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TITLE 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR FROZEN SPINACH¹

On April 10, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 2367) regarding the proposed revision of United States Standards for Grades of Frozen Spinach. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Frozen Spinach are hereby promulgated pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1948 (Pub. Law 266, 80th Cong., 1st Sess., approved July 30, 1947)

§ 52.649 *Frozen spinach.* Frozen spinach is the product which is prepared from the succulent leaves and stems of fresh spinach (*Spinacia oleracea*) by sorting, trimming, washing, and pre-cooking or blanching such leaves and stems and which is frozen and stored at a temperature necessary for the preservation of the frozen product.

(a) *Grades of frozen spinach.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen spinach that possesses a practically uniform bright typical green color, a good character, a normal flavor and odor, is practically free from defects, and scores not less than 85 points when scored in accordance with the scoring system outlined herein.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen spinach that possesses a reasonably good uniform typical green color, a reasonably good character, a normal flavor and odor, is reasonably free from defects, and scores not less than 70 points when scored in accordance with the scoring system outlined herein.

¹The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(3) "U. S. Grade D" or "Substandard" is the quality of frozen spinach that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(b) *Ascertaining the grade.* (1) The grade of frozen spinach is ascertained after the spinach has been completely thawed under a gentle spray of tap water at a temperature of approximately 68° F., except that a representative portion of the frozen spinach is cooked without first thawing, when examining the product for grit, sand, or silt. The thawed spinach is then scored for the factors of color and absence of defects other than grit, sand, or silt. It is then cooked, in the manner described herein, before evaluating the factor of character. The flavor and odor of frozen spinach is also determined after cooking. "Normal flavor and odor" means that the spinach is free from objectionable flavors and odors of any kind.

(2) The grade of frozen spinach may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, absence of defects, and character. The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given each factor is:

	Points
(i) Color	20
(ii) Absence of defects.....	60
(iii) Character	20
Total score.....	100

(c) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen spinach that possesses a practically uniform bright typical green color may be given a score of 17 to 20 points. "Practically uniform bright typical green color" means that the frozen spinach possesses a green color that is characteristic of the spinach from which prepared, is bright, and that there is not more than a slight variation in the green color.

(ii) If the frozen spinach possesses a reasonably good uniform typical green color, a score of 14 to 16 points may be

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given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably good uniform typical green color" means that the frozen spinach possesses a green color that is characteristic of the spinach from which prepared, and may be variable but not to an extent that the appearance of the frozen product is materially affected.

(iii) Frozen spinach that is definitely off-color for any reason or that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Absence of defects.* (i) The factor of absence of defects refers to the

degree of freedom from grit, sand, or silt, seed heads, grass and weeds, crowns of root stubs, root stubs, and major and minor damage. Minute insignificant injuries shall not be considered as damage. The evaluation of the score points for the factor of absence of defects may be determined from Table A hereof which prescribes the maximum score which may be allowed for specified defects.

(a) "Grit, sand, or silt" means any particle of earthy material.

(b) "Major damage" means any yellow, brown or other discoloration which covers an aggregate area of not less than 1 square inch of any leaf, portion of a leaf, stem, or portion of a stem; or any pathological injury or insect injury affecting any leaf, portion of a leaf, stem, or portion of a stem.

(c) "Minor damage" means any yellow, brown or other discoloration which covers an aggregate area of less than 1 square inch of any leaf, portion of a leaf, stem, or portion of a stem.

(ii) Frozen spinach that is practically free from defects may be given a score of 51 to 60 points. "Practically free from defects" means that the product contains no grit, sand, or silt that affects the eating quality or appearance of the frozen spinach, that for each 48 ounces drained weight there may be present not more than 1 root stub, and that for each 16 ounces drained weight there may be present:

(a) Not more than 2 tender crowns of roots with leaf clusters attached;

(b) Major and minor damage affecting not more than 8 leaves or stems or portions of leaves or stems, including major damage affecting not more than 4 leaves and stems or portions of leaves and stems;

(c) Not more than 2 seed heads; and

(d) Grass and weeds aggregating not more than 10 inches in length of which not more than 3 inches may be grass and weeds which detract noticeably from the appearance of the product.

(iii) If the frozen spinach is reasonably free from defects a score of 42 to 50 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product may contain a trace of grit, sand, or silt that does not materially affect the eating quality or appearance of the frozen spinach, that for each 48 ounces drained weight there may be present not more than 3 root stubs, and that for each 16 ounces drained weight there may be present:

(a) Not more than 4 tender crowns of roots with leaf clusters attached;

(b) Major and minor damage affecting not more than 16 leaves and stems or portions of leaves and stems, including major damage affecting not more than 8 leaves and stems or portions of leaves and stems;

(c) Not more than 4 seed heads; and

(d) Grass and weeds aggregating not more than 15 inches in length of which not more than 6 inches may be grass and weeds which detract noticeably from the appearance of the product.

(iv) Frozen spinach that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 41 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

spinach, and the degree of shredding, raggedness, or disintegration of the leaves and stems are considered under this factor.

(ii) The character of frozen spinach is ascertained after cooking 10 ounces of the thawed product in 16 ounces of water for exactly 5 minutes at 212° F. in an uncovered container. The spinach is placed in the boiling water and cooking time starts at the time the water boils after the spinach is added. If the boiling point of the water is low, one minute shall be added to the cooking time for each 2° below 212° F.

(iii) Frozen spinach that possesses good character may be scored 17 to 20 points. "Good character" means that the cooked spinach is tender and practically free from coarse or tough leaves and stems or coarse or tough portions of leaves and stems and that the appearance of the cooked product is not materially affected by shredded, ragged, or disintegrated leaves and stems or portions of leaves and stems.

(iv) If the frozen spinach possesses a reasonably good character a score of 14 to 16 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the cooked spinach may possess a few coarse or tough leaves and stems or coarse or tough portions of leaves and stems, may be variable in tenderness, and that the appearance of the cooked product may be materially but not seriously affected by shredded, ragged, or disintegrated leaves and stems or portions of leaves and stems.

(v) Frozen spinach that fails to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule)

(d) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen spinach, the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated:

(ii) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

TABLE A—DEFECTS

Range of score points	Score points	Grit, sand or silt	Total number of root stubs	Damage		Total number of seed heads	Grass and weeds	Total number of crowns of roots
				Total	Total			
				Per 16 ounces drained weight				
51-60	60	None	None	None	None	None	None	None
	59	None	None	1	None	None	None	None
	58	None	None	2	1	None	None	None
	57	None	None	3	2	None	None	None
	56	None	None	4	3	1	None	1
	55	None	None	5	4	2	None	2
	54	None	None	6	5	3	None	3
	53	None	None	7	6	4	None	4
	52	None	None	8	7	5	None	5
	51	None	None	9	8	6	None	6
	50	Trace	None	10	9	7	None	7
	49	Trace	None	11	10	8	None	8
42-50	48	Trace	2	11	6	3	None	3
	47	Trace	2	12	6	3	None	3
	46	Trace	3	13	7	4	None	4
	45	Trace	3	14	7	4	None	4
	44	Trace	3	14	8	4	None	4
	43	Trace	3	15	8	4	None	4
0-41	41 or less	More than the allowances permitted for 42 score points.						

(3) *Character.* (i) The factor of character refers to the condition and structural characteristics of the spinach leaves and stems or portions of leaves

and stems. The degree of freedom from coarse or tough leaves and stems or coarse or tough portions of leaves and stems, the tenderness of the cooked

(e) Score sheet for frozen spinach.

Container size.....
Container code or marking.....
Label.....
Net weight (in ounces).....
<hr/>	
Factors	Score points
I. Color.....	20
	(A) 17-20.....
	(B) 14-16 ¹
	(D) 0-13 ¹
II. Absence of defects.....	60
	(A) 51-60.....
	(B) 42-50 ¹
	(D) 0-41 ¹
III. Character.....	20
	(A) 17-20.....
	(B) 14-16 ¹
	(D) 0-13 ¹
Total score.....	100
<hr/>	
Grade.....
Normal flavor and odor.....

¹Indicates limiting rule within classification.

(f) *Effective time and supersedure.* The United States Standards for Grades of Frozen Spinach (which are the fourth issue) contained in this section shall become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER and shall thereupon supersede the standards that have been in effect since March 15, 1944. (Pub. Law 266, 80th Cong.)

Issued at Washington, D. C., this 6th day of October 1947.

[SEAL] S. R. NEWALL,
Acting Assistant Administrator
Production and Marketing
Administration.

[F. R. Doc. 47-9107; Filed, Oct. 8, 1947;
8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter G—Inspection of Animal Foods

PART 155—CANNED WET NORMAL MAINTENANCE FOOD FOR DOGS, CATS, AND OTHER CARNIVORA

INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Pursuant to the provisions of the Agricultural Marketing Act of 1946 (Title II of the Act of Congress approved August 14, 1946, 60 Stat. 1087) § 155.12 of the regulations of the United States Department of Agriculture governing the inspection of canned animal food (9 CFR, 1946 Supp., 155.12) is hereby amended to read as follows:

§ 155.12 *Charge for service.* For each man hour of inspection service extended to an inspected plant under this part a fee of not less than \$3.00 shall be charged to the applicant and be paid to the department by him upon receipt of notice thereof from the department. (60 Stat. 1087)

This amendment shall become effective at 12:01 a. m. (eastern standard time) on October 5, 1947.

NOTE: Inasmuch as the determination of the cost of inspection service for canned animal foods depends entirely upon facts within the knowledge of the United States Department of Agriculture, notice and public procedure on the establishment of fees equal, as nearly as may be, to the cost of the service are deemed unnecessary under the Administrative Procedure Act and, inasmuch as the cost of such inspection to the Animal Foods Inspection Division of the Bureau of Animal Industry of the said department has risen sharply, good cause is found for issuing this amendment less than 30 days after publication.

Done at Washington, D. C., this 3d day of October 1947.

Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 47-9106; Filed, Oct. 8, 1947;
8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-13]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

POSTPONEMENT UNTIL JANUARY 1, 1948, OF DELETION OF WORD "APPRECIABLE" FROM TAKE-OFF LIMITATIONS APPLYING TO AIRPLANES CERTIFICATED UNDER TRANSPORT CATEGORY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of September 1947.

Civil Air Regulations Amendment 41-9, which deleted the word "appreciable" from § 41.271 (c) of the Civil Air Regulations and provided that any gradient of the take-off surface must be taken into account when computing take-off limitations of airplanes certificated under the transport category, was adopted by the Board August 26, 1947, to become effective September 26, 1947.

It now appears that many scheduled air carriers do not have the airport runway data needed to make accurate computations for all airports as required by the amended sections of the Civil Air Regulations. The carriers have agreed to immediately initiate such action as is required to secure the additionally needed runway data and to make such necessary computations as will enable them to accurately determine compliance with the transport category operating limitations. The carriers have agreed to make appropriate allowances for any runway gradient as quickly as practicable after such data is available and, in any event, to fully comply with this requirement not later than January 1, 1948.

Compliance with the notice and procedures required by section 4 of the Administrative Procedure Act is impracticable, since any delay in the promulgation of this amendment would impose an undue burden on scheduled air carriers.

Effective September 26, 1947, the effective date of Civil Air Regulations Amendment 41-9 is extended from September 26, 1947, to January 1, 1948.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-9076; Filed, Oct. 8, 1947;
8:51 a. m.]

[Civil Air Regs., Amdt. 61-12]

PART 61—SCHEDULED AIR CARRIER RULES

POSTPONEMENT UNTIL JANUARY 1, 1948, OF DELETION OF WORD "APPRECIABLE" FROM TAKE-OFF LIMITATIONS APPLYING TO AIRPLANES CERTIFICATED UNDER TRANSPORT CATEGORY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of September 1947.

Civil Air Regulations Amendment 61-8, which deleted the word "appreciable" from § 61.7112 (c) of the Civil Air Regulations and provided that any gradient of the take-off surface must be taken into account when computing take-off limitations of airplanes certificated under the transport category, was adopted by the Board August 26, 1947, to become effective September 26, 1947.

It now appears that many scheduled air carriers do not have the airport runway data needed to make accurate computations for all airports as required by the amended sections of the Civil Air Regulations. The carriers have agreed to immediately initiate such action as is required to secure the additionally needed runway data and to make such necessary computations as will enable them to accurately determine compliance with the transport category operating limitations. The carriers have agreed to make appropriate allowances for any runway gradient as quickly as practicable after such data is available and, in any event, to fully comply with this requirement not later than January 1, 1948.

Compliance with the notice and procedures required by section 4 of the Administrative Procedure Act is impracticable, since any delay in the promulgation of this amendment would impose an undue burden on scheduled air carriers.

Effective September 26, 1947, the effective date of Civil Air Regulations Amendment 61-8 is extended from September 26, 1947, to January 1, 1948.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-9077; Filed, Oct. 8, 1947;
8:51 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 8]

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

REVISION OF APPENDIX

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

By amending and revising Appendix D thereto to read as follows:

APPENDIX D

United States percentage share of allowable project costs in States containing unappropriated and unreserved public lands and non-taxable Indian lands:

State:	Percentage
Arizona.....	60.55
California.....	54.07
Colorado.....	53.34
Idaho.....	56.30
Montana.....	53.52
Nevada.....	62.50
New Mexico.....	56.89
Oklahoma.....	51.39
Oregon.....	56.00
South Dakota.....	53.09
Utah.....	61.82
Washington.....	51.80
Wyoming.....	57.47

NOTE: The percentages listed hereon may vary as public lands are withdrawn from the category as indicated, but unless so changed, will be used by the Administrator in determining the United States' share of allowable project costs other than land acquisition.

