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# FEDERAL REGISTER

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Washington, Wednesday, May 7, 1947

### TITLE 3—THE PRESIDENT EXECUTIVE ORDER 9846

AMENDMENT OF EXECUTIVE ORDER NO. 9195<sup>1</sup> OF JULY 7, 1942, PRESCRIBING REGULATIONS RELATING TO AERIAL FLIGHTS BY PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, AND NATIONAL GUARD

By virtue of the authority vested in me by section 20 of the act of June 10, 1922, 42 Stat. 632, as amended by section 6 of the act of July 2, 1926, 44 Stat. 782, and by section 18 of the Pay Readjustment Act of 1922, 56 Stat. 368, and in the interest of the internal management of the Government, it is hereby ordered as follows:

Executive Order No. 9195 of July 7, 1942, prescribing regulations relating to aerial flights by personnel of the Army, Navy, Marine Corps, Coast Guard, and National Guard, is hereby amended so as to authorize the Chief of Naval Personnel or such officer or officers as he may designate for the Navy, the Commandant of the Marine Corps or such officer or officers as he may designate for the Marine Corps, and the Commandant of the Coast Guard or such officer or officers as he may designate for the Coast Guard to issue aerial flight orders to personnel of their respective services, including the reserve components thereof, in the same manner and to the same extent that aerial flight orders have heretofore been issued by the Chief of Naval Personnel, the Commandant of the Marine Corps, and the Commandant of the Coast Guard to their respective personnel under the said Executive Order No. 9195.

HARRY S. TRUMAN

THE WHITE HOUSE,

May 5, 1947

[F. R. Doc. 47-4365; Filed, May 5, 1947; 3:25 p. m.]

<sup>1</sup> F. R. 1178.

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

#### Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[B. A. I. Order 365, Amdt. 15]

#### PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

##### DOGS; BOOK OF RECORD RECOGNITION

Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the act of June 17, 1930 (46 Stat. 673; 19 U. S. C., sec. 1201, par. 1606) paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations (section 2, paragraph 2, regulation 2, B. A. I. Order 365) is amended, effective thirty days from the date of publication hereof in the FEDERAL REGISTER, by adding to the subdivision of said paragraph relating to dogs the following breed and book of record:

Dogs

Name of breed	Book of record	By whom published
Greyhound.	Australian Greyhound Stud Book.	The Australian and New Zealand Greyhound Association, R. Maffington, Secretary, First Floor, Bank of New Zealand Chambers, 240 Collins St., Melbourne, C. I., Australia

(46 Stat. 673; 19 U. S. C. sec. 1201)

Done at Washington, D. C. this 1st day of May 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLIFTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 47-4301; Filed, May 6, 1947; 8:46 a. m.]

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**TITLE 14—CIVIL AVIATION**

**Chapter I—Civil Aeronautics Board**

[Civil Air Regs., Amdt. 33-0]

**PART 33—FLIGHT RADIO OPERATOR CERTIFICATES**

**FLIGHT RADIO OPERATOR CERTIFICATES**

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of April 1947.

It appearing that: The proposal to adopt a new Part 33 of the Civil Air Regulations to provide certification standards for the issuance of flight radio operator certificates was circulated to the air carrier industry and to the interested aviation organizations on February 15, 1946, with the request for the submission of any comments and suggestions not later than May 1, 1946; the comments submitted by interested par-

ties have been considered by the Board and the oral comment submitted at various discussion meetings by interested persons has also been considered by the Board; it is desirable to provide for the certification of flight radio operators who will serve in connection with civil aircraft as provided by the aircraft operation rules of the Civil Air Regulations.

The Civil Aeronautics Board finds that the notice and public procedure provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary and that this regulation should become effective 90 days after the adoption date.

Now, therefore: Effective August 1, 1947, the Civil Air Regulations are amended by adopting a new Part 33, Flight Radio Operator Certificates, to read as follows:

**PART 33—FLIGHT RADIO OPERATOR CERTIFICATES**

*Explanatory statement of Part 33.* In accordance with the provisions of Title VI of the Civil Aeronautics Acts of 1938 it is unlawful for any person to serve in any capacity as an airman in connection with any civil aircraft used in air commerce without an airman certificate authorizing him to serve in such capacity, or in violation of the terms of any such certificate. A flight radio operator falls within the definition of airman as defined in that act.

The purpose of this part is to provide a means for compliance with the airman requirements of Title VI of the act with respect to the use in air commerce of those types of aircraft which require the services of flight radio operators by providing the standards by which flight radio operators may be certificated as airmen.

§ 33.0 Requirements for certificate.

§ 33.00 Issuance. A flight radio operator certificate will be issued to an applicant who meets the following requirements:

§ 33.01 Age. Applicant shall be at least 18 years of age.

§ 33.02 Citizenship. Applicant shall be a citizen of the United States or of a foreign government which grants reciprocal flight radio operator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

NOTE: At the present time Federal Communications Commission radio operator licenses are issued only to citizens of the United States.

§ 33.03 Education. Applicant shall be able to read, write, and understand the English language and speak the same without accent or impediment of speech which would interfere with two-way radio conversation.

§ 33.04 Physical standards. Applicant shall meet the physical standards of the third class prescribed in Part 29 of this chapter.

§ 33.05 Experience. (a) Applicant shall hold a Federal Communications Commission radiotelegraph operator license of not less than second class.

(b) Applicant shall:

(1) Have had at least 12 months of satisfactory experience as a radio operator in aircraft, maritime, or ground stations, commercial or military, including at least four months of experience as a radiotelegraph operator; and have had at least 50 hours of experience in the operation of aircraft radio during flight; or

(2) Be a graduate of a flight radio operator course approved by the Administrator.

§ 33.06 Knowledge. Applicant shall pass a written examination on the following subjects:

(a) Such provisions of the Civil Air Regulations as are pertinent to the operation of aircraft radio systems;

(b) Theory and operation of radio communication and radio navigational systems in general use on aircraft;

(c) Radio navigation of aircraft;

(d) Aircraft radio operating procedures.

§ 33.07 Skill. Applicant shall:

(a) Pass a practical examination on the operation, adjustment, and routine repair of aircraft radio communication and radio navigational equipment;

(b) Demonstrate his ability to send and receive International Morse Code at a speed of 20 words per minute code groups, and 25 words per minute plain language.

§ 33.1 Certification rules.

§ 33.10 Application. Application shall be made on a form and in the manner prescribed by the Administrator.

§ 33.11 Duration. A flight radio operator certificate shall remain in effect unless it is suspended, or revoked, or a general termination date for such certificate is fixed by the Board.

§ 33.110 Temporary certificates. The Administrator or his authorized representative may issue a temporary flight radio operator certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

§ 33.12 Reexamination. Applicants who have failed in any examination may apply for reexamination on the part failed after 30 days from the date of such failure.

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

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-4316; Filed, May 6, 1947; 8:46 a. m.]

[Civilian Air Regs., Amdt. 34-0]

**PART 34—FLIGHT NAVIGATOR CERTIFICATES**  
**FLIGHT NAVIGATOR CERTIFICATES**

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of April 1947.

It appearing that: The proposal to adopt a new Part 34 of the Civil Air Regulations to provide certification standards for the issuance of flight navigator cer-

tificates was circulated to the air carrier industry and to the interested aviation organizations on February 15, 1946, with the request for the submission of any comments and suggestions not later than May 1, 1946; the comments submitted by interested parties have been considered by the Board and the oral comment submitted at various discussion meetings by interested persons has also been considered by the Board; it is desirable to provide for the certification of flight navigators who will serve in connection with civil aircraft as provided by the aircraft operation rules of the Civil Air Regulations.

The Civil Aeronautics Board finds that the notice and public procedure provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary and that this regulation should become effective 90 days after the adoption date.

Now, therefore: Effective August 1, 1947, the Civil Air Regulations are amended by adopting a new Part 34, Flight Navigator Certificates, to read as follows:

**PART 34—FLIGHT NAVIGATOR CERTIFICATES**

*Explanatory statement of Part 34.* In accordance with the provisions of Title VI of the Civil Aeronautics Act of 1938 it is unlawful for any person to serve in any capacity as an airman in connection with any civil aircraft used in air commerce without an airman certificate authorizing him to serve in such capacity, or in violation of the terms of any such certificate. A flight navigator falls within the definition of airman as defined in that act.

The purpose of this part is to provide a means for compliance with the airman requirements of Title VI of the act with respect to the use in air commerce of those types of aircraft which require the services of flight navigators by providing the standards by which flight navigators may be certificated as airmen.

§ 34.0 Requirements for certificate.

§ 34.00 Issuance. A flight navigator certificate will be issued to an applicant who meets the following requirements:

§ 34.01 Age. Applicant shall be at least 21 years of age.

§ 34.02 Citizenship. Applicant shall be a citizen of the United States or of a foreign government which grants reciprocal flight navigator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 34.03 Education. Applicant shall be able to read, write, speak, and understand the English language.

§ 34.04 Physical standards. Applicant shall meet the physical standards of the second class prescribed in Part 29 of this chapter.

§ 34.05 Experience. (a) Applicant shall:

(1) Have at least 200 hours of satisfactory flight navigation including celestial and radio navigation and dead reckoning: Provided, That a pilot who has logged 500 hours of cross-country flight, of which 100 hours shall have been at

night, may be credited with not more than 100 hours toward this experience; and

(2) Have satisfactorily determined his position in flight not less than 25 times by night by celestial observations and not less than 25 times by day by celestial observations in conjunction with other aids; or

(b) Applicant shall be a graduate of a flight navigator course approved by the Administrator.

