer, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Van Wert, Wayne, Williams, Wood, and Wyandot. Filed 2:44 p. m.

Order No. Sugar CP-7 covering sales in all of the following counties in the State of Ohio: Adams, Athens, Belmont, Brown, Butler, Champaign, Clark, Cler-

mont, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, and Washington. Filed 2:44 p. m.

Order No. Sugar CP-8 covering sales in all of the counties in the State of West Virginia. Filed 2:44 p. m.

## REGION 4

Filed May 14, 1947

Sugar Order No. CP-1 covering sales in the following counties: Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Clarke, Craig, Dickenson, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Halifax, Henry, Highland, Lee, Loudoun, Montgomery, Nelson, Pittsylvania, Page, Patrick, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, Wythe Counties in Virginia and all towns and other places therein, except the City of Bristol. Filed 9:07 a. m.

Sugar Order No. CP-2 covering sales in the following counties: Accomac, Albemarle, Amelia, Brunswick, Buckingham, Caroline, Charles City, Chesterfield, Culpeper, Cumberland, Dinwiddie, Elizabeth City, Essex, Fluvanna, Gloucester, Goochland, Greene, Greensville, Hanover, Henrico, Isle of Wight, James City, King George, King and Queen, King William, Lancaster, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottingham, Orange, Powhatan, Prince Edward, Prince George, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Sussex, Surry, Warwick, Westmoreland and York Counties in Virginia, all towns and other places in the said counties, and the cities of Charlottesville, Fredericksburg, Hampton, Hopewell, Norfolk, Newport News, Petersburg, Phoebus, Portsmouth, Richmond, Suffolk, Williamsburg and Yorktown. Filed 9:07 a. m.

Sugar Order No. CP-3 covering sales in the entire State of North Carolina. Filed 9:07 a. m.

Sugar Order No. CP-4 covering sales in the entire State of South Carolina. Filed 9:07 a. m.

Sugar Order No. CP-5 covering sales in the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Cheatham, Clay, Claiborne, Cooke, Cumberland, Davidson, De Kalb, Fretress, Granger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, Macon, McMinn, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Scott, Sequeatche, Sevier, Smith, Sullivan, Sumner, Trousdale, Ume, Union, Van Buren, Warren, Washington, White, Williamson, and Wilson in Tennessee, and that part of Washington County, Vir-

ginia, lying within the municipal limits of Bistol, Virginia. Filed 9:07 a. m.

Sugar Order No. CP-6 covering sales in the following counties: Bedford, Benton, Carroll, Chester Coffee, Crockett, Decatur, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Fenderson, Henry, Hickman, Houston, Humphreys, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Madison, Marion, Marshall, Maury, Moore, Montgomery, Obion, Perry, Shelby, Stewart, Tipton, Wayne and Weakley, all in the State of Tennessee. Filed 9:08 a. m.

Sugar Order No. CP-7 covering sales in the following counties: Banks, Barrow, Bartow, Bibb, Butts, Carroll, Cataoosa, Chattooga, Chattahoochee, Cherokee, Clarke, Clayton, Cobb, Coweta, Crawford, Dade, Dawson, De Kalb, Douglas, Elbert, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Gordon, Greene, Gwinnett, Habersham, Hall, Haralson, Harris, Hart, Heard, Henry, Houston, Jackson, Jasper, Jones, Lamar, Lampkin, Madison, Marion, Meriwether, Monroe, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pike, Polk, Putnam, Rabun, Rockdale, Spalding, Stephens, Talbot, Taylor, Towns, Troup, Union, Upson, Walker, Walton, White and Whitfield counties in Georgia and Phenix City, Alabama. Filed 9:08 a. m.

Sugar Order No. CP-8 covering sales in the following counties: Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Clay, Clinch, Coffee, Colquitt, Columbia, Cook, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Hancock, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Lanier, Laurens, Lee, Liberty, Lincoln, Long, Lowndes, Macon, Miller, Mitchell, Montgomery, McDuffie, McIntosh, Pierce, Pulaski, Quitman, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Tallahassee, Tattnall, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Turner, Twiggs, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkes, Wilkinson, and Worth Counties in Georgia. Filed 9:08 a. m.

Sugar Order No. CP-9 covering sales in the following counties: Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Colbert, Cullman, De Kalb, Etowah, Fayette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Pickens, Randolph, St. Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties in Alabama. Filed 9:09 a. m.

Sugar Order No. CP-10 covering sales in the following counties: Autauga, Baldwin, Barbour, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pike, Russell (excluding corporate limits of Phenix City, Alabama), Sumter, Tallapoosa, Washington, and Wilcox Counties in the State of Alabama. Filed 9:09 a. m.

Sugar Order No. CP-11 covering sales in the entire State of Mississippi. Filed 9:09 a. m.

Sugar Order No. CP-12 covering sales in the following Counties: Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Putnam, Santa Rosa, St. Johns, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton and Washington Counties in Florida. Filed 9:09 a. m.

Sugar Order No. CP-13 covering sales in the following Counties: Broward, Dade, Collier, De Soto, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeachobee, Osceola, Palm Beach, Pasco, Polk, Pinellas, Saint Lucie and Sarasota Counties in Florida. Filed 9:09 a. m.

Sugar Order No. CP-14 covering sales in Monroe County, Florida. Filed 9:10 a. m.

## REGION 5

Filed May 12, 1947

Order No. CP-1 covering sales in the State of Kansas. Filed 2:45 p. m.

Order No. CP-2 covering sales in the State of Missouri. Filed 2:45 p. m.

Order No. CP-3 covering sales in the State of Oklahoma. Filed 2:45 p. m.

Order No. CP-4 covering sales in the State of Arkansas and the City of Texarkana, Texas. Filed 2:46 p. m.

Order No. CP-5 covering sales in the entire State of Texas except Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Washington, Wharton and Waller Counties, all of Lavaca County except the area consisting of the corporate limits of the City of Yoakum; and except the City of Texarkana, Texas. Filed 2:46 p. m.

Order No. CP-6 covering sales in the following counties in the State of Texas: Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Houston, Jackson, Jasper, Jefferson, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, Wharton and all of Lavaca County except the area constituting the corporate limits of the City of Yoakum. Filed 2:46 p. m.

Order No. CP-7 covering sales in Harris County, Texas. Filed 2:47 p. m.

Order No. CP-8 covering sales in the State of Louisiana, except Gretna, Grand Isle, Metairie and McDonoughville in Jefferson Parish; Algiers and New Orleans in Orleans Parish; Burwood, Olga, Ostrica and Pilottown in Plaquemine Parish; Arabi and Chalmette in St. Bernard Parish. Filed 2:47 p. m.

Order No. CP-9 covering sales in Gretna, Grand Isle, Metairie and McDonoughville in Jefferson Parish; Algiers and New Orleans in Orleans Parish; Burwood, Olga, Ostrica and Pilottown in Plaquemine Parish; Arabi and Chalmette in St. Bernard Parish, in the State of Louisiana.

## REGION 6

Filed May 14, 1947

Order No. CP-1S covering sales in the entire State of Illinois, and the County of Lake, in the State of Indiana. Filed 9:11 a. m.

Order No. CP-2S covering sales in the entire State of Nebraska. Filed 9:11 a. m.

Order No. CP-3S covering sales in the following counties in the State of Iowa. Monona, Crawford, Carroll, Greene, Boone, Marshall, Tama, Harrison, Shelby, Audubon, Guthrie, Dallas, Polk, Jasper, Pottawattamie, Cass, Madison, Adair, Warren, Marion, Mills, Montgomery Adams, Union, Clarke, Lucas, Monroe, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, Appanoose, Story. Filed 9:11 a. m.

Order No. CP-4S covering sales in the following counties in the State of Iowa. Lyon, Osceola, Dickinson, Emmet, Kosuth, Winnebago, Worth, Mitchell, Sioux, O'Brien, Clay, Palo Alto, Hancock, Cerro Gordo, Floyd, Plymouth, Cherokee, Buena Vista, Wright, Pocahontas, Humboldt, Franklin, Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, Howard, Winneshiek, Allamakee, Chickasaw, Fayette, Clayton, Butler, Bremer, Grundy, Black Hawk, Buchanan, Delaware, Dubuque, Benton, Linn, Jones, Jackson, Poweshiek, Iowa, Johnson, Cedar, Clinton, Scott, Mahaska, Keokuk, Washington, Muscatine, Louisa, Wapello, Jefferson, Henry, Des Moines, Davis, Van Buren, Lee. Filed 9:12 a. m.