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

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

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-9073; Filed, Oct. 8, 1947; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 631—WAR HOUSING PROGRAM: POLICY

DISPOSITION OF FEDERALLY OWNED WAR HOUSING PROJECTS

Section 631.4 (11 F. R. 177A-913) is hereby amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 631.4 *Disposition of federally owned war housing projects.* The Public Housing Administration is responsible for the disposition of war housing projects, or parts thereof, upon their termination by the Administrator of the Housing and Home Finance Agency.

(a) *Definitions.* (1) "Government agency" means any executive department, board, bureau, commission, or other agency in the Executive Branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by

the United States. (The priorities of Government agencies include the priority awarded to the Reconstruction Finance Corporation to aid sales to veterans and owner-operators of small businesses.)

(2) "State and local governments" means any state, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality of any of them.

(3) "Non-profit institution" means any scientific, literary, educational, public health, public welfare, charitable, or eleemosynary institution, or hospital or similar institution, or any volunteer fire company (i) which is supported in whole or in part through the use of funds derived from taxation by the United States, its territories or possessions, or by any State or political subdivision thereof, or (ii) which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(4) "Veteran" means (i) a person (or his family) who has served in the military or naval forces of the United States for any period of time on or after September 16, 1940, and prior to the termination of the present war and who has been discharged or released therefrom under conditions other than dishonorable, (ii) a person (or his family) serving in the active military or naval forces of the United States, and (iii) the family of a person who served in the military or naval forces of the United States on or after September 16, 1940 and prior to the termination of the present war and who died in service.

The term "veteran" also includes the widow or orphans of a veteran (as defined above) who dies subsequent to his period of service. "Military or naval forces of the U. S." means the Army, Navy, Marine Corps, Coast Guard and, since July 29, 1945, the commissioned corps of the United States Public Health Service. The term military or naval forces does not include the Merchant Marine, and Red Cross. For purposes of Veterans' Administration loan guaranties, "veteran" is defined by VA.

(5) "Demolition" means reduction of structures to component parts no greater than flat panels.

(6) "Temporary dwelling structure" means any dwelling structure determined to be of temporary character pursuant to Section 313 of the Lanham Act exclusive of trailers and portable shelter structures.

(7) "Portable shelter structure" is a temporary dwelling structure of a panelized character designed so as to be readily movable as a whole and built under a standard PHA portable shelter unit plan (PFD and PSU or mobile house plan.)

(8) "Permanent dwelling structure" means any dwelling structure not determined "to be of a temporary character pursuant to section 313 of the Lanham Act" which is fixed in its present location.

(9) "Demountable dwelling structure" means any dwelling structure not determined "to be of a temporary character pursuant to section 313 of the Lanham Act" which can be demounted and re-erected elsewhere.

(b) *Local consultations*—(1) *Responsibility for local consultations.* Without awaiting termination of projects, the PHA Area Director shall initiate consultations with representatives of the local governments in those localities where war housing projects exist. The purpose of such consultations is to provide the local community with an opportunity to study disposition problems concerning all projects in the community, reach agreements within the community, and make recommendations concerning disposition within the framework of disposition policies.

(2) *Invitation to consultation.* The elected head of the local government having jurisdiction over the area in which the housing is located shall be requested to designate representatives with whom government representatives may discuss disposition problems. Whenever a local housing authority is managing any of the housing involved, and has not been invited by the elected head to participate in the consultations, the Area Director shall make certain that the local authority participates in the conference.

(3) *Local recommendations.* The recommendations of the designated local representative should be approved and transmitted by the elected head of the local government to the PHA Area Director within not more than 90 days from the date local consultations are initiated. If no local recommendations are forthcoming within the 90-day period, the PHA will establish a disposition plan, and will notify the community of the plan.

(4) *Review of local recommendations.* The Area Director shall review the local recommendations for legality, financial return to the Government and conformity with HHFA and PHA disposition policies. Consideration shall be given to the improvement of the local housing supply, to minimizing adverse effects upon existing private housing and to encouraging future private construction. Upon completion of review, the disposition plan of the local representatives shall be submitted to the Regional Director for approval. Subject to the provisions of applicable law and policies and consideration of an equitable return to the Federal Government, the PHA shall, insofar as practicable, follow the local recommendations.

If the Regional Director believes that the local recommendations should be modified or rejected, he shall consult with the local representatives to endeavor to reach a mutually satisfactory conclusion. However, the final determination is of necessity, the responsibility of the Federal Government acting through the PHA.

(c) *Disposition of temporary projects*—(1) *Temporary dwelling buildings.* Section 313 of the Lanham Act (54 Stat. 1125; 42 U. S. C. 1521) states: "The Administrator shall, as promptly as may be practicable and in the public interest remove all housing under his jurisdiction which is of a temporary character, as determined by him and constructed under the provisions of this act (Public Law 449, Seventy-Sixth Congress), Public Law 781, Seventy-Sixth Congress, and Public Laws, 9, 73 and 353, Seventy-Ser-

enth Congress. Such removal shall, in any event, be accomplished not later than 2 years after the President declares that the emergency declared by him on September 8, 1939, has ceased to exist (under the terms of Public Law 239, Eightieth Congress this event occurred on July 25, 1947) with the exception only of such housing as the Administrator, after consultation with local communities finds is still needed in the interest of the orderly demobilization of the war effort: *Provided*, That all such exceptions shall be reexamined annually by the Administrator and that all such exceptions and reexaminations shall be reported to the Congress." The removal provisions of the act are applicable only to the dwelling buildings.

(1) *Priorities*. The following order of preference shall govern the disposition of temporary dwelling buildings:

- (a) Government agencies;
- (b) State and local governments;
- (c) Non-profit institutions.

(ii) *Conditions of sale or transfer*—

(a) *Government agencies*. Dwelling structures may be sold or transferred to a Government agency for its use on or off the present project site: *Provided*, That when the use is to be on-site the transferee Government agency will agree to carry out the provisions of the Lanham Act (54 Stat. 1125, 42 U. S. C. 1521) and HHFA regulations concerning the removal of temporary housing. Any sale to the Reconstruction Finance Corporation for sale to veterans for owner-operated small business shall require removal by demolition. Provisions of this subparagraph apply to projects on owned, leased, or temporary use sites. If the structures are on other than owned sites and are to remain temporarily on such sites, any sale or transfer shall be subject to any conditions underlying the lease or use of the site.

(b) *State and local governments and non-profit institutions*. Temporary dwelling structures may be sold to state or local governments or non-profit institutions for any use off the present site. They shall be sold by demolition unless they are to be removed for non-residential or institutional use.

(c) *Non-priority holders*. Temporary dwelling structures sold to anyone other than a Government agency, a State or local government, or a non-profit institution, must be removed from the site by demolition within the period specified in the contract of sale.

(iii) *Methods of offering*. Temporary dwelling structures shall be offered for sale by advertisement to priority and non-priority holders for a 15-day period. Before advertising, a price shall be established for priority holders, which shall be made available upon request.

Priority holders who do not wish to offer the established price shall be asked to state a price, which will be considered competitively. In case of tie bids, priority holders shall have preference in the order of their priority. Where acceptable offers are not received as a result of the 15-day advertising, sales shall be made by negotiation or other means. If no acceptable offer is produced by these methods, the structures shall be demol-

ished after advertising during a 15-day period for competitive bids for demolition, and no priorities shall apply.

(2) *Non-dwelling buildings*. Non-dwelling buildings, including community, administration, commercial, and utility buildings, may be sold with dwelling buildings, in which case the priorities applicable to dwelling buildings shall apply. Or they may be sold separately. If on leased land or land held under temporary use, they may be sold to the landowner in connection with lease or use settlements. If not sold to the landowner or if on PHA-owned land, and if sold separately from dwellings, the priorities shall be those applicable to dwellings with a fourth priority for veterans who wish to acquire the property for owner-operated small business or commercial purposes. The priority of any one veteran hereunder may be exercised in connection with only one purchase.

Non-dwelling buildings may be sold or transferred for use on or off the present site. When sold for use off-site, they may be removed without being demolished. Non-dwelling buildings on owned land may also be declared with the land to the War Assets Administration.

If not transferred to a landowner of leased land or to WAA, non-dwelling structures shall be offered for sale by advertisement to priority and non-priority holders for a 15-day period. Where desirable, advertising of non-dwelling structures may be combined with advertising of dwellings. If no acceptable offer is received from advertising, sales through re-advertisement, negotiation, or other means shall be made.

(3) *Site improvements sold separately*. Site improvements may be sold separately from structures, in which case there shall be no priorities.

Site improvements may be (i) sold to the landowner in connection with the lease or use settlement; (ii) sold for off-site removal or salvage; or (iii) left on the site either by abandonment to the owner of land taken under lease or temporary use where the improvements have no value, or for declaration as surplus with owned land to WAA.

If sold for off-site removal or salvage, they may be offered either by advertisement for a 15-day period or by negotiation with a specific purchaser where there are only one or two possible purchasers as in the case of utilities.

(4) *Portable shelter structures*. Portable shelter structures are of temporary construction, and are not considered suitable for long-term residential use, and must be removed under the terms of the Lanham Act. Furthermore, portable shelter structures do not generally comply with existing urban building regulations. They may, however, be adaptable for use as vacation-type summer housing, tourist cabins, accommodations for migratory seasonal farm labor, and non-residential use.

Accordingly, portable shelter structures shall be offered for removal but without the requirement that they be removed by demolition. In sales or transfers to Government agencies, the removal may be deferred if the transferee agrees to carry out the removal provisions of the Lanham Act.

Priorities are the same as for other temporary dwellings except that if it is determined that substantially the entire group of portable shelter structures are salable as individual units, individual consumers shall have fourth priority, with veterans and servicemen having preference as among consumers.

Portable shelter units shall be advertised for a 15-day period for sale to priority holders and non-priority holders for removal from the site. Prices shall be established for priority holders, which shall be made available upon request. Priority holders who do not wish to offer the established price shall be asked to state a price, which will be considered competitively. In case of tie bids, priority holders shall have preference in the order of their priorities.

If not sold after advertising as above, sales may be made for off-site removal at the best obtainable price, by re-advertisement for bids, by negotiation, by sale for demolition, or any other method which will bring the best financial return to the Government, and no priorities shall apply.

It shall be clearly stated in writing to all purchasers that the portable shelter structures are not considered suitable for long-term residential use, that they do not generally comply with urban building regulations, and that the sale is subject to the purchaser's agreement to comply with the removal requirements. It shall be stated also that they are suitable for vacation housing, tourist cabins, accommodations for migratory seasonal farm labor, and non-residential uses.

(5) *Trailers*. Trailers, when no longer needed in the war housing program, shall be declared surplus to the appropriate disposal agency designated by the WAA for disposal pursuant to the Surplus Property Act of 1944. In cases where sale to occupants is feasible for off-site removal, such sales may be made by the PHA Area Director.

(6) *Sales prices*. All sales or transfers other than those on a competitive bid basis shall be made at a fixed price which shall represent PHA's estimate of the highest amount obtainable for the property in the current market; *Provided*, That transfers to other Government agencies without reimbursement may be made when authorized by law. In sales by competitive bidding the highest eligible bid shall be accepted unless it is determined to be in the best interest of the Government to reject all bids. Sales shall be for cash, except that transfers may be made to landowners in effecting settlements. When the PHA finds that the cost of the care, handling and demolition of structures would equal or exceed the estimated proceeds, or otherwise determines that structures have no commercial value, the PHA may then, without receiving monetary payment, make a transfer to Government agencies, state and local governments, or non-profit institutions; but only under the removal conditions set forth above.

(d) *Disposition of permanent and demountable projects (on-site)*—(1) *General policy*. Terminated permanent and demountable projects sold on site shall be sold by PHA for private residential purposes unless sold to a local housing

authority under authorization of Congress or unless transferred or sold to a government agency.

(2) *Plan of sale.* In order to encourage home ownership and to facilitate participation in the disposition program by small investors, projects being offered for sale for private residential purposes shall be subdivided into the smallest feasible units of sale consistent with a practicable plan for their disposition. To these ends, the following plans of sale shall be employed where feasible and applicable.

(Plans 1, 2 and 3 shall be employed when: (i) the buildings are physically separable for disposition purposes, (ii) there is a market for such buildings, and (iii) their sale will not unduly interfere with the expeditious disposition in the public interest of other buildings in the project which cannot be sold under Plans 1, 2 or 3.)

Plan 1. Buildings containing one or two units shall be offered at fixed prices, building by building, to one purchaser per building, provided that the purchaser will occupy one of the units.

Plan 2: Buildings containing 3 or 4 units shall be offered at fixed prices, building by building, to groups of purchasers for their own occupancy, or to individuals where the individual purchaser of a building will occupy one of the dwelling units.

Plan 3: Buildings containing more than 4 units shall be offered at fixed prices, building by building, to groups of purchasers for their own occupancy.

Plan 4: Where a project or portion cannot be subdivided in accordance with Plan 1, 2 or 3, such project or portion shall be offered by groups of buildings in the smallest units of sale, but where such subdivision is not feasible, the project or portion shall be offered as an entity. The offerings may be made at fixed prices to groups of purchasers for their own occupancy.

Plan 5. Projects or portions which cannot be sold at fixed prices for occupancy by purchasers in accordance with the foregoing plans shall be offered by competitive bid to investors.

(3) *Order of preferences.* The following preferences shall be observed in the sale of buildings to individuals. (In the sale of buildings to groups, the preference system is described later.)

Class 1. A veteran who occupies a dwelling unit in the building to be sold and intends to continue to occupy such unit.