§ 34.06 *Knowledge.* Applicant shall pass a written examination on the following subjects:

(a) Those provisions of the Civil Air Regulations pertinent to the duties of a navigator in the navigation of aircraft;

(b) The fundamentals of flight navigation, including flight planning and cruise control;

(c) Practical meteorology, including the analysis of weather maps, weather reports, and weather forecasts; weather sequence abbreviations, symbols, and nomenclature;

(d) Types of air navigation facilities and procedures in general use;

(e) The calibration and use of instruments used in air navigation;

(f) Navigation by dead reckoning;

(g) Navigation by celestial means;

(h) Navigation by means of radio aids;

(i) Pilotage and map reading;

(j) Interpretation of navigational aid identification signals.

§ 34.07 *Skill.* (a) Applicant shall pass a practical examination in the operation of flight navigational equipment.

(b) Applicant shall accomplish practical tests in aircraft navigation by

(1) Dead reckoning;

(2) Celestial means; and

(3) Radio aids to navigation.

§ 34.1 *Certification rules.*

§ 34.10 *Application.* Application shall be made on a form and in the manner prescribed by the Administrator.

§ 34.11 *Duration.* A flight navigator certificate shall remain in effect unless it is suspended, or revoked, or a general termination date for such certificate is fixed by the Board.

§ 34.110 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary flight navigator certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

§ 34.12 *Reexamination.* Applicants who have failed in any examination may apply for reexamination on the part failed after 30 days from the date of such failure.

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

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-4313; Filed, May 6, 1947; 8:46 a. m.]

[Civil Air Regs. amdt. 41-6]

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

FLIGHT RADIO OPERATOR CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of April 1947.

Section 41.311 of the Civil Air Regulations requires that "each flight radio operator shall hold a valid flight radio operator certificate issued in accordance with the provisions of Part —. (In preparation)" New Part 33, providing for the certification of flight radio operators will become effective August 1, 1947.

The Civil Aeronautics Board finds that it will require a period of several months for the preparation of necessary examinations by the Administrator and for interested flight radio operators in the various parts of the world to be given an opportunity to accomplish the examinations necessary for the issuance of flight radio operator certificates under Part 33; that notice and procedures provided for in sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary.

Now, therefore: Effective August 1, 1947, § 41.311 of the Civil Air Regulations is amended to read as follows:

§ 41.311 *Certificate.* Effective November 15, 1947, each flight radio operator shall hold a valid flight radio operator certificate issued in accordance with the provisions of Part 33 of this chapter. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-4312; Filed, May 6, 1947; 8:46 a. m.]

[Civil Air Regs., Amdt. 61-5]

PART 61—SCHEDULED AIR CARRIER RULES  
FLIGHT RADIO OPERATOR CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of April 1947.

Part 61 of the Civil Air Regulations makes no provision requiring flight radio operators. It is contemplated that such provision will be made in the proposed revision of this part.

The new Part 33 covering rules for the certification of flight radio operators will become effective August 1, 1947. The Civil Aeronautics Board finds that it will require a period of several months after the effective date for the preparation of necessary examinations by the Administrator and for interested flight radio operators to be given an opportunity to accomplish the examinations necessary for the issuance of flight radio operator certificates under Part 33; that an amendment to Part 61 of the Civil Air Regulations should be promulgated to be consistent with Part 41, that notice and procedures provided for in sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary.

Now, therefore: Effective August 1, 1947, § 61.540 of the Civil Air Regulations is amended to read as follows:

§ 61.540 *Certificate.* Effective November 15, 1947, each flight radio operator shall hold a valid flight radio operator certificate issued in accordance with the provisions of Part 33 of this chapter: *Provided*, That a first or second pilot, holding an appropriate Federal Communications license, may serve in the capacity of a radio operator where a certificated flight radio operator is not specifically required. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-4314; Filed, May 6, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,  
Department of the Treasury

[T. D. 51669]

PART 17—PROTESTS AND REAPPRAISEMENTS

POWER OF ATTORNEY TO FILE PROTEST

Section 17.2 (a) Customs Regulations of 1943 (19 CFR, Cum. Supp., 17.2 (a)), as amended by T. D. 51442 (11 F. R. 4651), is further amended to read as follows:

§ 17.2 *Power of attorney to file protest.* (a) Except as hereinafter provided in this paragraph, no protest signed by an agent or attorney shall be granted or denied by the collector unless there has been filed, or is filed with the protest, in the collector's office a power of attorney on customs Form 5295 or 5295-A or other form as explicit in its terms as is the prescribed customs form, authorizing such agent or attorney to make, sign, and file the protest. Such power of attorney, shall be limited to a period not to exceed 2 years from the date of receipt by the collector and shall be acknowledged. When a protest is filed by an agent or attorney not named in a power of attorney as required by this section, it shall be numbered and stamped with the date of receipt in order to establish whether it was filed within the period prescribed by section 514, Tariff Act of 1930, and the collector shall cause an investigation to be made to ascertain whether the agent or attorney was duly authorized to file the protest. If it is found upon such investigation that the agent or attorney was so authorized, the protest shall be reviewed by the collector and granted or denied and referred to the customs court as in cases where a proper power of attorney has been filed. If it is found upon such investigation that the agent or attorney was not duly authorized to file the protest, the purported protest shall not be granted or denied by the collector but shall be transmitted, together with the entry and accompanying papers and all exhibits connected therewith, to the United States Customs Court, with a communication explaining to the court that the agent or attorney who filed the

purported protest was not named in a power of attorney, that it was found upon investigation that the agent or attorney was not authorized to file the protest, and that the collector has been prevented from complying with section 515 of the tariff act by the lack of authority of the agent or attorney to file the protest, inasmuch as section 514 specifies the only persons by or on whose behalf protests may be filed with the collector and section 515 does not authorize the collector to grant any purported protest or (if he does not agree with the claim) to deny it and refer it to the court for litigation on the merits, until the statutory prerequisite that it has been filed by an authorized person has been established.

(Secs. 514, 515, 624, 46 Stat. 734, 759; 19 U. S. C. 1514, 1515, 1624)

[SEAL] W. R. JOHNSON,  
Commissioner of Customs.

Approved: April 30, 1947.

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

[F. R. Doc. 47-4322; Filed, May 6, 1947;  
9:13 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter VIII—Office of Housing Expediter

[Suspension Order S-14]

#### PART 807—SUSPENSION ORDERS

FRANK A. WEDDELL & WESTELEY BAKER

Frank A. Weddell, 1515 Beach Street, San Luis Obispo, California, as co-owner and builder, and Westeley Baker, 839 Marsh Street, San Luis Obispo, California, as co-owner, began construction on or about December 4, 1946 of a commercial building located at the northeast corner of North Broad and Lincoln Streets, San Luis Obispo, California, at an estimated cost of \$12,000, without first having secured authorization therefor from the Civilian Production Administration or the Office of the Housing Expediter. The beginning and carrying on of construction as aforesaid constituted a grossly negligent violation of the Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.14 *Suspension Order No. S-14.* (a) Neither Frank A. Weddell nor Westeley Baker, their successors or assigns, nor any other person shall do any further construction on the premises located at the northeast corner of North Broad and Lincoln Streets, San Luis Obispo, California, including completing, putting up or altering of any structure located thereon, unless specifically authorized in writing by the Office of the Housing Expediter.

(b) Frank A. Weddell and Westeley Baker shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter

for authorization to carry on construction.

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

Issued this 6th day of May 1947.

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

[F. R. Doc. 47-4375; Filed, May 6, 1947;  
10:06 a. m.]

## PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

### DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.22 *Designation of Acting Housing Expediter.* Adolph H. Zwerner is hereby designated to act as Housing Expediter during my absence on May 5, 6, 7 and 8, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1946, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such dates. (60 Stat. 207, 50 U. S. C. App. Sup. 1821)

Issued this 2d day of May 1947.

FRANK R. CREEDON,  
Housing Expediter.

[F. R. Doc. 47-4318; Filed, May 6, 1947;  
9:02 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

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

#### Appendix—Public Land Orders

[Public Land Order 360]

#### WYOMING

### REVOKING IN PART EXECUTIVE ORDER CREATING PUBLIC WATER RESERVE NO. 149

By virtue of the authority contained in section 1 of the act of June 25, 1910 (36 Stat. 847, 43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943; *It is ordered as follows:*

The Executive order of February 14, 1933, creating Public Water Reserve No. 149, is hereby revoked as to the following described land:

#### SIXTH PRINCIPAL MERIDIAN

T. 45 N., R. 100 W., sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$ .

The area described contains 20 acres.

WARNER W. GARDNER,  
Assistant Secretary of the Interior.

APRIL 30, 1947.

[F. R. Doc. 47-4284; Filed, May 6, 1947;  
8:05 a. m.]

## TITLE 46—SHIPPING

### Chapter II—United States Maritime Commission

[Rev. G. O. 50, WSA Function Series]

#### PART 304—LABOR

### DELEGATIONS OF AUTHORITY TO FEDERAL SECURITY AGENCY

General Order 50 (§§ 304.91 to 304.95, inclusive; 10 F. R. 10034, 46 CFR 1945 Supp.) is hereby revised to read:

§ 304.91 *Delegation of authority to conduct hearings and make determinations and certifications under section 209 (o) of the Social Security Act, as amended.* (a) The Appeals Council of the Social Security Administration of the Federal Security Agency, its members and referees, and the Territorial Directors of the Social Security Administration of the Federal Security Agency for the Territories of Alaska and Hawaii, all ex officio, are hereby designated and appointed as agents of the Maritime Commission to hear, determine, and make certification with respect to those matters determinable by the Maritime Commission pursuant to section 209 (o) of the Social Security Act, as amended, which may from time to time be involved in or presented at hearings conducted pursuant to section 205 (b) of said act.