Order No. CP-5S covering sales in the following counties in the State of South Dakota: McPearson, Brown, Marshall, Roberts, Edmunds, Day, Grant, Faulk, Spink, Clark, Codington, Hamlin, Douel, Hand, Beadle, Kingsbury, Brookings. Filed 9:12 a. m.

Order No. CP-6 covering sales in the following counties in the State of South Dakota: Harding, Perkins, Corson, Campbell, Walworth, Potter, Sully, Hughes, Hyde, Buffalo, Brule, Charles Mix, Butte, Meade, Ziebach, Dewey, Armstrong, Stanley, Hankon, Lawrence, Pennington, Jackson, Jones, Lyman, Custer, Washington, Washabaugh, Mellette, Fall River, Shannon, Bennett, Todd, Tripp, Gregory, Jerould, Sanborn, Miner, Lake, Moody, Aurora, Davison, Hanson, McCook, Minnehaha, Douglas, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, Union. Filed 9:13 a. m.

Order No. CP-7S covering sales in the entire State of Minnesota. Filed 9:16 a. m.

Order No. CP-8 covering sales in the following counties in the State of North Dakota. Pembina, Walsh, Grand Forks, Steele, Traill, Cass, Ransom, Richland. Filed 9:17 a. m.

Order No. CP-9 covering sales in the following counties in the State of North Dakota. Divide, Burke, Renville, Bot-

tineau, Rolette, Towner, Cavalier, Williams, Mountrail, Ward, McHenry, Pierce, Ramsey, Benson, McKenzie, McLean, Sheridan, Wells, Eddy, Nelson, Griggs, Foster, Golden Valley, Billings, Dunn, Mercer, Oliver, Burleigh, Kidder, Stutsman, Barnes, Stark, Morton, Slope, Bottinger, Grant, Emmons, Logan, Lamoure, Bowman, Adams, Sioux, McIntosh, Dickey, Sargent. Filed 9:17 a. m.

Order No. CP-10 covering sales in the Counties of Milwaukee, Racine, and Kenosha in the State of Wisconsin. Filed 9:17 a. m.

Order No. CP-11S covering sales in all the counties in the State of Wisconsin, except the Counties of Milwaukee, Racine and Kenosha. Filed 9:17 a. m.

## REGION 8

Filed May 12, 1947

Order No. SCP-1 covering sales in the following counties in the State of Arizona. All of Coconino and Mohave south of the Colorado River and the following counties: Navajo, Apache, Greenlee, Graham, Gila, Santa Cruz, and Cochise. Filed 2:55 p. m.

Order No. SCP-2 covering sales in the following counties in the State of Arizona. Yuma, Yavapai, Maricopa, Pinal and Pima. Filed 2:56 p. m.

Order No. SCP-3 covering sales in the following counties in the State of California. San Francisco, San Mateo, Alameda, Contra Costa, and Marin. Filed 2:56 p. m.

Order No. SCP-4 covering sales in the following counties in the State of California. San Joaquin, Stanislaus, Sacramento, Solano, Yolo, Sonoma, Napa, Santa Clara, Santa Cruz, Monterey and San Benito. Filed 2:56 p. m.

Order No. SCP-5 covering sales in the following counties in the State of California. Merced, Madera, Fresno, Tulare, Kern, Kings, Mariposa, Tuolumne, Calaveras, Amador, Colusa, Butte, Glenn, Sutter and Yuba. Also west of the crest in El Dorado, Nevada, Placer, Sierra and Plumas. Filed 2:56 p. m.

Order No. SCP-6 covering sales in the following counties in the State of California. Humboldt, Del Norte, Tehama, Shasta, Mendocino, and Lake. Filed 2:56 p. m.

Order No. SCP-7 covering sales in the following counties in the State of California. San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, and San Bernardino. Filed 2:57 p. m.

Order No. SCP-8 covering sales in the following counties in the State of California. San Diego and Imperial. Filed 2:57 p. m.

Order No. SCP-9 covering sales in the following counties in the State of Nevada. Churchill, Douglas, Humboldt, Lander, Mineral, Ormsby, Pershing, Storey, and Washoe. Filed 2:57 a. m.

Order No. SCP-10 covering sales in the following counties in the State of Nevada: Elko, Eureka, and White Pine. Filed 2:57 p. m.

Order No. SCP-11 covering sales in Clark County, Nevada. Filed 2:58 p. m.

Order No. SCP-12 covering sales in the following counties in the State of Oregon: Clatsop, Columbia, Tillamook, Washington, Multnomah, Yamhill, Clackamas,

Polk, Marion, Lincoln, Benton, Linn, Lane, Douglas, Coos, Klamath, Curry, Josephine, and Jackson. The following counties in the State of Washington: Cowlitz, Clark, Klickitat, Skamania, and Wahkiakum. Filed 2:58 p. m.

Order No. SCP-13 covering sales in the following counties in the State of Oregon: Umatilla, Sherman, Gilliam, Morrow, Wasco, Jefferson, Wheeler, Grant, Deschutes, and Crook. Filed 2:58 p. m.

Order No. SCP-14 covering sales in the following counties in the State of Oregon: Baker, Union, and Wallowa. Filed 2:58 p. m.

Order No. SCP-15 covering sales in the following counties in the State of Washington: All counties west of the Cascades except Cowlitz, Clark, Klickitat, Skamania, and Wahkiakum. Filed 2:59 p. m.

Order No. SCP-16 covering sales in the following counties in the State of Washington: Okanogan, Chelau, Kittitas, and Yakima. Filed 2:59 p. m.

Order No. SCP-17 covering sales in the following counties in the State of Washington: Ferry, Stevens, Pend Oreille, Douglas, Lincoln, Spokane, Grant, Adams, and Whitman. The following counties in the State of Idaho: Bonner, Kootenai, Latah, Benewah, Lewis, and Nez Perce. Filed 2:59 p. m.

Order No. SCP-18 covering sales in the following counties in the State of Washington: Benton, Franklin, Walla Walla, Columbia, and Garfield. Filed 2:59 p. m.

Order No. SCP-19 covering sales in the State of Colorado, which for the purposes of this order is divided into two areas, as follows:

*Area No. 1.* The cities and towns of Alamosa, Boulder, Brighton, Brush, Canon City, Colorado Springs, Craig, Crowley, Delta, Denver, Dolores, Durango, Eaton, Fort Collins, Fort Lupton, Fort Morgan, Glenwood Springs, Grand Junction, Greeley, Gunnison, Holly, Johnston, La Junta, Lamar, Las Animas, Leadville, Longmont, Loveland, Monte Vista, Montrose, Ordway, Ovid, Palsade, Pueblo, Rifle, Rocky Ford, Salida, Sterling, Sugar City, Swoon, Trinidad, Victor, Walsenburg and Windsor; all in the State of Colorado.

*Area No. 2.* All of the remaining area of the State of Colorado outside of the corporate limits of the cities and towns included in Area No. 1. Filed 2:59 p. m.

Order No. SCP-20 covering sales in certain areas of the State of Idaho, and Malheur County, Oregon, which for the purposes of this order are divided into two areas, as follows:

*Area No. 1.* The cities and towns of Boise, Idaho Falls, Nampa, Pocatello, and Twin Falls, all in the State of Idaho.

*Area No. 2.* The County of Malheur in the State of Oregon, and all of the remaining area of the State of Idaho outside of the corporate limits of the cities and towns included in Area No. 1, but not including the following counties, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone, in the State of Idaho. Filed 3:00 p. m.

Order No. SCP-21 covering sales in the State of Montana, which for the purposes of this order is divided into four areas, as follows:

*Area No. 1.* The cities and towns of Bozeman, Butte, Glasgow, Glendive, Great Falls, Havre, Helena, Lewiston and Miles City all in the State of Montana.

*Area No. 2.* The cities and towns of Kalispell and Missoula, in the State of Montana.

*Area No. 3.* The City of Billings, Montana. Filed 3:00 p. m.

*Area No. 4.* All of the remaining area of the State of Montana outside of the corporate limits of the cities and towns included in Area No. 1, Area No. 2, and Area No. 3. Filed 3:00 p. m.

Order No. SCP-22 covering sales in the State of New Mexico, which for the purposes of this order is divided into two areas, as follows:

*Area No. 1.* The cities and towns of Albuquerque, Clovis, Gallup, Las Vegas, Raton, Roswell and Santa Fe, all in the State of New Mexico.

*Area No. 2.* All of the remaining area of the State of New Mexico outside of the corporate limits of the cities and towns included in Area No. 1. Filed 3:00 p. m.

Order No. SCP-23 covering sales in the State of Utah, which for the purposes of this order is divided into two areas, as follows:

*Area No. 1.* The cities and towns of Logan, Ogden, Price, Provo, and Salt Lake City, all in the State of Utah.