Class 1A. A veteran who occupies a dwelling unit in a building to be sold and who loses out to another veteran occupant of the same building in drawing lots (See subparagraph (5) of this paragraph)

Class 2: A veteran who intends to occupy a dwelling unit in a building to be sold. This includes occupant veterans who desire to purchase a building other than the one in which they reside as well as veterans who do not live in the project.

Class 3: A non-veteran who occupies a dwelling unit in the building to be sold and intends to continue to occupy such dwelling unit.

Class 3A. A non-veteran who occupies a dwelling unit in a building to be sold and who is displaced by a higher preference holder or in the drawing of lots (see subparagraph (5) of this paragraph).

Class 4: A non-veteran who intends to occupy a dwelling unit in a building to be sold.

(4) *Expiration of priorities.* Preferred purchasers in any class continue to have preference over members in lower preference classes for any available dwelling units during the periods in which the members of lower preference classes have preference rights. A dwelling unit is no longer "available" when a preferred purchaser has registered his intent to purchase such dwelling unit and has paid the required good faith deposit.

(5) *Operation of priority system under Plan 1 (sale of single and twin houses).* In the sale of single and twin houses, the order of preference shall be exercised as follows:

Prospective purchasers in Classes 1, 2 and 3 shall have 30 days after public announcement of sales prices in which to register their intent to purchase. Registration shall be accompanied by a good faith deposit of \$50 per dwelling unit. When two persons of equal preference status occupying the same twin house building both wish to purchase the building, they may purchase jointly or may draw lots and the loser shall thereupon receive a Class 1A priority if he is a veteran and a 3A priority if he is a non-veteran for the purchase of other single or twin buildings in the project not claimed by qualified purchasers of higher preference status. Veteran occupants who lost out in the drawing of lots shall have 5 days following expiration of the 30 days registration period in which to claim available buildings. Thereafter, registered Class 2 veterans shall have 5 days in which to choose buildings not claimed by veteran occupants. Priority in selection shall be granted generally in accordance with the order of registration. Where the demand from Classes 1A and 2 is insufficient to cover all buildings remaining after Class 1 preference holders have claimed their buildings, every effort shall be made to have Classes 1A and 2 make their selections from buildings not registered for by Class 3 preference holders.

After expiration of the selection period for registered Classes 1 and 2 any registered non-veteran occupants (Class 3) who are not displaced will be permitted to purchase the property applied for and then those who are to be displaced from their dwellings or who lost out in the drawing of lots (Class 3A) shall have 10 days in which to select dwellings not already claimed. Priority in selection shall be granted generally in the order of registration. In making selections, non-veteran occupants should displace first, non-veteran occupants who did not register and second, veteran buildings not claimed by registered preference holders shall then be offered at announced prices to other prospective purchasers (Class 4) If buildings are not sold after a reasonable time as determined by the

Regional Director and it would be uneconomical to continue sales effort by PHA salaried employees, such buildings may be listed with sales brokers. If not sold in this manner after reasonable effort, buildings shall be sold by PHA after public advertising for competitive bids.

(6) *Operation of priority system under Plan 2 (sale of buildings containing 3 or 4 units)* In the sale of buildings containing 3 or 4 units, the order of preferences shall be exercised as follows:

Prospective purchasers in Classes 1, 2 and 3 shall have thirty days after public announcement of sales prices in which to register their intent to purchase. A purchaser is defined as either an individual who will occupy one of the dwellings in the building he intends to purchase or a group of individuals all of whom will occupy units in the building they intend to purchase. The group does not necessarily have to be large enough to occupy all the dwelling units in the building to be purchased; e. g., 2 individuals acting as a group could purchase a 4 unit building provided the individuals occupied or intended to occupy dwelling units in the buildings. Registration shall be accompanied by a good faith deposit of \$50 per dwelling unit. In the event of competitive purchasers, the following criteria shall govern the selection:

(i) First choice shall go to a qualified purchaser having as members the largest number of veteran occupants (Class 1) of the building being sold.

(ii) Among purchasers of equal Class 1 membership, first choice shall go to the purchaser containing the largest number of non-occupant veterans (Class 2)

(iii) Among purchasers of equal membership as to both paragraphs (a) and (b) of this section, first choice shall go to the purchaser having the largest number of non-veteran occupants (Class 3)

When two or more occupant purchasers are of equal preference status as to paragraph (a) (b) and (c) of this section, they may draw lots and the loser or losers shall thereupon receive a Class 1A priority if veterans and a 3A priority if non-veterans for the purchase of other available buildings in the project (including single and twin buildings) not claimed by qualified purchasers of higher preference status.

Veteran occupants who lost in competition for a building (in accordance with paragraphs (a), (b) and (c) of this section) or who lost out in the drawing of lots shall have five days following expiration of the thirty-day registration period in which to claim available buildings. Thereafter, lower competing purchasers shall have fifteen days in which to choose buildings not claimed by veteran occupant purchasers.

Buildings not claimed by Class 1, 2 and 3 purchasers shall then be offered at announced prices to other prospective purchasers (Class 4). If buildings are not sold after a reasonable time as determined by the Regional Director and it would be uneconomical to continue sales effort by PHA salaried employees, such buildings may be listed with sales brokers. If not sold in this manner after reasonable effort, buildings shall be sold.

by PHA after public advertising for competitive bids.

(7) *Operation of priority system under Plan 3 (buildings containing more than 4 units)* Buildings containing more than 4 units shall be offered in the same manner as in the case of Plan 2, as described in subparagraph (6) of this paragraph, except that preferred purchasers shall be confined exclusively to groups of individuals who intend to occupy and who number at least half the number of units in the buildings offered for sale. No preference shall be accorded to an individual who wishes to purchase a building containing more than 4 units.

(8) *Operation of priority system under Plan 4 (projects or groups of buildings)* In the sale of entire projects or groups of buildings within a project which are offered as units of sale, the order of preference shall be exercised as follows:

(i) The project or portion shall be offered for 30 days at a fixed price to groups interested in such purchase. When competing groups are interested in purchase, every effort shall be made to have the groups merge. Where this is not possible, preference shall be granted, at the end of the 30-day period, to the qualified group having as members the largest number of veterans (Classes 1 and 2). The successful group must present an application signed by members equalling at least 25 of the units in the project or portion offered for sale and pay to PHA a good faith deposit of \$50 for each member. The project or portion shall thereupon be reserved for sale for a period of 90 days. Any such group, during the 30-day period following reservation, shall confine its membership to Classes 1, 2, and 3 and shall select its members in the order of preference stated. During the last 60 days the group may also invite as members Class 4 preference holders. On the 90th day, the group must have a membership of sufficient size so that 67% of the units in the project or portion can be occupied by members. If the group qualifies, it shall pay to PHA the difference between the original deposit and an amount equal to \$50 per dwelling. If the group fails to achieve the necessary 67%, fails to pay the required deposit, or refuses to enter into a contract of sale, the original deposit shall be forfeited. If the group has not completed the foregoing steps within the 90-day period but the regional director believes that the group is acting in good faith and will consummate the sale, he may grant an extension of time, not to exceed 90 days.

(ii) If an application of a qualified group is not received within the 30-day period following the announcement of the sales price, the project or portion shall be offered by competitive bid to private investors under Plan 5.

(9) *Operation of Plan 5 (sales to investors)* Projects or portions of projects not sold under Plans 1 through 4 above, shall be offered by competitive bid to investors. The offerings shall be advertised for a period of not less than 30 days from the date of the first advertisement. Sealed bids shall be requested. Bids shall be received up to the time of bid opening and shall be opened publicly. The highest bid shall be ac-

cepted except that all bids shall be rejected where none is satisfactory. If an acceptable bid is not received by advertisement, the project or portion may be sold by readvertising, negotiation, or by other means, but in no case shall the price be less than the highest bid previously received.

(10) *Valuation, sale prices, terms, and conditions.* All sales shall be for cash, with such financing as may be required being obtained in the private financing market under the provisions of section 610 of the National Housing Act (which makes FHA mortgage insurance available for Lanham Act Projects) or otherwise, Veterans Administration loan guarantees will be available to eligible veteran purchasers of individual buildings.

In offering portions of projects at fixed prices to preference holders, PHA shall reserve the right to reject all offers if the response to the offering indicates that a substantial number of the buildings offered for sale will not be expeditiously disposed of in the public interest within a reasonable period of time.

(11) *Occupancy, rent and sale regulations.* The following regulations shall obtain in sales:

(i) The right of the purchaser to evict any present occupant shall be subject only to applicable federal, state and local law, except that any notice of eviction given within one year from date of original sale, shall give present occupants 90 days notice, unless eviction is for legal cause recognized by courts of law as justifying eviction because of breach of contract of tenancy.

(ii) Rents shall be subject to control only under applicable federal, state and local law.

(iii) For a period of one year from the date of original sale, no preferred purchaser may resell above the purchase price paid by him, plus the actual construction cost of improvements made by the purchaser, the amount of any normal and customary fees or commission actually paid for services rendered in the sale, and the cost of transfer paid by the seller.

(iv) Until January 1, 1950, first preference in resale, rental, or sublease of dwelling units previously sold by PHA shall be given to veterans or servicemen as defined in this release. Such preference shall be deemed to have been complied with only if the unit being sold or available for rental is publicly offered in good faith for sale or rent to veterans for a period of at least 30 days at a sale or rental no higher than that at which it is later offered (or for which it is later sold or rented) to other than a veteran.

(12) *Sales to local housing authorities.* Consideration will be given to sale of a permanent or demountable housing project or a portion thereof to a local housing authority only if the governing body of the community has determined, by appropriate resolution or other act, that it is in the best interest of the community for such a housing project or a part thereof to be conveyed to the local housing authority for use as public low-rent housing. To be eligible for consideration, the elected head of the local governing body shall have submitted a written request for reservation by July 1, 1947.

By November 15, 1947, the local authority shall submit a formal application for transfer on a form prescribed by PHA which may be obtained from the appropriate regional office. If PHA concurs in the determination of the local governing body and the local housing authority, as to the need for such project or part thereof to provide low-rent housing in the community, the Commissioner will submit such request to the Administrator by December 31, 1947, with his recommendation that the Administrator submit to Congress the requested authorization to sell such housing projects to the local housing authority, pursuant to a plan of sale which will enable the project to be utilized for the sole purpose of providing decent, safe and sanitary low-rent housing for families of low income whom private enterprise cannot adequately serve. The plan to be submitted to Congress for achieving such purpose will be the following, unless the local housing authority proposes an alternative plan which will accomplish this purpose and be acceptable to the PHA.

(i) *Terms and conditions of sale.* Any such project will be conveyed to a local housing authority in consideration of any agreement by the local housing authority (a) to pay as the purchase price all net income to PHA over a fixed period of years, which fixed period of years shall be determined on the basis of the estimated useful life of the project for decent, safe and sanitary low-rent housing purposes; (b) to utilize the project during the aforesaid fixed period of years for the sole purpose of providing decent, safe and sanitary low-rent housing; and (c) not to dispose of the project throughout the aforesaid fixed period of years. In addition and as a local contribution the property and assets of the local housing authority must be exempt from state and local taxation; however, local authorities may be permitted to make payment in lieu of taxes from available project revenues to the same extent as permitted under PHA policy with respect to the PWA Housing Division Projects.

(13) *Disposition of non-dwelling structures.* Non-dwelling structures located in projects containing permanent housing or demountable housing to be retained on its present site may be sold with the dwelling units or separate from the dwelling units depending upon the effect of the sale of the non-dwelling buildings on the dwellings and the best financial interest of the government.

(14) *Minority racial groups.* No provision in this order shall be construed or administered to require the sale or disposition of any housing occupied or assigned for occupancy by members of any minority racial group, in such a manner that such housing would not continue to be available for occupancy by members of such minority group.

(15) *Waivers.* In any case where the Regional Director believes that compliance with any provisions of this order would result in an exceptional and unreasonable hardship to any person or would be contrary to the public interest, the facts concerning such case shall be presented to the Commissioner for discussion with the Administrator as to

whether such provisions should be modified or waived.

(e) *Disposition of demountable projects off-site*—(1) *Dwelling structures*. When sold for on-site use, demountable dwelling structures shall be disposed of as outlined in paragraph (d) of this section. However, at the time the housing was programmed commitments may have been made to remove the housing or the community may recommend the removal of demountable family dwellings if there is no need for such structures in the community or if they are not appropriate to the sites on which they are located. Community recommendations for the removal of demountable family dwellings will be given every consideration by the PHA, consistent with Federal policy and the protection of the Federal interest. The PHA will carefully examine any commitments as to removal that have been made and will carry out any such commitments if still desired by the local community and if such action is at all feasible. When sold for off-site use, terminated demountable units shall be sold in accordance with the following order of preferences: (i) Federal agencies, educational institutions or local public bodies, (ii) individual veterans, (iii) others who will purchase the housing in marketable quantities and remove and resell or rent the housing to veterans. When it deems such action to be in the public interest, PHA may alter the foregoing order of preference for the purpose of giving a first preference to individual veterans.

(2) *Non-dwelling buildings, site improvements, and land*. Where demountable dwelling units are sold off-site, the land, non-dwelling buildings, and site improvements shall be disposed of in accordance with the policies governing disposition of land, non-dwelling buildings, and site improvements of temporary projects. (54 Stat. 1125; 42 U. S. C. 1521)

Approved: October 2, 1947.