The Federal Security Agency, or such persons, agencies and tribunals as the Federal Security Administrator may designate, are hereby designated to hear, determine and make certification with respect to matters determinable by the Maritime Commission, pursuant to section 209 (o) of the Social Security Act, as amended, which may from time to time be involved in or presented at hearings pursuant to sections 1303 and 1304 of the Social Security Act, as amended.

§ 304.92 *Compliance with Maritime Commission's regulations and orders.* The agents designated in § 304.91 (a) in performing the functions and duties thereby assigned to them, shall comply with such regulations and orders as may be issued by the Maritime Commission from time to time in connection with such functions and duties.

§ 304.93 *Notice of hearings to General Agents, Agents, or the Maritime Commission.* In the conduct of hearings pursuant to §§ 304.91 to 304.95, inclusive, notice thereof shall be given to the General Agent, or Agent who shall have made any tax return or certification having relation to the claim under consideration, as provided by section 209 (o) of the Social Security Act, as amended, and if there be no such General Agent or Agent, such notice shall be given to the Maritime Commission.

§ 304.94 *Procedure for hearings, re-hearings, and review.* Procedure for the conduct of hearings pursuant to § 304.91 (a), and §§ 304.92 to 304.95, inclusive, and for the consolidation of such hearings with hearings on other issues involved in particular claims, for the making of decisions thereon, and for rehearing and for review of such decisions, shall, except as limited pursuant to § 304.92, be as prescribed by the Appeals Council of

the Social Security Administration of the Federal Security Agency as agent of the Maritime Commission, and shall conform as closely as possible to the hearing, rehearing, and review procedure prescribed from time to time by the Federal Security Agency for cases arising exclusively under Title II of the Social Security Act, as amended.

§ 304.95 *Effect of final decision.* Any final decision, after hearing, rehearing, or review by the Maritime Commission's agents as designated in § 304.91, shall in all respects be deemed the Maritime Commission's final determination, superseding all previous determinations and certifications as to the matters determined in such decision, and binding upon all parties to such hearing, rehearing, or review, as to such matters.

(57 Stat. 45, 58 Stat. 188, Title II, Pub. Law 492, 79th Cong., 60 Stat. 501, Title III, Pub. Law 719, 79th Cong., 60 Stat. 978; 50 U. S. C. App. Sup. 1291)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,  
Secretary.

APRIL 29, 1947.

[F. R. Doc. 47-4320; Filed, May 6, 1947;  
9:11 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communication Commission

#### PART 9—AVIATION RADIO SERVICE

CROSS REFERENCE: For public notice regarding the use of non-crystal-controlled transmitters in aircraft radio stations see F. R. Doc. 47-4324 under Federal Communications Commission in the Notices section, *infra*.

[Order 130-N]

#### PART 12—AMATEUR RADIO SERVICE

##### WITHDRAWAL OF POWER OF LIMITATION AND RELEASE OF FREQUENCIES

This order amends Order 130-L (12 F. R. 260)

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

The Commission having under consideration the matter of relieving certain existing restrictions to the operation of amateur radio stations (1) within the Territory of Hawaii and within United States possessions lying west of the Territory of Hawaii to 170° west longitude and (2) within 50 miles of Washington, D. C., Seattle, Washington, and Honolulu, T. H., and

It appearing, that by Order No. 130-A, dated November 14, 1945, as amended from time to time, the Commission has made available for use by amateur radio stations certain frequencies and frequency bands and types of emission; and

It further appearing, that §§ 12.111 and 12.114 of the Commission's rules, and Commission Order No. 130-A, as

amended by Commission Order No. 130-H, allocate the frequency bands of 3500 to 4000 kc and 144 to 148 Mc for use by amateur radio stations, but Footnote 3 to § 12.111 restricts the use of such bands except pursuant and subject to the limitations and restrictions prescribed by Commission orders; and

It further appearing, that the military authorities of the United States have withdrawn the 500 watt power limitation for amateur stations operating in the frequency band 3500 to 4000 kilocycles located within the Territory of Hawaii or within any United States possession lying west of the Territory of Hawaii to 170° west longitude, and have released frequencies from 146.5 to 148 Mc for use by amateur stations located within 50 miles of Washington, D. C., Seattle, Washington, and Honolulu, T. H., and

It further appearing, that authority for the cancellation of the power limitation and the release of frequencies hereinbefore referred to, is contained in section 303 (b), (c) and (r) of the Communications Act of 1934, as amended; that such cancellation of power limitation and release of frequencies relieve existing restrictions, and are in the public interest, and that any delay occasioned by the public notice requirements of section 4 of the Administrative Procedure Act, would be contrary to the public interest;

It is ordered, That for the purpose of correlating the Commission's orders in the 130-series with the withdrawal of the power limitation and the release of frequencies hereinbefore referred to, the subparagraphs numbered 2 (a) (1) and 2 (a) (9) of the first ordering clause of Order 130-L be, and they are hereby amended to read as follows:

2. (a) \* \* \*

(1) 3500 to 4000 kc: Use of this band is restricted to amateur radio stations as follows:

(i) 3500 to 4000 kc, using type A1 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude.

(ii) 3850 to 4000 kc, using type A3 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude, subject to the further restriction that type A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges, and then only when operated and controlled by an amateur operator holding Class A privileges.

\* \* \* \* \*

(9) 144 to 148 Mc, using types A0, A1, A2, A3, and A4 emissions and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques)

It is further ordered, That this order be, and it is hereby made effective immediately.

(Secs. 4 (i) 303 (c) 48 Stat. 1068, 1082; 47 U. S. C. 154 (i), 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4323; Filed, May 6, 1947,  
8:47 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[S. O. 70, Amdt. 5]

#### PART 95—CAR SERVICE

##### RESTRICTIONS ON RECONSIGNMENT OF FRESH FRUITS AND VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of May A. D. 1947.

Upon further consideration of the provisions of Service Order No. 70 (8 F. R. 8515) as amended (8 F. R. 8515; 11 F. R. 8451) and good cause appearing therefor.

It is ordered, That Service Order No. 70 (codified as 49 CFR 95.304a), as amended, be, and it is hereby, further amended by adding the following paragraph:

*Expiration date.* This section, as amended, shall expire at 11:59 p. m., December 1, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 12:01 a. m., May 10, 1947, and it shall vacate and supersede Amendment No. 4 to Service Order No. 70 on the effective date hereof; 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. 47-4299; Filed, May 6, 1947;  
8:46 a. m.]

[4th Rev. S. O. 180, Amdt. 11]

#### 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 1st day of May A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F. R. 14970) as amended (11 F. R. 1627, 1991, 3605, 4038, 6983, 9453, 10092, 11707, 12395; 12 F. R. 1421) and good cause appearing therefor, *It is ordered*, That:

Fourth Revised Service Order No. 180, (49 CFR § 95.330) as amended, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof during the effectiveness of this amendment:

(a) *Demurrage charges on refrigerator cars.* (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, re-shipment, 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 day; \$5.50 per car per day or a fraction thereof for the second day; and \$11 per car per day or a fraction thereof for each succeeding day.

*Effective date.* This amendment shall become effective at 7:00 a. m., May 2, 1947.

*Expiration date.* This amendment shall expire at 7:00 a. m., June 1, 1947.

*It is further ordered*, That a copy of this order and direction be served upon each State railroad regulatory body 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. 47-4223; Filed, May 6, 1947; 8:48 a. m.]

[Rev. S. O. 183, Amdt. 9]

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 1st day of May A. D. 1947.

Upon further consideration of Revised Service Order No. 138 (10 F. R. 15175) as amended (11 F. R. 1626, 1992, 3605, 4038, 7043, 9453, 10092; 12 F. R. 1420) and good cause appearing therefor, *It is ordered*, That:

Revised Service Order No. 188 (49 CFR § 95.334) as amended, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof during the effectiveness of this amendment:

(a) *Demurrage charges to be applied on refrigerator cars engaged in intraterminal transportation.* (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 L. C. C. No. 5 of the State Belt Railroad operated by the State of California.

(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 fraction thereof for the first day; \$5.50 per car per day or fraction thereof for the second day; and \$11.00 per car per day or 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.

*Effective date.* This amendment shall become effective at 7:00 a. m., May 2, 1947.

*Expiration date.* This amendment shall expire at 7:00 a. m., June 1, 1947.

*It is further ordered*, 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. 47-4227; Filed, May 6, 1947; 8:46 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### [7 CFR, Part 936]

#### FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

#### NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the following proposals, submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp. 936.1 et seq.) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, as the agency to administer the terms and provisions thereof;

(a) That the Secretary of Agriculture find that expenses not to exceed \$40,910.00 will be necessarily incurred during the season beginning April 1, 1947, and ending March 31, 1948, both dates in-

clusive, as general overhead expenses for the maintenance and functioning of the said Control Committee and the commodity committees established under the aforesaid amended marketing agreement and order;

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at \$0.009 per hundred pounds of fruit shipped by such handler during said season;

(c) That the Secretary of Agriculture find that expenses (1) not to exceed \$1,390.00 will be necessarily incurred during the aforesaid season by the Bartlett Pear Commodity Committee, (2) not to exceed \$1,315.00 will be necessarily incurred during the aforesaid season by the Plum Commodity Committee, and (3) not to exceed \$645.00 will be necessarily incurred during the aforesaid season by the

Elberta Peach Commodity Committee as additional expenses in administering the regulation of shipments of fruit pursuant to sections 3, 4, and 5 of the amended marketing agreement and §§ 935.3, 4, and 5 of the amended order; and

(d) That the Secretary of Agriculture fix, as the share of such additional expenses which each handler shall pay in accordance with the said amended marketing agreement and order during the aforesaid season, the rate of assessment at \$0.001 per hundred pounds of fruit shipped by such handler during said season and with respect to which regulations are made effective pursuant to the aforesaid sections of the amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, Room 0303, South Building, United States Department of Agriculture, Washington 25, D. C., not later than midnight

of the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents shall be submitted in quadruplicate.