*Area No. 2.* All of the remaining area of the State of Utah outside of the corporate limits of the cities and towns included in Area No. 1. Filed 3:00 p. m.

Order No. SCP-24 covering sales in the State of Wyoming, which for the purposes of this order is divided into three areas, as follows:

*Area No. 1.* The cities and towns of Cheyenne, Laramie, Rawlins, Torrington and Wheatland; all in the State of Wyoming.

*Area No. 2.* The cities and towns of Casper and Rock Springs, in the State of Wyoming.

*Area No. 3.* All of the remaining area of the State of Wyoming outside of the corporate limits of the cities and towns included in Area No. 1 and Area No. 2. Filed 3:02 p. m.

The following orders establishing dollar-and-cents ceiling prices for sales at retail of rice were issued prior to May 4, 1947, under Revised General Order No. 51, by Regional Administrators of the Office of Price Administration, Office of Temporary Controls. Rice price control functions were transferred to the Secretary of Agriculture on May 4, 1947 by Executive Order No. 9841, which also provided that orders issued by the Office of Price Administration, Office of Temporary Controls, prior to that date with respect to such functions were to continue in force unless modified or rescinded by the Secretary of Agriculture. Accordingly, the following orders remain in full force and effect as though issued by the Secretary of Agriculture. The date of filing with the FEDERAL REGISTER is shown following the regional designation.

## REGION 1

Filed May 12, 1947

Order No. CP-13 covering sales in the following cities and towns in the Com-

No. 113—4

monwealth of Massachusetts: Boston (all parts), Arlington, Belmont, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Concord, Dedham, Dover, Everett, Hingham, Hull, Lexington, Lincoln, Lynn, Malden, Medford, Melrose, Milton, Nahant, Natick, Needham, Newton, Norwood, Quincy, Revere, Saugus, Sherborn, Somerville, Stoneham, Sudbury, Wakefield, Waltham, Watertown, Wayland, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop, and Woburn. Filed 2:36 p. m.

Order No. CP-14 covering sales in the following counties, cities and towns in the Commonwealth of Massachusetts: Berkshire, Franklin, Hampshire, Hampden, Worcester, Bristol, Barnstable and Plymouth Counties. Also in Middlesex County the cities and towns of Acton, Ashby, Ashland, Ayer, Bedford, Billerica, Boxborough, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Groton, Holliston, Hopkinton, Hudson, Littleton, Lowell, Marlborough, Maynard, North Reading, Pepperell, Reading, Shirley, Stow, Tewksbury, Townsend, Tyngsboro, Westford, and Wilmington; in Essex County, cities and towns of Amesbury, Andover, Beverly, Boxford, Danvers, Essex, Georgetown, Gloucester, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lynnfield, Manchester, Marblehead, Merrimac, Methuen, Middleton, Newbury, Newburyport, North Andover, Peabody, Rockport, Rowley, Salem, Salisbury, Swampscott, Topsfield, Wenham, and West Newbury. In Norfolk County, Avon, Bellingham, Foxborough, Franklin, Holbrook, Medfield, Medway, Mills, Norfolk, Plainville, Randolph, Sharon, Stoughton, Walpole, and Wrentham. Filed 2:36 p. m.

Order No. CP-15 covering sales in the following areas in the State of Maine: Aroostock County, all towns and cities in Aroostock County, also the town of Patten in Penobscot County. Filed 2:36 p. m.

Order No. CP-16 covering sales in the State of Maine: Towns and cities in York County, Cumberland County, Sagadahoc County, Lincoln County, Knox County, Androscoggin County, Oxford County, Kennebec County, Bangor and Brewer in Penobscot County, also towns of Jay, Chesterville, Wilton, Farmington, New Sharon (in Franklin County) and towns of Pittsfield, Hartland, Skewhegan, Madison, Anson, Bingham, Solon, Norridgewock, Mercer, Smithfield, Fairfield, Starks, and Canaan (in Somerset County). All Coastal Islands are excluded. Filed 2:36 p. m.

Order No. CP-17 covering sales in the following areas in the State of Maine: Towns and cities in Penobscot County (except Bangor, Brewer and Patten), Piscataquis County, Hancock County, Washington County (except Northfield, Cutler, and Wesley) Waldo County. All coastal islands are excluded. Filed 2:37 p. m.

Order No. CP-18 covering sales in the State of New Hampshire. Filed 2:37 p. m.

Order No. CP-20 covering sales in the State of Rhode Island. Filed 2:37 p. m.

Order No. CP-21 covering sales in the State or Connecticut. Filed 2:37 p. m.

## REGION 2

Filed May 12, 1947

Order No. CP-1 covering sales in all the City of New York and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester Counties in the State of New York. Filed 2:37 p. m.

Order No. CP-2 covering sales in all the State of New York North and West of but not including Dutchess and Orange Counties. Filed 2:33 p. m.

Order No. CP-3 covering sales in all the State of New Jersey except Camden and Gloucester Counties. Filed 2:33 p. m.

Order No. CP-4 covering sales in Camden and Gloucester Counties in the State of New Jersey; and Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in the Commonwealth of Pennsylvania. Filed 2:38 p. m.

Order No. CP-5 covering sales in Berks, Lehigh and Northampton Counties in the Commonwealth of Pennsylvania. Filed 2:38 p. m.

Order No. CP-6 covering sales in Adams, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Mifflin, Perry and York. Filed 2:41 p. m.

Order No. CP-7 covering sales in Bedford, Blair, Bradford, Cambria, Cameron, Carbon, Centre, Clearfield, Clinton, Columbia, Elk, Fulton, Huntington, Indiana, Jefferson, Lackawanna, Luzerne, Lycoming, McKean, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne and Wyoming Counties in the Commonwealth of Pennsylvania. Filed 2:41 p. m.

Order No. CP-8 covering sales in all the State of Pennsylvania West of the Eastern Boundaries of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette Counties. Filed 2:41 p. m.

Order No. CP-9 covering sales in Baltimore City County of Maryland. Filed 2:41 p. m.

Order No. CP-10 covering sales in the District of Columbia; New Castle County, Delaware; and Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys and Washington Counties (not including Baltimore City County) in the State of Maryland. Filed 2:41 p. m.

Order No. CP-11 covering sales in Kent and Sussex Counties in the State of Delaware and Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester Counties in the State of Maryland. Filed 2:42 p. m.

Order No. CP-12 covering sales in Allegeny and Garrett Counties in the State of Maryland. Filed 2:42 p. m.

## REGION 5

Filed May 12, 1947

Order No. CP-10 covering sales in the State of Kansas. Filed 2:47 p. m.

Order No. CP-11 covering sales in the State of Missouri. Filed 2:47 p. m.

Order No. CP-12 covering sales in the State of Oklahoma. Filed 2:48 p. m.

Order No. CP-13 covering sales in the State of Arkansas and the City of Texarkana, Texas. Filed 2:49 p. m.

## NOTICES

Order No. CP-14 covering sales in the entire State of Texas except Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby; Trinity, Tyler, Walker, Washington, Wharton and Waller Counties, all of Lavaca County except the area consisting of the corporate limits of the City of Yoakum; and except the City of Texarkana, Texas.

Order No. CP-15 covering sales in the following counties in the State of Texas: Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Houston, Jackson, Jasper, Jefferson, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, Wharton, and all of Lavaca County except the area constituting the corporate limits of the City of Yoakum. Filed 2:50 p. m.

Order No. CP-16 covering sales in Harris County, Texas. Filed 2:50 p. m.

Order No. CP-17 covering sales in the State of Louisiana, except Gretna, Grand Isle, Metairie and McDonoughville in Jefferson Parish; Algiers and New Orleans in Orleans Parish; Burwood, Olga, Ostrica and Pilotown in Plaquemine Parish; Arabi and Chalmette in St. Bernard Parish. Filed 2:51 p. m.

Order No. CP-18 covering sales in Gretna, Grand Isle, Metairie and McDonoughville in Jefferson Parish; Algiers and New Orleans in Orleans Parish; Burwood, Olga, Ostrica and Pilotown in Plaquemine Parish; Arabi and Chalmette in St. Bernard Parish, in the State of Louisiana. Filed 2:51 p. m.

## REGION 6

Filed May 14, 1947

Order No. CP-1R covering sales in the entire State of Illinois, and the County of Lake in the State of Indiana. Filed 9:11 a. m.

Order No. CP-2R covering sales in the entire State of Nebraska. Filed 9:11 a. m.