D. S. MYER,
Commissioner.

[F. R. Doc. 47-9110; Filed, Oct. 8, 1947; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 1]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

War Assets Administration Regulation 1, March 25, 1947, as amended through July 23, 1947, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located within the Continental United States, Its Territories and Possessions" (12 F. R. 2249, 2773, 3320, 4962) is hereby revised and amended as herein set forth. New matter is indicated by underscoring. Order 1, May 1, 1947 (12 F. R. 2996), Order 2, June 2, 1947, as amended (12 F. R. 4139, 5304, 5520) Order 3, June 13,

1946, as amended (11 F. R. 6774, 9572, 14490), Order 7, July 19, 1946 (11 F. R. 7977), Order 8, August 16, 1946 (11 F. R. 9760), Order 9, May 14, 1946 (11 F. R. 5399), Order 11, November 30, 1946 (11 F. R. 14074) under this part shall remain in full force and effect.

- Sec.
- 8301.1 Definitions.
- 8301.2 Designation of disposal agencies; continental United States.
- 8301.3 Designation of disposal agencies; territories and possessions.
- 8301.4 Designation of disposal agency for, and disposal of, military property.
- 8301.5 Use of Standard Commodity Classification for purpose of assignments.
- 8301.6 Declaration of surplus property.
- 8301.7 Declarations of surplus personal property; forms; description of property.
- 8301.8 Declarations of surplus personal property; special information from owning agencies.
- 8301.9 Declaration of surplus real property.
- 8301.10 Continental United States; filing declarations of surplus personal property resulting from contractor inventories.
- 8301.11 Continental United States; filing declarations of surplus personal property.
- 8301.12 Continental United States, territories and possessions; declarations of surplus real property.
- 8301.13 Territories and possessions; filing declarations of surplus personal property.
- 8301.14 Forwarding declarations of surplus; notice.
- 8301.15 Withdrawals.
- 8301.16 Sales by a disposal agency other than the one to which the property is assigned.
- 8301.17 Transfer of surplus property between territories and possessions and continental United States.
- 8301.18 Authority of disposal agencies to dispose of surplus property.
- 8301.19 Regulations to be reported to the War Assets Administrator.
- 8301.20 Records and reports.

AUTHORITY: §§ 8301.1 to 8301.20, inclusive, issued under the Surplus Property Act of 1944 as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 633; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan 1 of 1947 (12 F. R. 4534).

§ 8301.1 *Definitions*—(a) *Terms defined in act*. Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms*. (1) "Continental United States" means the 48 States and the District of Columbia.

(2) "Territories and possessions" means Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands.

(3) "Real property" means all classes of real property together with any fixtures and improvements thereon and is not limited to the definition thereof as contained in section 23 of the act.

(4) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia,

but does not include (i) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (ii) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (iii) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing.

(5) "Handbook of Standards" means the Handbook of Standards for describing Surplus Property prepared for the Surplus War Property Administration by the War Production Board (U. S. Government Printing Office)

(6) "Standard Commodity Classification" means the Standard Classified List of Commodities, being Volume I of the Standard Commodity Classification, May, 1943 (U. S. Government Printing Office).

§ 8301.2 *Designation of disposal agencies; continental United States*. The following Government agencies are hereby designated as disposal agencies for surplus property located within the continental United States: *Provided*, That the Administrator may assign any real property to any of the disposal agencies designated in this part regardless of its classification whenever the Administrator shall determine such assignment appropriate to facilitate disposal:

(a) *Patrol vessels; Navy Department*. The Navy Department is hereby designated as the disposal agency for certain patrol vessels assigned to it by Order 1 under this part.

(b) *Ships and maritime personal property; Maritime Commission and War Assets Administration*. (1) (i) The United States Maritime Commission, pursuant to the provisions of section 10 (b) of the Surplus Property Act of 1944, is the disposal agency for surplus vessels which it determines to be merchant vessels or capable of conversion to merchant use which shall be disposed of under the Merchant Marine Act of 1936² as amended, and other laws authorizing the sale of such vessels, and not under the Surplus Property Act of 1944 or regulations thereunder. Such vessels as determined by the United States Maritime Commission consist of: "all non-combatant vessels, except landing craft of all types, landing ship tanks, undocumented vessels under thirty (30) feet in length without propulsion machinery, and life boats with or without propulsion machinery, when located within the continental United States."

(ii) The United States Maritime Commission may from time to time determine that other vessels or types of vessels are not merchant vessels or capable of conversion to merchant use. In such cases specific notice of such vessels or types of vessels shall be immediately reported to the War Assets Administration upon the making of the determination.

(2) The United States Maritime Commission is hereby designated as disposal agency for the disposal of the following types of surplus vessels located in the continental United States which have

been determined by the Commission not to be merchant vessels or capable of conversion to merchant use: "landing craft of all types, including landing ship tanks" together with any additional vessels determined later not to be merchant vessels or capable of conversion to merchant use, as provided in subparagraph (1) (ii) supra.

(3) The War Assets Administration is hereby designated as disposal agency for all marine personal property (except as otherwise provided in this section) including undocumented vessels which are under thirty (30) feet in length and without propulsion machinery, and including life boats with or without propulsion machinery, and other items assigned to War Assets Administration by Order 1¹ under this part.

(c) Agricultural, forest, grazing and mineral property; Department of Agriculture. The Department of Agriculture is hereby designated as the disposal agency for surplus section 23 real property located within the continental United States which the Administrator shall classify as agricultural, forest, grazing, or mineral property. *Provided, however* That the Department of Interior is designated as disposal agency for all such property classified as grazing or mineral property which was assigned to it for disposal prior to the 23d day of February 1947.

(d) All other property; War Assets Administration. (1) The War Assets Administration is hereby designated as disposal agency for all real and personal property of every type and classification located in the continental United States, declared surplus by owning agencies, except those types and classifications specifically assigned to other disposal agencies under this part: *Provided, That:*

(i) The Federal Works Agency is designated as disposal agency for all real property which was assigned to it for disposal prior to the 29th day of January 1947.

(ii) The National Housing Agency is designated as disposal agency for all residential and other property which was assigned to it for disposal prior to the 29th day of January 1947; and

(iii) The Department of Agriculture is designated as disposal agency for agricultural commodities and food processed from agricultural commodities described in declarations filed prior to the 1st day of May 1947.

(2) War Assets Administration is further designated as disposal agency for any type or types of personal property, except "military property" which is by this part assigned to another disposal agency, where such property is available and is to be disposed of to a foreign government pursuant to a credit arrangement made between such government and War Assets Administration. In such cases any declarations in whole or in part covering such property shall be transferred to War Assets Administration upon notice by it that such disposal is contemplated.

§ 8301.3 Designation of disposal agencies; territories and possessions. The following designations of Government agencies as disposal agencies for surplus property located in the territories and possessions of the United States as defined in § 8301.1, are hereby made, *Provided*, That the Administrator may assign any real property located in the territories and possessions to any of the disposal agencies designated in this part regardless of its classification whenever the Administrator shall determine such assignment appropriate to facilitate disposal.

(a) All personal property not otherwise assigned; War Assets Administration. War Assets Administration is hereby designated as disposal agency for all personal property, including aircraft and property peculiar to aircraft, located in the territories and possessions, except vessels which the United States Maritime Commission determines to be merchant vessels or capable of conversion to merchant use; and except vessels to be disposed of under Public Law 305, 78th Congress (58 Stat. 223; 50 U. S. C. Sup. V App. 1301) as amended by section 5 (a) (1) of Public Law 716, 79th Congress (60 Stat. 976)

(b) Ships; Maritime Commission. The United States Maritime Commission, pursuant to the provisions of section 10 (b) of the Surplus Property Act of 1944, is the disposal agency for surplus vessels which it determines to be merchant vessels or capable of conversion to merchant use, to be disposed of under the Merchant Marine Act of 1936 as amended, and other laws authorizing the sale of such vessels, and not under the Surplus Property Act of 1944 or regulations thereunder. Such vessels as determined by the United States Maritime Commission consist of: "all non-combatant vessels of 1,500 gross tons or over, except LST's, located in the territories and possessions. The United States Maritime Commission is also statutory disposal agency for certain types of vessels as defined in Public Law 305, 78th Congress.

(c) All real property; Department of the Interior The Department of the Interior is hereby designated as the disposal agency for all real property located in the territories and possessions.

§ 8301.4 Designation of disposal agency for and disposal of, military property. The Department of State is hereby designated as the disposal agency for surplus military property located in the continental United States, its territories and possessions, for disposal to other governments. With the consent of the State Department, owning agencies are authorized to file declarations of such surplus property with the Department of State, Office of the Foreign Liquidation Commissioner, Washington 25, D. C., such declarations of surplus as are filed with the State Department shall have endorsed thereon the approval of an officer of the owning agency to be designated as its representative for coordination with the State

Department. If there are included in such declarations of surplus any substantial quantity of items which may be used for civilian purposes, the State Department shall consult with the appropriate Government agencies (including domestic disposal agencies) to ascertain whether such items are required for reserves established under the act for priority or preference claimants or are urgently required for the domestic economy. If the Department of State determines that such items are so required, it shall forward the declaration of surplus covering such items to the appropriate disposal agency. The term "military property" includes all arms, ammunition, spare parts, accessories, maintenance and service tools and equipment, cleaning and preserving materials, military automotive equipment, aircraft and aircraft maintenance and servicing equipment, naval combat type and auxiliary vessels (excluding vessels referred to in section 3 (d) of the act), special military clothing and equipage, and all other items required to train, equip, and maintain military, aviation, and naval units as listed in approved tables of organization and equipment and technical publications pertaining thereto for United States armed forces, and production equipment specially designed to produce munitions. No disposal agency other than the State Department shall dispose of any arms, ammunition, and implements of war as defined by the President's Proclamation No. 2549 of April 9, 1942, and facilities intended for the production thereof to any foreign government without the consent in writing of the State Department.

§ 8301.5 Use of Standard Commodity Classification for purpose of assignments. The assignments made in Order 1 under this part through the use of Standard Commodity Classification code numbers are intended to be in aid of and supplementary to the assignments of the general classes of property made in § 8301.2. If, therefore, items fall within a general class of property assigned by this part but these items are not listed in the Standard Commodity Classification, they shall be disposed of by the disposal agency to which the general class of property is assigned. Similarly, if the Standard Commodity Classification does not indicate that an item is included within more than one of the general classes of property assigned in § 8301.2, the assignment of the general class shall control.

§ 8301.6 Declaration of surplus property. (a) Owning agencies. Each owning agency shall, pursuant to section 11 (a) of the act, continuously survey property in its control and determine that which is surplus to its needs and responsibilities, and, except for such property as the owning agency itself is authorized to dispose of, it shall report such surplus property to the Administrator and to the appropriate disposal agency designated in this part. The reporting of surplus personal property by an owning agency to a disposal agency shall constitute a declaration of surplus. When the disposal agency has notified the owning agency of the date

¹ 49 Stat. 1985; 46 U. S. C. 1101-1279.

on which any specific location will be organized for disposal operations at the site, the owning agency shall discontinue, as of the specified date, all declarations on WAA Form 1001 (formerly Form SPB-1) of property at such location, unless expressly requested otherwise by the disposal agency.

(b) *Disposals under other laws; section 34 (a) of the act.* Pursuant to the provisions of section 34 (a) of the Surplus Property Act of 1944, a Government agency having authority under another law to dispose of designated surplus property may exercise such authority without declaring the property surplus where the Administrator has not prescribed regulations to govern the disposition so as to bring it within the provisions of the Surplus Property Act.

§ 8301.7 *Declarations of surplus personal property; forms; description of property.* Subject to the provisions of § 8301.9 owning agencies shall declare surplus personal property to the Administrator and to the appropriate disposal agencies on forms as prescribed by Order 3 under this part. The property shall be described in sufficient detail to furnish the disposal agency with an adequate basis for disposal. Unless other provision is made, the minimum standards of description prescribed by the Handbook of Standards for Describing Surplus Property shall be used as a guide for all such descriptions.

§ 8301.8 *Declarations of surplus personal property; special information from owning agencies—(a) Limitations on power of disposal.* Declarations of surplus personal property shall fully set forth any legal restrictions upon the authority of the Government to dispose of any personal property, including any restrictions upon the disposal or use thereof arising from any patents or any contract relating thereto, unless such information relating to patents has otherwise been furnished to the disposal agencies.

(b) *Red Cross property.* Declarations of surplus personal property shall designate any such property known to have been processed, produced or donated by the American Red Cross.

§ 8301.9 *Declaration of surplus real property.* The owning agency shall notify the Administrator by a letter of intent on the date upon which it is determined that real property and any personal property connected therewith is no longer required by the owning agency. Where surplus personal property is located in or on such real property, the owning agency shall, unless otherwise directed by the Administrator, declare such personal property surplus in conjunction with the real property. The filing with the Administrator of an acceptable WAA Form 1005, together with WAA Form 1001 where personal property is involved, shall constitute a declaration of surplus real property.

§ 8301.10 *Continental United States; filing declarations of surplus personal property resulting from contractor inventories.* If an owning agency takes possession of any contractor inventory located in the continental United States,

it may declare such property surplus to the regional office of the War Assets Administration for the region wherein the property is located. If any property so declared is of a class other than that which is assigned to the War Assets Administration by this part, it will make the necessary classification and forward the declarations to the appropriate disposal agencies unless disposal of such property by the War Assets Administration is authorized under § 8301.16.

§ 8301.11 *Continental United States; filing declarations of surplus personal property.* Declarations of surplus personal property located within the continental United States shall be filed on forms prescribed by Order 3 under this part at the office of the War Assets Administrator, Washington 25, D. C., and at the office of the appropriate disposal agencies as follows except as otherwise indicated in Order 2 under this part: At the regional offices of the War Assets Administration and at the Washington, D. C. offices of all other disposal agencies. The locations of these offices and the areas comprised by the regions are set forth in § 8301.52² under this part.

