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Washington, Thursday, May 13, 1948

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LISTS OF POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order No. 9830, the Commission has determined that the position of one private secretary or confidential assistant to the Chairman of the Council of Economic Advisors should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (10) is amended by the addition of a new sub-division as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(10) Executive Office of the President. * * *

(ii) Council of Economic Advisors: One private secretary or confidential assistant to the Chairman of the Council.

(Sec. 6.1 (a), E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-4292; Filed, May 12, 1948; 8:50 a. m.]

TITLE 7—AGRICULTURE

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

PART 29—TOBACCO INSPECTION

DESIGNATION OF TOBACCO MARKETS AT HUGHESVILLE, LA PLATA, UPPER MARLBORO, AND WALDORF, MD.

Upon a referendum conducted, pursuant to prior notice (13 F. R. 2224) during the period April 27 through April 29, 1948, among tobacco growers who, during the 1947 marketing season, sold tobacco at auction on the tobacco markets at Hughesville, La Plata, Upper Marlboro, or Waldorf, Maryland (all of which are tobacco markets in the same type area) it is found that more than two-thirds of the growers voting in such referendum favor the designation of those markets under section 5 of The Tobacco Inspection Act (49 Stat. 731, 7 U. S. C. 511 et seq.) for the mandatory inspection and certification of tobacco sold on such markets. Therefore, pursuant to the authority vested in the Secretary of Agriculture, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR Cum. Supp., 29.301, 9 F. R. 11571, 10 F. R. 11104; 11 F. R. 7967; 11 F. R. 8712; 11 F. R. 13099; and 12 F. R. 4015) are amended by adding thereto at the end thereof the following paragraph (bb)

§ 29.301 *Designation of tobacco markets.* * * *

(bb) *The tobacco markets at Hughesville, La Plata, Upper Marlboro, and Waldorf, Maryland.* Effective on and after May 17, 1948, no tobacco of any type shall be offered for sale at auction on the markets of Hughesville, La Plata, Upper Marlboro, and Waldorf, Maryland, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under The Tobacco Inspection Act (49 Stat. 731, 7 U. S. C. 511 et seq.) *Provided, however* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the markets designated above.

It is necessary, in the public interest, to make this order effective not later than May 17, 1948. The sale of tobacco at the aforesaid designated markets will begin about May 11, 1948, and it is necessary to accomplish the purposes of the Tobacco Inspection Act to provide compulsory inspection of tobacco sold at said markets as soon as possible. The nature and provisions of the order are well known to interested parties, since the notice of referendum on the designation of these markets was published in the FEDERAL REGISTER on April 24, 1948. Compliance with the order will not require any preparation on the part of interested parties which cannot be completed by May 17, 1948. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this order effective May 17, 1948,

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FEDERAL REGISTER

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to the

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and that it would be contrary to the public interest to delay the effective date of the order to a date later than May 17, 1948.

(49 Stat. 731; 7 U. S. C. 511 et seq.)

Issued this 10th day of May 1948.

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

[F. R. Doc. 48-4325; Filed, May 12, 1948; 8:54 a. m.]

Chapter XXI—Organization, Functions and Procedures

Subchapter C—Production and Marketing Administration

PART 2303—DAIRY BRANCH

CENTRAL OFFICE AND FIELD OFFICES

The provisions in § 2303.1 *Central Office* and § 2303.2 *Field offices* are hereby amended in the following respects:

1. The provisions in paragraph (f) (1) of § 2303.1 *Central Office* (11 F. R. 117a-265; 12 F. R. 7897) are hereby amended by inserting "§ 56.16" between "Assistant National Supervisor" and "§ 56.43" so that the list of officers and employes of the Dairy and Poultry Inspection and Grading Division, to whom final authority has been delegates to act with reference to the administration of those sections of the rules and regulations (7 CFR, Part 56) governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness, will be amended to indicate the addition as follows:

Assistant National Supervisor—§§ 56.16, 56.43, 56.44, and 56.46.

2. The provisions in paragraph (a) (3) of §2303.2 *Field offices* (11 F. R. 177a-265; 12 F R. 3561, 7897; 13 F. R. 1557) are hereby deleted and the following substituted therefor:

(3) Poultry inspection service: Sacramento, California; Chicago, Illinois; Omaha, Nebraska; and Philadelphia, Pennsylvania. Each regional supervisor of the Poultry Inspection Service has final authority to act with reference to the administration of §§ 56.16, 56.43, 56.44, and 56.46 of the rules and regulations (7 CFR, Part 56) governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness.

The addresses of these offices may be ascertained by inquiry of the Chief, Dairy and Poultry Inspection and Grading Division, Production and Marketing Administration, South Agriculture Building, Washington 25, D. C.

(61 Stat. 523)

Issued at Washington, D. C., this 10th day of May 1948.

[SEAL] S. R. NEWELL, *Acting Assistant Administrator.*

[F. R. Doc. 48-4323; Filed, May 12, 1948; 8:54 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

IDAHO, ARIZONA, OREGON

CROSS REFERENCE: For orders revoking Executive Order 8932, as amended by Executive Order 9526 and revoked in part by Public Land Order 222, and Public Land Order 39, as amended by Executive Order 9526; and for order revoking in part Executive Order 9042, as amended by Executive Order 9526, see Public Land Orders 475, 476, and 477 in the Appendix to Chapter I of Title 43, *supra.* Executive Order 8932 and Public Land Order 39 had withdrawn public lands for use of the War Department for practice bombing ranges in Idaho and Arizona, respectively. Executive Order 9042 withdrew public lands in Oregon for use of the War Department for aviation purposes.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51913]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

CREWS' EFFECTS

Section 10.22 (c) Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.22 (c)), is hereby amended by deleting "found on the vessel" from the first sentence.

(Secs. 498, 624, 46 Stat. 728, 759, sec. 624, 46 Stat. 748, sec. 204, 49 Stat. 523; 19 U. S. C. 1498, 1584, 1624)

[SEAL] FRANK DOW, *Acting Commissioner of Customs.*

Approved: May 6, 1948.

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

[F. R. Doc. 48-4322; Filed, May 12, 1948; 8:54 a. m.]

TITLE 25—INDIANS

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

Subchapter I—Irrigation Projects, Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

MAY 4, 1948.

On March 24, 1948 there was published in the daily issue of the Federal Register (12 F. R. 2439) a notice of intention to amend §§ 130.15 to 130.22 inclusive (12 F. R. 1859) effective for the irrigation season of 1948 and thereafter until further notice. Interested persons were to be given opportunity to participate in preparing the amendments by submitting data or arguments within thirty days from the date of publication of the notice. No comments, oral or written, having been received within the prescribed period the said sections are hereby amended and promulgated as follows:

Charges applicable to all irrigable lands in the Flathead Indian Irrigation Project that are not included in the Irrigation District Organization.

Sec.
130.15 General.
Divisions.
130.17 Charges, Mission Valley and Camas Division.
130.18 Lands with Secretarial private water rights.
130.19 Maximum and minimum charge.
130.20 Payment.
130.21 State-owned land.
130.22 Apportionment of water.

AUTHORITY: §§ 130.15 to 130.22, inclusive, issued under 38 Stat. 583, 39 Stat. 142, 45 Stat. 210, 46 Stat. 291; 25 U. S. C. 385, 387.

§ 130.15 *General.* In compliance with the provisions of the Acts of August 1, 1914 (38 Stat. 142) and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387), the annual charges for the operation and maintenance of the subdivisions of the Flathead Indian Irrigation Project, Montana, which are not included under any of the

irrigation districts, are hereby fixed and are payable as provided in §§ 130.16 to 130.22, inclusive, (as amended May 1, 1947)

§ 130.16 *Charge, Jocko Division.* An annual minimum charge of $1.94 per acre shall be made against all assessable irrigable lands not included in the Irrigation District within the Jocko Division to which water can be delivered, regardless of whether the water is used.

The minimum charge when paid shall be credited on the delivery of water at the following per acre-foot rates:

(a) For lands receiving water from the Lower Jocko and Revais Creek laterals, water will be delivered in amounts equal to one acre-foot per acre for the entire irrigable area of the farm unit, allotment, or tract, at the rate of one dollar ($1) per acre-foot, and additional water will be delivered at the rate of fifty cents (50¢) per acre-foot.

(b) For irrigable lands in the Upper Jocko area receiving water from Finley, East Finley, Agency, and Big Knife Creeks, water will be delivered at the rate of seventy-five cents (75¢) per acre-foot at any time during the irrigation season.

(c) For irrigable lands in the Upper Jocko area receiving water from the Jocko River through the Jocko K lateral system, at the rate of fifty cents (50¢) per acre-foot at any time during the irrigation season.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* A minimum charge of $2.00 per acre shall be made against all assessable irrigable land not included in the District Organizations within these two divisions to which water can be delivered, regardless of whether water is used.

This charge shall entitle the farm unit, allotment or tract of land to receive one and one-half acre-feet of water per assessable irrigable acre or, in case of shortage, the proportionate share of the available supply.

For water delivered in excess of one and one-half acre-feet per assessable irrigable acre there shall be an additional charge of one dollar ($1.00) per acre-foot.

§ 130.18 *Lands with Secretarial private water rights.* For all areas recognized by the Secretary of the Interior as entitled to so-called private water rights where the water is regulated by the Flathead irrigation project and delivered through any part of the Flathead irrigation project system, a charge equal to fifty percent of the annual operation and maintenance charge for project lands not having such private water rights in the same general area shall be made for water delivered up to two acre-feet per acre or such quantity of water allowed for each acre under the Secretary's private water-right findings.

Upon filing a written application on the approved form by the owner of land with a secretarial private water right for a pro rata per acre share of the available water, natural flow and project stored supply, which application shall be a recognization that his land has relative water requirements as the soils of similar character of project lands, then there shall be delivered each irrigation season thereafter to his lands, the pro rata per acre share of the available water for which shall be paid the annual per acre charge fixed in §§ 130.16 and 130.17. The lands covered by any application filed pursuant to this section shall be treated from the date of the application as a part of the Flathead Indian irrigation project and subject to all the terms and conditions of applicable law and regulations.

§ 130.19 *Maximum and minimum charge.* The maximum assessment for water delivered to any farm unit, allotment or tract shall not exceed three dollars ($3.00) per acre for the entire irrigable area, and no assessment for water delivered shall be less than five dollars ($5.00) for the season.

§ 130.20 *Payment.* The assessments herein fixed shall become due on April 1 of each year and are payable on or before that date.

No delivery of water shall be made to land in non-Indian ownership until the assessments have been paid in full. Assessments against land in non-Indian ownership remaining unpaid on and after July 1, following the due date, shall be subject to a penalty of one-half of one percent (½ of 1 percent) per month, or fraction thereof, from the due date, until paid. No water shall be delivered to lands leased to non-Indians until the lessee has fully complied with the lease contract relative to the payment of operation and maintenance assessments.

Indian water users who are financially unable to pay assessments on the due date may be furnished water provided the Superintendent of the reservation certifies to the Project Engineer that such Indian is financially unable to pay the assessment, or that the payment has been made or that it will be made. Under such conditions where the Indian water user is financially unable to pay the assessment the same shall be entered on the accounts as a lien against the land, without penalty.

§ 130.21 *State-owned land.* In the case of lands belonging to the State of Montana, where water service is requested by lessees, delivery will be made upon payment in advance by the lessee of the same minimum charge and at the same rates, and under the same regulations, as are in force for other lands in the same general area that are not included in the irrigation districts.

§ 130.22 *Apportionment of water* If at any time during the irrigation season when it shall appear, in the judgment of the Project Engineer, that there shall not be sufficient water available to deliver the amount specified under the minimum assessments provided for in §§ 130.16 to 130.19, inclusive, to the entire assessable irrigable area for which application for delivery of water has been made and approved, then the Project Engineer shall reduce such amounts to the extent that there shall, in his judgment, be sufficient water available to make proportionate delivery to each farm unit, allotment, or tract, and when any farm unit, allotment, or tract shall have had delivered to it the amount so fixed, it shall not be entitled to further delivery of water except when it shall appear that there is a surplus of water available, *Provided,* That, for those tracts located in the Mission Valley and Camas Divisions of the Flathead Irrigation Project only, after an agreement has been reached between a landowner and the Project Engineer as to duty of water on individual tracts where the landowner claims excess requirements on account of porous or gravelly soils, the Project Engineer may, pending further order, increase the quantity of water to be delivered under the minimum assessment to such porous or gravelly tract, provided it shall not exceed four (4) acre-feet of water per acre per season for the assessable irrigable area of the farm unit, allotment or tract.

PAUL L. FICKINGER,
Regional Director,
Bureau of Indian Affairs,
Region No. 2.

[F. R. Doc. 48-4291; Filed, May 12, 1948; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 404]

APPENDIX A—POSITIVE LIST OF COMMODITIES

Appendix A, Positive List of Commodities, is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B. No.	*Commodity*
	Industrial chemicals:
835900	Potassium nitrate.
835900	Potassium nitrate mixtures except potassium nitrate powders (black saltpeter powder).
835900	Potassium sulfate, technical grade.
835900	Potassium chloride, technical grade.

This amendment shall become effective May 11, 1948.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321, Pub. Law 395, 80th Cong., 1st sess., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F R. 12245; E. O. 9919, Jan. 3, 1948, 13 F R. 59)

Dated: April 27, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-4319; Filed, May 12, 1948; 8:53 a. m.]

PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

MODIFICATION OF ORDER PROHIBITING EXPORTATION OF CIGARETTES AND TOBACCO PRODUCTS TO GERMANY

It is hereby ordered, That the provisions of the order entitled "Order Pro-

hibiting Exportation of Cigarettes to Germany" dated May 22, 1947 (12 F. R. 3408) are hereby amended so as to authorize the exportation to Germany of cigarettes and other tobacco products under the general license designated "Baggage" as set forth in Part 802 of this subchapter, subject, however, to the following limitations:

Individuals leaving the United States who possess military entry permits for the American or British Zones of Germany are permitted to take as a part of their personal baggage, a maximum of 300 cigarettes, or 50 cigars and one pound of tobacco, for their personal use only.

This order shall be come effective May 11, 1948.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321, Pub. Law 395, 80th Cong., 1st Sess., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: May 5, 1948.

FRANCIS McINTYRE,
Assistant Director
Office of International Trade.

[F. R. Doc. 48-4320; Filed, May 12, 1948; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

GULF OF MEXICO IN VICINITY OF PORT ARANSAS, TEX.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) § 204.93c is hereby prescribed to govern the use and navigation of waters of the Gulf of Mexico in the vicinity of Port Aransas, Texas, comprising a restricted area for bombing, machine gunnery, and rocket firing by the Naval Air Training Bases, U. S. Naval Air Station, Corpus Christi, Texas, as follows:

§ 204.93c *Gulf of Mexico, in vicinity of Port Aransas, Texas; bombing, machine gunnery, and rocket firing range, Naval Air Training Bases, U. S. Naval Air Station, Corpus Christi, Texas*—(a) *The danger zone.* An area in the Gulf of Mexico approximately 25 miles long and five miles wide bounded as follows:

North boundary	Latitude 27°45'
East boundary	Longitude 96°50'
South boundary	Latitude 27°23'
West boundary	Longitude 96°55'

(b) *The regulations.* (1) The areas will be used from 7:00 a. m. to 5:00 p. m. daily except Sundays for bombing, machine gunnery, and rocket firing.

(2) During such operations vessels may pass through the area at their own risk, except when warned not to enter or when warned to leave the immediate danger area by surface patrol craft or by air patrol planes buzzing low over the vessel. Upon being warned vessels shall not enter the area or, if they are in the area, they shall leave as soon as possible.

(3) The boat towing a bombing or gunnery target will display a red flag during operations.

(4) This section shall be enforced by the Commander, Naval Air Training Bases, U. S. Naval Air Station, Corpus Christi, Texas, and such agencies as he may designate. [Regs. Apr. 23, 1948, CE 800.2121 (Mexico, Gulf)—ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] H. B. LEWIS,
Major General,
Acting The Adjutant General.

[F. R. Doc. 48-4275; Filed, May 12, 1948; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS CLAIMS

MISCELLANEOUS AMENDMENT

1. In Part 2, § 2.1057 (e) is amended to read as follows:

§ 2.1057 *Conditions which determine dependency.* * * *

(e) (1) In the absence of evidence indicating the contrary dependency will be held to exist when the monthly income from sources proper to consider does not exceed:

(i) $80 for a mother or father (not living together)

(ii) $135 for a mother and father (living together),

(iii) The amounts stated in subdivision (i) or (ii) of this subparagraph plus $35 for each additional member of the family whose support is to be considered under the criteria indicated in paragraph (a) and (b) of this section.

It must be definitely understood that the amounts stated are not controlling in any case but are to be used only as prima facie evidence. Each claim is subject to adjudication upon the facts thereof in the light of the governing legal principles summarized in this section. The above monetary guides are not for application in a foreign country. (60 Stat. 6; 42 U. S. C. 1543)

[SEAL] CARL R. GRAY, Jr.,
Administrator of Veterans' Affairs.

[F. R. Doc. 48-4309; Filed, May 12, 1948; 8:51 a. m.]

PART 10—INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 10, §§ 10.3069, 10.3170, 10.3179, and 10.3180 are amended to read as follows:

§ 10.3069 *Election of payments on matured endowments.* The insured under a United States Government life insurance policy issued on the endowment plan may, at the date of the maturity as an endowment, elect to receive payment in monthly instalments under Option 2 in lieu of payment in one sum. He shall have the right to designate the beneficiary or beneficiaries to receive any remaining unpaid instalments at his death. If the insured dies before receiving all such monthly instalments and no designated beneficiary survives, the present value of the remaining unpaid instalments shall be paid to the estate of the insured, provided such payment would not escheat. If the designated beneficiary of a matured endowment survives the insured the present value of any remaining unpaid instalments shall be paid to such beneficiary in one sum, unless the insured or such beneficiary has elected to continue the instalments under the option selected by the insured for payment of the endowment.

§ 10.3170 *Renewal of United States Government life insurance on the five-year level premium form plan.* Pursuant to the provisions of an amendment approved April 15, 1947, amending section 301 of the World War Veterans' Act of 1924, as amended (Pub. Law 34, 80th Congress, approved April 15, 1947) all or any part of United States Government life insurance on the five-year level premium term plan, in any multiple of $500 and not less than $1000, may be renewed without medical examination for a second, third, fourth, or fifth five-year period, upon application therefor and payment of the premium at the five-year level premium term rate required at the attained age of the insured, before the expiration of the current five-year period, except as provided below. The renewal of insurance for a second, third, fourth, or fifth five-year period will become effective as of the day following the expiration of the preceding five-year period, and the premium for such renewal will be at the five-year level premium term rate for the attained age of the applicant on that day: *Provided,* That no insurance may be renewed under the amendment approved April 15, 1947, to section 301 of the World War Veterans' Act, 1924, as amended, by any person who has exercised his optional right to change to another plan of insurance. If the fourth five-year period shall have expired between January 24, 1947, and September 15, 1947, and if all premiums have been paid for said period, the insurance may be renewed for another five-year period upon application therefor and payment of the back premiums on or before September 15, 1947. The renewal of the insurance in accordance with the laws and regulations will be evidenced by the following certificate:

UNITED STATES GOVERNMENT LIFE INSURANCE CERTIFICATE OF RENEWAL

FIVE-YEAR LEVEL PREMIUM TERM INSURANCE

Policy number K- _____
Age of insured _____
Amount of insurance $ _____
Name of insured _____

Monthly _____ $ ____
Quarterly _____ $ ____
Semi-annual _____ $ ____
Annual _____ $ ____

Pursuant to the provisions of the amendment approved April 15, 1947, to section 301 of the World War Veterans' Act, 1924, as amended, and in consideration of the payment of the monthly premium at the rate for the attained age of insured in the amount as stated above on the day this certificate be-

comes effective and on the same day of each month thereafter for a period of sixty months, the insurance under said policy of which this agreement becomes a part, is renewed as five-year level premium term insurance for the period beginning_____, 19____, and ending_____, 19____.

The insurance renewed is subject to the conditions, benefits, and privileges contained in the policy except that any nonforfeiture provisions and any table of guaranteed surrender values of the policy shall be null and void. The insurance under this certificate ceases on the ending date shown above.

Effective as of_____, 19____.

CARL R. GRAY, Jr.,
Administrator of Veterans' Affairs.

Countersigned at Washington, D. C.
Examined and issued_____, 19____.

_____
Registrar

(Pub. Law 34, 80th Congress)

§ 10.3179 *Recovery from disability; five-year level premium term policy.* Notwithstanding proof of total permanent disability may have been accepted as satisfactory, the insured under a United States Government life insurance policy on the five-year level premium term plan shall at any time on demand, furnish proof satisfactory to the Administrator of Veterans' Affairs of the continuance of such total permanent disability. If the insured shall fail to furnish such proof all payments of monthly instalments on account of such total permanent disability shall cease, and all premiums thereafter falling due shall be payable in conformity with the five-year level premium term policy. Thereafter the premium to be paid shall be reduced so that the resulting premium shall bear the same proportion to the premium specified on the policy that the commuted value of the instalments (two hundred and forty less the number paid) bears to the commuted value of two hundred and forty instalments. If recovery from total permanent disability takes place after the expiration of the term period, the insurance may be continued in accordance with § 10.3180.

§ 10.3180 *Continuance of insurance after termination of total and permanent rating and award, where such termination is effective after the expiration of the term period.* If United States Government life insurance on the five-year level premium term plan (or on the five-year convertible term plan) matures or has matured by reason of total and permanent disability, and the insured recovers from such disability after expiration of the term period, the reduced amount of insurance (commuted value of remaining unpaid instalments) or any part thereof in multiples of $500 and not less than $1,000 may be continued without medical examination on the level premium term plan or on any permanent plan, as the insured may elect, and subject to the following provisions:

(a) Such insurance may be renewed for a second, third, fourth, or fifth term period, depending upon the number of five-year term periods which have elapsed since the insurance was originally issued. Upon application for renewal and payment of premiums at the rate required for the attained age of the insured on the policy anniversary renewal date for the current five-year period, a certificate of renewal will be issued effective on the policy anniversary renewal date.

(b) Such insurance may be converted to any of the permanent plans, upon application therefor and payment of premiums at the rate required for the then attained age, and a policy will be issued to the insured effective as of the date on which the first premium became payable.

(c) There will be no insurance in force unless and until the first premium is paid. The first premium on the reduced amount of insurance for the plan selected is payable on the first day of the month following the month for which the last instalment under the total and permanent disability rating was paid to the insured, but may be paid within thirty-one days from the date of notice advising of the amount of insurance and the monthly premium rate. Thereafter subsequent premiums will be payable in accordance with the terms and conditions of the policy.

(Secs. 5, 300, 301, 43 Stat. 608, 624, as amended; secs. 1, 2, 46 Stat. 1016)

[SEAL] CARL R. GRAY, Jr.,
Administrator of Veterans' Affairs.

[F. R. Doc. 48-4311; Filed, May 12, 1948; 8:52 a. m.]

PART 10—INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 10, § 10.3476 is amended to read as follows:

§ 10.3476 *Selection and revocation of option.* The insured under a National Service Life Insurance policy may, during his lifetime, make his selection of the optional settlement set forth in § 10.3479 but such selection shall not be valid unless and until notice thereof is received in the Veterans' Administration. The insured may select a different optional settlement for the contingent beneficiary from that selected for the principal beneficiary, but if the principal beneficiary, entitled to settlement in one sum survives the insured, or if the principal beneficiary, not entitled to settlement in one sum survives the insured and receives any payment, the option selected for the contingent beneficiary shall have no force or effect, except as provided below: That where the insured has selected a lump sum settlement for the contingent beneficiary and the principal beneficiary, not entitled to settlement in one sum, dies after payment has commenced but before all installments certain have been paid, the present value of the remaining unpaid installments certain shall be paid to the contingent beneficiary in one sum, unless such contingent beneficiary elects to continue to receive the remaining unpaid installments certain as they become due and payable. The insured may, during his lifetime, revoke his selection of the optional settlement, but the revocation shall not be valid unless and until notice thereof is received in the Veterans' Administration.

2. In the 1946 Supp., § 10.3479, the following changes should be made:

a. Under Option 2, line 9, the reference to "§ 10.3489 or § 10.3490" should be changed to read: "§ 10.3489, § 10.3490, or § 10.3491"

b. Under Option 3, lines 8 and 9, the reference to "§ 10.3489 or § 10.3490" should be changed to read: "§ 10.3489, § 10.3490, or § 10.3491"

c. Under Option 4, line 14, the reference to "§ 10.3489 or § 10.3490" should be changed to read: "§ 10.3489, § 10.3490, or § 10.3491"

3. In Part 10, § 10.3489 is amended to read as follows:

§ 10.3489 *Payment to estate of insured.* If no person is designated beneficiary by the insured, or if the designated beneficiary (including a contingent beneficiary) does not survive the insured, or if the designated beneficiary (including a contingent beneficiary) not entitled to a lump sum settlement survives the insured and dies before payment has commenced, the face amount of insurance less any indebtedness shall be paid to the insured's estate in one sum: *Provided,* That in no event shall there be any payment to such estate of any sums which, if paid, would escheat. If the designated beneficiary (including the contingent beneficiary) not entitled to a lump sum settlement survives the insured and dies after payment has commenced but before receiving all the benefits due and payable the present value of the remaining unpaid installments certain shall be paid in one sum to the insured's estate: *Provided,* That in no event shall there be any payment to such estate of any sums which, if paid, would escheat. This provision shall not apply to any insurance which matured prior to August 1, 1946.

4. In Part 10, a new section, § 10.3491, is added to read as follows:

§ 10.3491 *Payment to contingent beneficiary.* (a) If the principal beneficiary of National Service Life Insurance maturing on or after August 1, 1946, not entitled to a lump sum settlement, survives the insured and dies after payment has commenced but before all installments certain have been paid, the remaining unpaid installments certain shall be paid to the surviving contingent beneficiary as they become due, unless the insured has selected a lump sum settlement for the contingent beneficiary. In that event, the present value of the remaining unpaid installments certain shall be paid to the contingent beneficiary in one sum, unless such contingent beneficiary elects to continue to receive the remaining unpaid installments certain as they become due and payable.

(b) If the principal beneficiary of National Service Life Insurance maturing on or after August 1, 1946, does not survive the insured or if the principal beneficiary not entitled to a lump sum settlement survives the insured but dies before payment has commenced, the insurance shall be paid to the contingent beneficiary in accordance with the provisions of § 10.3477.

(Secs. 5, 300, 301, 43 Stat. 608, 624, as amended; secs. 1, 2, 46 Stat. 1016)

[SEAL] CARL R. GRAY, Jr.,
Administrator of Veterans' Affairs.