As used herein, "handler," "shipped," "fruit," and "season" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 936.8)

Issued this 1st day of May 1947. □

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

[F. R. Doc. 47-4300; Filed, May 6, 1947;  
8:46 a. m.]

## DEPARTMENT OF COMMERCE

Bureau of the Census

[15 CFR, Part 30]

FOREIGN TRADE STATISTICS

### NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong., 2d Sess.) and the authority contained in sections 161 (5 U. S. C. 22) 4197 (46 U. S. C. 91) and 4200 (46 U. S. C. 92) of the Revised Statutes, and section 4, 32 Stat. 826 (5 U. S. C. 601) notice is hereby given that in order to conform to Treasury Decision 51628 (12 F. R. 1103) and also to provide for the filing of certain shipper's export declarations in duplicate instead of triplicate, the Director of the Bureau of the Census is considering a proposal to issue proposed Foreign Commerce Statistical Decision 60, amending §§ 30.30 (a) 30.31, 30.42 (a) 30.42 (c) 30.42 (e) 30.43 and 30.44 of the Foreign Commerce Statistical Regulations, copies of which may be ob-

tained by writing to the Director, Bureau of the Census, Washington 25, D. C.

All persons who desire to submit written data, views, or arguments in connection with the proposed Foreign Commerce Statistical Decision 60 may do so by filing the same in quadruplicate with the Director, Bureau of the Census, Washington 25, D. C., within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

J. C. CAPT,  
Director

[F. R. Doc. 47-4310; Filed, May 6, 1947;  
8:46 a. m.]

## UNITED STATES MARITIME COMMISSION

[46 CFR, Ch. III]

[Docket No. 658]

BILLS OF LADING; INCORPORATION OF  
FREIGHT CHARGES

### NOTICE OF HEARING ON PROPOSED RULE MAKING

On December 5, 1946, the United States Maritime Commission published in the FEDERAL REGISTER a notice of proposed rule making dated November 27, 1946, entitled "In the Matter of the Proposal to Incorporate Rates and Charges in Ocean Bills of Lading" (11 F. R. 14132). The proposed rule set forth in the notice was as follows: "Every common carrier by water engaged in the transportation of property from points in continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands to foreign points, shall incorporate in the original and all copies of bills of lading or other shipping documents the rates and charges for or in connection with such transportation, except for cargo loaded

and carried in bulk without mark or count, irrespective of whether such bills of lading or other shipping documents are prepared by the carrier or by any other person for the signature of the carrier."

Pursuant to that notice, carriers, shippers, forwarders and others have submitted their views on the proposed rule in written communications to the Commission. After considering such communications, the Commission is of opinion that it should take no action with respect to the proposed rule except after public hearings.

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

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,  
Secretary.

APRIL 29, 1947.

[F. R. Doc. 47-4321; Filed, May 6, 1947;  
9:02 a. m.]

## NOTICES

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

APRIL 23, 1947.

1. March 27, 1947, the Secretary of the Interior classified, under the small tract act of June 1, 1938 (52 Stat. 609) as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a) for leasing, as hereinafter indicated, the following described public lands in the Los Angeles, California, land district, embracing 6,526.63 acres:

SMALL TRACT CLASSIFICATION No. 117

CALIFORNIA NO. 46

For all of the purposes mentioned in the act except camp and business site purposes.

SAN BERNARDINO MERIDIAN

T. 1 N., R. 11 E.,  
Sec. 4, SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 7, S $\frac{1}{2}$  lots 1 and 2 of SW $\frac{1}{4}$ ,

Sec. 8, SE $\frac{1}{4}$ ,  
Sec. 11, S $\frac{1}{2}$ ,  
Sec. 12, S $\frac{1}{2}$ ,  
Sec. 17, NE $\frac{1}{4}$ ,  
Sec. 18, N $\frac{1}{2}$  lots 1 and 2 of NW $\frac{1}{4}$ ,  
Sec. 21, S $\frac{1}{2}$ S $\frac{1}{2}$ ,  
Sec. 22, S $\frac{1}{2}$ S $\frac{1}{2}$ ,  
Sec. 25, NW $\frac{1}{4}$ , S $\frac{1}{2}$ ,  
Sec. 26, all;  
Sec. 27, all;  
Sec. 28, all;  
Sec. 31, S $\frac{1}{2}$  lots 1 and 2 of NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
N $\frac{1}{2}$  lots 1 and 2 of SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
Sec. 32, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
Sec. 33, all;  
Sec. 34, all;  
Sec. 35, N $\frac{1}{2}$ .

2. These lands are located in San Bernardino County, from 10 to 16 miles east of Twentynine Palms, and are accessible by two graded county roads which pass from east to west along the center of the township and along the southern boundary. The lands lie at about 1,250 feet in the eastern part of the township and rise to approximately 1,500 feet in the extreme southwest corner.

3. The arid climate prevailing in this area is a valuable aid to the treatment of bronchial, pulmonary and other disorders. The area is especially attractive to disabled veterans and others with some income, who require a dry climate for health purposes. The water supply for this area may be obtained from underground sources. It is the common practice in this vicinity to sell and deliver water locally. The development of ground water in supplies adequate for domestic purposes should be entirely feasible with proper pumping equipment, if undertaken as group projects. Electric power, telephone service, various kinds of business as well as recreational, educational and religious facilities exist at Twentynine Palms.

4. Pursuant to § 257.8 of the Code of Federal Regulations (43 CFR, Part 257, Cum. Supp., as amended by Circ. 1613, February 27, 1946) a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pur-

suant to the act, prior to 12:45 p. m. on April 5, 1946, and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

5. As to the land not covered by the applications referred to in paragraph 4, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on June 25, 1947. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on June 25, 1947, to close of business on September 23, 1947, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at or after 12:45 p. m. on April 5, 1946, together with those presented at 10:00 a. m. on September 3, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on September 24, 1947, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous nonpreference-right filings.* Applications under the small tract act by the general public filed at or after 12:45 p. m. on April 5, 1946, together with those presented at 10:00 a. m. on September 4, 1947, shall be treated as simultaneously filed.

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

7. All applications for the lands referred to in paragraphs 4 and 5, which shall be filed in the District Land Office at Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254) to the extent

that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

8. Lessees under the small tract act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Director, Bureau of Land Management, improvements which under the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of five years, at an annual rental of \$5 payable yearly in advance.

9. The land will be leased in tracts of approximately 5 acres, or aliquot parts thereof, each being approximately 330 by 660 feet, or aliquot dimensions thereof. The tracts should conform in description with the rectangular system of surveys as one compact unit, the lands covered by applications referred to in paragraph 5 having the longest dimension extending north and south.

10. Preference right leases referred to in paragraph 4 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract is made to conform to the areas and dimensions specified above.

11. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, however, the Acting Manager is authorized to accept applications for the remaining 5-acre tract or aliquot parts thereof extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified above.

12. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

FRED W. JOHNSON,  
Director.

[F. R. Doc. 47-4285; Filed, May 6, 1947;  
9:05 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. SA-142]

ACCIDENT AT COLUMBUS, GA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 49657 and NC 55312 which occurred at Columbus, Georgia, on April 22, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, May 8, 1947, at 9:00 a. m. (local time) in Room 201, Post Office Building, Columbus, Georgia.

Dated at Washington, D. C., May 1, 1947.

[SEAL]

R. W. CHRISP,  
Presiding Officer.

[F. R. Doc. 47-4311; Filed, May 6, 1947;  
8:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6052]

NORTHSIDE BROADCASTING CORP. (WGRC)  
ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STAYED ISSUES

In re application of Northside Broadcasting Corporation (WGRC), Louisville, Kentucky, Docket No. 6052, File No. BP-2782; for construction permit.

The Commission having under consideration a petition filed April 3, 1947 by Memphis Publishing Company (WMC) Memphis, Tennessee, requesting the Commission to reopen the record in the proceeding upon the application of Northside Broadcasting Corporation (WGRC) Louisville, Kentucky (File No. BP-2782, Docket No. 6052) to order a further hearing therein and to allow petitioner to intervene in the further hearing; and an opposition thereto filed April 8, 1947, by Northside Broadcasting Corporation; and

It appearing that the above-entitled application was heard in May 1946 upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WGRC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WGRC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WGRC as proposed would involve objectionable interference with Stations WKPT, as proposed, WBEM, or with any other existing or proposed broadcast services and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WGRC as proposed would involve objectionable interference with Stations GKSO, Sudbury, Ontario, CMCH, Havana, Cuba, or any other existing foreign broadcast station within the meaning of the North American Regional Broadcast Agreement.