Order No. CP-3R covering sales in the following counties in the State of Iowa: Monona, Crawford, Carroll, Greene, Boone, Marshall, Tama, Harrison, Shelby, Audubon, Guthrie, Dallas, Polk, Jasper, Pottawattamie, Cass, Madison, Adair, Warren, Marion, Mills, Montgomery, Adams, Union, Clarke, Lucas, Monroe, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, Appanose, Story. Filed 9:11 a. m.

Order No. CP-4R covering sales in the following counties in the State of Iowa: Lyon, Osceola, Dickinson, Emmet, Kosuth, Winnebago, Worth, Mitchell, Sioux, O'Brien, Clay, Palo Alto, Hancock, Cerro Gordo, Floyd, Plymouth, Cherokee, Buena Vista, Wright, Pocahontas, Humboldt, Franklin, Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, How-

ard, Winneshiek, Allamakee, Chuckasaw, Fayette, Clayton, Butler, Bremer, Grundy, Black Hawk, Buchanan, Delaware, Dubuque, Benton, Linn, Jones, Jackson, Poweshiek, Iowa, Johnson, Cedar, Clinton, Scott, Mahaska, Keokuk, Washington, Muscatine, Lousa, Wapello, Jefferson, Henry, Des Moines, Davis, Van Buren, Lee. Filed 9:12 a. m.

Order No. CP-5R covering sales in the following counties in the State of South Dakota. McPherson, Brown, Marshall, Roberts, Edmunds, Day, Grant, Faulk, Spink, Clark, Codington, Hamlin, Deuel, Hand, Beadle, Kingsbury, Brookings. Filed 9:12 a. m.

Order No. CP-7R covering sales in the entire State of Minnesota. Filed 9:16 a. m.

Order No. CP-11R covering sales in all counties in the State of Wisconsin, except the Counties of Racine, Milwaukee, and Kenosha. Filed 9:17 a. m.

## REGION 7

Order No. CP-1 covering certain areas of the State of Colorado, as follows:

*Area No. 1.* The cities and towns of Alamosa, Boulder, Brighton, Brush, Canon City, Colorado Springs, Craig, Crowley, Delta, Denver, Dolores, Durango, Eaton, Fort Collins, Fort Lupton, Fort Morgan, Glenwood Springs, Grand Junction, Greeley, Gunnison, Holly, Johnstown, La Junta, Lamar, Las Animas, Leadville, Longmont, Loveland, Monte Vista, Montrose, Ordway, Ovid, Palisade, Pueblo, Rifle, Rocky Ford, Salida, Sterling, Sugar City, Swink, Trinidad, Victor, Walsenburg, and Windsor, all in the State of Colorado. Filed 2:52 p. m.

Order No. CP-2 covering sales in certain areas of the State of Idaho, as follows:

*Area No. 1.* The cities and towns of Boise, Idaho Falls, Nampa, Pocatello, and Twin Falls, all in the State of Idaho. Filed 2:52 p. m.

Order No. CP-3 covering sales in certain areas of the State of Montana, as follows:

*Area No. 1.* The cities and towns of Bozeman, Butte, Glasgow, Glendive, Great Falls, Havre, Helena, Lewiston and Miles City, all in the State of Montana.

*Area No. 2.* The city of Billings, Montana. Filed 2:52 p. m.

Order No. CP-4 covering sales in certain areas of the State of New Mexico, as follows:

*Area No. 1.* The cities and towns of Albuquerque, Clovis, Gallup, Las Vegas, Raton, Roswell, and Santa Fe, all in the State of New Mexico. Filed 2:53 p. m.

Order No. CP-5 covering sales in certain areas of the State of Utah, as follows:

*Area No. 1.* The cities and towns of Logan, Ogden, Price, Provo and Salt Lake City, all in the State of Utah. Filed 2:53 p. m.

Order No. CP-6 covering sales in certain areas of the State of Wyoming, as follows:

*Area No. 1.* The cities and towns of Cheyenne, Laramie, Rawlins, Torrington, and Wheatland, all in the State of Wyoming.

*Area No. 2.* The cities and towns of Casper and Rock Springs, Wyoming. Filed 2:54 p. m.

MAUD E. CUSTER,  
Registrar.

[F. R. Doc. 47-5449; Filed, June 9, 1947;  
8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. SA-144]

ACCIDENT AT LA GUARDIA FIELD, NEW YORK  
NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 30046 which occurred at La Guardia Field, New York, on May 29, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, June 11, 1947, at 9:30 a. m. (local time) at the Lexington Hotel, Imperial Room, New York, New York.

Dated at Washington, D. C., June 4, 1947.

[SEAL]

W. K. ANDREWS,  
Presiding Officer

[F. R. Doc. 47-5461; Filed, June 9, 1947;  
8:56 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-353]

MICHIGAN CONSOLIDATED GAS CO.

ORDER POSTPONING HEARING

It appearing to the Commission that:

(a) On April 8, 1947, the Commission ordered that the public hearing in this matter, theretofore set for April 14, 1947, be postponed to June 9, 1947;

(b) Good cause exists for further postponing the date of hearing as hereinafter provided;

The Commission orders that:

The hearing in the above-entitled matter be and it hereby is postponed to a date to be fixed by further order of the Commission.

Date of issuance: June 5, 1947.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-5456; Filed, June 9, 1947;  
8:56 a. m.]

[Docket Nos. G-661, G-688]

PANHANDLE EASTERN PIPE LINE CO.

ORDER POSTPONING HEARING

In the matter of City of Detroit, a Municipal Corporation, and County of Wayne, a Municipal Corporation, both of the State of Michigan v. Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company, Docket No. G-661, Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company, Docket No. G-688.

It appearing to the Commission that:

(a) On April 8, 1947, the Commission ordered that the public hearing in the above-entitled matters theretofore set for April 15, 1947, be postponed to June 10, 1947;

(b) Good cause exists for further postponing the date of hearing as hereinafter provided;

The Commission orders, that:

The public hearing in the above-entitled matters be and it hereby is postponed to a date to be fixed by further order of the Commission.

Date of issuance: June 5, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-5455; Filed, June 9, 1947;  
8:56 a. m.]

[Docket No. G-875]

INDUSTRIAL GAS CORP.

ORDER POSTPONING HEARING

It appearing to the Commission that:

(a) On March 3, 1947, Industrial Gas Corporation (Petitioner) filed a petition pursuant to section 7 of the Natural Gas Act, as amended, for an order directing Tennessee Gas and Transmission Company to deliver and sell natural gas to Petitioner at an existing inter-connection with the main pipe line of Tennessee Gas and Transmission Company, and said petition was by order of May 6, 1947, designated for hearing on June 12, 1947; and

(b) On June 2, 1947, Petitioner filed a request that the date of hearing in the above-entitled matter be postponed to an indefinite and later date.

The Commission finds that:

Good cause exists for postponing the date for hearing in the above-entitled matter.

The Commission orders that:

The hearing in the above-entitled matter be and it hereby is postponed to a date to be fixed by further order of the Commission.

Date of issuance: June 5, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-5457; Filed, June 9, 1947;  
8:56 a. m.]

[Docket No. G-898]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 3, 1947.

Notice is hereby given that on May 16, 1947, Cities Service Gas Company (Applicant) a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Oklahoma, Kansas, Texas, Nebraska and Missouri, filed an application (a) for a certificate of public convenience and necessity au-

thorizing Applicant to construct and operate certain facilities hereinafter described, and (b) for approval of abandonment of a certain portion of Applicant's facilities, also hereinafter described, both pursuant to section 7 of the Natural Gas Act, as amended.

Applicant seeks authorization to construct and operate the following described facilities:

(1) *Facility No. 1.* Approximately 48 miles of 12-inch natural gas pipeline extending from a point on Applicant's Oklahoma City 20-inch line near the northwest corner of Section 26, Township 17 North, Range 2 West, Logan County, Oklahoma, thence east and northeast to Applicant's Drumright Compressor Station in Section 16, Township 18 North, Range 7 East, Creek County, Oklahoma.

(2) *Facility No. 2.* Approximately 10.5 miles of 16-inch natural gas pipe line extending from Applicant's present 16-inch line near the southwest corner of the northwest quarter of Section 31, Township 7 North, Range 8 West, Grady County, Oklahoma, thence in a southeasterly direction to a point in the Chickasha Field near the northeast corner of Section 22, Township 5 North, Range 8 West, Grady County, Oklahoma.

(3) *Facility No. 3.* Approximately 15.6 miles of 16-inch gas pipe line extending easterly and northeasterly from a point of connection with an existing 16-inch pipe line in the northeast quarter of Section 3, Township 24 North, Range 11 East, Osage County, Oklahoma, to a point of connection with an existing 18-inch pipe line near the northeast corner of Section 7, Township 25 North, Range 14 East, Washington County, Oklahoma.