[F. R. Doc. 48-4310; Filed, May 12, 1948; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2425]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT

1. Section 4.250 is amended by adding thereto a paragraph reading as follows:

Any authority vested in the Director by any section in this part, may, by an order published in the FEDERAL REGISTER, be delegated by him to the Chief of any Division of the Bureau of Land Management, or the Chief of any Subdivision of such a Division, unless the Secretary in any particular matter determines otherwise, and subject in any event to an appeal to the Secretary pursuant to the rules of practice (43 CFR, Part 221)

2. Section 4.253, contained in Order No. 2226 of July 15, 1946, is amended to read as follows:

§ 4.253 *Associate and Assistant Directors.* Under the supervision of the Director of the Bureau of Land Management, the Associate and the Assistant Directors of that Bureau may exercise all of the powers and authority of the Director.

3. Section 4.300, relating to small tracts and § 4.341 relating to O. and C. timber contracts, contained in Orders Nos. 2238 and 2277 of August 16, 1946, and November 20, 1946, respectively, are revoked.

4. Section 4.303, contained in order of October 2, 1946 (11 F. R. 12018) is deleted from Part 4 and the same text is added to Part 50, Subpart C, Chapter I, Bureau of Land Management, under the centerhead, "Delegations to the Managers," as § 50.502.

(R. S. 161, 453; 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201; Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 6, 1948.

[F. R. Doc. 48-4268; Filed, May 12, 1948; 8:45 a. m.]

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

PART 50—ORGANIZATION AND PROCEDURE

MANAGERS AUTHORIZED TO GRANT AN EXTENSION OF TIME FOR FULFILLMENT OF REQUIREMENTS

CROSS REFERENCE: For redesignation of § 4.303 as § 50.502, see Part 4 of Subtitle A of this title, *supra.* Section 50.502 as redesignated reads as set forth below:

§ 50.502 *Managers authorized to grant an extension of time for fulfillment of requirements.* When a decision of the Bureau of Land Management allows a specified time for the parties in interest to fulfill certain requirements, if there has been no prior extension for the same purpose, the manager is authorized, when the circumstances warrant such action, to grant an extension of time of not more than 30 days, in addition to that allowed by the decision, for compliance therewith. The extension should be for a fixed period and the date of the expiration of the extension should be shown in the decision. Subsequent requests for additional time must be referred to the Bureau of Land Management for consideration. The manager will notify the Bureau of Land Management by special letter of any extension granted under this authority.

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 50.75-50.181, inclusive, see Part 4 of this title, *supra,* with respect to the exercise of the powers and authority of the Director of the Bureau of Land Management by the Associate and Assistant Directors of the Bureau.

[Circular 1678]

PART 160—GRAZING LEASES

FILING FEES AND RENTAL

MARCH 31, 1948.

Sections 160.7 and 160.14 (Circular 1659, approved October 20, 1947) are hereby amended to read as follows:

§ 160.7 *Filing fees.* Commencing May 1, 1948, no fee shall be charged for filing an application for a grazing lease. If a lease is issued on or after that date on any application theretofore filed, any amount paid as a filing fee will be credited as lease rental. (Sec. 15, 48 Stat. 1275, sec. 5, 49 Stat. 1978; 43 U. S. C. 315m)

§ 160.14 *Rental.* On each new or renewal lease issued on or after May 1, 1948, the lessee shall pay to the District Land Office specified in the lease, in accordance with the terms thereof, an annual rental computed in conformity with the following rate tabulations, unless for sufficient reasons a different rate is authorized:

GRAZING RENTAL RATE TABULATION

Estimated grazing capacity in acres per animal unit month	Estimated grazing capacity in animal units year-long per section	Yearly lease rate per acre
107.00	0.5	$0.001
53.00	1.0	.002
38.00	1.5	.003
25.00	2.0	.004
20.00	2.5	.005
18.00	3.0	.006
16.00	3.5	.007
14.00	4.0	.008
12.00	4.5	.009
11.00	5.0	.010
10.00	6.0	.012
7.50	7.0	.014
6.50	8.0	.017
6.00	9.0	.019
5.50	10.0	.020
5.00	11.0	.023
4.50	12.0	.025
4.00	13.0	.027
3.75	14.0	.029
3.50	15.0	.031
3.25	16.0	.033
3.00	17.0	.035
2.75	19.0	.040
2.50	21.0	.045
2.25	24.0	.050
2.00	27.0	.055
1.75	30.0	.065
1.50	33.0	.075
1.25	43.0	.090
1.00	53.0	.110
0.50	107.0	.220
0.25	213.0	.440

One cow or one horse or five sheep or five goats constitute one animal unit. The rental charge will not in any case be fixed at less than $1 per annum. The rental may be adjusted at the end of the third year of the lease and at the end of each three-year period thereafter. (Sec. 15, 48 Stat. 1275, sec. 5, 49 Stat. 1978; 43 U. S. C. 315m)

MARION CLAWSON,
Director.

Approved: May 5, 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48-4272; Filed, May 12, 1948; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 475]

IDAHO

REVOKING EXECUTIVE ORDER 8932 OF NOVEMBER 5, 1941, AS AMENDED, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 8932 of November 5, 1941, as amended by Executive Order No. 9526 of February 28, 1945, which was revoked in part by Public Land Order No. 222 of April 10, 1944, is hereby revoked as to the remaining lands hereinafter described.

The jurisdiction over and use of such lands granted to the War Department by Executive Order No. 8932 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government, according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on July 2, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from July 2, 1948, to September 30, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, 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. Sup. 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. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 12, 1948, to July 1, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on July 2, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on October 1, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from September 11, 1948, to September 30, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on October 1, 1948, shall be treated as simultaneously filed.

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

Applications for these lands, which shall be filed in the District Land Office, Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Blackfoot, Idaho.

The lands affected by this order are described as follows:

BOISE MERIDIAN

T. 2 S., R. 2 E.,
Secs. 1 and 12.
T. 2 S., R. 3 E.,
Secs. 6 and 7.

The areas described aggregate 2,276.98 acres.

The lands in this area vary from rolling to rough and broken, with considerable areas of lava outcropping.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior

APRIL 30, 1948.

[F. R. Doc. 48-4269; Filed, May 12, 1948; 8:45 a. m.]

[Public Land Order 476]

ARIZONA

REVOKING PUBLIC LAND ORDER 39 OF SEPTEMBER 10, 1942, AS AMENDED, WITHDRAWING PUBLIC LAND FOR USE OF WAR DEPARTMENT AS PRACTICE BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 39 of September 10, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing the public land in the hereinafter-described area for the use of the War Department as a practice bombing range, is hereby revoked.

The jurisdiction over and use of such land granted to the War Department by Public Land Order No. 39 shall cease upon the date of the signing of the order. Thereupon, the jurisdiction over and administration of such land shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on July 2, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from July 2, 1948, to September 30, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, 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. Sup. 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) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 12, 1948, to July 1, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on July 2, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on October 1, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from September 11, 1948, to September 30, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on October 1, 1948, shall be treated as simultaneously filed.

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

Applications for these lands, which shall be filed in the District Land Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 2 E., Sec. 33.

The area described contains 640 acres.

Available data indicate that this land is rough, rolling desert is character.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior

APRIL 30, 1948.

[F. R. Doc. 48-4270; Filed, May 12, 1948; 8:46 a. m.]

[Public Land Order 477]

OREGON

REVOKING IN PART EXECUTIVE ORDER 9042 OF JANUARY 26, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority contained in the act of July 9, 1918 (40 Stat. 845, 848; 10 U. S. C., sec. 1341) and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 9042 of January 26, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands for the use of the War Department for aviation purposes, is hereby revoked so far as it affects the land hereinafter-described.

The jurisdiction over and use of such land granted to the War Department by Executive Order No. 9042 shall cease upon the date of the signing of this or-

der. Thereupon, the jurisdiction over and administration of such land shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on July 2, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from July 2, 1948, to September 30, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, 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. Sup. 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) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 12, 1948, to July 1, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on July 2, 1948, shall be treated as simultaneously filed.

(c) *Date of non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on October 1, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from September 11, 1948, to September 30, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on October 1, 1948, shall be treated as simultaneously filed.

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

Applications for these lands, which shall be filed in the District Land Office, The Dalles, Oregon shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 4 N., R. 30 E.,
Sec. 6, E½.

The area described contains 310.36 acres.

The land is rolling, rough and rocky in character.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

APRIL 30, 1948.

[F. R. Doc. 48-4271; Filed, May 12, 1948; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 5—EXPERIMENTAL RADIO SERVICES

LIMITATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 5th day of May 1948;

The Commission having under consideration § 5.53 (c) (1) of Part 5, "Rules and Regulations Governing Experimental Radio Services," which requires the licensee of a Class 1 experimental radio station, prior to use of the station for making any field strength survey, to notify the Commission's Engineer in Charge of the district where the proposed survey is to be conducted and the Washington, D. C. office of the Commission at least ten days prior to commencement of such survey, and its proposal to amend this section to provide that such notification be submitted only to the Engineer in Charge of the district where the proposed survey is to be made and on two days' notice instead of ten days; and

It appearing, that the Commission also has under consideration § 5.53 (c) (2) of Part 5, "Rules and Regulations Governing Experimental Radio Services" which requires the licensee of a Class 1 experimental radio station to submit a complete and comprehensive report of all data obtained in field strength surveys to the Washington, D. C. office of the Commission within one month after completion of the survey, and its proposal to amend this section to provide that said report be submitted to the Engineer in Charge of the district where the said survey was made instead of to the Washington, D. C. office; and

It further appearing, that the proposed amendments are procedural and, therefore, the public notice and procedure set forth in section 4 of the Administrative Procedure Act are not required herein;

It is ordered, That effective immediately § 5.53 (c) is amended so that subparagraphs (1) and (2) shall read as follows:

§ 5.53 *Limitations.* * * *

(c) A Class 1 experimental station may be used for transmissions directly relating to field strength surveys, which may include test messages, essential to the installation, extension, or development of a radiocommunication facility only under the following conditions:

(1) That the licensee of the station submit to the Engineer in Charge of the district in which the survey is to be conducted, at least two days prior to each specific survey, complete and detailed information with respect to the following:

(i) Time, date and duration.

(ii) Location of transmitter and geographic area to be covered.

(iii) Purpose of the survey.

(iv) Method and equipment to be used.

(v) Names and addresses of the persons for whom the survey is conducted if other than the licensee of the experimental station.

(2) That the licensee of the station shall within one month after completion of the survey submit, to the Engineer in Charge of the district in which the survey was conducted, a comprehensive report of all data obtained.

Provided, however, That upon notice from the Commission the licensee shall suspend or cancel such operation or proposed operation, or conduct the same upon such conditions as the Commission may deem to be in the public interest.

(48 Stat. 1066, 1082; 47 U. S. C. 154 (i), 303 (a), (b) (c), (f))

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

[F. R. Doc. 48-4306; Filed, May 12, 1948; 8:59 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 381, Amdt. 3]

PART 95—CAR SERVICE

TRAINLOADS OF BAUXITE ORE CONCENTRATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of May A. D. 1948.

Upon further consideration of Revised Service Order No. 381 (11 F. R. 13837), as amended (12 F. R. 2926, 7595) and good cause appearing therefor: It is ordered, that:

Section 95.381, *Trainloads of bauxite ore concentrates,* of Revised Service Order No. 381, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., November 10, 1948, unless otherwise modified, changed,

suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., May 9, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

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

By the Commission, Division 3.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 48-4276; Filed, May 12, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 802]

1948 SUGAR QUOTAS FOR PUERTO RICO

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in section 205 (a) of the Sugar Act of 1948 (61 Stat. 922) and in accordance with the applicable rules of practice and procedure (12 F R. 8225, 13 F R. 127, 2062) and on the basis of information before me, I, Clinton P Anderson, Secretary of Agriculture, do hereby find that the allotment of the 1948 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota heretofore allotted) and the 1948 sugar quota for local consumption in Puerto Rico are necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that a public hearing will be held at San Juan, Puerto Rico, in the Auditorium of the School of Tropical Medicine on May 24, 1948, at 10:00 a. m.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the above-mentioned quotas among persons (1) who bring Puerto Rican raw sugar into the continental United States or transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The subjects and issues involved in the hearing relate to (1) the relative weightings which should be given to the statutory factors of "processings from proportionate shares," "past marketings," and "ability to market," as provided in section 205 (a) of the said act; (2) the manner in which these factors should be measured, that is, the crop or crops for "processings from proportionate shares," the calendar years for "past marketings," and the marketings, production, or other measure for "ability to market"; and (3) the transfer or assignment of allotments.

Issued this 10th day of May 1948.

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

[F. R. Doc. 48-4324; Filed, May 12, 1948; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8965]

ALLOCATION OF FREQUENCIES BETWEEN 25 AND 30 MC

NOTICE OF PROPOSED RULE MAKING

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

2. The Commission's Report of Allocations of May 25, 1945 made provision for certain classes of stations and services in the band 25-30 megacycles. Since that date numerous changes have occurred in station and service classifications. Accordingly, in order to provide for the new classifications of services and the existing requirements of the several classes of stations, it is proposed to change the sub-allocation in the band 25-30 megacycles in the manner set forth in Appendix A, hereof.

3. It is further proposed to change the channelling system for the land mobile services operating in this band from 25 kilocycles to 20 kilocycles.

4. The proposed revision of the table of frequency allocations, shown in Appendix A, is issued under authority of sections 303 (c) (d) (e) (f), and (r), of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed changes should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before June 14, 1948, a written statement or brief setting forth his comments. The Commission consider all comments that are received before taking final action in the matter, and if any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: May 5, 1948.

Released: May 6, 1948.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

APPENDIX A

Table of frequency suballocations to the non-Government services in the band 25-30 mc.