6. To determine whether the installation and operation of Station WGRC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

and that the record therein was subsequently closed; and

It appearing, further that on December 20, 1946, the application of Northside Broadcasting Company was amended so as to specify a different transmitter site;

that said amendment produced changes in the operating characteristics of the proposed directional antenna; that as a result of these changes the proposed WGRC operation would apparently now cause objectionable interference within the normally protected contours of Station WMC and would have operating characteristics different from those which were the subject of the hearing heretofore held;

*It is ordered*, This 25th day of April, 1947, that the petition of Memphis Publishing Company (WMC) be, and it is hereby, granted; the record in the above-entitled proceeding be, and it is hereby, reopened for the purpose of holding a further hearing on Issues 2-6, inclusive, as listed above; and the further hearing be, and it is hereby, scheduled for 10:00 a. m., Thursday, May 22, 1947, at Washington, D. C.,

*It is further ordered*, That Memphis Publishing Company (WMC) Memphis, Tennessee, be, and it is hereby, made a party intervenor in the above-entitled proceeding;

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4325; Filed, May 6, 1947;  
8:47 a. m.]

[Docket Nos. 7834, 8234, 8291-8293]

WDEL, INC., ET AL.

ORDER GRANTING PETITION

In re application of WDEL, Inc., Wilmington, Delaware, File No. BPH-177, Docket No. 7834; Wilmington Tri-State Broadcasting Company, Inc., Wilmington, Delaware, File No. BPH-1195, Docket No. 8234; Keystone Broadcasting Corporation, Harrisburg, Pennsylvania, File No. BPH-183, Docket No. 8291, York Broadcasting Company, York, Pennsylvania, File No. BPH-184, Docket No. 8292; Reading Broadcasting Company Reading, Pennsylvania, File No. BPH-522, Docket No. 8293; for construction permits.

The Commission having under consideration a petition filed April 18, 1947, by WDEL, Inc., Wilmington, Delaware (File No. BPH-177, Docket No. 7834) Wilmington Tri-State Broadcasting Co., Inc., Wilmington, Delaware (File No. BPH-1195, Docket No. 8234), Keystone Broadcasting Corporation, Harrisburg, Pennsylvania (File No. BPH-183, Docket No. 8291) York Broadcasting Company, York, Pennsylvania (File No. BPH-184, Docket No. 8292), Reading Broadcasting Company, Reading, Pennsylvania (File No. BPH-522, Docket No. 8293) requesting a continuance until May 12, 1947, of the consolidated hearing presently scheduled for April 29, 1947, at Washington, D. C., upon their applications for FM construction permits;

*It is ordered*, This 25th day of April 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled ap-

plications be, and it is hereby, continued to 10:00 o'clock Monday, May 12, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4327; Filed, May 6, 1947;  
8:47 a. m.]

[Docket No. 7552]

RED RIVER BROADCASTING CO., INC.  
ORDER GRANTING PETITION

In re application of Red River Broadcasting Company, Inc., Duluth, Minnesota, Docket No. 7552, File No. BP-4421, for construction permit.

The Commission having under consideration a petition filed April 17, 1947 by Red River Broadcasting Company, Inc., Duluth, Minnesota requesting a 30-day continuance in the hearing upon its above-entitled application which is presently scheduled for April 28, 1947 at Washington, D. C.,

*It is ordered*, This 25th day of April 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing of the above-entitled application be, and it is hereby, continued to 10:00 a. m. Thursday, May 29, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4328; Filed, May 6, 1947;  
8:47 a. m.]

[Docket No. 8297]

C. FREDRIK RABELL ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of C. Fredrik Rabell, Jack O. K. Barfield, James N. Earnest, Albin Knight, J. Alfred Miller and Richard M. Arnold, Asheville, N. C. (transferors) and Jacksonville Broadcasting Corporation, Jacksonville, Fla. (transferee) File No. BTC-520, Docket No. 8297; For transfer of control of Community Broadcasting Company (WNCA) Asheville, N. C.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above entitled application for transfer of control of WNCA and not being satisfied that it is in possession of full information as required by the Communications Act and acting pursuant to section 310 (b) of said act and § 1.321 of the rules of practice and procedure:

*It is ordered*, That the above entitled application for transfer of control of WNCA be, and it is hereby designated for hearing at the offices of the Commission in Washington, D. C., upon a date to be fixed by the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of

Jacksonville Broadcasting Corporation and the parties in interest therein to obtain control of Community Broadcasting Company (WNCA)

2. To obtain full information with respect to the arrangements under which control of WNCA would be acquired by Jacksonville Broadcasting Corporation, including the purchase price to be paid therefor, the effects upon the station as to service and otherwise, and whether the same may tend toward over commercialization.

3. To obtain full information as to the type and character of program service proposed, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To obtain full information as to how the station would be staffed and operated and policies to be followed if the application is granted.

5. To determine whether the licensee and/or the parties in interest therein at the time of filing of the original application for permit did so for the purpose of becoming a bona fide licensee and rendering a public service, or whether such parties did so for the purpose of selling the station.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4329; Filed, May 6, 1947;  
8:47 a. m.]

[Docket Nos. 8295, 8296]

RICHARD A. CONNELL, JR., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Richard A. Connell, Jr., James A. Hopkins and Henrietta Connell, Detroit, Mich. (transferors) and The Fort Industry Company, Detroit, Mich. (transferee), File No. BTC-513, Docket No. 8295; for transfer of control of James F. Hopkins, Inc. (WJBK and WJBK-FM) Detroit, Mich., and application of Southeastern Ohio Broadcasters, Inc. (WHIZ), Zanesville, Ohio (Assignor) and Southeastern Ohio Broadcasting System, Inc., Zanesville, Ohio (Assignee) File No. BAL-579, Docket No. 8296; for Assignment of license of WHIZ, Zanesville, Ohio.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947:

The Commission having under consideration the above entitled applications, for transfer of control of WJBK and WJBK-FM, Detroit, Michigan, as well as information supplementary thereto, and for assignment of license of WHIZ, Zanesville, Ohio, and not being satisfied that it is in possession of full information as required by the Communications Act, and acting pursuant to section 310 (b) of said act and § 1.321 of the rules of practice and procedure;

*It is ordered*, That the above entitled applications for transfer of control of WJBK and WJBK-FM and for assign-

ment of license of WHIZ, be, and they are hereby designated for hearing to be heard in a consolidated proceeding at the offices of the Commission in Washington, D. C., upon a date to be fixed by the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the transferee of WJBK and the assignee of WHIZ to obtain control and receive an assignment, respectively, of WJBK and WHIZ.

2. To obtain full information with respect to arrangements under which said stations would be transferred and assigned, including in the case of WJBK the price to be paid therefor and the effect upon the station as to service and otherwise, and whether the same may tend toward overcommercialization.

3. To obtain full information as to the amount and character of interest in CKLW of the parties controlling Ft. Industry Company, the character and extent of overlapping, if any, that will exist between the service areas of CKLW and WJBK, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

4. To obtain full information of the character called for in issue No. 3 above with respect to any overlapping in service areas of WSPD-FM at Toledo, Ohio, and WJBK-FM, Detroit, Michigan.

5. To obtain full information as to the type and character of program service proposed by the transferee of WJBK and assignee of WHIZ and whether such service would meet the requirements of the populations and areas proposed to be served.

6. To obtain full information as to how the stations would be staffed and operated and policies to be followed if the applications are granted.

7. To determine whether a grant of the transfer applications as to WJBK would be in violation of § 3.106 of the Commission's rules and regulations.

8. To determine the character and extent of concentration of control of broadcasting facilities and all other means for the dissemination of news and public information by the assignee of WHIZ, including companies controlled by the same interests or affiliated with assignee and the effect upon competition in the area involved, if the application for assignment of WHIZ is granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4330; Filed, May 6, 1947;  
8:48 a. m.]

[Docket No. 7598]

**RADIO STATION KTBS**

**CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES**

In re application of Allen D. Morris, P. E. Furlow and George D. Wray, a partnership d/b as radio station KTBS,

Shreveport, Louisiana, Docket No. 7593, File No. BP-4720; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for an increase in power for standard broadcast station KTBS at Shreveport, Louisiana, to 5 kilowatts, 10 kilowatts local sunset, to change frequency from 1480 kilocycles to 710 kilocycles, to install a new transmitter and to make changes in the antenna system;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant partnership and the partners to construct and operate Station KTBS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTBS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KTBS as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KTBS as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KTBS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4331; Filed, May 6, 1947;  
8:48 a. m.]

[Docket No. 7373]

**THOMAS G. HARRIS ET AL.**

**ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES**

In re application of Thomas G. Harris, individually and as trustee for Colo-

man Gay, James P. Alexander, E. G. Kingsberry, Rex D. Kitchens, Spencer J. Scott, and Hardy C. Harvey, Austin, Texas, Docket No. 7373, File No. BP-4355; for construction permit.

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

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1340 kc, with 250 w power, unlimited time, at Austin, Texas.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant and his associates to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations KAND, Corsicana, Texas, and KVIC, Victoria, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Raoul A. Cortez (KCOR) San Antonio, Texas (File No. BP-5472) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Alto, Inc., licensee of Station KAND, Corsicana, Texas, and Radio enterprises, Inc., licensee of Station KVIC, Victoria, Texas, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4332; Filed, May 6, 1947;  
8:48 a. m.]

## NOTICES

[Docket No. 8314]

AMERICAN PACIFIC RADIO BROADCASTING CO.  
ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of John G. Bucknum and Elmer J. Bucknum, et al., a limited partnership d/b as American Pacific Radio Broadcasting Co., Redlands, California, Docket No. 8314, File No. BP-5544; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1370 kc, with 500 w power, unlimited time, using directional antenna at night at Redlands, California;

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues;

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KCSB, San Bernardino, California, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the Mexican station XEHF Sonora, or with any other foreign broadcast station, under the provisions of the North American Regional Broadcasting Agreement, and the nature and extent thereof.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

*It is further ordered*, That Woodrow Miller, licensee of station KCSB, San

Bernardino, California, be, and he is hereby made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4335; Filed, May 6, 1947;  
8:50 a. m.]