The application recites that upon completion of Facility No. 1 it will be used to transport increased quantities of gas from the southern portion of the "West Side" of Applicant's system to its Drumright Compressor Station from where it can be transported through existing facilities on the "East Side" of Applicant's pipe line system. Facility No. 2 will be used to extend Applicant's facilities on the southern portion of its system to secure further supplies of gas. Facility No. 3 will provide additional line capacity on the outlet side of Applicant's Tallant Compressor Station to handle increased quantities of gas provided by Facilities Nos. 1 and 2 and will constitute relaying and shortening of Applicant's Tallant-Hogshooter 12-inch gas pipe line.

The application further recites that there is no assurance that the project applied for in Docket No. G-729<sup>1</sup> can be completed prior to the winter of 1948-49; that this circumstance has created a situation of emergency for gas supply into Applicant's system; that upon the filing of the application in Docket No. G-729, Applicant estimated its system supply on a peak day of 1946-47 would be 648,000 Mcf; that actually this supply on the 1946-47 peak day was 618,307 Mcf;<sup>2</sup> that the supply to Applicant's present system

on the peak day of 1947-48 is estimated to be 601,004 Mcf, which, on the basis of the supply performance on the peak day of 1946-47, probably is an optimistic estimate; that on the basis of said estimate it would be necessary for Applicant to curtail 44,740 Mcf of not readily curtailable industrial load on the peak day of 1947-48, and if the proposed facilities under Docket No. G-729 are not in operation by the winter of 1948-49, it will be necessary for Applicant to curtail such load on the peak day in the quantity of 107,616 Mcf; that, therefore, as an emergency step, Applicant proposes by means of the facilities applied for in this application to attempt to build up the supply on the southern part of its existing system to the extent that the maximum supply of 648,000 Mcf, which its system will handle, can be maintained during the next two winters.

The application further recites that an agreement has been reached between Applicant and Oklahoma Natural Gas Company (Oklahoma Natural) whereby Oklahoma Natural agrees to supply Applicant a maximum of 50,000 Mcf per day for a period of 2 years to replace diminished supplies of gas on the southern portion of Applicant's pipeline system pending completion of the facilities for which a certificate is sought in Docket No. G-729.

As a part of said agreement, Oklahoma Natural agrees to connect to Applicant's present production in the area which Applicant seeks permission to abandon, and credit all gas taken therefrom (after reimbursing itself for cost of connection) against future redeliveries of gas to Oklahoma Natural on expiration of the two year period.

The application further recites that an agreement has been reached between Applicant and Consolidated Gas Utilities Corporation (Consolidated) whereby Consolidated agrees to supply Applicant a net maximum of 65,000 Mcf per day for a period of 5 years. The application states that in the realization that performance of the maximum obligations of Oklahoma Natural and Consolidated under the above-mentioned contracts will be problematical on a peak day, and that Oklahoma Natural's contract does not constitute a reserve for Applicant's system, Applicant is now negotiating for the purchase of additional gas in the Maysville area in Garvin County, Oklahoma; that the purchase of gas in that area will require the construction by Applicant of approximately 43 miles of pipeline, and that application for a certificate to construct such line will be filed with this Commission as soon as Applicant is able to consummate purchase contracts in said Maysville area. With these projects, Applicant believes it can obtain sufficient gas into the southern part of its system to bring its total supply on its entire system up to 648,000 Mcf on a peak day for a period of at least two years, and that after such two year period, it will have sufficient reserves on the southern portion of its system to repay Oklahoma Natural for the gas received from it under the contract mentioned above and to maintain through the winter 1950-51 the estimated supply of 100,000 Mcf on the southern portion

<sup>1</sup>See Notice of Application, 11 F. R. 5958-5959, June 1, 1946.

<sup>2</sup>Exhibit No. 209, Docket No. G-729.

of its system as indicated in the proceedings in Docket No. G-729.<sup>3</sup>

The facilities which applicant seeks to abandon are described as follows:

(1) Approximately 51 miles of 16-inch natural gas pipeline.

(2) Approximately 58 miles of 12-inch natural gas pipeline.

(3) Approximately 34 miles of 8-inch natural gas pipeline.

(4) Approximately 113 miles of 6-inch and 4-inch natural gas pipeline.

(The above pipelines are located in Creek, Lincoln, Okfuskee, Seminole, Hughes and Pontotoc Counties, all in the State of Oklahoma.)

(5) Approximately 19.3 miles of 12-inch natural gas pipeline (known as the Tallant-Hogshooter line) located in Osage and Washington Counties, both in the State of Oklahoma.

The application states, in this connection, that the above-described facilities, with the exception of the 12-inch pipeline located in Osage and Washington Counties (Tallant-Hogshooter line) were constructed between the years 1926 and 1927 to transport gas from the Depew, Seminole, Arlington and Fitts areas to applicant's pipeline system at Drumright Station. The supply of gas from these areas has diminished to the point where applicant will be able to secure only 6,600 Mcf per day on peak days during the winter of 1947-48 from the entire area south of its Drumright Station on the "East Side" of its system. It is stated that the Tallant-Hogshooter line in Osage and Washington Counties will be replaced with 15.6 miles of 16-inch natural gas pipeline to handle increased quantities of gas on the outlet side of Tallant Station. This new line will provide additional capacity of 20,000,000 cubic feet per day.

The application further states that virtually all the pipe sought to be reclaimed will, after necessary cleaning and repairs, be required to construct the facilities for which a certificate is sought in this application and to extend Applicant's facilities on the southern portion of the "West Side" of its system into the Maysville area to obtain further supplies of gas.

The application further recites that the only customer served from the facilities sought to be abandoned is the Town of Paden, Oklahoma, and that an agreement has been reached between the Applicant, Oklahoma Natural and Oklahoma Gas Service Company, distributor for the Town of Paden, under the terms of which agreement Applicant will construct or cause to be constructed at its own expense approximately 8 miles of natural gas pipeline to connect the facilities of Oklahoma Gas Service Company to Oklahoma Natural's system sufficient to furnish the Town of Paden, Oklahoma, service equivalent to that sought to be abandoned by Applicant. Said 8 miles of pipeline will, upon completion thereof, become the property of Oklahoma Gas Service Company, and will not constitute any part of Applicant's facilities or property.

The estimated total over-all capital cost of construction for the proposed fa-

cilities Nos. 1, 2 and 3 is \$1,490,683. Applicant proposes to finance such costs out of its own treasury.

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

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

[SEAL] LEON M. FURQUAY,  
Secretary.

[F. R. Doc. 47-5458; Filed, June 9, 1947;  
8:56 a. m.]

## INTERSTATE COMMERCE COMMISSION

[S. O. 751]

### UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June A. D. 1947.

It appearing, that 19 cars, containing ammonium nitrate fertilizer, at Galveston, Texas, on the Burlington-Rock Island Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Fertilizer at Galveston, Tex., be unloaded.* The Burlington-Rock Island Railroad Company, its agents or employees, shall unload immediately the following cars loaded with ammonium nitrate fertilizer, now on hand at Galveston, Texas, consigned French Supply Council, J. D. Latta:

NP 23364  
PENN 95223  
GN 6737  
SAL 28190  
MEC 36259  
SP 29078  
CGW 92091  
PENN 54121  
NYC 146309  
SAL 15923

MLW 208373  
MLW 719371  
RI 44424  
GN 9463.  
SOU 163204  
E&O 275590  
B&A 35851  
CNW 62040  
E&O 276173

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

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

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-5450; Filed, June 9, 1947;  
8:55 a. m.]

[S. O. 752]

### UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June A. D. 1947.

It appearing, that 1 car containing ammonium nitrate fertilizer, at Galveston, Texas, on the Texas and New Orleans Railroad Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Fertilizer at Galveston, Texas, be unloaded.* The Texas and New Orleans

<sup>3</sup> Exhibit No. 128

Railroad Company, its agents or employees, shall unload immediately car NYC 151043, loaded with ammonium nitrate fertilizer, now on hand at Galveston, Texas, consigned French Supply Council, J. D. Latta.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m. June 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

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

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-5451; Filed, June 9, 1947; 8:55 a. m.]

[S. O. 753]

UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June A. D. 1947.

It appearing, that 2 cars, containing ammonium nitrate fertilizer, at Galveston, Texas, on the Missouri-Kansas-Texas Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Fertilizer at Galveston, Tex., be unloaded.* The Missouri-Kansas-Texas Railroad Company, its agents or employees, shall unload immediately cars PM 82321 and NYC 106371 loaded with

ammonium nitrate fertilizer, now on hand at Galveston, Texas, consigned French Supply Council, J. D. Latta.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

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

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-5452; Filed, June 9, 1947; 8:55 a. m.]