Band, mc.	Frequency, mc.	Allocation
24.99-25.01		Government.
25.01-25.33		Non-Government; land mobile.
	25.02, 25.04, 25.06, 25.08, 25.10, 25.12, 25.14, 25.16, 25.18, 25.20, 25.22, 25.24, 25.26, 25.28, 25.30, 25.32.	Industrial.
25.33-25.85		Government.
25.85-26.49		Non-Government.
25.85-26.10		International broadcasting.
26.10-26.49		Land mobile.
	26.12, 26.14, 26.16, 26.18, 26.20, 26.22, 26.24, 26.26, 26.28, 26.30, 26.32, 26.34, 26.36, 26.38, 26.40, 26.42, 26.44, 26.46, 26.48.	Remote pick-up broadcast.
26.49-26.95		Government.
26.95-27.53 [1]		Non-Government.
26.96-27.23		Amateur.
27.23-27.28		(a) Fixed. (b) Mobile.
27.28-27.53		Land mobile.
	27.30, 27.32, 27.34, 27.36, 27.38, 27.40, 27.42, 27.44, 27.46, 27.48, 27.50, 27.52.	Industrial.
27.53-28.00		Government.
28.00-29.70		Amateur.
29.70-29.81		Non-Government; land mobile.
	29.72, 29.74, 29.76, 29.78, 29.80	Industrial.
29.81-29.89		Non-Government; fixed.
	29.82, 29.83, 29.84, 29.85, 29.86, 29.87, 29.88	Fixed (public and aero).
29.89-29.91		Government.
29.91-30.00		Non-Government; fixed.
	29.92, 29.93, 29.94, 29.95, 29.96, 29.97, 29.98, 29.99	Fixed (public and aero).

[1] The frequency 27.12 kc. is designated for industrial, scientific and medical purposes. Emissions must be confined within 160 kc. of that frequency. Radio communication services operating between 26,960 and 27,280 kc. must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

[F. R. Doc. 48-4301; Filed, May 12, 1948; 8:55 a. m.]

[Docket No 8972]

Allocation of Frequencies Between 44 and 50 Mc, and Between 152 and 162 Mc

NOTICE OF PROPOSED RULE MAKING

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

2. The Commission allocated the band 44–50 Mc to the non-government fixed and mobile services in its report in Docket 8487

3 The requirements of the land mobile service appear to warrant the sub-allocation of the band 44–50 Mc to the several categories of land mobile service, as indicated in Annex 1, hereof

4. The requirement of the maritime mobile service for universality of communications, and international standardization of allocations and equipment, and the current relative requirements of the several categories of the land mobile service appear to warrant the adjustments in allocations in the band 152–162 Mc shown in Annex 1, hereof

5 The proposed allocations shown in Annex 1, hereof, are issued under authority of section 303 (c), (d), (o), (f) and (r) of the Communications Act of 1934 as amended, and are based upon the analysis outlined in Annex 2 hereof

6 Any interested party who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before June 14, 1948, a written statement or brief setting forth his comments The Commission will consider all comments that are received before taking final action in the matter, and if any comments are received which appear to warrant the Commission in holding a hearing or oral argument before final action is taken, notice of the time and place of such hearing or oral argument will be given interested parties

7 In accordance with the provisions of § 1.764 of the Commission's rules and regulations an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission

Adopted: May 5, 1948

Released: May 6, 1948

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] T J SLOWIE
Secretary

ANNEX 1

Table of frequency allocations to the land mobile service in the band 44-50 mc

Allocation	Frequencies mc	Number of frequencies
Land transportation	44.00, 44.02, 44.04, 44.06, 44.08, 44.10, 44.12, 44 14, 44 16, 44 18, 44 20 44 22, 44 24, 44 26, 44 28, 44.30 44.32, 44.34 44.36 44.38 44 40 44 42 44 44 44 46 44.48 44.50, 44.52, 44.54, 44.56, 44.58.	50
Public safety	44.00, 44.02, 44.04, 44.06, 44.08, 44.70, 44 72 44.74 44.76, 44 78, 44 80 44.82, 44 84 44 86 44 88 44 90 44 92 44 94 44 96 44 98 45 00 45 02 45 04 45 06, 45 08, 45 10, 45 12 45 14 45 16 45 18 45 20 45 22 45 24 45 26 45 28 45 30, 45 32 45 34 45.36 45.38 45 40 45 42 45 44 45.46 45 48 45 50 45 52, 45 54, 45 56, 45 58, 45 60 45 62 45 64, 45 66, 45 68 45 70 45 72 45 74 45 76 45 78 45 80, 45 82 45 84, 45.86, 45 88, 45.90, 45.92, 45.94, 45.96, 45.98 , 46.00, 46.02, 46 04 46 06, 46.08, 46.10, 46.12 46.14, 46.16 46.18 46.20 46.22 46.24 46.26 46 28 46 30, 46 32 46 34 46 36 46 38 46 40 46 42 46 44 46 46 46 48 46 50 46 52 46 54, 46 56, 46 58 46 60 46 62 46 64 46 66 46 68 46 70 46 72 46 74, 46 76 46 78, 46.80, 46 82, 46 84 46 86, 46 88, 46 90, 46 92, 46 94, 46 96, 46 98, 47 00 47 02, 47 04 47 06 47 08 47 10, 47 12 47 14 47 16 47 18, 47 20, 47 22 47 24 47.26, 47.28, 47.30, 47.32, 47.34, 47.36, 47.38, 47.40, 47.42, 47 44 47 46 47.48, 47.50, 47.52, 47.54, 47.56, 47.58, 47.60, 47.62, 47.64, 47.66.	154
Industrial	47.68, 47.70, 47.72, 47.74, 47.76, 47.78, 47.80, 47.82, 47.84, 47.86, 47.88, 47 90 47 92 47 94 47 96 47 98, 48 00 48 02 48 04 48 06 48 08 48 10 48 12, 48 14 48 16 48 18 48 20 48 22 48 24 48 26 48 28 48 30 48 32 48 34 48 36, 48 38, 48 40 48.42, 48 44, 48 46, 48 48, 48 50 48 52 48 54, 48 56 48 58 48 60 48 62 48.64, 48.66, 48.68, 48 70 48 72, 48 74, 48 76, 48 78 48 80 48 82 48 84 48 86, 48 88, 48 90 48 92 48 94 48.96 48.98, 49.00 49.02 49 04 49 06 49 08, 49 10, 49.12 49 14, 49 16, 49 18, 49 20 49 22 49 24 49 26, 49 28 49 30 49 32, 49 34, 49 36 49 38, 49 40, 49.42, 49 44, 49.46 49.48 49.50 49.52 49.54 49 56 49 58 49 60, 49 62, 49.64, 49.66 49.68 49.70, 49.72, 49.74, 49 76 49 78 49 80, 49 82 49 84, 49 86, 49 88, 49 90 49 92 49 94, 49 96, 49 98	112
		4

TABLE OF FREQUENCY ALLOCATIONS TO THE LAND MOBILE SERVICE IN THE BAND 152–162 MC AND TO THE MARITIME MOBILE SERVICE ON THE FREQUENCIES 156 1, 156.2, 156.3 156 4 156 5, 156 6, 156 7, 156 8 156 9 157 1 157 2 161 97 Mc

	Frequency and Allocation
152 03	Public radio [1]
09	Do [1]
15	Land transportation
21	Do
27	Do
33	Do.
39	Public radio [1]
45	Do [1]
51	Do [1]
57	Do [1]
63	Do [1]
69	Do [1]
75	Industrial
81	Do
87	Do
93	Do
99	Do
153 05	Do
11	Do
17	Do
23	Do
29	Do
35	Do
41	Do
47	Do
53	Do
59	Do
65	Do
71	Do.
.77	Public safety
83	Do
.89	Do
95	Do
154 01	Do
07	Do
13	Do
19	Do
25	Do
.31	Do
.37	Do
43	Do
49	Industrial
57	Do.
65	Public safety
71	Do
77	Do
83	Do
89	Do
95	Do
155 01	Do
07	Do
13	Do
19	Do
25	Do
31	Do
37	Do
43	Do

See footnotes at end of table

TABLE OF FREQUENCY ALLOCATIONS TO THE LAND MOBILE SERVICE IN THE BAND 152–162 MC AND TO THE MARITIME MOBILE SERVICE ON THE FREQUENCIES 156 1, 156.2, 156 3 156 4, 156 5, 156 6 156 7 156 8 156 9 157 1 157 2 161 97 Mc—Continued

	Frequency and Allocation
155 49	Public safety
55	Do
61	Do
67	Do
73	Do
79	Do
85	Do
91	Do
97	Do
156 03	Do
156 09	Do.[2]
156 10	Maritime mobile [3]
15	Public safety.[2]
20	Maritime mobile [4 5]
21	Public safety [2]
27	Do.[2]
30	Maritime mobile.[5]
33	Public safety [2]
39	Do.[2]
40	Maritime mobile.[4 5]
45	Public safety.[2]
50	Maritime mobile [4 5]
51	Public safety [2]
57	Do.[2]
60	Maritime mobile.[4 7]
63	Public safety [2]
69	Do.[2]
70	Maritime mobile [4 5]
75	Public safety.[2]
80	Maritime mobile [4 5]
87	Public safety.[2]
90	Maritime mobile.[4 5]
.93	Public safety [2]
99	Do.[2]
157 00	Maritime mobile [4 5]
05	Public safety.[2]
10	Maritime mobile [4]
11	Public safety.[2]
17	Do [2]
.20	Maritime mobile.[4]
.23	Public safety.[2]
.29	Public radio [1]
.35	Do [1]
41	Land transportation
47	Do
53	Do
59	Do.
65	Public radio [1]
71	Do [1]
77	Do [1]
83	Do [1]
89	Do [1]
95	Do [1]
158 01	Industrial
07	Do
13	Do
19	Do
25	Do

See footnotes at end of table

TABLE OF FREQUENCY ALLOCATIONS TO THE LAND MOBILE SERVICE IN THE BAND 152–162 MC AND TO THE MARITIME MOBILE SERVICE ON THE FREQUENCIES 156.1, 156.2, 156.3, 156.4, 156.5, 156.6, 156.7, 156.8, 156.9, 157.1, 157.2, 161.97 MC—Continued

Frequency	*Allocation*
158.31	Industrial.
.37	Public safety.
158.43	Do.
.49	Do.
.55	Do.
.61	Do.
.67	Do.
.73	Do.
.79	Do.
.85	Do.
.91	Do.
.97	Do.
159.03	Do.
.09	Do.
.15	Do.
.21	Do.
.27	Do.
.33	Do.
.39	Do.
.45	Do.
.51	Land transportation.[9]
.57	Do.[9]
.63	Do.[9]
.69	Do.[9]
.75	Do.[9]
.81	Do.[9]
.87	Do.[9]
.93	Do.[9]
.99	Do.[9]
160.05	Do.[9]
.11	Do.[9]
.17	Do.[9]
.23	Do.[9]
.29	Do.[9]
160.35	Do.[9]
.41	Do.[9]
.47	Do.[9]
.53	Do.[9]
.59	Do.[9]
.65	Do.[9]
.71	Do.[9]
.77	Do.[9]
.83	Do.[9]
.89	Do.[9]
.95	Do.[9]
161.01	Do.[9]
.07	Do.[9]
.13	Do.[9]
.19	Do.[9]
.25	Do.[9]
.31	Do.[9]
.37	Do.[9]
.43	Do.[9]
.49	Do.[9]
.55	Do.[9]
.61	Do.[9]
.67	Do.[9]
.73	Do.[9]
.79	Do.[9]
.85	Do.[9]
.91	Do.[9]
.97	Maritime mobile.[10]

[1] The fixed (rural subscriber) service may be authorized to use this frequency provided no harmful interference thereby will be caused to the land mobile service.

Assignments to base and land mobile stations in the Public Safety Radio Services for operations at points within 150 miles of coastal areas and navigable gulf, bays, rivers and lakes are subject to the condition that no harmful interference will be caused to the maritime mobile service and will be made only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime mobile service.

[3] This frequency is allocated to ship stations on a duplex basis and is paired with the frequency 161.97 Mc for ship-shore public correspondence (telephony).

[4] Public correspondence is not permitted on this frequency. (Public correspondence as used in this footnote means: "Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission." (from Annex to Marid Convention, 1932)).

[5] This frequency is not available for assignment to stations in the maritime mobile service until such time as it is demonstrated, on an engineering basis, that such use will not cause harmful interference to the use by the maritime mobile service of any frequency in the band 152–162 Mc.

[6] This frequency is for intership communications in the maritime mobile service (simplex telephony).

[7] This frequency is for communications of the type for which the frequency 156.80 Mc is allocated, and is reserved primarily for harbor control communications between ships and coast stations, and between ship stations (simplex telephony).

[8] The frequency 156.80 Mc has been designated for world-wide use for safety, calling and intership and harbor control communications in the Maritime mobile service (simplex telephony).

[9] Up to 14 frequencies in the block 159.51–161.91 Mc inclusive, may be made available in any area to base and land mobile stations in the Public Safety Radio Services after July 1, 1950, if a factual finding, made on an engineering basis, indicates that no harmful interference thereby will result to the Land Transportation Radio Services.

[10] This frequency is allocated to coast stations on a duplex basis and is paired with the frequency 156.10 Mc for ship-shore public correspondence (telephony).

ANNEX 2

New and broader classifications of the several categories of land mobile service have been proposed so fewer categories, will, in the future, appear in the Commission's table of frequency allocations. Apportionment of frequencies within a category will be indicated in the Rules governing a particular group, e. g., public safety, industrial, land transportation, public radio, etc.

The frequency band 44–50 Mc is proposed for the exclusive use of the land mobile service, and the band 152–162 Mc is proposed to be suballocated to the land mobile and maritime mobile services.