[Designation Order 9]

DESIGNATION OF MOTIONS COMMISSIONER  
FOR MAY 1947

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 24th day of April 1947;

*It is ordered*, Pursuant to § 1.111 of the Commission's rules and regulations, that R. H. Hyde, Commissioner, be, and he is hereby designated as Motions Commissioner for the month of May 1947.

*It is further ordered*, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL]

FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4333; Filed, May 6, 1947;  
8:48 a. m.]

HAZELWOOD, INC.<sup>1</sup>

PUBLIC NOTICE CONCERNING PROPOSED  
TRANSFER OF CONTROL

The Commission hereby gives notice that on March 28, 1947, there was filed with it an application (BTC-546) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Hazelwood, Inc., licensee of WLOF Orlando, Florida, from Geo. W. Gibbs, Jr., to Walter Shea and W. J. Sears, Jr. The proposal to transfer control arises out of a contract of February 3, 1947, pursuant to which Geo. W. Gibbs, Jr., agrees to sell to Walter Shea and W. J. Sears, Jr., in equal amounts his 18.75 shares (50%) of the common voting stock of Hazelwood, Inc., for a total consideration of \$40,000 cash, the stock and consideration to be placed in escrow within 10 days from date of said contract. 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 § 1.388 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 applicants on April 21, 1947, that starting on April 19, 1947, notice of the filing of the application would be inserted in

<sup>1</sup>Section 1.321, Part I, Rules of practice and procedure.

"The Orlando Star" a newspaper of general circulation at Orlando, Florida, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from April 19, 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. A. 310 (b))

[SEAL]

FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-4334; Filed, May 6, 1947;  
8:48 a. m.]

STEPHENS BROADCASTING Co.<sup>1</sup>

CORRECTED NOTICE CONCERNING PROPOSED  
ASSIGNMENT OF LICENSE

The Commission's notice concerning the above entitled application which appeared in the April 15, 1947, issue of the FEDERAL REGISTER (12 F. R. 2443) is hereby amended to read as follows:

Notice is hereby given that on April 3, 1947, there was filed with the Commission an application (BAL-596) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of Stephens Broadcasting Company, licensee of WDSU, New Orleans, Louisiana, from Stephens Broadcasting Company to International City Broadcasting Corporation. The proposal to assign the license arises out of contracts of February 26, 1947, pursuant to which E. A. Stephens and H. G. Wall have agreed to sell their 77½% partnership interest in the assets of Stephens Broadcasting Company to William I. Spiegelberg and associates for a total consideration of \$581,250 in cash. Under separate agreement entered into between Spiegelberg and associates and Fred Weber (presently owner of 22½% partnership interest in Stephens Broadcasting Company) Weber agrees to exchange his partnership interest for a 33% stock interest and a \$43,750 debenture bond interest in and a five-year employment contract with the corporation to be known as International City Broadcasting Corporation which will acquire all the assets and licenses of Stephens Broadcasting Company. 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, the Commission has been advised that starting on April 8, 1947 notice of the filing of the application has been inserted in a newspaper of general circulation at New Orleans, La., in conformity with the above rule. In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from

April 8, 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. A. 310 (b))

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

[F. R. Doc. 47-4336; Filed, May 6, 1947;  
8:50 a. m.]

AIRCRAFT RADIO STATIONS<sup>1</sup>

USE OF NON-CRYSTAL-CONTROLLED  
TRANSMITTERS

APRIL 28, 1947.

In recent months, the Commission has had numerous inquiries concerning the suitability of surplus military transmitting equipment for utilization in aircraft radio stations. A large proportion of such inquiries were with regard to the ART-13 equipment (ATC or 17H2) which was used widely in the military service and has been readily available through surplus outlets. It is believed that this particular transmitter has been mentioned more frequently than others because of the fact that it is obviously one of the best of the non-crystal-controlled transmitters, in terms of engineering design, for application to civil airborne requirements. Numerous reports, as well as tests by various agencies, have indicated that some question exists as to whether or not this equipment is capable of meeting both practical and regulatory requirements as to its technical operation. Because of this question, the Commission has investigated this particular piece of equipment, and the results of this investigation indicate that the equipment is not capable of meeting the Commission's requirements with regard to the stability of the emitted frequency under all normal operating conditions.

Both the radio industry and the commission recognize that a real equipment problem exists, in that suitable equipment for many of the aspects of the aviation service is not now readily available. A particularly severe problem exists with respect to long distance overseas flights in that many frequencies must be available to satisfy the communications problem involved in such flights. Transmitters similar to the ART-13 are the most readily available solution to the problem, since the transmitter can be set on any frequency within its range. Therefore, the Commission, in recognition of the problem and the need for an immediate solution, has permitted operation with this transmitter for flights of the above nature (long distance overseas flights) under such conditions as to insure its maintenance as closely as possible in accordance with regulations; namely,

<sup>1</sup> This public notice is promulgated for the benefit of applicants and licensees subject to Part 9, rules and regulations governing aeronautical services.

that the transmitter, when in operation, must be under the supervision of an appropriate operator. At the present time, this would require an operator holding a second class or higher grade license, who has the equipment and the technical ability to make certain that all transmissions substantially meet the technical requirements.

The Commission is taking this opportunity to address the attention of the industry to the need for immediate activity toward the end of procurement and installation of airborne transmitting equipment designed to fulfill the need expressed above, and further, to call the attention of the industry to the fact that operation with this transmitter is presently being authorized only as an interim measure and must be discontinued at the earliest practicable date. All possible expedition is urged in the solution of the problem.

The Commission will continue to permit the operation of this transmitter on long distance overseas flights under the specific conditions expressed above, but only until suitable equipment which will meet the Commission's requirements is generally available.

With further reference to the general problem of frequency tolerance, many inquiries have been received by the Commission with regard to the utilization of transmitters lacking crystal control. Therefore, this opportunity is being taken to clarify the Commission's policy. The matter can be stated simply. With the greatly increased utilization of the radio frequency spectrum, all means at hand must be used to crowd more and more stations into the same radio frequency space. This represents a considerably increased requirement in terms of frequency stability and band width occupancy. In order to accomplish the necessary degree of frequency stability, it becomes obvious that dependence cannot be placed upon manual control of the frequency, or in any other means requiring personal attention. The control must be continuous and automatic. It is generally accepted that the most economical and practical means of accomplishing such control is by the use of suitable direct crystal control arrangements. This statement is not intended to indicate that means other than direct crystal control for automatic control of the emitted frequency cannot be utilized or will not be accepted, but it is intended to imply that systems using other means than direct crystal control will not be authorized by the Commission in advance of a demonstration that they will in fact meet all stability requirements.

It is urged that the prospective purchasers of aircraft radio transmitters consider this feature prior to the purchase of any equipment not including direct crystal control.

Adopted: April 23, 1947.

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

[F. R. Doc. 47-4324; Filed, May 6, 1947;  
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-601]

IROQUOIS GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed October 25, 1945, in Docket No. G-601,<sup>1</sup> by Iroquois Gas Corporation (Applicant), a New York corporation with its principal place of business at Buffalo, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipe line facilities subject to the jurisdiction of the Federal Power Commission:

An interconnection between an existing 4-inch high pressure natural gas pipe line, designated as Line N-M 15, and an existing 3-inch high pressure natural gas pipe line acquired from New York State Electric & Gas Corporation at a point in the town of Lancaster, Erie County, New York.

It appearing to the Commission that:

(a) Applicant has constructed and placed in operation the facilities above described for the purpose of augmenting the natural gas supply of approximately 800 customers heretofore served by the gas plant acquired by Applicant from New York State Electric & Gas Corporation; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946) Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 21, 1947 (12 F. R. 1910)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946) a hearing be held on the 20th day of May, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however*, If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a

<sup>1</sup> Temporary authorization was granted to Applicant on December 13, 1944, to make necessary connections with New York State Electric & Gas Corporation at Lancaster, New York, for emergency delivery of gas up to 39 Mcf per day.

non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946)

Date of issuance: April 30, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-4296; Filed, May 6, 1947;  
9:06 a. m.]

[Docket No. G-857]

UNITED FUEL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 3, 1947, in Docket No. G-857, by United Fuel Gas Company (Applicant) a West Virginia corporation with its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural gas pipe line facilities subject to the jurisdiction of the Federal Power Commission:

(1) 10 miles of 20-inch O. D. gas transmission pipe line extending from a tap on the Tennessee Gas and Transmission Company pipe line, near Ceredo, West Virginia, northwest to the Ohio River;

(2) A multiple river crossing across the Ohio River, terminating near Burlington, Ohio, to connect with a pipe line to be constructed by The Ohio Fuel Gas Company, an affiliate, extending from near Burlington, Ohio, to Ohio Fuel's South Point Compressor Station, a distance of approximately two miles; and

(3) A measuring station and office on the south bank of the Ohio River near Ceredo, West Virginia.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of increasing the capacity of its transmission facilities to permit the delivery of an additional 51,000 Mcf of natural gas per day to The Ohio Fuel Gas Company; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946) Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 20, 1947 (12 F R. 1184)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946) a hearing be held on May 14, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a noncontested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946)

Date of issuance: April 30, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-4294; Filed, May 6, 1947;  
9:06 a. m.]