§ 8301.12 *Continental United States, territories and possessions; declarations of surplus real property—(a) Filing.* Declarations of surplus real property shall be filed with the War Assets Administrator, Washington 25, D. C. Where personal property is to be declared surplus in conjunction with real property, the owning agency shall in advance notify the appropriate regional office of War Assets Administration or, in the territories and possessions, the appropriate office of the Department of the Interior, of the date on which WAA Form 1001 will be ready for filing. Such office may designate a representative with whom the form may be filed at the installation site and who shall be authorized to accept the declaration for filing. If for any reason such form is not so filed with the designated representative it shall be filed at the War Assets Administration regional office, or, in the territories and possessions, at the appropriate office of the Department of the Interior.

(b) *Transmitting.* The Administrator will transmit the declaration to the appropriate disposal agency and will notify the owning agency of such transmittal.

§ 8301.13 *Territories and possessions; filing declarations of surplus personal property.* Declarations of surplus personal property located in the territories and possessions shall be filed on the forms prescribed in Order 3 under this part with the War Assets Administrator, Washington 25, D. C., and at such offices of the appropriate disposal agency as are specified in Order 2 under this part, or, if not specified, as the disposal agency may direct.

§ 8301.14 *Forwarding declarations of surplus; notice.* Whenever surplus declarations are forwarded by one disposal agency to another disposal agency or to

the Administrator under this part, the forwarding disposal agency shall so notify the owning agency which filed the declaration.

§ 8301.15 *Withdrawals—(a) Personal property.* With the consent of the disposal agency, an owning agency may withdraw personal property, including aircraft, aircraft parts and components, and electronics, which it has declared surplus: *Provided, however* That such withdrawals may be made only (1) on the forms prescribed by Order 3² under this part; (2) by the technical service, bureau, or other constituent part of the owning agency which made the declaration, or its successor; and (3) except in those cases in which withdrawal is for the convenience of the disposal agency, upon the further condition that the withdrawing agency agrees to reimburse, credit or pay the disposal agency for (i) all outhandling costs and freight charges, and (ii) such costs of care and handling of the property (incurred after the filing of the declaration, and for which the War Assets Administrator is responsible for reimbursement to disposal or owning agencies) as the disposal agency may deem appropriate.

(b) *Real property.* A request by an owning agency for the withdrawal of a declaration of surplus real property shall be transmitted to the Administration by the filing of WAA Form 1005 (formerly Form SPB-5) containing complete justification for the requested withdrawal. The Administration, after consideration of the request and any additional evidence deemed appropriate, shall approve or disapprove the request and notify the owning agency accordingly. Except in those cases in which withdrawal is for the convenience of the Administration, approval of such a request shall be upon condition that the Administration be reimbursed by the owning agency for such charges paid or incurred incident to the care, handling, and disposition of the property as the Administration may deem proper.

§ 8301.16 *Sales by a disposal agency other than the one to which the property is assigned.* A disposal agency may dispose of personal property which is declared to it as surplus but which is assigned under this part to another disposal agency: *Provided, however* That disposal of any item of personal property in excess of a reported cost of three hundred dollars (\$300) may be made only with the consent of such other disposal agency.

§ 8301.17 *Transfer of surplus property between territories and possessions and continental United States.* No surplus personal property shall be transferred by a disposal agency from one territory or possession to another, or to the continental United States, without the consent of the disposal agency acting as such at the place of destination. Where such consent is given and the transfer is made, disposal shall be made by the disposal agency acting as such at the place of destination.

² Reg. 1, Order 2 (12 F. R. 4139, 5304, 5520).

² Order 3 to Reg. 1 (11 F. R. 6774, 9572, 14430).

[Reg. 2, Order 9]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

VETERANS SET-ASIDE LISTS

War Assets Administration Regulation 2, Order 9, August 1, 1947, entitled "National and Regional Veterans Set-Aside Lists" (12 F. R. 5589, 5752) is hereby revised and amended as herein set forth. The title is hereby amended to read as follows: "Veterans Set-Aside Lists."

Section 8302.4 (a) of this part provides that except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types designated by the Administrator shall set aside all, or such percentage of such property as is designated for exclusive disposal to veterans. Accordingly, it is hereby ordered that:

§ 8302.59 *Veterans set-aside lists.* Except as otherwise indicated the items listed in Exhibit A hereof shall constitute the National Veterans Set-Aside List. In addition the Administrator may, from time to time, designate certain items to be set aside in particular regions for exclusive disposal to veterans. Disposal agencies shall institute procedures which shall assure wide publication of the types, quantities, and prices of set-aside items available within a given period of time. (Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611) Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b) and Reorganization Plan 1, of 1947 (12 F. R. 4534))

This section shall become effective September 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator

SEPTEMBER 1, 1947.

EXHIBIT A

NATIONAL VETERANS SET-ASIDE LIST

(The following items in "0" condition or better)

MOTOR VEHICLES

	Standard commodity classification	
Trucks, amphibian, ¼-ton, 4 x 4	90 1001	
Carrier, light cargo (the weasel)	90 1002	
Trucks:		
"The Jeep" ¼-ton, 4 x 4	90 1003	
Carry-all, ½-ton, 4 x 2	90 1004	
Canopy express, ½-ton, 4 x 2	90 1005	
Pickup, ½-ton, 4 x 2	90 1006	
Panel delivery, ½-ton, 4 x 2	90 1007	
Carry-all, ½-ton, 4 x 4	90 1008	
Command reconnaissance, ½-ton 4 x 4	90 1009	
Emergency repair, ½-ton, 4 x 4	90 1010	
Panel delivery, ½-ton, 4 x 4	90 1011	
Pickup, ½-ton, 4 x 4	90 1012	
Radio, ½-ton, 4 x 4	90 1013	
Weapons carrier, ½-ton, 4 x 4	90 1014	
Panel delivery, ½-ton, 4 x 2	90 1015	
Pickup, ¾-ton, 4 x 2	90 1016	
Carry-all, ¾-ton, 4 x 4	90 1017	
Command, ¾-ton, 4 x 4	90 1018	

EXHIBIT A—Continued

NATIONAL VETERANS SET-ASIDE LIST—CON.

MOTOR VEHICLES—continued

	Standard commodity classification	
Trucks—Continued		
Emergency repair, ¾-ton, 4 x 4	90 1019	
Light maintenance and installation, ¾-ton, 4 x 4	90 1020	
Weapons carrier, ¾-ton, 4 x 4	90 1021	
Canopy express, 1-ton, 4 x 2	90 1022	
Pickup, 1-ton, 4 x 2	90 1023	
Combination stake and platform, 1½-ton, 4 x 2	90 1024	
Cargo, 1½-ton, 4 x 2	90 1025	
Canopy express, 1½-ton, 4 x 2	90 1026	
Dump, 1½-ton, 4 x 2	90 1027	
Panel delivery, 1½-ton, 4 x 2	90 1028	
Pickup, 1½-ton, 4 x 2	90 1029	
Bomb service, 1½-ton, 4 x 4	90 1031	
Cargo, 1½-ton, 4 x 4	90 1032	
Combination stake and platform, 15 ft., 1½-ton, 4 x 4	90 1033	
Combination stake and platform, c/o. e., 1½-ton, 4 x 4	90 1034	
Dump, 1½-ton, 4 x 4	90 1035	
Panel delivery, 1½-ton, 4 x 4	90 1036	
Panel delivery, 1½-ton, 4 x 4 (K-51)	90 1037	
Ordnance maintenance, 1½-3-ton, 4 x 4	90 1038	
Cargo, 2½-ton, 4 x 2	90 1039	
Combination stake and platform, 2½-ton, 4 x 2	90 1040	
Dump, 2½-ton, 4 x 2	90 1041	
Cargo, 2½-ton, 6 x 4	90 1042	
Tractor, 1½-ton, 4 x 2	90 1044	
Tractor, 1½-ton, 4 x 4	90 1045	
Tractor, 2½-ton, 4 x 2	90 1046	
Tractor, c. o. e., 2½-ton, 4 x 4	90 1047	
Tractor, 2½-ton, 6 x 4	90 1048	

Note: Trucks, tractor, code numbers 90 1044 through 90 1048 include trucks which are cab and chassis units.

Buses:

Sedan, converted, 15-passenger, 4 x 2 90 1075

Car:

Passenger, light, all body types, 4 x 2, includes Crosley, Bantam and others 90 1070
 Passenger, medium and heavy, all body types, 4 x 2 90 1080
 Station wagon, including auxiliary ambulance station wagon, 4 x 2 90 1081
 Motorcycle, all types, 2 x 1 and 3 x 1 90 1085
 Scooter, motor, with or without package carrier, all types 90 1086
 House trailers, all types regardless of condition 90 1111

MEDICAL AND DENTAL EQUIPMENT AND INSTRUMENTS

Medical equipment:
 Electro-cardiographs 90 5103
 Basal metabolic 90 5104
 Cystoscope 90 5105
 X-ray medical equipment and accessories:
 X-ray, field unit, table unit 90 5201
 X-ray, field mobile unit 90 5202
 X-ray-generating equipment:
 200 MA generator, plus tilt table 90 5203
 100 MA generator, plus tilt table 90 5204
 30 MA mobile unit, office type and field type 90 5205
 15 MA portable 90 5206
 Vertical fluoroscope 90 5208
 Cassette changer 90 5209
 Large stereoscope 90 5210
 1 Position table for radiography, with Bucky diaphragm 90 5211

² Not less than 10% reserve for veterans set-aside.

§ 8301.18 *Authority of disposal agencies to dispose of surplus property—(a) In general.* The disposal agencies designated in this part are hereby authorized and directed to dispose of property declared or assigned to them as surplus. Disposals shall be made in accordance with regulations, orders, and instructions of the War Assets Administrator and those of the Surplus Property Administrator, the Surplus Property Board and the Surplus Property Administration (created by Executive Order 9425, February 19, 1944) which have not been rescinded and superseded, and in accordance with the objectives and provisions of the act.

(b) *Aircraft, aircraft parts, radio and electrical equipment.* The appropriate disposal agencies are hereby authorized, in accordance with section 19 (c) of the act, to dispose of aircraft and aircraft parts and radio and electrical equipment.

(c) *Small business.* The Department of Commerce, having been vested by Executive Order 9665 (11 F. R. 3) with the functions and responsibilities of Smaller War Plants Corporation set forth in sections 18 (c) and (d) of the Surplus Property Act of 1944, should bring to the attention of the War Assets Administrator, the disposal agencies, and the Reconstruction Finance Corporation the needs and requirements of small business, and any cases or situations which have resulted in or would effect discriminations against such business; and the Reconstruction Finance Corporation, in the exercise of its authority to purchase surplus property for resale to such business, and disposal agencies shall give consideration to the needs and requirements of small business as reported to them by the Department of Commerce so as to prevent any discrimination against small business in the disposals of surplus property.

§ 8301.19 *Regulations to be reported to the War Assets Administrator.* Each owning agency and each disposal agency shall file with the War Assets Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

§ 8301.20 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This revision of this part shall become effective October 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator

OCTOBER 1, 1947.

[F. R. Doc. 47-9165; Filed, Oct. 8, 1947; 11:36 a. m.]

EXHIBIT A—Continued

NATIONAL VETERANS SET-ASIDE LIST—Con.

MEDICAL AND DENTAL EQUIPMENT AND INSTRUMENTS—continued

	<i>Standard commodity classification</i>
Physiotherapy equipment:	
Diathermy apparatus, 110-volt, 60-cycle:	
1 conventional circuit.....	90 5304
2 crystal control circuits.....	90 5305
Dental equipment and supplies:	
Cabinet, dental.....	90 5602
Chairs, dental, operating.....	90 5603
Unit, operating dental:	
110-volt, 25-cycle.....	
110-volt, 60-cycle.....	
110-volt, D. C.	90 5642
110-volt, 50-cycle.....	
220-volt, 60-cycle.....	
Machine, X-ray, dental, shock-proof 110- to 220-volt 60 cycle.	90 5644

OFFICE FURNITURE

Office Furniture—50% of the inventory items listed below in "O" condition or better shall be offered to veterans

Desk—"Top" executive, 72 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges, and matched woods).....	90 6501
Desk—"Top" executive, 66 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish, and molding, generally has rounded corners and edges, and matched woods).....	90 6502
Desk—Executive or regular, 60-inch flat top, mahogany, oak or walnut finish, double pedestal, w/o locks, metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; w/o drawer guides; open or sealed back; double or single.....	90, 6503
Desk—Executive or regular, under 60-inch, flat top, mahogany, oak, or walnut finish; double or single pedestal, with or without locks; metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; with or without drawer guides; open or sealed back, single.....	90 6504
Desk—"Top" stenographic, left or right pedestal, 60 inch or over, mahogany, oak, or walnut finish, metal or wood hardware, open or sealed back (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges and matched woods).....	90 6506
Desk—Stenographers' or typewriter desk, 60 inch, mahogany, oak, or walnut finish, typewriter drop center, right or left side; with or without locks; double or single pedestal.....	90 6507