One of the principal features of the revised allocation in the band 152–162 Mc is the provision of a coordinated family of frequencies for the maritime mobile service to supplement the frequency 156.80 Mc which recently was designated by the International Telecommunications Union for world-wide use for safety, calling, intership, and harbor control communications. The Commission's proposal permits a maritime Very High Frequency communications system which will provide universality of communications, international standardization of equipment, and contact between vessels in harbors and the wire and radio communication facilities ashore.

Under the proposal, frequencies would be available for assignment to stations in the land mobile service in the band 44–50 Mc at intervals of 20 kc. The Commission emphasizes that these separations cannot be regarded as "channel widths" since the geographic separations between stations and equipment capabilities are limiting factors which determine, in any given instance, the actual frequency separation between assignments in the same area. The Commission believes that more use can be made of the available spectrum space and greater flexibility can be employed in choosing frequencies for assignment if the frequencies available for assignment are separated by 20 kc, rather than by some larger figure. Just as in the case of the standard broadcast band, 550–1600 kc, where assignable frequencies are separated by 10 kc, but where assignments in the same area are separated by 40 kc or more, it may be expected that assignments in a given area in the band 44–50 Mc may be separated by some appropriate multiple of 20 kc, depending upon the circumstances.

The first consideration in the suballocation of the band 44–50 Mc is the compensation of the land mobile services formerly provided for in the band 72–76 Mc. As was announced in the Commission's Report in Docket 8487, the public welfare and national security necessitate arriving at an allocation at the earliest possible date for the safety and protective services. It is hoped that an early decision on the proposal for the bands 44–50 and 152–162 Mc may be made so the land mobile service may continue its growth in an orderly manner.

Amortization of investments in equipment will be considered in those instances where a particular category, e. g., Remote Pickup Broadcast, may be required to shift to another frequency band. This category of land mobile service (formerly Relay Broadcast) has been allocated 14 shared frequencies between 152.75 and 153.53 Mc, inclusive, and this sharing appears to be impracticable. Further, the expanding requirements of the Industrial Radio Services, particularly the Power and the Petroleum categories thereof, appear to make it necessary to allocate those shared frequencies exclusively to the industrial radio services. The intermittent nature of remote pickup broadcast and the superior requirements of safety and protective services for expansion in this band appear to make it necessary to provide a substitute allocation, and this is being proposed in the band 450–460 Mc, as will be announced in a separate notice of proposed rule-making governing suballocations in that band. In any event, those licensees now using the frequencies 152.75–153.53 Mc, inclusive, will be permitted to continue such use for a reasonable amortization period.

The Commission has endeavored to minimize disturbances to existing allocations, and an examination of the details of the proposal reveals that substantial improvements in allocations result, under the proposal, to many of the mobile services.

During the waiting period preceding a final allocation based upon this proposal, the Commission will continue to grant authorizations in the band 152–162 Mc. In order to minimize the number of frequency shifts which may have to be made following a revised suballocation, every effort will be made to arrive at a final decision as soon as possible.

In the band 44–50 Mc, no applications in the land mobile service will be received for filing until a final suballocation is announced and any application for such use submitted prior to that date will be returned. In this case also, the Commission hopes to announce a final decision at the earliest possible date.

There is nothing in the Commission's proposal, including the new classifications of land mobile service, i. e., public safety, industrial, land transportation, public radio, etc., which in itself changes, or will necessarily result in changes in the apportionment of frequencies for particular uses within a category except for railroads. This one use has been considered in detail. The Commission has paid particular attention to the present allocation of 36% of the band 152–162 Mc for the exclusive use of railroads, and has taken certain factors pertaining thereto into account in the formulation of the overall proposal of spectrum space for the land transportation radio services.

The Commission has reviewed the background leading to the current allocation to the Railroad Radio Service. This review, together with an evaluation of the use which has been made of the 36% of the band 152-

162 Mc allocated for this purpose since May, 1945, and a comparison of this use with the use in the past three years made by the other mobile services of the remaining 64% of the band 152–162 Mc, indicates that continued provision should be made for 33 train frequencies in this band, but that the relatively long period of time which has elapsed since the allocation of May, 1945, has been ample to permit the development of equipment using every 60 kc channel. The Commission stated in its May 25, 1945, Report (page 120) "A greater (than 60 kc) band width may be used temporarily during the development period of the service. Any user of such equipment, however, may be required to replace it when the Commission is of the opinion that proper equipment is readily available or that needs of other users require better use of the assignment."

The Commission is aware that 60 Kc equipment is not readily available for train communications, but does believe that ample time has elapsed for the development of such equipment. However, to permit a still further period of time in which to determine the extent of interest of the railroads in the use of radio for train communications, the Commission proposes to retain, not merely the 33 train frequencies required, but a total of 41 frequencies, 159.51–161.91 Mc inclusive, and believes that this number of frequencies will be more than ample for some years to come, based upon the current rate of growth of the service and the interest demonstrated by railroads in the use of radio for train communications. In its May, 1945, Report, the Commission indicated that frequencies for yard and terminal operations might be made available in shared television channels. Since the Commission's Report in Docket 8487 eliminated such sharing, separate provision for the land transportation radio services is proposed in other exclusive mobile frequency bands and these allocations would, in part, be available to railroads.

[F. R. Doc. 48-4303; Filed, May 12, 1948; 8:56 a. m.]

[Docket No. 8973]

ALLOCATION OF FREQUENCIES BETWEEN 72 AND 76 MC

NOTICE OF PROPOSED RULE MAKING

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

2. In its report on Docket 8487, the Commission allocated the frequencies in the band 72–76 Mc to the non-Government fixed service.

3. Set forth below is Appendix I, the proposed fixed service, allocation for the 72–76 Mc band.

4. The proposed allocations shown in Appendix I, hereto, are issued under authority of section 303 (c), (d) (e) and (r) of the Communications Act of 1934 as amended.

5. Any interested party who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form as set forth herein, may file with the Commission on or before June 14, 1948, a written statement or brief setting forth his comments. The Commission will consider all comments that are received and if such comments appear to warrant the Commission in holding a hearing and oral argument before final action is taken, notice of the time and place of such hearing or oral argument will be given interested parties.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: May 5, 1948.

Released: May 6, 1948.

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

APPENDIX I

FREQUENCY ALLOCATIONS TO NON-GOVERNMENT FIXED SERVICE IN THE BAND 72–76 MC[1]

(Excluding the band 74.6–75.4 mc)

Assignable frequency, mc.	*Service*
72.02	Public safety, land transportation.
72.06	Public safety, industrial.
72.14	Public safety, land transportation.
72.18, 72.22	Industrial.
72.26	Public safety, land transportation.
72.30, 72.34	Public safety, industrial.
72.38	Public safety, land transportation.
72.42, 74.46	Public safety, industrial.
72.50	Public safety, land transportation.
72.54, 72.58	Public safety, industrial.
72.62	Public safety, land transportation.
72.66	Public safety, industrial.
72.70–74.58	Public safety.
75.42, 75.46, 75.50	Industrial.
75.54	Public safety, industrial.
75.58, 75.62, 75.66	Industrial.
75.70–75.98	Public safety.

[1] Future assignments to be limited to fixed circuits which, as a result of an engineering study, may be expected to operate in this band on non-interference basis to the television service.

[F. R. Doc. 48-4305; Filed, May 12, 1948; 8:56 a. m.]

[Docket No. 8974]

ALLOCATION OF FREQUENCIES IN THE BAND 450–460 MC.

NOTICE OF PROPOSED RULE MAKING

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

2. The Commission's Report of Allocations of May, 1945 allocated the band 450–460 Mc temporarily to the Aeronautical Radionavigation Service and permanently to the non-government fixed and mobile services.

3. Information available to the Commission indicates a need for additional frequencies for use by the land mobile service to permit its orderly growth and development.

4. Further information available to the Commission indicates that frequencies in the order of 450 Mc may be technically suitable for use by the land mobile service.

5. The Commission therefore proposes to amend its rules and regulations to include the sub-allocation of frequencies in the band 450–460 Mc to the land mobile service as set forth in Attachment A.

6. The proposed rules and regulations are issued under the authority of section 303 (c) (d) (e) (f) and (r) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form as set forth herein, may file with the Commission on or before June 14, 1948, a written statement or brief setting forth his comments. The Commission will consider all comments that are received and if such comments appear to warrant the Commission in holding a hearing and oral argument before final action is taken, notice of the time and place of such hearing or oral argument will be given interested parties.

8. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: May 5, 1948.

Released: May 6, 1948.

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

ATTACHMENT A

FREQUENCY ALLOCATIONS TO THE NON-GOVERNMENT LAND MOBILE SERVICE IN THE BAND 450–460 MC[1]

Frequencies, mc.	*Allocation*
450.05, 450.15, 450.25, 450.35, 450.45, 450.55, 450.65, 450.75, 450.85, 450.95, 451.05, 451.15, 451.25, 451.35, 451.45, 451.55, 451.65, 451.75, 451.85, 451.95.	Remote pickup.
452.05, 452.15, 452.25, 452.35, 452.45, 452.55, 452.65, 452.75, 452.85, 452.95, 453.05, 453.15, 453.25, 453.35, 453.45, 453.55, 453.65, 453.75, 453.85, 453.95.	Land transportation.
454.05, 454.15, 454.25, 454.35, 454.45, 454.55, 454.65, 454.75, 454.85, 454.95, 455.05, 455.15, 455.25, 455.35, 455.45, 455.55, 455.65, 455.75, 455.85, 455.95.	Public safety.
456.05, 456.15, 456.25, 456.35, 456.45, 456.55, 456.65, 456.75, 456.85, 456.95, 457.05, 457.15, 457.25, 457.35, 457.45, 457.55, 457.65, 457.75, 457.85, 457.95.	Industrial.
458.05, 458.15, 458.25, 458.35, 458.45, 458.55, 458.65, 458.75, 458.85, 458.95, 459.05, 459.15, 459.25, 459.35, 459.45, 459.55, 459.65, 459.75, 459.85, 459.95.	Public radio.

[1] In the band 420–460 mc., the aeronautical radionavigation service is to be permitted only until February 15, 1950.

[F. R. Doc. 48-4295; Filed, May 12, 1948; 8:54 a. m.]

[Docket No. 8977]

ALLOCATION OF FREQUENCIES IN THE BAND 940-952 MC

NOTICE OF PROPOSED RULE MAKING

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

2. The Commission, on May 15, 1947, adopted the table of frequency allocations for the band 890-960 Mc as set forth in Attachment A.

3. The Commission proposes to amend its rules and regulations to be in accord with the proposed table of frequency allocations shown in Attachment B. The proposed revision would permit the use of the band 940-952 Mc for FM relaying.

4. The proposed rules and regulations are issued under the authority of section 303 (c) (d) (e) (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before June 7, 1948, a written statement or brief setting forth his comments. The Commission will consider all comments that are received and if such comments appear to warrant the Commission in holding a hearing and oral argument before final action is taken, notice of the time and place of such hearing and oral argument will be given interested parties.

6. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: May 5, 1948.

Released: May 6, 1948.

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

ATTACHMENT A

TABLE OF FREQUENCY ALLOCATIONS, 890-960 MC

Frequency, mc.	Band, mc.	U. S. service allocation
915 mc....	890-940 [1].....	(a) Broadcasting.[2] (b) Fixed.[3]
	940-960 [4].....	940-952 [5] mc.—FM studio transmitter links. 952-960 [6] mc.—Fixed circuits except common carrier and television STL.

[1] The frequency 915 mc. is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 890-940 mc.

[2] This service recognizes that interference to its operation within this band may result from the emissions on the frequency 915 mc. of industrial, scientific and medical devices. Separations between assigned frequencies will be 100 kc. and exact multiples thereof, and assignments will be made, in any area, progressively upward from 890 mc.

[3] This service recognizes that interference to its operations within this band may result from the emissions on the frequency 915 mc. of industrial, scientific and medical devices. Separations between assigned frequencies will be 100 kc. and exact multiples thereof, and assignments will be made, in any area, progressively downward from 940 mc. Assignments to FM studio-to-transmitter links may be made in any area in this band where insufficient space in that area is available in the band 940-952 mc.

[4] Separations between assigned frequencies will be 100 kc. and exact multiples thereof.

[5] Assignment in any area will be made progressively upward from 940 mc.

[6] Assignments in any area will be made progressively downward from 960 mc.

ATTACHMENT B

PROPOSED TABLE OF FREQUENCY ALLOCATIONS

Band, mc.	*Allocation*
940-952 [1].....	FM Studio transmitter links.[2]

[1] Assignments in any area will be made progressively upward from 940 mc.

[2] Interim FM Relay stations (i. e. fixed stations used for the transmission of FM broadcast programs from one FM broadcast station to other FM broadcast stations to provide simultaneous network FM broadcasts and operated only by FM broadcast licensees) may be authorized on a secondary basis, and on a basis of non-interference to FM STL stations in the band 940-952 mc.

[F. R. Doc. 48-4302; Filed, May 12, 1948; 8:55 a. m.]

[47 CFR, Part 3]

[Docket 8966]

TIME OF OPERATION

NOTICE OF PROPOSED RULE MAKING

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

2. The Commission proposes to amend § 3.661 (a) of its rules and regulations to read as follows:

§ 3.661 *Time of operation.* (a) All television broadcast stations will be licensed for unlimited time operation. Each such station shall maintain a regular program operating schedule as follows: Not less than two hours daily in any five broadcast days per week and not less than a total of twelve hours per week during the first eighteen months of the station's operations; not less than two hours daily in any five broadcast days per week and not less than a total of sixteen hours, twenty hours and twenty-four hours per week for each successive six-month period of operation, respectively and not less than two hours in each of the seven days of the week and not less than a total of twenty-eight hours per week thereafter. "Operation" includes the period during which a station is operated pursuant to special temporary authority or during program tests, as well as during the license period. Time devoted to test patterns, or to aural presentations accompanied by the incidental use of fixed visual images which have no substantial relationship to the subject matter of such aural presentations, shall not be considered in computing periods of program service. If, in the event of an emergency due to causes beyond the control of a licensee, it becomes impossible to continue operation, the Commission and the engineer in charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops and immediately after the emergency ceases and operation is resumed.