[Docket No. G-858]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 4, 1947, in Docket No. G-858 by The Ohio Fuel Gas Company (Applicant) an Ohio corporation with its principal place of business at Columbus, Ohio, pursuant to section 7 of the Natural Gas Act, as amended, for:

(1) A certificate of public convenience and necessity authorizing the construction and operation of about 90 miles of 20-inch O. D. gas transmission pipe line located in Lawrence, Gallia, Jackson, Vinton, Hocking and Fairfield Counties, Ohio, extending from near the Village of Burlington, Ohio, about two miles to South Point Compressor Station and from there about 88 miles to Crawford Compressor Station, substantially paralleling and replacing an existing 18-inch pipe line, designated by the company as Line R-300, between South Point and Lack compressor stations and replacing several smaller lines between Lack and Crawford compressor stations; additions to South Point Compressor Station in Fayette Township, Lawrence County, Ohio, consisting of two 600-horsepower gas engine compressor units and modifications and additions to auxiliary equipment, for the transportation and sale of natural gas; and

(2) Permission and approval permitting the abandonment upon completion of the above-described facilities of the existing line, designated by the company as Line R-300, of approximately 41 miles between South Point and Lick Compressor stations, about 150 miles of various size lines ranging from four inches to 18 inches between Lick and Crawford compressor stations, and Lick Compressor Station.

It appearing to the Commission that:

(a) Applicant claims the aforesaid authorizations are necessary to render adequate and continued service to its present markets and customers and that such proposed authorizations are not sought for the protection or benefit of any particular markets or groups of customers nor for the purpose of serving additional markets; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 20, 1947 (12 F R. 1183)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on May 14, 1947, at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however*, That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a noncontested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed herewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946)

Date of issuance: April 30, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-4295; Filed, May 6, 1947;  
9:06 a. m.]

[Project No. 1927]

**THE CALIFORNIA OREGON POWER CO.**

**NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE**

APRIL 30, 1947.

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) that The California Oregon Power Company of Medford, Oregon, has filed application for amendment of its license for Project No. 1927, known as the Toketee Falls project on North Umpqua River, in Douglas County Oregon, to describe certain proposed changes in the project so that it will be described as consisting principally of a diversion dam about 75 feet high with over-all length of about 825 feet, including a main earthfill section, a short concrete gravity dam, and a concrete overflow spillway section; conduits with aggregate length of approximately 7,940 feet, 3 penstocks each 200 feet long, and a steel surge tank; a powerhouse with installed capacity of 55,800 horsepower in three units, two of which are to be installed initially an outdoor substation; and transmission facilities. The crest of the dam will be at elevation 2,439 and the normal water elevation will be 2,429 feet. Initially the dam will be constructed to elevation 2,420 and the normal water elevation will be 2,410 feet.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted before June 16, 1947 to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-4293; Filed, May 6, 1947; 9:06 a. m.]

**FEDERAL TRADE COMMISSION**

[Docket No. 4861]

**BRISTOL-MYERS CO. ET AL.**

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of April A. D. 1947.

In the matter of Bristol-Myers Company, a corporation, Pedlar & Ryan, Inc., a corporation, and Young & Rubicam, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

*It is further ordered*, That the taking of testimony and the receipt of evidence begin on Monday, May 26, 1947, at nine o'clock in the forenoon of that day

(eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-4316; Filed, May 6, 1947; 8:46 a. m.]

[Docket No. 5362]

**ILLINOIS BAKING CORP. AND SIBERT CO.**

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

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

In the matter of Illinois Baking Corporation, a corporation, and John Carobus, individually and trading as Sibert Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony and the receipt of evidence begin on Thursday, May 29, 1947, at nine o'clock in the forenoon of that day (central standard time) in Room 1121, New Post Office Building, Chicago, Illinois.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which

shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-4317; Filed, May 6, 1947; 8:47 a. m.]

**SECURITIES AND EXCHANGE COMMISSION**

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

**EASTERN MINNESOTA POWER CORP. ET AL.**

**ORDER RECONVENING HEARINGS AND NOTICE OF AND ORDER FOR HEARING ON PLAN**

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

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

Notice is hereby given that Eastern Minnesota Power Corporation ("Eastern Minnesota") a registered holding company, and its subsidiary company, Wisconsin Hydro Electric Company ("Wisconsin Hydro") have filed an application and amendments thereto, concerning a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act").

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

1. The physical assets of Eastern Minnesota will be sold to certain electric cooperative associations in the State of Minnesota for a basic price of \$1,530,000, subject to certain adjustments.

2. From the proceeds of such sale the holders of The First Mortgage 5½% Gold Bonds of Eastern Minnesota will be paid in cash. Such payment shall include principal and interest, but shall not include redemption premium.

3. Wisconsin Hydro proposes to provide for a new capitalization by the issuance of \$1,750,000 3½% First Mortgage Bonds, due 25 years from date, \$250,000 3% Serial Notes, due \$25,000 semi-annually, and 132,800 shares of \$12 par value common stock. This Commission, by order dated March 25, 1947 (Holding Company Act Release No. 7305) approved the issuance and sale of the debt securities, the proceeds of which were used to retire Wisconsin Hydro's then outstanding \$2,077,000 principal amount of 5% First Mortgage Bonds, due 1947. The 132,800 shares of common stock will be distributed to the stockholders of Wisconsin Hydro as follows: (a) 119,520 shares or 90% of said stock to the holders of the presently outstanding preferred stock in exchange for said preferred stock at the rate of ten to one and (b) 13,280 shares or 10% of said stock to Eastern Minnesota in exchange for 10,552 shares of common stock consisting

of all of the outstanding shares of such stock.

4. Eastern Minnesota, after the exchange referred to in paragraph 3 above, and the sale of its assets, the discharge of its bonded indebtedness and the payment of other creditors, will distribute its remaining assets, consisting of cash and the 13,280 shares of common stock of Wisconsin Hydro, to its preferred stockholders on a pro rata basis. No fractional shares will be distributed.

5. It is proposed that F. J. Derge of Loretta, Wisconsin, be paid \$15,000 by Eastern Minnesota for services stated to have been rendered in connection with the sale of the physical assets of that company.

This Commission, on May 20, 1943, having instituted proceedings under sections 11 (b) (2) 12 (c), 12 (f) 15 (f) and 20 (a) of the act with respect to Eastern Minnesota, Wisconsin Hydro, and Manufacturers Trust Company, respondents, and having consolidated the same with a previous application filed pursuant to section 11 (e) of the act, of Eastern Minnesota and Wisconsin Hydro; after appropriate notice, hearings having been held on these proceedings, which hearings were continued subject to the call of the trial examiner appearing that the hearing should be reconvened for the purpose of bringing up to date the evidence previously introduced, for the purpose of permitting the participants to be heard with respect to the issues presented by the instant filings and for the purpose of permitting the respondents to be heard with respect to whether an order should be issued pursuant to section 11 (b) (2) of the act; and it further appearing to this Commission that the evidence heretofore taken should be considered in connection with the application, as amended, pursuant to section 11 (e) of the act and that said amended application and evidence to be taken with respect thereto should properly be considered in connection with the proceedings under section 11 (b) (2) *It is ordered, That:*

1. The public hearing in these proceedings be reconvened at 10:00 a. m., e. d. s. t., on the 20th day of May, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318.

2. All persons desiring to be heard or otherwise to participate in the proceedings, who are not now parties to the proceeding, shall notify the Commission in the manner provided by Rule XVII of its rules of practice, on or before May 17, 1947. Notice of said hearing shall be given by mailing a copy of this order by registered mail to Eastern Minnesota, Wisconsin Hydro, Manufacturers Trust Company and the Public Service Commission of Wisconsin, and all persons who have participated in these proceedings and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of this Commission, copies of which are to be furnished to the press and mailed to all persons on the Commission's mailing list to receive copies of

releases under The Public Utility Holding Company Act of 1935.

3. Eastern Minnesota and Wisconsin Hydro shall give notice of this hearing to each of the holders of its capital stock (insofar as the identity of such holders is known or available to such companies) by mailing a copy of this notice and order to such holders at least 10 days prior to the date of said hearing. The communication to said holders shall also state that if the stockholder has not received a copy of the plan, as amended, filed pursuant to section 11 (e) of the act, one will be mailed to him by the respective company upon request.

4. Without limiting the scope of the issues presented in these proceedings and particularized in previous notices and orders for hearing of this Commission (Holding Company Act Release Nos. 4311 and 6643) particular attention shall be directed at the hearing to the following matters and questions:

a. Whether the plan as now proposed is necessary to effectuate the provisions of section 11 (b) of the act;

b. Whether the proposed allocation in accordance with said plan, as amended, as between the preferred and the common stockholders of Wisconsin Hydro is fair and equitable;

c. What treatment should be given to the preferred stock of Eastern Minnesota held by Manufacturers Trust Company and whether such treatment should be different from that accorded to the publicly-held preferred stock of that company;

d. Whether the proposed fees and commissions were for necessary services and, if so, whether such fees and commissions are reasonable in amount;

e. Generally, whether the transactions proposed in the plan, as amended, are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable statutory standards under the act and the requirements of the rules and regulations promulgated thereunder and are fair and equitable to the persons affected.