[S. O. 754]

UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June A. D. 1947.

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

(a) *Fertilizer at Galveston, Texas, be unloaded.* The International-Great Northern Railroad Company, (Guy A. Thompson, Trustee), its agents or employees, shall unload immediately car NYC 181454, loaded with ammonium nitrate fertilizer, now on hand at Galves-

ton, Texas, consigned French Supply Council, J. D. Latta.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

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

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-5453; Filed, June 9, 1947; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1433]

CENTRAL ILLINOIS LIGHT CO. AND COMMONWEALTH & SOUTHERN CORP.

ORDER GRANTING APPLICATION AND 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 3d day of June 1947.

Central Illinois Light Company ("Central Illinois") and its parent, The Commonwealth & Southern Corporation ("Commonwealth") a registered holding company, having filed a joint application and declaration and amendments thereto pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder, regarding (1) certain amendments to the Articles of Incorporation and by-laws of Central Illinois, including the amendment of the Articles of Incorporation so as to (a) increase the authorized number of shares of its com-

mon stock without par value from 250,000 shares to 1,500,000 shares and (b) change its issued and presently outstanding common stock, all of which is owned by Commonwealth, from 210,000 shares into 800,000 shares and (2) the increase of the aggregate common stock stated capital from \$10,833,988 to \$13,600,000 by the transfer of \$2,766,012 from earned surplus to the common capital stock account; and

Central Illinois and Commonwealth having requested that the order of the Commission become effective forthwith; and

A public hearing having been held on said application and declaration, as amended, and the Commission having considered the record and made and filed its findings and opinion herein; and

It appearing to the Commission that it is appropriate that the company's request that the order become effective forthwith be granted:

*It is ordered*, That the application and declaration, as amended, be granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and subject to the condition that Central Illinois obtain from the Illinois Commerce Commission an order expressly authorizing the transactions proposed to be effected by it.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-5438; Filed, June 9, 1947;  
8:46 a. m.]

[File No. 812-449]

PACIFIC ASSOCIATES, INC.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, 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 4th day of June A. D. 1947.

Notice is hereby given that Pacific Associates, Inc. (Applicant) has filed an application, as supplemented, under section 3 (b) (2) of the Investment Company Act of 1940 for an order adjudging it to be excepted from the definition of an investment company contained in said act on the grounds that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities; namely, in the business of managing and operating a traction system for the transportation of passengers in Portland, Oregon, through Portland Transit Company and its subsidiary, Portland Traction Company.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the matters of fact and law asserted.

The Corporation Finance Division has advised the Commission that upon a preliminary examination of the application, as supplemented, it deems the following issues to be raised thereby without prej-

udice to the specification of additional issues upon further examination:

(1) Whether applicant is an investment company within the definitions contained in section 3 (a) of the act, and

(2) Whether applicant is primarily engaged in the business of managing and operating a traction system for the transportation of passengers in Portland, Oregon, through controlled companies, so as not to be engaged primarily in the business of investing, reinvesting, owning, holding, or trading in securities.

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

*It is ordered*, Pursuant to section 40 (a) of said act that a public hearing of the aforesaid application be held on June 16, 1947 at 10:00 a. m. Pacific standard time in the Regional Offices of the Commission, Room 334B Appraisal Building, 630 Sansom Street, San Francisco, California.

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

Notice of such hearing is hereby given to the above-named applicant and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the hearing officer or the Secretary of the Commission, on or before June 13, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above matters or issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-5439; Filed, June 9, 1947;  
8:46 a. m.]

[File Nos. 59-70, 54-138, 54-48]

EASTERN MINNESOTA POWER CORP. ET AL.  
ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of May 1947.

In the matter of Eastern Minnesota Power Corporation, Wisconsin Hydro Electric Company and Manufacturers Trust Company, respondents, File No. 59-70; Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company, applicants, File Nos. 54-138 and 54-48.

Eastern Minnesota Power Corporation (hereinafter referred to as "Minnesota") a registered holding company, and its subsidiary company, Wisconsin Hydro Electric Company (hereinafter referred to as "Wisconsin") having filed an application and amendments thereto for approval of a plan pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 (hereinafter referred to as "the act"), the Commission having instituted proceedings under section 11 (b) (2) of the act with respect to Minnesota, Wisconsin, and Manufacturers Trust Company (hereinafter referred to as "Manufacturers Trust") to determine what action, if any, is necessary and should be required to be taken by such companies under such section; and such proceeding having been consolidated with the foregoing proceeding under section 11 (e),

The Commission having issued its notice of filing and notice of and order for hearing in said consolidated proceedings, hearings on said plan having been held, the record having been completed with respect to said plan insofar as it relates to the sale of the physical assets of Minnesota and the use of the proceeds therefrom to the extent necessary to retire its First Mortgage 5½% Gold Bonds, at the principal amount thereof plus accrued interest to the effective date of the plan, but without premium payment, and briefs having been filed;

Minnesota having requested that a separate order be issued approving said plan insofar as it relates to the sale of the physical assets of Minnesota and the use of the proceeds to the extent necessary to retire its First Mortgage 5½% Gold Bonds, at the principal amount thereof plus accrued interest to the effective date of the plan, but without premium payment; that the order of the Commission contain the recitals required by section 1808 of the Internal Revenue Code, as amended, and that application be made by the Commission to an appropriate United States District Court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the plan relating to the sale of assets and the retirement of bonds as above referred to;

None of the participants in these proceedings having objected to the entry by the Commission of a separate order as requested by Minnesota and it appearing to the Commission that the separation for determination of so much of said plan as relates to the sale of physical assets of Minnesota and the retirement of its bonds without premium payment is in the interest of orderly and expeditious administration of the act; it further appearing to the Commission that it is appropriate to grant the other requests of Minnesota referred to hereinabove; and

The Commission being duly advised in the premises, having considered the record herein, and having this day issued its findings and opinion herein, finding that so much of said plan under section 11 (e) as provides for the sale of the physical assets of Minnesota and the use

of the proceeds from said sale to the extent necessary to retire that company's First Mortgage Bonds at the principal amount thereof plus accrued interest to the effective date of the plan, but without premium payment, is necessary and appropriate to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

*It is ordered,* Pursuant to the applicable provisions of the act that said plan in so far as it relates to the sale of the physical assets of Minnesota and the use of the proceeds from said sale to the extent necessary to retire Minnesota's First Mortgage 5½% Gold Bonds at the principal amount thereof and accrued interest to the effective date of the plan, but without premium payment be, and the same hereby is, approved and that the declaration filed pursuant to section 12 of the act be, and the same hereby is, permitted to become effective, respectively, subject, however, to the conditions specified in Rule U-24 and subject to the following terms and conditions:

1. That jurisdiction be, and it hereby is, reserved to the Commission to entertain such further proceedings, to make such further findings, to take such further action as it may deem appropriate in connection with said plan, and to take such further action as it may deem necessary and appropriate to effectuate the provisions of section 11 (b) of the act;

2. That the sale by Minnesota of its physical assets and the use of the proceeds from said sale to the extent necessary to retire its First Mortgage 5½% Gold Bonds at the principal amount, plus accrued interest to the effective date of the plan, but without premium payment, shall not be consummated until such portion of said plan has been approved by an appropriate United States District Court.

*It is further ordered,* That the sale by Minnesota of its physical assets for \$1,530,000, and the use of such proceeds to the extent necessary to retire said bonds at par, plus accrued interest, are necessary or appropriate for the integration or simplification of the Minnesota holding company system and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

*It is further ordered,* That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court pursuant to the provisions of section 11 (e) and subsection (f) of section 13 of the act to enforce and carry out the terms and provisions of that portion of said plan relating to the sale of the physical assets of Minnesota and the use of the proceeds from such sale to the extent necessary to retire at the principal amount thereof, plus accrued interest, but without premium, its First Mortgage 5½% Gold Bonds.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-5440; Filed, June 9, 1947;  
8:46 a. m.]

[File No. 70-1471]

CONSOLIDATED ELECTRIC AND GAS CO. ET AL.

MEMORANDUM OPINION AND ORDER GRANTING AND PERMITTING APPLICATION-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 3d day of June A. D. 1947.

In the matter of Consolidated Electric and Gas Company, The Middle West Corporation and Upper Peninsula Power Company, File No. 70-1471.