3. Authority to issue the proposed amendment is vested in the Commission by sections 303 (a) (b) and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed changes should not be adopted, or should not be adopted in the manner set forth above may file with the Commission on or before May 28, 1948, a written statement or brief setting forth his comments. The Commission will consider all such comments that are received before taking final action in the matter, and if any comments are submitted which appear to warrant the holding of an oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: May 5, 1948.

Released: May 5, 1948.

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

[F. R. Doc. 48-4307; Filed, May 12, 1948; 8:57 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 51]

[Docket No. FDC 45 (a)]

CANNED GREEN BEANS AND CANNED WAX BEANS

AMENDMENTS TO DEFINITIONS AND STANDARDS OF IDENTITY AND STANDARDS OF QUALITY; NOTICE OF PROPOSED RULE MAKING

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), on the basis of evidence received at the hearing duly held pursuant to the notice published in the FEDERAL REGISTER on February 14, 1948 (13 F R. 692) and upon consideration of proposed findings of fact filed herein by National Canners Association, which have been consolidated and adopted in part, rejected in part, and not found in part where they were not considered material to the issues involved as is apparent from the detailed findings made below, the following order be made.

DEFINITIONS AND STANDARDS OF IDENTITY

Findings of fact.[1] 1. Paragraph (a) (1) of § 51.10, which establishes a definition and standard of identity for canned green beans, defines the form of bean ingredient known as "Whole" or as "Whole pods or transversely cut pods not less than 2¾ inches in length." Canners of green beans and wax beans have not understood the exact significance of this subparagraph as applied to the canned product, prepared from whole green beans and wax beans which, after cutting off the stems, are less than 2¾ inches in length, or as applied to whole beans which are broken during blanching or while being packed into the can. For the purpose of differentiating between whole beans, either packed without arrangement or vertical style, and the various styles of cut beans, it is unnecessary to establish any numerical tol-

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

erance for these short and broken beans. Beans vary in length and a naturally short bean is still regarded as whole, although it is less than 2¾ inches long after removal of either or both ends. A change in the wording of § 51.10 (a) (1) which will give the meaning intended will be obtained by substituting for it the following:

(1) Whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length. There may be present such broken pieces of pods as normally occur in the commercial packing of such product. (R. 18, 47, 53-55, 63, 77, 105; Ex. 5)

2. Subparagraphs (3) and (4) of § 51.10 (a) distinguish between transversely cut pods on the basis of the length of the cut pieces. The pieces less than ¾ inch in length are designated in § 51.10 (b) as "Short Cuts," and those between ¾ inch and 2¾ inches as "Cuts." Many canners now wish to pack canned green beans and canned wax beans in the form defined as short cuts. Where the procedure used for obtaining the short cuts is to first cut the beans into pieces 1 inch in length or longer (for canning as cut beans) and to remove the shorter pieces by machine (for packing as short cuts) difficulty has been encountered in completely separating all pieces longer than ¾ inch in length from the short cuts. A differentiation between "Short Cuts" and "Cuts" which reasonably conforms with the consumer understanding of short cuts without making it unreasonably difficult to pack them, will provide for the presence in short cuts of a substantial number of pieces slightly longer than ¾ inch, but will permit only a few much longer pieces, since pieces more than 1¼ inches in length are in such contrast with the pieces around ½ inch in length that the mixture assumes a very unattractive appearance. There is no need to change the definition of "Cuts." The present wording of § 51.10 (b) (4) should be changed to read:

(4) Pieces of pods of which not less than 75 percent by count are less than ¾ inch in length and not more than 1 percent by count are more than 1¼ inches in length. (R. 201-204; Ex. 16)

3. It was the custom for many years, prior to the promulgation of the present definitions and standards of identity for canned green beans and canned wax beans, for the word "Stringless" to be used as part of the names of such beans. When definitions and standards of identity for these foods were amended, canners were somewhat in doubt as to whether it was permissible to place the term "Stringless" in the name of those canned green and canned wax beans which were in fact stringless, or whether any reference to lack of strings must be placed in subsidiary labeling. Where canned green beans and canned wax beans are in fact stringless, the use of the designation "Stringless" in the name is unobjectionable. The wording of § 51.10 (c) should be changed to read as follows:

(c) Wherever the name "Green Beans" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the green beans, the designation of the length of cut, and the designation of such beans as "Stringless," where this is a true designation, may so intervene.

The wording of § 51.15 (b) should be changed to read as follows:

(b) Wherever the name "Wax Beans" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by § 51.10 (b) shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the wax beans, the designation of the length of cut, and the designation of such beans as "Stringless," where this is a true designation, may so intervene. (R. 233-4)

Conclusions. On the basis of the evidence of record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of the consumer to amend the definitions and standards of identity for canned green beans and canned wax beans so that after making the recommended changes they read as follows:

§ 51.10 *Canned green beans; identity; label statement of optional ingredients.* (a) Canned green beans is the food prepared from stemmed, succulent pods of the green bean plant, and water. It may be seasoned with salt, sugar, or dextrose, or any two or all of these. The pods are prepared in one or more of the following forms:

(1) Whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length. There may be present such broken pieces of pods as normally occur in the commercial packing of such product.

(2) Pods sliced lengthwise.

(3) Pods cut transversely into pieces less than 2¾ inches in length but not less than ¾ inch in length, with or without shorter end pieces resulting therefrom.

(4) Pieces of pods of which not less than 75 percent are less than ¾ inch in length and not more than 1 percent are more than 1¼ inches in length.

Any such form is an optional ingredient. Mixtures of two or more optional ingredients may be used. The food is sealed in a container and so processed by heat as to prevent spoilage.

(b) (1) When optional ingredient (a) (1) of this section is used the label shall bear the word "Whole." If the pods are packed parallel to the sides of the container the word "Whole" shall be preceded or followed by the words "Vertical Pack," except that when the pods are cut at both ends and are of substantially equal lengths, the words "Asparagus Style" may be used in lieu of the words "Vertical Pack."

(2) When optional ingredient (a) (2) of this section is used the label shall bear the words "Sliced Lengthwise" or "French Style."

(3) When optional ingredient (a) (3) of this section is used the label shall bear the word "Cut" or "Cuts."

(4) When optional ingredient (a) (4) of this section is used the label shall bear the words "Short Cut" or "Short Cuts" or "_____ Inch Cut" or "_____ Inch Cuts," the blank to be filled in with the fraction of an inch which denotes the approximate length of the pieces.

(5) When a mixture of two or more of the optional ingredients in paragraphs (a) (1) to (a) (4) inclusive, of this section, is used the label shall bear the statement "Mixture of _____," the blank being filled in with the combination of the names "Whole," "Sliced Lengthwise," "Cut" or "Cuts," and "Short Cut" or "Short Cuts," designating the optional ingredients present, and arranged in the order of predominance, if any, by weight of such ingredients.

(c) Wherever the name "Green Beans" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the green beans, the designation of the length of cut, and the designation of such beans as "Stringless," where this is a true designation, may so intervene.

§ 51.15 *Canned wax beans; identity; label statement of optional ingredients.* (a) Canned wax beans conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for canned green beans by § 51.10 (a) and (b), except that it is prepared from stemmed, succulent pods of the wax-bean plant.

(b) Wherever the name "Wax Beans" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by § 51.10 (b) shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the wax beans, the designation of the length of cut, and the designation of such beans as "Stringless," where this is a true designation, may so intervene.

STANDARDS OF QUALITY

Findings of Fact.[1] 1. The quality standards for canned green beans and canned wax beans prescribe a maximum limit on the number of pieces of such beans less than ½ inch in length in all optional forms of such beans except the "Short Cuts" and "Sliced Lengthwise." Where cut beans of small sieve size are canned, a larger number of units for a given drained weight of beans result than

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

when the larger sieve sizes are packed. Where the number of units per 12 ounces drained weight exceed 240, the present limit of 60 pieces less than ½ inch in length is more stringent than necessary. Satisfactory control of impairment of quality by presence of very short pieces will be obtained without unduly penalizing small beans when the following proviso is added to subparagraph (1) of paragraph (a) of § 51.11. "*Provided*, That where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent by count of the total units are less than ½ inch long." (R. 248, 249. Ex 18)

2. The quality of canned green beans and canned wax beans depends, among other things, upon the stage of maturity of such beans before canning. The percentage of seeds in the pods of green beans and wax beans is a measure of the stage of their maturity, but due to variations in the size of the seeds in different varieties no single prescribed percentage of seeds in pods will serve to establish the same degree of maturity in all varieties. The present quality standard, among other things, prescribes 15 percent as the maximum percentage by weight of seeds and pieces of seeds in the trimmed pods in canned green beans and canned wax beans of standard quality (§ 51.11 (a) (2)) Although this limit accomplished its purpose in the case of some varieties of canned green beans and canned wax beans, in other varieties it caused to be classified as substandard canned green beans and canned wax beans of standard quality. Some varieties of green beans and wax beans do not develop fibrous material rapidly, and the only objective method now in use for establishing the stage of their maturity beyond which quality is impaired is the determination of the percentage by weight of seeds in the pods. A requirement that the trimmed pods in canned green beans and canned wax beans contain not more than 25 percent by weight of seeds and pieces of seeds will establish the stage of maturity beyond which quality is seriously impaired. In those varieties which develop fiber more rapidly than seed the limit on fiber (§ 51.11 (a) (4)) serves to classify canned green beans or canned wax beans of such varieties as of substandard quality before the percentage of seed in trimmed pods reaches 25 percent. (R. 254–258, 286, 317–339, 371, 372, 402, 505–507, 534, 464–466, 478–480, Ex. 19, 20, 22, 24, 25, 26, 28, 36)

3. Evidence of record shows that the requirement of § 51.11 (a) (4) has been a satisfactory limit on that substance in canned green beans and canned wax beans known as fibrous material. The details of the chemical method for determining fibrous material (§ 51.11 (b)) have not been completely understood by some of the persons attempting to utilize it, and a few changes in its wording are likely to make it easier for such persons to apply it. The following expanded description should replace § 51.11 (b) (6)

Transfer to the metal cup of a malted-milk stirrer and mash with a pestle. Wash material adhering to the pestle back into cup with 200 cc. of boiling water. Bring mixture nearly to a boil, add 25 cc. of 50 percent (by weight) sodium hydroxide solution and bring to a boil. (If foaming is excessive, 1 cc. of capryl alcohol may be added.) Boil for 5 minutes, then stir for 5 minutes, with a malted-milk stirrer capable of a no-load speed of at least 7200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1.

Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about 3½ to 4 inches and side walls about 1 inch high, and wash fiber on the screen with a stream of water using a pressure not exceeding a head (vertical distance between upper level of water and outlet of glass tube) of 60 inches, delivered through a glass tube 3 inches long and ⅛ inch inside diameter inserted into a rubber tube of ¼ inch inside diameter. Wash the pulpy portion of the material through the screen and continue washing until the remaining fibrous material, moistened with phenolphthalein solution, does not show any red color after standing 5 minutes. Again wash to remove phenolphthalein. Dry the screen containing the fibrous material for 2 hours at 100° C., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the weight of combined deseeded pods, trimmings, and strings and multiply by 100 to obtain the percentage of fibrous material. (R. 633–635, 650, 651)

4. The record of hearing contains several expressions of opinion as to the difficulty of describing blemished units and suggestions for improvement, but none of these suggested descriptions appears to have any advantage over that contained in § 51.11 (a) (5) for the purpose of describing a blemished unit which consumers would reject when given an opportunity. (R. 619–625, 630–631, 636, 642–647)

5. The limit on blemished units prescribed by § 51.11 (a) (5) is 12 blemished units per 12 ounces drained weight. This requirement, which limits blemished units on the basis of the number in a given weight of canned green beans or canned wax beans, is more stringent on cut beans than on whole beans. Rather than establish different limits for different forms of beans as a means of equalizing the limit on blemishes, a limit based on percentage by count of the total number of units in the container will generally be more satisfactory. A reasonable limit is that the percent of blemished units by count is not more than 8 percent. The amended subparagraph § 51.11 (a) (5) should read:

(5) There are not more than 8 percent by count of blemished units. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle ⅛ inch in diameter. (R. 610–617, 636–641)

6. The amendments to the standard of quality for canned green beans and canned wax beans, shown to be required by the foregoing findings of fact, make it necessary to revise the wording of the method for determining whether these foods are of substandard quality. The required changes in the method appear in § 51.11 (b) of the regulations which is set forth herein. (R. 633–635, 650, 651)

7. Where canned green beans or canned wax beans is rendered substandard only by the presence of excessive numbers of very short pieces, a more informative supplementary wording in the label statement of substandard quality than that now provided will be obtained by replacing the words "Good Food—Not High Grade" with the words "Excessive Number Very Short Pieces." Where canned green beans or canned wax beans is rendered substandard only by the presence of an excessive number of blemished units a more informative supplementary wording in the label statement of substandard quality than that now provided will be obtained by replacing the words "Good Food—Not High Grade" with the words "Excessive Number of Blemished Units." Where canned green beans or canned wax beans is rendered substandard only by the presence of an excessive number of unstemmed units, a more informative supplementary wording in the label statement of substandard quality will be obtained by replacing the words "Good Food—Not High Grade" with the words "Excessive Number of Unstemmed Units." Where canned green beans or canned wax beans is rendered substandard only by the presence of excessive foreign material, a more informative supplementary wording in the label statement of substandard quality will be obtained by replacing the words "Good Food—Not High Grade" with the words "Excessive Foreign Material." (R. 542–543)

On the basis of the evidence of record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of the consumer to amend the standards of quality for canned green beans and canned wax beans, so that §§ 51.11 and 51.16, after making the necessary changes, read as follows:

§ 51.11 *Canned green beans; quality; label statement of substandard quality.* (a) The standard of quality of canned green beans is as follows:

When tested by the method prescribed in paragraph (b) of this section:

(1) In the case of cut beans (§ 51.10 (a) (3)) and mixtures of two or more of the optional ingredients specified in § 51.10 (a) (1) to (a) (4), inclusive, not more than 60 units per 12 ounces drained weight are less than ½ inch long; *Provided*, That where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent by count of the total units are less than ½ inch long.