5. William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to execute all of the powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

6. Jurisdiction be, and it hereby is, reserved to separate, either for hearing in whole or in part, or for determination in whole or in part, any issues or question in these proceedings or to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

Hearings having been held on the matter regarding the sale of the physical assets of Eastern Minnesota and the use of the proceeds from such sale to the extent necessary to retire its First Mortgage Bonds without premium, and the applicants having requested that this matter be separated for determination and that this Commission, by separate order, take action with respect thereto;

*It is further ordered,* That the matter regarding the sale of the physical assets of Eastern Minnesota and the use of the proceeds from such sale to the extent necessary to retire its First Mortgage Bonds without premium may be separated for determination so that independent of the other matters involved in these proceedings, and without regard to the hearing hereinabove ordered, this Commission, by separate order, may take action with respect to such matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-4287; Filed, May 6, 1947;  
9:07 a. m.]

[File No. 70-1362]

SOUTH CAROLINA ELECTRIC & GAS CO. ET AL.  
SUPPLEMENTAL ORDER PERMITTING POST-EFFECTIVE AMENDMENT TO BECOME EFFECTIVE

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

In the matter of South Carolina Electric & Gas Co., General Gas & Electric Corp. and General Public Utilities Corp., File No. 70-1362.

General Public Utilities Corporation ("GPU") a registered holding company, its wholly-owned subsidiary, General Gas & Electric Corporation ("Gengas"), also a registered holding company, and the latter's subsidiary, South Carolina Electric & Gas Company ("South Carolina") having filed applications-declarations, as amended, pursuant to the provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding, among other things, the declaration by GPU of a dividend on its common stock, payable out of its capital surplus, at the rate of 1/10 of a share of the common stock of South Carolina for each one share of the common stock of GPU; and

The Commission having, by order dated September 26, 1946, granted said applications, as amended, and permitted said declarations, as amended, to become effective; and

It appearing that a post-effective amendment has now been filed wherein the provisions with respect to the terms of the dividend to be received by persons for whom stock of South Carolina was held in escrow on February 1, 1947 have been amended; and

The Commission having considered such post-effective amendment to the applications-declarations and deeming it appropriate in the public interest and in the interests of investors and consumers to approve and permit said amendment to become effective;

*It is hereby ordered,* That said post-effective amendment be, and the same hereby is, approved and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-4292; Filed, May 6, 1947;  
9:06 a. m.]

[File No. 70-1503]

FEDERAL WATER AND GAS CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

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

Federal Water and Gas Corporation ("Federal") a registered holding company, having filed a declaration and an amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, with respect to the transaction summarized below:

Federal proposes to extend for a period of six months all or a portion of two notes in the unpaid principal amounts of \$671,641.80 and \$328,358.20, held by Guaranty Trust Company of New York and The Chase National Bank of the City of New York, respectively, and maturing June 1, 1947. Said notes are secured by 794,054½ shares of the no par value common stock of Scranton-Spring Brook Water Service Company ("Scranton") a subsidiary of Federal, and were originally issued in the aggregate principal amount of \$3,830,615.62 to enable Federal to acquire the common stock of Scranton in connection with the latter's reorganization (Holding Company Act Release No. 6458)

Said declaration having been filed on April 14, 1947, and an amendment thereto having been filed on April 18, 1947, and notice of said filing, as amended, having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Federal having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration, as amended, be permitted to become effective;

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

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-4289; Filed, May 6, 1947; 9:07 a. m.]

[File No. 70-1511]

STANDARD GAS AND ELECTRIC CO.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of May 1947.

The Commission having on April 29, 1947, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, ordered that a hearing be held on May 5, 1947, in the above-entitled matter with respect to the extension of the maturity date of the bank loan notes of Standard Gas and Electric Company as now mature on May 10, 1947, from that date to July 10, 1947; and

Standard Gas and Electric Company, the declarant herein, having requested that the hearing in these proceedings be postponed until May 6, 1947, and the Commission deeming it appropriate that said request for postponement be granted:

*It is ordered,* That the hearing in this matter previously scheduled for May 5, 1947, be and hereby is postponed to May 6, 1947, at 2:00 p. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

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

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-4286; Filed, May 6, 1947; 9:07 a. m.]

[File No. 70-1512]

LONG ISLAND LIGHTING Co.

NOTICE OF FILING

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

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Long Island Lighting Company ("Long Island"), a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than May 19, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature

of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 19, 1947 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-199 thereof.

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

Long Island proposes to issue and sell for cash at principal amount to four commercial banks an aggregate of \$5,000,000 principal amount of eleven month notes which will bear interest at the rate of 1¼% per annum. The net cash proceeds of the sale of the notes are to be used for construction requirements of the company and to repay such other notes as may be outstanding at the date of the Commission order.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order so as to permit consummation of the proposed transaction at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-4291; Filed, May 6, 1947; 9:07 a. m.]

[File No. 70-1513]

NASSAU & SUFFOLK LIGHTING Co.

NOTICE OF FILING

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

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Nassau & Suffolk Lighting Company, an indirect subsidiary of Long Island Lighting Company, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than May 19, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3,

Pennsylvania. At any time after May 19, 1947 said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

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

Declarant proposes to issue and sell for cash at principal amount to a commercial bank an aggregate of \$500,000 principal amount of eleven-month notes which will bear interest at the rate of 2% per annum. The net cash proceeds of the sale of the notes are to be used for construction requirements of the declarant and to repay such other notes as may be outstanding at the date of the Commission order.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order so as to permit consummation of the proposed transaction at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-4290; Filed, May 6, 1947;  
9:07 a. m.]

[File No. 16-1A19]

NATIONAL ASSOCIATION OF SECURITIES  
DEALERS, INC.

ORDER APPROVING CONTINUANCE IN  
MEMBERSHIP

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

In the matter of the application of National Association of Securities Dealers, Inc., on behalf of a member firm for approval of the firm's continuance in membership in the association with Edward E. Trost as a controlled person, File No. 16-1A19.

The National Association of Securities Dealers, Inc., a national securities association registered under section 15A of the Securities Exchange Act of 1934, having made application for an order approving the continuance in membership of a member firm with Edward E. Trost acting as an employee;

The record of the proceeding before the National Association of Securities Dealers, Inc. having been submitted to the Commission and the Commission having been duly advised, and having this day issued its findings and opinion, *It is ordered*, That said application be and it hereby is approved and granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-4288; Filed, May 6, 1947;  
9:07 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

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

[Vesting Order 8772]

JULIA H. WOHLFARTH

In re: Estate of Julia H. Wohlfarth, deceased. File No. D-28-10457; E. T. sec. 14872.

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

1. That Mrs. Paul Lottermoser, Otto Konig, Fritz Konig, Klara Krause, also known as Clara Krause, and Adolf Denner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the issue, names unknown, of Klara Krause, also known as Clara Krause, and the issue, names unknown, of Adolf Denner, 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 Julia H. Wohlfarth, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by the Commissioner of Finance of the County of Westchester, as Depositary, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Klara Krause, also known as Clara Krause, and issue, names unknown, of Adolf Denner, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

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

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

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

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

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-4268; Filed, May 5, 1947;  
8:45 a. m.]

[Vesting Order 8783]

KATHERINE STIER

In re: Estate of Katherine Stier, deceased. File No. D-28-9468; E. T. sec. 12742.

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 George Stier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the sum of \$1,980.00 was paid to the Alien Property Custodian by Emil Lucaire, Executor of the Estate of Katherine Stier, deceased;

3. That the said sum of \$1,980.00 is presently in the possession of the Attorney General of the United States and was 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 was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

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

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

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

This vesting order is issued nunc tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 2, 1946, pursuant to the Trading with the Enemy Act, as amended.

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

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

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-4269; Filed, May 5, 1947;  
8:45 a. m.]

[Vesting Order 8795]

FLORENCE K. T. TSAI ET AL.

In re: Bank accounts owned by Mrs. Florence K. T. Tsai, Jiro Kozai, and Mr. Takato Okuyama. F-39-5392-E-1, F-39-3659-E-2, F-39-2278-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 Mrs. Florence K. T. Tsai, Jiro Kozai, and Mr. Takato Okuyama, 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 Mrs. Florence K. T. Tsai, by The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a Checking Account, entitled Mrs. Florence K. T. Tsai, maintained at the branch office of the aforesaid bank located at 1767 Broadway, New York 19, N. Y., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Jiro Kozai, by The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a Checking Account, entitled Jiro Kozai, maintained at the branch office of the aforesaid bank located at 1767 Broadway, New York 19, N. Y., and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Jiro Kozai, by The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a C. I. D. Account, Account Number B44270, entitled Jiro Kozai, maintained at the branch office of the aforesaid bank located at 1767 Broadway, New York 19, N. Y., and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Mr. Takato Okuyama, by The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a Clean Credit Deposit Account, entitled Takato Okuyama, 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 April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-4270; Filed, May 5, 1947; 8:45 a. m.]

[Vesting Order 8314]

MARLI GOTHE DEGENER

In re: Debt owing to Marli Gothe Degener, also known as Marie Louise Degener. F-28-13488-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 Marli Gothe Degener, also known as Marie Louise Degener, whose last known address is 29 Gotheweg, Bernberg a/s 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 Marli Gothe Degener, also known as Marie Louise Degener by Oberwager & Oberwager, Counsellors at Law, #11 W 42nd Street, New York, New York, in the amount of \$500.00 as of February 25, 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 (Germany),

and it is hereby determined:

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

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

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

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

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

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

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-4271; Filed, May 5, 1947; 8:45 a. m.]

[Vesting Order 8315]

CURT GERDES

In re: Debt owing to Curt Gerdes, F-28-6032-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 Curt Gerdes, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Curt Gerdes, by The Safety Car Heating and Light Company, Inc., 230 Park Avenue, New York, N. Y., in the amount of \$1,014.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

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

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-4272; Filed, May 5, 1947; 8:45 a. m.]