EXHIBIT A—Continued

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	<i>Standard commodity classification</i>
Desk—Stenographers' or typewriter desk, under 60 inch, mahogany, oak, or walnut finish, double pedestal, with or without lock; typewriter drop center, right or left side; double or single pedestal.....	90 6503
Chairs—Office, non-swivel chairs with arms; all types of backs, arms and legs, including "Bank of England" type; any type of finish.....	90 6510
Chairs—Office, w/o arms, non-swivel; all types of backs and legs; any type of finish.....	90 6511
Chairs—Stenographers' posture; any type of stenographers' chairs with mechanism to adjust back for posture; any type of finish.....	90 6512
Chairs—Stenographers' regular, all types of swivel chairs w/o arms, except posture; any type of finish (not including Victory).....	90 6513
Chairs—Swivel, plain, with arms, full swivel (metal) tilting; back may be padded, including "Bank of England"—all types of finish.....	90 6514
Chair—"Top" executive, upholstered back, seat, nonswivel or full swivel (metal) tilting with upholstered arms.....	90 6516
Filing cabinets, metal or wood, recommended set-aside 50%. Cabinets, file, vertical, letter legal, or cap size, with or without locks, suspension arms; any type of finish:	
5-drawer.....	
4-drawer.....	
3-drawer.....	
2-drawer.....	
Cabinets—file, metal, vertical, letter, legal or cap size, with or without locks, any type of finish.....	90 6521
Cap-size: Inside dimensions: 15½ x 10¼ ₁₀ x 20½, with follower block; any type of finish.	
Letter-size: Inside dimensions: 12¼ x 10¼ ₁₀ x 20½, with follower block; any type finish.	
Cabinets—steel (used), filing, insulated, record container; one hour fire resisting; with impact and explosion test.....	90 6523
Cap-size: Inside dimensions: 15½ x 10¼ ₁₀ x 20½, with follower block; any type finish.	
Letter-size: Inside dimensions: 12¼ x 10¼ ₁₀ x 20½, with follower block; any type finish.	
Tables—Conference; 72-inch or over, with or without drawers; any type of finish.....	90 6531
Tables—Conference; 60-inch; with or without drawers; any type of finish.....	90 6532
Tables—36-inch, with or without drawers; any type finish.....	90 6533
Tables—Telephone, top approximately 16 x 22 inches.....	90 6534
Tables—Typewriter, with or without rollers.....	90 6535

[F. R. Doc. 47-9166; Filed, Oct. 8, 1947; 11:36 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

STATE ROAD DEPARTMENT OF FLORIDA HIGHWAY BRIDGE, MIAMI, FLA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894, § 203.447 prescribing regulations governing the operation of the east and west drawspans in the bridge of the State Road Department of Florida across Biscayne Bay at 13th Street, Miami, Florida, is amended as follows:

1. The section headnote is changed and so much of paragraph (a) is amended as set forth below; the section is further amended by deleting paragraphs (e) to (h) inclusive, and substituting the following paragraphs (e) and (f) in lieu thereof:

§ 203.447 *Biscayne Bay, Fla., State Road Department of Florida highway bridge (MacArthur or 13th Street Causeway) Miami, Fla.* (a) During the period from November 1 to April 30, both * * *

(e) Boat owners shall cooperate insofar as possible to facilitate the operation of the draws of the bridge.

(f) Signs indicating the nature of the regulations will be placed by the State Road Department where and as directed by the District Engineer, Corps of Engineers, in charge of the locality.

[Regs. Sept. 12, 1947, CE 823 (Biscayne Bay-Miami, Fla.-13th St.)—ENGVRI (Sec. 5, 28 Stat. 362 as amended; 33 U. S. C. 499)]

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

[F. R. Doc. 47-2978; Filed, Oct. 8, 1947; 8:47 a. m.]

PART 204—DANGER ZONE REGULATIONS

WATERS OF LAKE MICHIGAN SOUTH OF NORTHERLY ISLAND AT ENTRANCE TO BURNHAM PARK YACHT HARBOR, CHICAGO, ILL.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) § 204.94d is hereby prescribed to govern the use and navigation of waters of Lake Michigan south of Northerly Island, at the entrance to Burnham Park Yacht Harbor, Chicago, Illinois, comprising a danger zone adjacent to the airport on Northerly Island:

§ 204.94d *Waters of Lake Michigan south of Northerly Island at entrance to Burnham Park Yacht Harbor, Chicago, Illinois; danger zone adjacent to airport on Northerly Island*—(a) *Danger zone*—

(1) *Zone A.* Beginning at a point 250 feet west of the center line of the runway at the south end of the air strip on Northerly Island; thence 183° 500 feet; thence 90°, 600 feet; and thence northerly to a point 250 feet east of the center line

of the runway at the south end of said air strip. During the navigation season, the southeast and southwest corners of Zone A will be marked with green spar buoys with black letters "ZA" painted thereon.

(2) *Zone B.* Beginning at the southwest corner of Zone A, thence 183° 500 feet; thence 90°, 700 feet; thence northerly to the southeast corner of Zone A, and thence 270° to the point of beginning. During the navigation season, the southeast and southwest corners of Zone B will be marked with green spar buoys with black letters "ZB" painted thereon.

(b) *Regulations.* (1) During daylight hours (from one-half hour before sunrise to one-half hour after sunset) and when the airport on Northerly Island is in operation, no vessel or other watercraft any part of which extends more than 15 feet above the water surface shall enter or remain in Zone A, and no vessel or other watercraft any part of which extends 30 feet or more above the water surface shall enter or remain in Zone B.

(2) When the airport is in operation a red ball, at least three feet in diameter, shall be continuously displayed at the northeast and northwest corners of Zone A. These balls shall not be displayed when the airport is not in operation.

(3) This section shall be enforced by the Captain of the Port, Great Lakes Area, U. S. Coast Guard, Cleveland, Ohio, and such agencies as he may designate. (Regs. Sept. 8, 1947, CE 800.2121 [Michigan Lake—ENGWR] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

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

[F. R. Doc. 47-9079; Filed, Oct. 8, 1947;
8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—MONEY ORDER SYSTEM

PAYMENT OF POSTAL NOTES WITHOUT PAYING OFFICE COUPONS

Effective upon publication in the FEDERAL REGISTER, § 17.1a (11 F. R. 1069) of Part 17 (39 CFR) is amended by the addition of a new paragraph (v) reading as follows:

§ 17.1a *Postal notes.* * * *

(v) *Loss of paying office coupons.* When the paying office coupon, to which postal note stamps were affixed, has become detached and lost, the payee may present the postal note and receive payment of the dollar value only, or the note may be treated as mutilated in accordance with paragraph (s) of this section.

(58 Stat. 508; 39 U. S. C., Sup. 738)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-9072; Filed, Oct. 8, 1947;
8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[5th Rev. S. O. 180]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

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

It appearing, that refrigerator cars are being delayed unduly while held for orders, bill or lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading and unloading, thus impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of railroad equipment and congestion of traffic; it is ordered, that:

§ 95.330 *Demurrage charges on refrigerator cars.* (a) (1) After the expiration of the free time lawfully provided by tariffs (subject to modification by service orders) on a refrigerator car held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading or unloading, the demurrage charges shown in subparagraph (2) of this paragraph shall be applicable in lieu of tariff charges.

(2) Demurrage charges shall be \$2.20 per car per day or a fraction thereof for the first two (2) days; \$5.50 per car per day or a fraction thereof for the third day; \$11 per car per day or a fraction thereof for the fourth day; and \$16.50 per car per day or a fraction thereof for each succeeding day.

(b) *Application.*—(1) *Average agreements.* Detention on all refrigerator cars held for loading or unloading, subject to this section, shall not be included in, or computed on the basis of, any average agreement.

(2) *Intrastate.* The provisions of this section shall apply to intrastate as well as interstate and foreign traffic.

(3) *Service orders.* The provisions of this section shall not be construed to alter the provisions of Service Order No. 70 (8 F. R. 8515) as amended (8 F. R. 8515) 11 F. R. 8451, 12 F. R. 3032; or Revised Service Order No. 112 (9 F. R. 11278-79) 9 F. R. 12656; 10 F. R. 341, 8867, 14575; 11 F. R. 2383, 10304, or Service Order No. 135 (8 F. R. 9569) as amended (8 F. R. 10941; 11 F. R. 8451, 11077; 12 F. R. 840, 4001) The provisions of this section shall not apply to detention of refrigerator cars utilized in accordance with the provisions of fifth Revised Service Order No. 104 (12 F. R. 6223)

(4) *Definition of refrigerator car.* The term "refrigerator car" as used herein means freight equipment described under the caption Class "R"—Refrigerator Car Type in the Official Railway Equipment Register.

(c) *Effective date.* This section shall become effective at 7:00 a. m., October 15, 1947 and the provisions of this section shall apply only to cars on which the free time expires on or after the effective date hereof.

(d) *Expiration date.* This section shall expire at 7:00 a. m., May 1, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Tariff provisions suspended.* (1) Except as provided in subparagraph (2) of this paragraph the operation of all tariff rules, regulations or charges insofar as they conflict with the provisions of this section is hereby suspended.

(2) This section shall not affect Demurrage Rule 8 of Agent B. T. Jones' Tariff I. C. C. No. 3963 or similar rules in other tariffs; relating to adjusting, cancelling or refunding demurrage charges arising from the unusual conditions or circumstances described in the said Rule 8 or similar rules in other tariffs.

(f) *Announcement of suspension.* Each railroad, or its agent shall publish, file and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth herein.

It is further ordered, that this order shall vacate and supersede Fourth Revised Service Order No. 180 as amended on the effective date hereof; that a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

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

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-9080; Filed, Oct. 8, 1947;
8:47 a. m.]

[2d Rev. S. O. 188]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

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

It appearing, that demurrage charges are not being assessed for detention to refrigerator cars used for transporting commodities intraterminal by the State Belt Railroad of California; that refrigerator cars are being delayed unduly,

resulting in a diminution of utilization of such cars; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered that:

§ 95.334 *Demurrage charges to be applied on refrigerator cars engaged in intraterminal transportation.* (a) (1) The State Belt Railroad of California shall apply the demurrage charges shown in subparagraph (2) of this paragraph to any refrigerator car used for transporting any commodity to, from, or between industries, plants, or piers located at points or places named in Districts A and/or B as described in Item No. 15 of Tariff I. C. C. No. 5 of the State Belt Railroad operated by the State of California, or reissues thereof.

(2) After the expiration of forty-eight (48) hours free time after a refrigerator car is first placed for loading and until shipping instructions covering such car are tendered to said carrier's agent and/or after forty-eight (48) hours free time after a refrigerator car is first placed for unloading and until such car is unloaded and released, the demurrage charges shall be \$2.20 per car per day or a fraction thereof for the first two (2) days; \$5.50 per car per day or a fraction thereof for the third day; \$11 per car per day or a fraction thereof for the fourth day; and \$16.50 per car per day or a fraction thereof for each succeeding day.

NOTE: After a refrigerator car is loaded and released for movement by the tender of shipping instructions to said carrier's agent, if the car is not actually placed for unloading for any reason within forty-eight (48) hours after such car is released for movement, but is held by the carrier short of place of delivery for unloading, such car will be considered as constructively placed at the expiration of the said forty-eight (48) hours and demurrage time shall be computed from the expiration of the said forty-eight (48) hours until said car is unloaded and released.

(b) *Application.* (1) The provisions of this section shall apply to intrastate as well as interstate traffic.

(c) *Effective date.* This section shall become effective at 7:00 a. m., October 15, 1947 and the provisions of this section shall apply only to cars on which the free time expires on or after the effective date hereof.

(d) *Expiration date.* This section shall expire at 7:00 a. m., May 1, 1943, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this order shall vacate and supersede Revised Service Order No. 188 as amended on the effective date hereof; that a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

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

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-9032; Filed, Oct. 8, 1947;
8:43 a. m.]

[S. O. 200, Amdt. 9]

PART 95—CAR SERVICE

SALTING OF ICE ON CARS OF CITRUS

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

Upon further consideration of the provisions of Service Order No. 260 (9 F. R. 14547) as amended (10 F. R. 4818; 11 F. R. 8452, 13639; 12 F. R. 48, 128, 1334, 2037, 2635, 4002), and good cause appearing therefor: It is ordered, That:

Section 95.260, *Salting of ice on cars of citrus*, of Service Order No. 260, as amended, be, and it is hereby, further amended by adding the following exception to paragraph (a) thereof:

Exception. The provisions of this order, during the effectiveness of this amendment, shall not apply to the salting, at regular icing stations en route, with not to exceed three percent (3%) salt, of ice in the bunkers of refrigerator cars, shipped from any origin in the State of Florida, loaded with straight carloads of oranges or grapefruit or mixed carloads of oranges and grapefruit.

Effective date. This amendment shall become effective at 12:01 a. m., October 4, 1947.

Expiration date. This amendment shall expire at 11:59 p. m., December 31, 1947.

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

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

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-9031; Filed, Oct. 8, 1947;
8:43 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 9810]

MARGARET LORBEER

In re: Estate of Margaret Lorbeer, deceased. File D-28-11425; E. T. sec. 15665.

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 William Kuhne, Paul Kuhne, Marie Kuhne, Hedwig Kuhne and Hedwig Bollfrasz, 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 Margaret Lorbeer, 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 Homer F. Mullen, Administrator, acting under the judicial supervision of the County Court of Dodge County, Nebraska;

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 September 15, 1947.

For the Attorney General.

[SEAL]

DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-9330; Filed, Oct. 8, 1947;
8:49 a. m.]

[Vesting Order 9811]

CARL H. MOSER

In re: Estate of Carl H. Moser, deceased. File No. D-28-11530; E. T. sec. 15738.

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 Nikolaus Moser, 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 identified in subparagraph 1 hereof, in and to the estate of Carl H. Moser, 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 Francis P. Meehan, as administrator, acting under the judicial supervision of the Essex County Surrogate's Court, State of New Jersey

and it is hereby determined:

4. That to the extent that the person identified 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 September 15, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9091; Filed, Oct. 8, 1947; 8:49 a. m.]