(2) The trimmed pods contain not more than 25 percent by weight of seed and pieces of seed.

(3) In case there are present pods or pieces of pods 27/64 inch or more in diameter, there are not more than 12 strings per 12 ounces of drained weight which will support ½ pound for 5 seconds or longer.

(4) The deseeded pods contain not more than 0.15 percent by weight of fibrous material.

(5) There are not more than 8 percent by count of blemished units. A unit is considered blemished when the aggre-

gate blemished area exceeds the area of a circle ⅛ inch in diameter.

(6) There are not more than 6 unstemmed units per 12 ounces of drained weight.

(7) The combined weight of loose seed and pieces of seed is not more than 5 percent of the drained weight. This provision does not apply in case the green bean ingredient is pods sliced lengthwise (§ 51.10 (a) (2)).

(8) The combined weight of leaves, detached stems, and other extraneous vegetable matter is not more than 0.6 ounce per 60 ounces drained weight.

(b) Canned green beans shall be tested by the following method to determine whether they meet the requirements of paragraph (a) of this section.

(1) Distribute the contents of the container over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table 1 of "Standard Specifications for Sieves," published March 1, 1940; in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count the total number of units. For the purpose of this count, loose seed, pieces of seed, loose stems, and extraneous material are not to be included. Divide the number of units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of units per 12 ounces drained weight.

(3) Examine the drained material in the tray, counting and recording the number of blemished units, number of unstemmed units, and, in case the material consists of the optional ingredient specified in paragraph (a) (3) or a mixture of two or more of the optional ingredients specified in paragraphs (a) (1) to (a) (4) inclusive, of § 51.10, count and record the number of units which are less than ½ inch long. If the number of units per 12 ounces is 240 or less, divide the number of units which are less than ½ inch long by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of such units per 12 ounces drained weight. If the number of units per 12 ounces exceeds 240, divide the number of units less than ½ inch long by the total number of units and multiply by 100 to determine the percentage by count of the total units which are less than ½ inch long.

Divide the number of blemished units by the total number of units in the container and multiply by 100 to obtain the percentage by count of blemished units in the container.

Divide the number of unstemmed units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of unstemmed units per 12 ounces of drained weight.

(4) Except in the case of pods sliced lengthwise, remove the loose seeds and pieces of seed, weigh and record weight and return to tray. Divide the weight of loose seeds and pieces of seed by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 100 to obtain the percentage by weight of loose seed and pieces of seed in the drained material.

(5) Remove from the tray the extraneous vegetable material, weigh, record weight, and return to tray.

(6) Remove from the tray one or more representative samples of 3½ to 4 ounces, covering each sample as taken to prevent evaporation. If the tray includes pods or pieces of pods 27/64 inch or more in diameter, weigh and record weight in ounces of each representative sample.

(7) From each representative sample selected in subparagraph (6) of this paragraph discard any loose seed and extraneous vegetable material and detach and discard any attached stems. Except with optional ingredient (a) (2) of § 51.10 (pods sliced lengthwise) trim off, as far as the end of the space formerly occupied by the seed, any portion of pods from which seed have become separated. Remove and discard any portions of seed from the trimmings and reserve the trimmings for subparagraph (9) of this paragraph. Weigh and record the weight of the trimmed pods. Deseed the trimmed pods and reserve the deseeded pods for subparagraph (9) of this paragraph. If the original container contained pods 27/64 inch or more in diameter, remove strings from the pods during the deseeding operation. Reserve these strings for testing as prescribed in subparagraph (8) of this paragraph. Collect the seed on a sieve of mesh fine enough to retain them, and so distribute them that any liquid drains away. Weigh the seed, divide by the weight of the trimmed pods, and multiply by 100 to obtain the percentage by weight of seed in the trimmed pods.

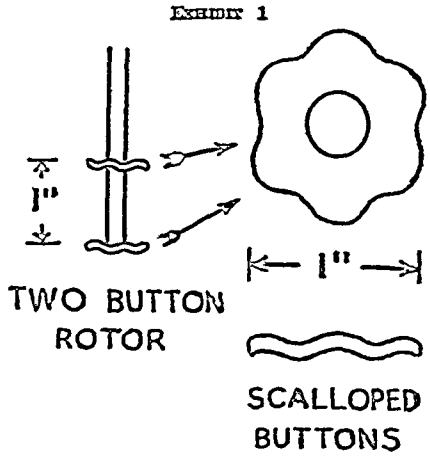
In the case of pods sliced lengthwise remove seed and pieces of seed and reserve the deseeded pods for use as prescribed in subparagraph (9) of this paragraph.

(8) If strings have been removed for testing, as prescribed in subparagraph (7) of this paragraph, test them as follows:

Fasten clamp, weighted to ½ pound, to one end of the string, grasp the other end with the fingers (a cloth may be used to aid in holding the string), and lift gently. Count the string as tough if it supports the ½-pound weight for at least 5 seconds. If the string breaks before 5 seconds, test such parts into which it breaks as are ½ inch or more in length and if any such part of the string supports the ½-pound weight for at least 5 seconds count the string as tough. Divide the number of tough strings by the weight of the sample recorded in subparagraph (6) of this paragraph and multiply by 12 to obtain the number of tough strings per 12 ounces drained weight.

(9) Combine the deseeded pods with the trimmings reserved in subparagraph (7) of this paragraph, and, if strings were tested as prescribed in subparagraph (8) of this paragraph, and such strings, broken or unbroken. Weigh and record weight of combined material. Transfer to the metal cup of a malted-milk stirrer and mash with a pestle. Wash material adhering to the pestle back into cup with 200 cc. of boiling water. Bring mixture nearly to a boil, add 25 cc. of 50 percent (by weight) sodium hydroxide solution and bring to a boil. (If foaming is excessive, 1 cc. of capryl alcohol may be added.) Boil for 5 minutes, then stir for 5 minutes with a malted-milk stirrer capable of a no-load speed of at least 7200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1.

EXHIBIT 1



Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about 3½ to 4 inches and side walls about 1 inch high, and wash fiber on the screen with a stream of water using a pressure not exceeding a head (vertical distance between upper level of water and outlet of glass tube) of 60 inches, delivered through a glass tube 3 inches long and ⅛ inch inside diameter inserted into a rubber tube of ¼ inch inside diameter. Wash the pulpy portion of the material through the screen and continue washing until the remaining fibrous material, moistened with phenolphthalein solution, does not show any red color after standing 5 minutes. Again wash to remove phenolphthalein. Dry the screen containing the fibrous material for 2 hours at 100° C., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the weight of combined deseeded pods, trimmings, and strings and multiply by 100 to obtain the percentage of fibrous material.

(10) If the drained weight recorded in subparagraph (1) of this paragraph was less than 60 ounces, open and examine separately for extraneous material, as directed in subparagraph (5) of this paragraph, additional containers until a total of not less than 60 ounces of drained material is obtained. To determine the combined weight of extraneous vegetable

material per 60 ounces of drained weight, total the weights of extraneous vegetable material found in all containers opened, divide this sum by the sum of the drained weights in these containers and multiply by 60.

(c) If the quality of the canned green beans falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter (21 CFR, Cum. Supp. 10.2 (a)) in the manner and form therein specified, but in lieu of the words prescribed for the second line inside the rectangle the following words may be used, when the quality of canned green beans falls below the standard in one only of any of the following respects:

(1) "Excessive Number Very Short Pieces," if the canned green beans fail to meet the requirements of § 51.11 (a) (1)

(2) "Excessive Number Blemished Units," if they fail to meet the requirements of § 51.11 (a) (5)

(3) "Excessive Number Unstemmed Units," if they fail to meet the requirements of § 51.11 (a) (6)

(4) "Excessive Foreign Material," if they fail to meet the requirement of § 51.11 (a) (8)

§ 51.16 *Canned wax beans; quality; label statement of substandard quality.* (a) The standard of quality for canned wax beans is that prescribed for canned green beans by § 51.11 (a) and (b)

(b) If the quality of canned wax beans falls below the standard of quality prescribed by paragraph (a) of this section the label shall bear the statement of substandard quality in the manner and form specified in § 51.11 (c) for canned green beans.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, Room 3346, Federal Security Building, 4th Street and Independence Avenue, SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

Dated: May 7, 1948.

[SEAL] J. DONALD KINGSLEY, *Acting Administrator*

[F. R. Doc. 48-4312; Filed, May 12, 1948; 8:52 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 681, et al.]

UNIVERSAL AIR FREIGHT; AIR FREIGHT FORWARDER CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Universal Air Freight and other applicants for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, or for exemptions under either section 1 (2) of section 416 (b) or both, of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned to be held on June 1, 1948, at 10:00 a. m., eastern daylight saving time, in Room 5042 Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., May 7, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-4287; Filed, May 12, 1948; 8:48 a. m.]

[Docket No. 2468]

EMPIRE AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over its entire route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on May 13, 1948, at 2:30 p. m. (daylight saving time) Wing C, Room 131, Temp. Building No. 5, South of Constitution Avenue between 16th and 17th Streets NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

Dated at Washington, D. C., May 7, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-4288; Filed, May 12, 1948; 8:48 a. m.]

[Docket No. 3284]

INTERNATIONAL AIR TRANSPORT ASSOCIATION; NORTH ATLANTIC PASSENGER FARES PROCEEDING

NOTICE OF HEARING

In the matter of the Joint Conference Resolution No. J. T. 12/081 of the International Air Transport Association filed under section 412 of the Civil Aeronautics Act relating to passenger fares in the North Atlantic. (Agreement C. A. B. No. 1539 R-4.)

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on May 24, 1948, at 10:00 a. m. (Eastern Daylight Saving Time) in Room 1851, Commerce Building, 14th Street and Constitution Avenue, Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues presented by the order instituting the proceeding, particular attention will be directed to the following matters and questions:

1. To what extent, if any, does the said resolution cause discrimination against passenger traffic between Gander and points east thereof?

(a) Do the costs per mile to the air carriers or foreign air carriers parties to the resolution of furnishing passenger transportation between Gander and points east thereof differ from such costs of furnishing transportation between New York or Boston and Gander and between New York or Boston and points east of Gander?

(b) Does the value of transportation to the traveling public furnished by the air carriers or foreign air carriers parties to the resolution between Gander and points east thereof differ from the value of transportation furnished between New York or Boston and Gander and between New York or Boston and points east of Gander?

(c) Do the terms, circumstances, and conditions of the transportation furnished by the air carriers or foreign air carriers parties to the resolution between Gander and points east thereof differ from those of the transportation furnished by such carriers between New York or Boston and Gander and between New York or Boston and points east of Gander?

(d) What bearing do competitive, commercial, economic, and other factors have upon the fare differential involved in the resolution?

2. To the extent that the said resolution may cause discrimination, does it affect adversely the public interest in air transportation between New York or Boston and Gander or between New York or Boston and points east of Gander?

3. To the extent that the said resolution may cause discrimination, does it establish a principle or precedent adverse to the public interest in air transportation?

Notice also is given that any person other than parties of record as of May

7, 1948, desiring to be heard in this proceeding must file with the Board on or before May 24, 1948, a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

For further details with respect to this proceeding, interested parties are refered to the pertinent orders of the Civil Aeronautics Board on file in the docket.

Dated at Washington, D. C., May 7, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-4289; Filed, May 12, 1948; 8:49 a. m.]

[Docket No. SA-169]

ACCIDENT AT SHANNON, EIRE

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-88858, which occurred at Shannon, Eire, April 14, 1948.

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 13, 1948, at 9:30 a. m. (local time) in the Florentine Room, Lexington Hotel, 48th and Lexington Streets, New York, New York.

Dated at Washington, D. C., May 7, 1948.

[SEAL] RUSSELL A. POTTER, *Presiding Officer*

[F. R. Doc. 48-4313; Filed, May 12, 1948; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 21]

DESIGNATION OF MOTIONS COMMISSIONER FOR MAY 1948

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of April 1948;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Rosel H. Hyde, Commissioner, be, and he is hereby, designated as Motions Commissioner for the month of May 1948.

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.

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

[F. R. Doc. 48-4298; Filed, May 12, 1948; 8:50 a. m.]

[Docket Nos. 8940-8944, 8971]

HUDSON VALLEY BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hudson Valley Broadcasting Company, Inc., Albany, New York, Docket No. 8940, File No. BPCT-389; The Press Company, Inc., Albany, New York, Docket No. 8941, File No. BPCT-395; Patroon Broadcasting Company, Inc., Albany, New York, Docket No. 8942, File No. BPCT-405; Van Curler Broadcasting Corporation, Albany, New York, Docket No. 8943, File No. BPCT-408; Troy Broadcasting Company, Troy, New York, Docket No. 8944, File No. BPCT-412; Meredith Publishing Company, Albany, New York, Docket No. 8971, File No. BPCT-421; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of April 1948;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a television broadcast station to operate unlimited time on a television channel allocated to the Albany-Schenectady-Troy metropolitan district under § 3.606 of the Commission's rules and regulations; and

It appearing, that the above-entitled applications for construction permits for television broadcast stations exceed in number the unassigned channels allocated to the Albany-Schenectady-Troy metropolitan district under § 3.606 of the Commission's rules and regulations;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission upon the following issues:

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

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television 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 any other pending applications for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television 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 governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

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

[F. R. Doc. 48-4233; Filed, May 12, 1948; 8:50 a. m.]