On May 14, 1947, we issued our opinion and order in this matter permitting, among other things, the proposed sales by Upper Peninsula Power Company of \$3,500,000 principal amount of First Mortgage Bonds, —% Series, due 1977, and 10,000 shares of Cumulative Preferred Stock, —% Series of the par value \$100 each, provided that said sales should not be consummated until the results of competitive bidding had been made a matter of record in this proceeding and a further order issued thereon.

The company invited separate, sealed, written bids for the bonds and preferred stock which were to be submitted and opened on May 21, 1947. The invitation specified that bids for the bonds should be on the basis of an interest rate of not more than 3½% and a price to the company of not less than 100% of the principal amount thereof and further specified that bids for the preferred stock should be on the basis of a dividend rate of not more than 5% and a price to the company of not less than \$100 per share. One bid was submitted for the bonds but no bids were received for the preferred stock. The invitation for bids provided that the acceptance of a bid for either class of securities was conditioned upon the acceptance of a bid for the other class of security and, since no bid was received for the preferred stock, the bid submitted for the bonds was not opened.

The company has now filed an application requesting that the issuance and sale of the bonds and the preferred stock be exempted from the requirements of Rule U-50 and, at a public hearing held on such application, evidence was presented showing that on June 2, 1947, the company entered into purchase contracts with two separate groups of underwriters for the sale of the bonds and the preferred stock. Pursuant to such contracts, a group of underwriters represented by Halsey Stuart & Co. will purchase the bonds, which will bear interest at the rate of 3¼% per annum, at a price of 101% of the principal amount thereof plus accrued interest from May 1, 1947, and a group represented by Otis & Co. will purchase the preferred stock which will bear a dividend rate of 5¼% at a price of \$100 per share plus accrued dividends from May 1, 1947.

The record discloses that following the unsuccessful public offering at competitive bidding, representatives of the company contacted all underwriting groups which had previously evidenced any interest in the purchase of the securities in an effort to effect the sale through private negotiations. Efforts to effect a private sale of the securities eventually resulted

in the proposals now before us. The company obtained an order from the Michigan Public Service Commission permitting the preferred stock to be sold, bearing a dividend rate of not in excess of 5¼%, which, in effect, amended an earlier order of that Commission limiting the dividend rate on the preferred stock to 5%. The bonds are to be offered to the public at a price of 102.875%, resulting in an underwriting spread of 1.875% and the preferred stock is to be offered to the public at a price of \$104 per share, resulting in an underwriting spread of \$4 per share.

Under the circumstances of this case as disclosed by the record, we are of the opinion that the exemption from competitive bidding should be granted and have concluded that the prices being paid for the bonds and preferred stock and the respective underwriting spreads are not unreasonable.

*It is therefore ordered,* That the application for exemption from competitive bidding be granted and that the application-declaration, as amended, regarding the issuance and sale by Upper Peninsula Power Company of the bonds and preferred stock described above be granted and permitted to become effective.

*It is further ordered,* That the jurisdiction over the payment of fees and expenses reserved in our order of May 14, 1947, be and it hereby is released.

Consolidated Electric and Gas Company and The Middle West Corporation, parties to this proceeding, having requested that our order shall conform with sections 371 (b) 371 (f) 373 (a), and 1803 (f) of the Internal Revenue Code, as amended, and contain the recitals, specifications, and itemizations described in sections 371 (b) 371 (f) and 1803 (f) thereof;

*It is further ordered and recited,* That the transactions set forth in the application-declaration, as amended, proposed to be effected by Consolidated Electric and Gas Company and The Middle West Corporation, including those hereinafter described and recited, are hereby approved and found to be necessary or appropriate to the integration or simplification of their holding company systems and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The sale by Consolidated Electric and Gas Company to Upper Peninsula Power Company of all of the capital stock of Houghton County Electric Light Company consisting of 54,000 shares of capital stock of the par value of \$25 each, all of the capital stock and note indebtedness of Iron Range Light and Power Company consisting of 650 shares of capital stock of the par value of \$100 each and \$62,250 principal amount of 6% demand notes;

(b) The sale by The Middle West Corporation to Upper Peninsula Power Company of 9,000 shares without nominal or par value of the \$3 Cumulative Preferred Stock and 17,000 shares without nominal or par value of the common stock of Copper District Power Company.

(c) The expenditure or application by Consolidated Electric and Gas Company of the cash portion of the proceeds of the said sale of its investments in the capital stock of Houghton County Electric Light

Company and in the capital stock and note indebtedness of Iron Range Light and Power Company, or an amount equivalent to such portion of said proceeds, in the payment and satisfaction and retirement of outstanding notes of Consolidated Electric and Gas Company dated November 29, 1945, and due November 29, 1948; and

(d) The expenditure or application by The Middle West Corporation of the cash portion of the proceeds of the said sale of its investment in the preferred stock and common stock of Copper District Power Company or an amount equivalent to such portion of said proceeds in the purchase of additional shares of common stock of Kentucky Utilities Company or the contribution to the capital or paid-in surplus of said Kentucky Utilities Company upon further application to and approval of this Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-5441; Filed, June 9, 1947;  
8:46 a. m.]

[File No. 54-154]

UNITED CORP.

ORDER PERMITTING WITHDRAWAL OF  
APPLICATION

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

The United Corporation ("United") a registered holding company, having heretofore filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 proposing to offer to exchange for one share of its \$3 Cumulative Preference Stock, and all rights and claims to accrued dividends thereon, up to and including 200,000 shares of such preference stock, 4 shares of the common stock of Columbia Gas & Electric Corporation and \$2 in cash; and

Applicant having requested permission to withdraw said application, and having represented in support of such request that it appears feasible to applicant to propose and formulate for the consideration and approval of the Commission a plan for the compulsory retirement of all the outstanding shares of its preference stock, and that a limited voluntary exchange of securities as proposed would become unnecessary and inadvisable; and

It appearing to the Commission that the withdrawal of said application is consistent with the public interest;

It is ordered, That the request of the applicant be, and it hereby is, granted, and said application is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-5442; Filed, June 9, 1947;  
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 8949]

AUGUST WULF

In re: Estate of August Wulf, deceased. File D-28-10369; E. T. sec. 14759.

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 Johannes Friederich Wulf, Johannes Friederich Bendixen, Friederich Bendixen, Carl Bendixen, Dorothea Bendixen Meissner, Friederich Bendixen Schmidt, Bodil Marie Schmidt, Luise Marie Witthoft, Karl Heinrich Friederich Witthoft, Friederich Johannes Wulf, Emil Julius Peter Wulf, Emma Minna Elisabeth Wulf Neumeier, Friedrich Peter Thomas Wulf, Johannes Friedrich Wulf, Thomas Nicolaus Wulf, Christine Louise Wulf Peter, Margaretha Maria Wulf Kiedrowski, Fritz Nicolaus Rasmussen and Hansine Dorothea Jessen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

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

3. That such property is in the process of administration by Rev. F. Kammholz, as Executor, acting under the judicial supervision of the County Court of Taylor County, Wisconsin;

and it is hereby determined:

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

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

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

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

Executed at Washington, D.-C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-5462; Filed, June 9, 1947;  
8:56 a. m.]

[Vesting Order 9037]

LYDIA M. BENZ

In re: Estate of Lydia M. Benz, deceased. File D-28-11645; E. T. sec. 15856.

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 Katherine (Katherina) H. Brockmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

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

3. That such property is in the process of administration by Walter G. Benz, as Executor, acting under the judicial supervision of the Probate Court of Ramsey County, St. Paul, Minnesota;

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 May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-5463; Filed, June 9, 1947;  
8:57 a. m.]

[Vesting Order 9038]

LOUISE HERR

In re: Estate of Louise Herr, deceased. File D-28-11660; E. T. sec. 15870.

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 Maria Anna Herr, Johann Jakob Schmitt, Maria Magdalena Schuy, Anna Schmitt, Maria Anna Rosbach, Dorothea Margareta Zell, Adelheid Johanne Dormagen, Johann Heinrich Herr, Heinrich Herr, and Klementina

Holtachers, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Louise Herr, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Carl Lesch, as executor, acting under the judicial supervision of the Surrogate's Court of the county of Richmond, State of New York; and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-5464; Filed, June 9, 1947; 8:57 a. m.]

[Vesting Order 9039]

GESINE JURGENS

In re: Estate of Gesine Jurgens, deceased. File D-28-10521, E. T. sec. 14926.

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:

f. That Adele Dunker, Gesine Klinge (nee Gerke) Greta Klotz, Gertrud Hoppelmann (daughter of Herman Jurgens, deceased), Marie Louise Riggers (daughter of Herman Jurgens, deceased) Hermann Jurgens (son of Herman Jurgens, deceased) Ludwig Jurgens, Ludwig Jurgens (son of Heinrich Jurgens) and Frau Henry Dunker, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country, (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Takao Kawashima, deceased, is property payable or deliverable

to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany),

3. That such property is in the process of administration by Sena Hart and Alexander A. Watkins, as executors, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5465; Filed, June 9, 1947; 8:57 a. m.]