[Vesting Order 9813]

LENA SAUER

In re: Estate of Lena Sauer, deceased. File D-28-11153; E. T. sec. 15565.

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 Robert Essert, who there is reasonable cause to believe is a resident of Germany, is 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 Lena Sauer, 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 Leonard M. Henkin and Emelia Bissinger, as executors, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the 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 September 15, 1947.

For the Attorney General.-

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

[F. R. Doc. 47-9092; Filed, Oct. 8, 1947; 8:49 a. m.]

[Vesting Order 9814]

GALKA E. SCHEYER

In re: Estate of Galka E. Scheyer, deceased. File D-28-11804; E. T. sec. 16003.

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 Felix Klee and Helene Jawlensky, 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 Galka E. Scheyer, deceased, is property payable and 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 Milton Wichner, as executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

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 September 15, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9093; Filed Oct. 8, 1947; 8:50 a. m.]

[Vesting Order 9815]

FRIEDRICH GEORG GOTTLLOB SCHMIDT

In re: Estate of Friedrich Georg Gottlob Schmidt, deceased. File D-28-10855; E. T. sec. 15269.

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 Emmy Schmidt, 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 Friedrich Georg Gottlob Schmidt, 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 Robert G. Clostermann, as Executor, acting under the judicial supervision of the County Court of the State of Oregon for the County of Lane;

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 September 15, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9094; Filed, Oct. 8, 1947; 8:50 a. m.]

[Vesting Order 9818]

LINA (LENA) WERNER

In re: Estate of Lina (Lena) Werner, deceased. File No. D-28-10003; E. T. sec. 14206.

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 Alwin Werner, Lena Hoehn, Elizabeth Drossel, Hilda Werner, Ernst Werner, Emil Werner, and Linda Bohmer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the children, names unknown, of Ernst Werner, and the children, names unknown, of Emil Werner, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Lina (Lena) Werner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Augusta A. Heyder, as Executrix of the estate of Lina (Lena) Werner, deceased, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey.

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown, of Ernst Werner, and the children, names unknown, of Emil Werner, 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.

No. 198—3

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 September 15, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9095; Filed, Oct. 8, 1947; 8:50 a. m.]

[Vesting Order 9835]

DR. RUD. SCHOLZ & Co.

In re: Debt to Dr. Rud. Scholz & Co., formerly Harold Wilson & Scholz. F-28-86-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 Dr. Rud. Scholz & Co., formerly Harold Wilson & Scholz, the last known address of which is Friesenplatz 16, Cologne, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Dr. Rud. Scholz & Co., formerly Harold Wilson & Scholz, by Robinson, Wagner Co., Inc., 110 East 42nd Street, New York 17, N. Y., in the amount of \$1,053.50, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 15, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9096; Filed, Oct. 8, 1947; 8:50 a. m.]

[Vesting Order 9340]

ALMA SCHUTZE

In re: Bank account owned by Alma Schutze. F-28-240-E-1.

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

1. That Alma Schutze, whose last known address is Maua by Jena, Thuringen, 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 Alma Schutze, by The Niagara Permanent Savings and Loan Association, 311 Falls St., Niagara Falls, New York, arising out of a savings share account, account number 19257, entitled Alma Schutze, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 15, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9097; Filed, Oct. 8, 1947; 8:50 a. m.]

[Vesting Order 9842]

A. WADA, AGENCY

In re: Debt owing to A. Wada, Agency. F-39-1546-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 A. Wada, Agency, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to A. Wada, Agency, by Crespi & Co., 1103 Cotton Exchange Bldg., Dallas 1, Texas, in the amount of \$1,075.95, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

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 (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 September 15, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9098; Filed, Oct. 8, 1947;
8:51 a. m.]

[Vesting Order 9843]

MRS. SADAKO YAMANE AND S. YAMANE

In re: Bank accounts owned by Mrs. Sadako Yamane and S. Yamane, also known as Saburo Yamane. F-39-16827-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Sadako Yamane and S. Yamane, also known as Saburo Yamane, 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. That certain debt or other obligation owing to Sadako Yamane, by California Bank, 863 South San Pedro Street, Los Angeles, California, arising out of a Savings Account, account number 24384, entitled Sadako Yamane (Mrs.) maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to S. Yamane, also known as Saburo Yamane and Mrs. Sadako Yamane, by California Bank, 863 South San Pedro Street, Los Angeles, California, arising out of a Joint Checking Account, entitled S. Yamane or Sadako Yamane, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 15, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9099; Filed, Oct. 8, 1947;
8:51 a. m.]

[Vesting Order 9844]

ANNIE GERTRUDE FRIES

In re: Estate of Annie Gertrude Fries, deceased. File D-28-11849; E. T. sec. 16058.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Essmann and Werner Essmann, 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 in and to the estate of Annie Gertrude Fries, 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 Alvine Troll, Hulda Troll and Matilda Moller, as Exequirices, acting under the judicial supervision of the District Court of Pottawattamie County, Iowa;

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 September 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9100; Filed, Oct. 8, 1947;
8:51 a. m.]

[Vesting Order 9853]

BERNARD BLUMENTHAL

In re: debts owing to Bernard Blumenthal and others.

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

1. That the following persons, whose names and last known addresses are hereinafter set forth below:

Names and Addresses

Bernard Blumenthal, Germany.
Carl Silverthau, Germany.
Albert Silverthau, Germany.
Tilla Loewenthal, Germany.
Bernard Stern, Germany.
Carl Loewenstein, Germany.
Margot Oppenheimer, Germany.
Johanna Rindsberger, Germany.
Sara Fernheimer, Germany.
Gustel Rapp, Germany.

are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: Those certain debts or other obligations owing to the persons identified in subparagraph 1 hereof, and each of them, by Arthur Klein, 129 Church Street, New Haven, Connecticut, in the total amount of \$6,800.20, as of April 4, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9101; Filed, Oct. 8, 1947; 8:51 a. m.]

[Vesting Order 9854]

GUNZE HOSIERY MILLS

In re: Debt owing to Gunze Hosiery Mills.

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 Gunze Hosiery Mills, the last known address of which is Tsukaguchio, Hyogo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to Gunze Hosiery Mills by

Gunze Silk Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, in the amount of \$1,294.81, as of July 24, 1947, 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 (Japan)

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 (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 September 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9102; Filed, Oct. 8, 1947; 8:51 a. m.]

[Vesting Order 9835]

ALMA EHRLICH ET AL.

In re: Debts owing to Alma Ehrlich, Marie Stapff and Marta F. Heins. F-28-17639-C-1, F-28-18880-C-1, F-28-24001-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 Alma Ehrlich, Marie Stapff, and Marta F. Heins, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Alma Ehrlich, by Alexander Bailwitz, 208 East 52nd Street, New York, New York, in the amount of \$1,081.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Marie Stapff, by Alexander Bailwitz, 208 East 52nd Street, New York,

New York, in the amount of \$1,081.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Marta F. Heins, by Alexander Bailwitz, 208 East 52nd Street, New York, New York, in the amount of \$1,081.00, 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 nationals of a designated enemy country (Germany),

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on September 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9103; Filed, Oct. 8, 1947; 8:51 a. m.]

[Vesting Order 9839]

REGINA SIEBOLD

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Regina Siebold, deceased. F-28-24771-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 the personal representatives, heirs, next of kin, legatees and distributees of Regina Siebold, 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: That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Regina Siebold, deceased,

by Otto A. Hoecker, 1808 Russ Building, San Francisco, California, in the amount of \$2,385.54, 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 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 Regina Siebold, 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 September 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9104; Filed, Oct. 8, 1947;
8:51 a. m.]

[Vesting Order 9867]

SEISEIDO SHOTEN, LTD.

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 on the effective date of Executive Order 8389, as to Japan, 525 shares (97.22%) of the 540 issued and outstanding shares of \$50 par value capital stock of Seiseido Shoten, Limited, a corporation organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, evidenced by certificates numbered 7 and 9, were owned by Yukio Tomita and were evidence of control of said business enterprise;

2. That Yukio Tomita and Masanosuke Tomita, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan)

3. That subsequent to the effective date of Executive Order 8389, as to Japan, without authority, and without cancelling the aforesaid certificates 7 and 9 on their face, and pursuant to a con-

spiracy to conceal the beneficial ownership of the 525 shares evidenced by the aforesaid certificates 7 and 9, entries were made in the books and records of Seiseido Shoten, Limited, purporting to show that said certificates 7 and 9 had been cancelled as of May 15, 1941 and that there were issued in place thereof, antedated to May 15, 1941, certificates for 525 shares of \$50 par value capital stock of Seiseido Shoten, Limited, in the names of the persons listed below under the certificate number and amount appearing opposite each name:

Name	Certificate No.	Number of shares
Shigeru Fujimori.....	10	309
Saburo Hashimoto.....	11	25
Masanosuke Tomita.....	12	200
Total.....		525

4. That Shigeru Fujimori, Saburo Hashimoto, Masanosuke Tomita and other officers and directors of Seiseido Shoten, Limited, were parties to the conspiracy described in subparagraph 3 hereof and that the pretended issue of stock and the entries in the books and records therein described were unlawful and that the certificates described in subparagraph 3 hereof are invalid;

5. That 525 shares (97.22%) of the 540 validly issued and outstanding shares of \$50 par value capital stock of said Seiseido Shoten, Limited, evidenced by certificates numbered 7 and 9, are owned by Yukio Tomita and are evidence of control of said business enterprise;

and it is hereby determined:

6. That Seiseido Shoten, Limited, is controlled by Yukio Tomita or is acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan)

7. That to the extent that Yukio Tomita, Masanosuke Tomita and Seiseido Shoten, Limited, 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 525 shares of the capital stock of Seiseido Shoten, Limited, described in subparagraph 1 hereof, including the interest therein, if any, of Masanosuke Tomita, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

It is hereby directed that Seiseido Shoten, Limited, issue to the Attorney General of the United States appropriate certificate or certificates representing 525 shares of its \$50 par value capital stock and that Seiseido Shoten, Limited, cancel on its books the 525 shares of stock described in subparagraph 3 hereof, and

The direction, management, supervision and control of said business enter-

prise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise is hereby undertaken, to the extent deemed necessary or advisable from time to time. This Order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

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

Executed at Washington, D. C., on September 24, 1947.

For the Attorney General.

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

[F. R. Doc. 47-9105; Filed, Oct. 8, 1947;
8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2346]

TRANSCONTINENTAL & WESTERN AIR, INC.,
AND DELTA AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the joint application of Transcontinental & Western Air, Inc., and Delta Air Lines, Inc., for approval of the Civil Aeronautics Board under section 412, and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of 1938, as amended, of an agreement relating to the interchange of equipment.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-indicated proceeding is assigned to be heard October 23, 1947, 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 6, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-9108; Filed, Oct. 8, 1947;
8:51 a. m.]

[Docket No. 2468, et al.]

EMPIRE AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by air-

¹ This hearing also includes Southwest Airways Company, Docket No. 2653; West Coast Airlines, Inc., Docket No. 2732; Monarch Air Lines, Inc., Docket No. 2741; Florida Airways, Inc., Docket No. 2801; and Challenger Airlines Company (formerly Summit Airways Co.), Docket No. 2897.

craft, the facilities used and useful therefor, and the services connected therewith over carriers' entire systems; and the orders to show cause thereon, published by the Board, September 26, 1947 (Serial Nos. E-328 through E-333).

Notice is hereby given that hearing in the above-entitled matter is assigned to be held on October 10, 1947, at 10:00 a. m. (e. s. t.) in Room 1508, Department of Commerce Building, 14th and E Streets, N. W., Washington, D. C., before Examiner Frank A. Law, Jr.

Dated at Washington, D. C., October 6, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-9109; Filed, Oct. 8, 1947; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

AM STATION KFBI, WICHITA, KANS.

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE¹

The Commission hereby gives notice that on October 1, 1947 there was filed with it an application (BAL-653) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KFBI, Wichita, Kansas from Farmers and Bankers Broadcasting Corporation to KFBI, Inc., Wichita, Kansas. The proposal to assign the license arises out of a contract of September 15, 1947 between the Farmers and Bankers Life Insurance Company, vendor, and Horace L. Lohnes, R. J. Laubengayer, C. Howard Lane, John P. Harris, Clem J. Randau, Sidney F. Harris and K. W. Pyle, vendees, pursuant to which the former has agreed to sell to the latter the 1,000 shares of common voting stock owned by it constituting all the issued shares of Farmers and Bankers Broadcasting Corporation, licensee of KFBI, for a total consideration of \$350,000. Of this amount \$50,000 has been paid in cash and the remaining \$300,000 is to be paid on the first of the month following Commission approval. Further provisions concerning the disposition of suits and cancellation of a \$53,700 note due the Farmers and Bankers Life Insurance Company as well as other arrangements and adjustments are contained in the contract and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on October 1, 1947 that starting on October 3, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Wichita, Kansas in conformity with the above section.

In accordance with the procedure set out in said section, no action will be

¹ Section 1.321, Part 1, Rules of Practice and Procedure.

had upon the application for a period of 60 days from October 3, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

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

[F. R. Doc. 47-9088; Filed, Oct. 8, 1947; 8:48 a. m.]

KOLE, PORT ARTHUR, TEX.