[Vesting Order 9040]

WILLIAM UNGER

Trust u/w of William Unger, deceased. File No. D-28-10426; E. T. sec. 14812.

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:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elizabeth Kunz in and to the Trust created under the Will of William Unger, deceased, is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Elizabeth Kunz, Germany.

That such property is in the process of administration by Joseph Unger, William Young and Benjamin Geller, as Executors and Trustees, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

And determined that to the extent that such a national is a person not within a designated enemy country, the national interest of the United States requires that such a person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

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

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

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5466; Filed, June 9, 1947; 8:57 a. m.]

[Vesting Order 9046]

INAMI AND SHIGENORI SAWAMURA

In re: Bank account and bonds owned by Inami Sawamura and Shigenori Sawamura. F-39-5832-A-1, F-39-5832-C-1, F-39-5832-E-1, D-39-10320-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 Inami Sawamura and Shigenori Sawamura, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the property described as follows:

a. One (1) United States Defense Savings Bond, Series E, of \$50.00 face value, bearing the number L5550582E, registered in the name of Inami Sawamura, Noziri, Takaoka, Cho., Takaoka Gun, Kochi Ken, Shikoku, Japan, presently in the custody of Takao Kawashima, 22707 Detroit Road, Cleveland 16, Ohio, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation of The National City Bank of Cleveland, Euclid Avenue and East Sixth Street, Cleveland 1, Ohio, arising out of a Savings Account, Account Number 20075, entitled Takao Kawashima, 22707 Detroit Road, Cleveland 16, Ohio, 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, Inami Sawamura, the aforesaid national of a designated enemy country (Japan)

3. That the property described as follows: One (1) United States Defense Savings Bond, Series E, of \$50.00 face value, bearing the number L5550581E, registered in the name of Shigenori Sawamura, Noziri, Takaoka, Cho., Takaoka Gun, Kochi Ken, Shikoku, Japan, presently in the custody of Takao Kawashima, 22707 Detroit Road, Cleveland 16,

## NOTICES

Ohio, together with any and all rights thereunder and thereto,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
*Director*

[F. R. Doc. 47-5467; Filed, June 9, 1947;  
8:57 a. m.]

[Vesting Order 9051]

AUGUST TILGNER

In re: Debt owing to August (Gustav) Tilgner. F-28-12428-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 August (Gustav) Tilgner, whose last known address is Weinberg, 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 August (Gustav) Tilgner, by Otto A. Hoecker, 1808 Russ Building, San Francisco, California, in the amount of \$1330.00, 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 coun-

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

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

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

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

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
*Director*

[F. R. Doc. 47-5420; Filed, June 6, 1947;  
8:55 a. m.]

[Vesting Order 9055]

ROBERT HERMAN PAUL ALBRIGHT

In re: Estate of Robert Herman Paul Albright, deceased. File D-28-11726; E. T. sec. 15933.

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

1. That Kate Glazer and Elsbeth Winkelman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Robert Herman Paul Albright, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Ada E. Smith, as Administratrix, acting under the judicial supervision of the Probate Court, Garland County, Hot Springs, Arkansas;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
*Director*

[F. R. Doc. 47-5421; Filed, June 6, 1947;  
8:55 a. m.]

[Vesting Order 9059]

ELIZABETH A. INGELFINGER

In re: Estate of Elizabeth A. Ingelfinger, deceased. File D-28-11214; E. T. sec. 15591.

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 Paul Ingelfinger, Theresa Ingelfinger and Anna Fix, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate and trust created under will of Elizabeth A. Ingelfinger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by C. Hubert Derivaux and Julie Ingelfinger, as co-executors and trustees, acting under the judicial supervision of the Essex County Orphans' Court, Essex County, Newark, New Jersey

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
*Director*

[F. R. Doc. 47-5468; Filed, June 9, 1947;  
8:57 a. m.]

[Vesting Order 9060]

HEINRICH KARL

In re: Estate of Heinrich Karl, deceased. File No. D-28-11417; E. T. sec. 15650.

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

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

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

3. That such property is in the process of administration by William Karl, Sr., as administrator, acting under the judicial supervision of the Hudson County Orphans' Court, Hudson County Courthouse, Jersey City, New Jersey;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5469; Filed, June 9, 1947; 5:58 a. m.]

[Vesting Order 9062]

ANNA M. MULLER

In re: Estate of Anna M. Muller, deceased. File D-28-2327; E. T. sec. 3299.

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 all right, title, interest and claim of any kind or character whatsoever of the City of Stuttgart, Germany, in and to the estate of Anna M. Muller, deceased, is property payable or deliverable to, or claimed by the aforesaid City of Stuttgart, Germany, a political subdi-

vision of a designated enemy country, (Germany),

2. That such property is in the process of administration by the Federal Trust Company, as succeeding executor, acting under the judicial supervision of the Surrogate's Court of Essex County, New Jersey.

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

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

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

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5423; Filed, June 9, 1947; 8:56 a. m.]

[Vesting Order 8069]

MICHAEL DORMISCH

In re: Stock owned by Michael Dormisch. F-28-24050-D-1.

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

1. That Michael Dormisch, whose last known address is Munchen-Allach, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Ten (10) shares of \$50.00 par value common capital stock of United States Smelting Refining and Mining Company, 75 Federal Street, Boston, Massachusetts, a corporation organized under the laws of the State of Maine, evidenced by Certificate numbered 54437, registered in the name of Michael Dormisch, together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5470; Filed, June 9, 1947; 8:53 a. m.]

[Vesting Order 8070]

DR. BENNO HERZOG

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Dr. Benno Herzog, deceased. F-28-26122-D-1.

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

1. That the personal representatives, heirs, next of kin, legatees and distributees of Dr. Benno Herzog, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

2. That the property described as follows: Ten (10) shares of \$100.00 par value common capital stock of Southern Pacific Company, 165 Broadway, New York 6, New York, a corporation organized under the laws of the State of Kentucky, evidenced by certificate number G174416, registered in the name of Dr. Benno Herzog, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, subaccount Special Customers account for Custody, together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Dr. Benno Herzog, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

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

## NOTICES

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

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

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
*Director*

[F. R. Doc. 47-5471; Filed, June 9, 1947;  
8:58 a. m.]

[Vesting Order 9071]

WILHELM HESS

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Hess, deceased. F-28-26408-D-1.

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

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

2. That the property described as follows: One (1) share of \$100.00 par value common capital stock of Southern Pacific Company, 165 Broadway, New York 6, New York, a corporation organized under the laws of the State of Kentucky, evidenced by certificate number F415441, registered in the name of Wilhelm Hess, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Hess, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

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

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
*Director*

[F. R. Doc. 47-5472; Filed, June 9, 1947;  
8:58 a. m.]

[Vesting Order 9080]

SIMPSON LANGE & Co., INC.

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:

1. It having been found and determined in Vesting Order 210, dated October 3, 1942, that Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange and Karl Ludwig Lange, are nationals of a designated enemy country (Germany),

2. It having been found and determined by said Vesting Order 210 that 300 shares of common stock and 500 shares of first preferred stock of Simpson Lange & Co., Inc., vested by said Vesting Order 210, were registered in the name of Rotterdamsche Bankvereening N. V., and beneficially owned by Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange and Karl Ludwig Lange;

3. It is hereby found that the property described in subparagraph 4 hereof represents dividends declared prior to October 3, 1942, on the stock described in subparagraph 2 hereof;

4. It is hereby found that the property described as follows: That certain debt or other obligation of Simpson Lange & Co., Inc., Dallas, Texas, in the amount of \$4,928.68, as of October 3, 1942, appearing on its books and records as an account payable to Rotterdamsche Bankvereening N. V., 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, Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange and Karl Ludwig Lange, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. 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 in subparagraph 4 hereof,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
*Director*

[F. R. Doc. 47-5473; Filed, June 9, 1947;  
8:58 a. m.]

[Vesting Order 9087]

MARGARET EVELYN RINGER

In re: Estate of Margaret Evelyn Ringer, deceased. File D-28-11764; E. T. sec. 15963.

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

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

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

3. That such property is in the process of administration by Hugo Joseph Bettelheim, as Executor, acting under the judicial supervision of the Circuit Court of the State of Oregon, for the County of Multnomah;

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 May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
*Director*

[F. R. Doc. 47-5424; Filed, June 6, 1947;  
8:56 a. m.]