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE¹

The Commission hereby gives notice that on September 26, 1947 there was filed with it an application (BAL-651) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KOLE, Port Arthur, Texas from Mary A. Petru, Socs N. Vratls, Gray R. Harrower and Branch C. Todd, a partnership doing business as Port Arthur Broadcasting Company, to Mary A. Petru and Socs N. Vratls, a partnership doing business as Port Arthur Broadcasting Company, Payne Building, Port Arthur, Texas. The proposal to assign the license arises out of a contract of July 30, 1947 as amended September 3, 1947 pursuant to which two of the partners, i. e., Todd and Harrower, propose to sell to the remaining partners all their rights, title and interest in and to the station, its assets and properties, for a total consideration of \$19,000 of which \$10,000 would be paid to Todd and the remaining \$9,000 to Harrower. The interests of sellers in the partnership constitute 50%. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 26, 1947 that starting on October 1, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Port Arthur, Texas in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 1, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; U. S. C. 310 (b))

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

[F. R. Doc. 47-9089; Filed, Oct. 8, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-736, G-239]

SOUTHERN NATURAL GAS Co. AND EAST TENNESSEE NATURAL GAS Co.

NOTICE OF ORDER GRANTING LEAVE TO FILE ADDITIONAL EVIDENCE AND REOPENING RECORD FOR SUCH PURPOSE

OCTOBER 6, 1947.

Notice is hereby given that, on September 30, 1947, the Federal Power Commission issued its order entered September 29, 1947, granting leave to file additional evidence and reopening record for such purpose in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-9936; Filed, Oct. 8, 1947; 8:49 a. m.]

[Docket No. G-956]

NORTHERN NATURAL GAS Co.

ORDER FIXING DATE OF HEARING

It appearing to the Commission that: (a) On June 3, 1947, Northern Natural Gas Company (Northern Natural) tendered for filing with the Commission FPC Gas Schedules Volume No. 2 to supersede its gas schedules now in effect. Such proposed gas schedules would change Northern Natural's present rates, charges and classifications, and practices and regulations affecting such rates and charges, resulting in a reduction in Northern Natural's rates and charges by an estimated amount of \$1,830,000 annually.

(b) The firm requirements of customers receiving service from Northern Natural exceed the available pipeline capacity, creating an emergency shortage of delivery capacity. Such shortage during the winter of 1946-47 necessitated the promulgation of emergency service rules for such period, which period has expired. The proposed gas schedules, subject of this proceeding, would establish service rules which meet the presently existing emergency pipe line shortage conditions.

(c) Subsequent to conferences held between Northern Natural, certain of the distributors and consumers served by Northern Natural's system and members of the Commission's staff, Northern Natural tendered for filing with the Commission on July 21, 1947, revised FPC Gas Schedules Vol. No. 2, wherein certain of the previously proposed rate schedule provisions were changed in order to meet certain suggestions and objections to the schedules filed on June 3, 1947. Thereafter, protests were filed with the Commission by certain interested parties concerning primarily the provisions contained in the gas schedules tendered for filing July 21, 1947, pertaining to or affecting service for ultimate industrial consumption.

(d) In order to meet the protests at least in part, Northern Natural, on September 17, 1947, tendered to the Commission for filing further revised gas schedules proposed to be made effective

with the November 1947 billing month. Additional protests to the proposed gas schedules in so far as they affect service to industrial consumers served on an interruptible basis were filed with requests that a hearing be held in connection therewith.

The Commission finds that:

It is appropriate and desirable in the public interest that a hearing be held for the sole purpose of determining:

(1) The effect of paragraphs Nos. 9 (a) and 10 set forth on Original Sheets Nos. 5, 6 and 9 of the rate schedules tendered for filing by Northern Natural on September 17, 1947, pertaining to or affecting service for ultimate industrial consumption; and

(2) Whether or to what extent such provisions or any provisions affected thereby should be modified.

The Commission orders that:

(A) A public hearing be held commencing on October 15, 1947, at 10:00 a. m. (c. s. t.), in the North Court Room, Post Office Building, Omaha, Nebraska, for the sole purpose of determining:

(1) The effect of paragraphs Nos. 9 (a) and 10 set forth on Original Sheets Nos. 5, 6 and 9 of the rate schedules tendered for filing by Northern Natural on September 17, 1947, pertaining to or affecting service for ultimate industrial consumption; and

(2) Whether or to what extent such provisions or any provisions affected thereby should be modified.

(B) The Presiding Examiner be and he hereby is empowered to allow participation by those parties who shall demonstrate that they are or may be affected by the provisions of paragraphs 9 (a) and 10 of the proposed rate schedules. Such parties and State commissions may participate without the necessity of thereafter filing a formal notice or petition to intervene.

Date of issuance: October 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-9085; Filed, Oct. 8, 1947;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1520]

KENTUCKY UTILITIES CO. ET AL.

MEMORANDUM OPINION AND ORDER GRANTING EXEMPTION, RELEASING JURISDICTION AND PERMITTING APPLICATIONS-DECLARATIONS 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 1st day of October A. D. 1947.

In the matter of Kentucky Utilities Company, Old Dominion Power Company, the Middle West Corporation, File No. 70-1520.

The Commission, on June 16, 1947, issued its order granting and permitting to become effective, subject to certain

conditions, joint applications-declarations, as amended, filed pursuant to the Public Utility Holding Company Act of 1935 ("act") by The Middle West Corporation ("Middle West") a registered holding company, Kentucky Utilities Company ("Kentucky") a subsidiary of Middle West, and Old Dominion Power Company, a subsidiary of Kentucky, regarding a proposed recapitalization of Kentucky and related transactions (see Holding Company Act Release No. 7489)

Kentucky, in such application-declarations, proposed, among other things, to issue and sell at competitive bidding, pursuant to the requirements of Rule U-50, \$24,000,000 principal amount of its First Mortgage Bonds, Series A --%, due May 1, 1977 and 130,000 shares of --% Preferred Stock, cumulative, par value \$100 per share. Such preferred stock, however, was to be sold subject to an offer by the company to the holders (other than Middle West) of Kentucky's presently outstanding preferred stocks of the right to exchange their shares for shares of the --% Preferred Stock on the basis of one share of 6% Preferred Stock, par value \$100 per share, or two shares of 7% Junior Preferred Stock, par value \$50 per share, for one share of --% Preferred Stock. In connection with the exchange offer, provisions were made for appropriate cash adjustments for the difference between the initial public offering price of the --% Preferred Stock and the redemption prices of \$110 per share for the 6% Preferred Stock and \$55 per share for the 7% Junior Preferred Stock. The offer of exchange also provided that no fractional shares of --% Preferred Stock would be issued in effecting exchanges, and that all shares of the outstanding preferred stocks not submitted for exchange would be retired at the applicable redemption prices.

In accordance with the authorization granted by our order of June 16, 1947, Kentucky publicly invited competitive bids to be submitted on June 23, 1947 for the purchase of the aforementioned bonds and preferred stock. Prior to the date for opening of the bids Kentucky was advised that no bids would be submitted for the preferred stock, and, in light of this information, Kentucky postponed the date for presentation and opening of the bids for the preferred stock. Bids, however, were received for the bonds and Kentucky filed the report required by Rule U-50 and the Commission approved the bid accepted by Kentucky and released its jurisdiction with respect to the issue and sale of the bonds, but continued its jurisdiction with respect to the issue and sale of preferred stock. (See Holding Company Act Release No. 7515)

Prior to the postponed date for opening bids for the preferred stock, the Commission was advised that due to prevailing market conditions the underwriting groups formed to bid for such stock either had disbanded or were contemplating disbanding and that it was improbable that any bids or an acceptable

bid would be received.¹ Shortly thereafter the company sought and received the informal authorization of the Commission to negotiate for the sale of the preferred stock.

Subsequently, Kentucky filed an amendment setting forth the terms of a private sale of the preferred stock, which it had negotiated subject to our approval, and requested that the issuance and sale of such stock be exempted from the competitive bidding requirements of Rule U-50.

A public hearing was held in respect of such amendment and on the basis of the record in these proceedings we make the following findings:

The record indicates that Kentucky has entered into a purchase agreement with a group of thirty-four underwriters, headed by The First Boston Corporation, Lehman Brothers and Lazard Freres & Co. as representatives, for the purchase of 130,000 shares of its Preferred Stock, cumulative, \$100 par value. The price to the company and the initial public offering price is \$100 per share and the dividend rate is 4¾%. The underwriters also agree to make the same exchange offer to the holders of Kentucky's outstanding preferred stocks which Kentucky proposed to make and which the Commission approved in its order of June 16, 1947 mentioned above. In carrying out the exchange program the underwriters have agreed to organize a group of dealers for the purpose of making the solicitation. Compensation to the underwriters for their agreement to solicit exchanges and to purchase the shares of the new preferred stock will be at the rate of \$1.25 per share on all shares of new preferred stock, plus \$2.00 per share on all shares of new preferred stock except shares deliverable pursuant to the exchange offer in instances where no soliciting dealer's name appears on the exchange form.² The underwriters have agreed to pay to the soliciting dealers mentioned above fees at the rate of \$2.00 per share of new preferred stock deliverable pursuant to the exchange offer where the name of such dealer appears on the letter of transmittal accompanying the exchange deposit. Assuming the maximum compensation would be paid, the annual cost of money to the company would be 4.909% exclusive of expenses.

The record contains a description of the negotiations leading up to the offer which has been accepted. The record discloses in this connection that Kentucky contacted the leaders of the three syndicates which had been formed to bid on the preferred stock issue and that none of these underwriters were interested in making an offer for the purchase

¹ The record shows that the invitation for bids was not withdrawn but that no bids were received on the postponed date.

² Kentucky has amended its Articles of Incorporation to provide that it will reimburse the holders of the new preferred stock in an amount not to exceed in the aggregate four mills per annum for personal property taxes which may be assessed by the Commonwealth of Pennsylvania or any taxing authority therein.

[File No. 70-1619]

**PUBLIC SERVICE CORP. OF NEW JERSEY
AND SOUTH JERSEY GAS CO.**

**ORDER GRANTING APPLICATION AND PERMITTING
DECLARATION TO BECOME EFFEC-
TIVE**

of the entire block of preferred stock. In the light of these circumstances, Kentucky requested The First Boston Corporation, Lehman Brothers and Lazard Freres & Co., the three underwriters expressing the most interest in Kentucky's preferred, to form a syndicate to enter into negotiations for the purchase of the stock. The record further indicates that negotiations with the group were carried on from the latter part of August and that they resulted in the offer which has been submitted to us for our approval.

In considering the price, and the compensation to the underwriters, we have taken into account the experience of other recent offerings of preferred stock. We have also taken into consideration the efforts of the company to successfully effect a sale of this stock, and, in the light of the record, we are satisfied that competitive conditions were maintained. Under the circumstances we observe no basis for adverse findings under section 7.

On the basis of the entire record herein we conclude that it is appropriate to grant the request of Kentucky for exemption from the competitive bidding requirements of Rule U-50 and that said applications-declarations, as amended, should be granted and permitted to become effective forthwith.

It is therefore ordered, That the request of Kentucky Utilities Company for exemption from the competitive bidding requirements of Rule U-50 with respect to the issuance and sale of 130,000 shares of its preferred stock be, and hereby is, granted.

It is further ordered, That the jurisdiction heretofore reserved with respect to the sale of 130,000 shares of --% Preferred Stock of Kentucky Utilities Company be, and hereby is, released.

It is further ordered, That said applications-declarations, as amended, be, and hereby are, granted and permitted to become effective forthwith, subject, however, to the terms and conditions contained in Rule U-24 promulgated under said act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-9074; Filed, Oct. 8, 1947;
8:51 a. m.]

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 October 1947. Public Service Corporation of New Jersey ("Public Service") a registered holding company, and its public utility subsidiary, South Jersey Gas Company ("South Jersey") having filed a joint application-declaration with an amendment thereto pursuant to sections 6 (b) 9 (a) 10 and 12 (d) of the act and rules U-42, U-43 and U-50 promulgated thereunder with respect to the following transaction:

South Jersey proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$4,000,000 principal amount of First Mortgage Bonds, --% Series due 1977. The interest rate and the price to the company for the new bonds will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100%, nor more than 102.75% of the principal amount of the bonds, plus accrued interest from October 1, 1947.

The net proceeds from the sale of the bonds, together with treasury cash, will be applied as follows:

(a) To the redemption, at 105% of the principal amount shown below, of the following series of First Mortgage Gold Bonds of People's Gas Company (to which South Jersey is successor)

\$658,000 principal amount of 5½% Series due 1960.

\$1,396,000 principal amount of 5% Series due 1968.

(b) To the redemption of \$3,767,000 principal amount of Atlantic City Gas Company (the former name of South Jersey) First Mortgage 5% Sinking Fund Gold Bonds at 105% of the principal amount thereof, and the redemption of \$843,000 principal amount of such company's First Lien and Refunding Mortgage Gold Bonds, 5% Series due 1957, at 101% of the principal amount thereof.

(c) To the acquisition by South Jersey from Public Service, of People's Gas Company First Mortgage Gold Bonds at the following respective total prices (exclusive of accrued interest)

Amount and series:

\$2,650 principal amount of 5½% Series due 1960	Price \$1,920.00
\$40,000 principal amount of 5% Series due 1968	37,082.50

Total..... 38,932.50

Such prices are stated to be the cost to Public Service of said bonds.

The proposed issue and sale of bonds has been approved by the Board of Public Utility Commissioners of the State of New Jersey; and

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

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24, that the application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, except, however, in respect of the price to be received by the company for said bonds, the interest rate thereon, the redemption prices thereof, the underwriters' spread and its allocation, and all legal fees and other expenses which are to be paid in connection with the proposed transactions, as to which matters jurisdiction be, and the same hereby is, reserved until the same are known and included in the record in this proceeding, and a further order in connection therewith shall issue.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-8075; Filed, Oct. 8, 1947;
8:51 a. m.]