[Docket Nos. 8945-8948]

RICHMOND RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Richmond Radio Corporation, Richmond, Virginia, File No. BPCT-321, Docket No. 8945; Larus and Brother Company, Inc., Richmond, Virginia, File No. BPCT-379, Docket No. 8946; Lee Broadcasting Corporation, Richmond, Virginia, File No. BPCT-392, Docket No. 8947; Southern Broadcasters, Incorporated, Richmond, Virginia, File No. BPCT-420, Docket No. 8948.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of April 1948;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a television broadcast station to operate unlimited time on a television channel allocated to the Richmond, Virginia metropolitan district under § 3.606 of the Commission's rules and regulations; and

It appearing, that the above-entitled applications for construction permits for television broadcast stations exceed in number the unassigned channels allocated to the Richmond, Virginia metropolitan district under § 3.606 of the Commission's rules and regulations;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission upon the following issues:

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

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television

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 any other pending applications for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television 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 governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

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

[F. R. Doc. 48-4297; Filed, May 12, 1948; 8:50 a. m.]

[Docket Nos. 8873, 8938, 8939]

VIDEO BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Video Broadcasting Company (a co-partnership, consisting of John A. Masterson, Harold M. Holden, John W Melson, John F Reddy, Lester G. Bacon, W. F Laughlin, Charles Wesley Turner, J. G. Moser, I. D. Ditmars, Charles B. Brown and H. E. Moser) San Jose, California, Docket No. 8938, File No. BPCT-342; Radio Diablo, Inc., San Jose, California, Docket No. 8873, File No. BPCT-368; FM Radio and Television Corporation, San Jose, California, Docket No. 8939, File No. BPCT-374; for construction permits for television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of April 1948;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a television broadcast station to operate unlimited time on channel No. 13 allocated to the San Jose, California metropolitan district under § 3.606 of the Commission's rules and regulations; and

It appearing, that the above entitled applications for construction permits for television broadcast stations are mutually exclusive because each requests the same channel;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applicaitons are designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission upon the following issues:

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

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television 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 any other pending applications for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television 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 governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

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

[F. R. Doc. 48-4296; Filed, May 12, 1948; 8:50 a. m.]

[Docket No. 8976]

TELEVISION BROADCASTING; UTILIZATION OF FREQUENCIES IN BAND 475 TO 890 MEGACYCLES

ORDER SCHEDULING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of May 1948,

Whereas, the Commission has heretofore assigned 13 channels for television broadcasting below 216 Mc and has by a report and order adopted this day (FCC 48-1565) deleted television channel No. 1, and

Whereas, in said report and order the Commission found it necessary to eliminate the shared use of television channels and, in addition, the Commission has provided that the frequencies 72 to 76 megacycles should be assigned only to the fixed service on an engineered basis and on condition that no adjacent channel interference will result to the reception of television stations on channels 4 and 5; and

Whereas, it is recognized that some interference to television reception will result from adjacent channel operation of other services, from harmonic radiations, and from man-made noise; and

Whereas, on the basis of television applications already on file, the demand for facilities far exceeds the available frequencies;

Whereas, the Commission has heretofore stated that, in its opinion, there is insufficient spectrum space below 300 megacycles to make possible a truly nation-wide competitive television system; and

Whereas, the Commission has allocated the band 475 to 890 Mc for television broadcasting on an experimental basis;

Now, therefore, it is ordered, That a hearing be held before the Commission en banc beginning September 20, 1948, at 10:00 a. m. on the following issues:

1. To obtain full information concerning interference to the reception of television stations operating on channels 2 through 13 resulting from adjacent channel operation of other services, from harmonic radiations, and from man-made noise.

2. To receive such additional data as may be available since the close of the hearing in Dockets 6651 and 7896 concerning the propagation characteristics of the band 475 to 890 Mc.

3. To obtain full information concerning the state of development of transmitting and receiving equipment for either monochrome or color television broadcasting, or both, capable of operating in the band 475 to 890 Mc.

4. To obtain full information concerning any proposals for the utilization of the band 475 to 890 Mc, or any part thereof, for television broadcasting and the standards to be proposed therefor.

Persons desiring to participate in this hearing shall file with the Commission on or before August 23, 1948, a written appearance setting forth the name or names of the witnesses who will testify, the subject matter concerning which they will offer testimony, and the length of time their testimony is expected to take. In addition, such persons shall furnish to the Commission not later than 15 days before the hearing is scheduled to begin, 15 copies of all exhibits they intend to offer at the hearing.

Adopted: May 5, 1948.

Released: May 6, 1948.

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

[F. R. Doc. 48-4308; Filed, May 12, 1948; 8:51 a. m.]

KLOU

NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE[1]

The Commission hereby gives notice that on April 27, 1948 there was filed with it an application (BAL-727) for its consent under section 310 (b) of the Communications Act to the proposed

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

assignment of license of station KLOU, Lake Charles, Louisiana, from Frank R. Gibson to The Pelican Broadcasting Company, Inc., Lake Charles, Louisiana. The proposal to assign the license arises out of a contract of April 23, 1948 between Gibson and assignee pursuant to which the former would sell to the latter all the properties and equipment of the station for a total consideration of $80,000 of which amount $60,000 will be paid upon Commission approval of the application and the remaining $20,000 within 5 years following approval. Assignor would also lease the studio building and site of the station for 4 years at a monthly rental of $250 to commence the first of the calendar month following approval. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on April 27, 1948 that starting on April 28, 1948 notice of the filing of the application would be inserted in American Press, a newspaper of general circulation at Lake Charles, Louisiana in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from April 28, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

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

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

[F. R. Doc. 48-4293; Filed, May 12, 1948; 8:50 a. m.]

KYOR

NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on April 27, 1948 there was filed with it an application (BAPL-37) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KYOR, San Diego, California, from Albert E. Furlow, Frank G. Foward, Roy M. Ledford, Fred H. Rohr, and Mary Hetzler, doing business as Silver Gate Broadcasting Company, to San Diego Broadcasting Company, San Diego, California. The proposal to assign the license arises out of a contract of April 14, 1948 pursuant to which the station, its equipment and properties would be sold by the partnership to the corporation for a total consideration of $87,500. Of said amount the buyer shall deposit in escrow with the United States National Bank of San Diego $8,750 within 10 days after execution of the agreement and the balance of $78,750 is to be evidenced by buyer's demand promissory note payable to the same bank, likewise deposited in escrow. From the balance due there is to be deducted one-half of the escrow fee and out of pocket expenses. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on April 27, 1948 that starting on May 3, 1948 notice of the filing of the application would be inserted in the San Diego Tribune-Sun, a newspaper of general circulation at San Diego, California in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from May 3, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

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

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

[F. R. Doc. 48-4294; Filed, May 12, 1948; 8:50 a. m.]

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

INTERSTATE COMMERCE COMMISSION

[S. O. 790, Amdt. 21 to Corr. Special Directive 1]

PENNSYLVANIA RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 1 (12 F. R. 7950) under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Corrected Special Directive No. 1, be, and it is hereby amended by substituting Appendix A hereof for Appendix A thereof.

A copy of this amendment shall be served upon The Pennsylvania Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of May A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A

Mine	Cars	
	Per day	Per week
A&A	1	
Adams	3	
Allen	2	
Armstrong	17	
Banks-W. Bituminous	3	
Batchelet	1	
Bear Run-Mt. Branch	5	
Bennett		4
Bernice	1	
Bethany	8	
Betty	4	
Bigelow Run	4	
Birch Creek No. 3	7	
Bolivar	3	
Bottom 9 and 19	2	
Bowers		2
Brockburn-Willent	2	
Bucher	4	
Bulger 2 and 3	4	
Cambria	1	
Cambria	3	
Catfish	2	
Chinook	23	
Cipolla		2
Coffman	4	
Contango	4	
Crawford	1	
Crellin		4
Decker	2	
Delmont 19	9	
Diamond Smokeless	3	
Dorothy-Florence	17	
Dun Glen	21	
Ella	2	
Enterprise	1	
Eureka 33-37-40	3	
Export	5	
Fabo	1	
Fitch 4	2	
Florence (Harmon Creek)	23	
Foster	44	
France	32	
G&F (Fell)	1	
Gilpin	5	
Glen Fisher		4
Greenton	1	
Graff 1 and 2	11	
Hanley	4	
Hanlin	23	
Hartwood	1	
Hays No. 1	3	
Hillcrest No. 3	8	
Hays No. 2	5	
Hillside 1	1	
Hough & Friend	1	
Huntin 6	2	
Irwin 11	3	
Jamison 2-20-21	11	
Jane	4	
Jones	1	
Jordan	4	
Joyce 1 and 3	3	
Kenbrook	8	
Kich	2	
Kittel Valley	6	
Knox 1-2	44	
Lambert, B&M and various	1	
Lamkin	2	
Langelith	3	
Lemont-Redstone	4	
Lewis	1	
Lindley-Milland	29	
Lindsay 8	1	
Lloyd 3 and 4	6	
Locust Grove	25	
Lucerne	1	
Mac	2	
Magnolia		4
Maher 4	7	
Mateer	3	
Maud (Tenton)	2	
Mautz		4
Maywiew-McGovern	3	
McCombie 2	1	
McCullough	3	
Meade Run	2	
Meecham	1	
Mercury 2	4	
Mill Run	7	
Militant & Cooper Smokeless	2	
Miller Strip	2	
Milligan		3
Mimms	1	
Moore Cadiz	7	
Morrow	2	
Mullett	22	
Navy Smokeless	1	
Painter	2	
Panhandle	9	
Parrell	2	
Paris 1 and 2	7	
Park	10	
Patoka	2	
Patch	3	
Penna. 9	2	

APPENDIX A—Continued

Mine	Cars	
	Per day	Per week
Penn Valley	7	
Persutti	4	
Poole	3	
Powhatan	22	
Primrose 2 and 4	4	
R. & J.	3	
Rea		2
Reitz 2-3-4-5-8	3	
Regent	4	
Richland	2	
Rider 5	4	
Rose Hill	13	
Rugh (Salem)	2	
Saline	2	
Saxton	4	
Schlegel	3	
Segar	2	
Shasta	9	
Sherman	3	
Smith 1 and 2	1	
Standard 1	2	
Standard 9—Sasso 5	25	
Sterling	3	
Stineman 3	4	
Sunshine	1	
Superior 1 and 3	2	
Superior 3	2	
Sycamore 25-27-30	11	
Ten X	5	
Testa	4	
Thomassey	2	
Tunnelton	2	
Universal 1 and 2	3	
Valley	11	
Valley Camp 1-3-4-5	22	
Venturini	2	
Victory	5	
Virginia 14		3
Walnut Grove	1	
Washington, Ontario	8	
Washington (Con. Division)		4
Webco	4	
Webb	34	
Yockey	1	

[F. R. Doc. 48-4277; Filed, May 12, 1948; 8:47 a. m.]

[S. O. 790, Amdt. 14 to Special Directive 6]

MONONGAHELA RAILWAY CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 6 (12 F. R. 7952) under Service Order No. 790 (12 F R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 6, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof:

(1) To furnish to the mines listed below cars for the loading of Pennsylvania Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mine	Cars	
	Per day	Per week
Brock & National	7	
Byrne 2	1	
Cathy Luxnor	4	
Jamison 11	3	
LaBelle-Old LaBelle		2
Love 4	1	
Martin 2	2	
Poland	4	
Pursglove 2	21	
Rose	3	
Rosedale 1 and 2, Mon	7	
Whiteley	6	

A copy of this amendment shall be served upon The Monongahela Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of May A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 48-4279; Filed, May 12, 1948; 8:47 a. m.]

[S. O. 790, Amdt. 9 to Special Directive 7]

MONTOUR RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 7 (12 F. R. 8281, 8874) under Service Order No. 790 (12 F R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 7, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof:

(1) To furnish to the mines listed below cars for the loading of Pennsylvania Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mine	Cars	
	Per day	Per week
Grant 2 (Boggs-Sunnyhill)		2
Imperial (Sunnyhill)	4	
Irma & Ruth (Sherry Dock-Import)	2	
Rider 3 and 4 (Aloe)	5	

A copy of this amendment shall be served upon The Montour Railroad Company and notice of this amendment shall be given to the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of May A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 48-4278; Filed, May 12, 1948; 8:47 a. m.]

[S. O. 790, Amdt. 1-A to Special Directive 47]

MONONGAHELA RAILWAY CO.

DIRECTIVE TO VACATE ORDER TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F. R. 7911) and good cause appearing therefor:

It is ordered, That Amendment No. 1-A to Special Directive No. 47 under Service Order No. 790, be, and it is hereby vacated effective 12:01 a. m., May 7, 1948.

A copy of this special directive shall be served upon The Monongahela Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 6th day of May A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F R. Doc. 48-4280; Filed, May 12, 1948; 8:47 a. m.]

[S. O. 790, Amdt. 1 to Special Directive 53]

MONONGAHELA RAILWAY CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 54 (13 F R. 1153) under Service Order No. 790 (12 F R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 54 be, and it is hereby amended by changing paragraph (1) thereof as follows:

Mine	*Cars per week*
Change:	
Maiden	20
Add:	
Monark	25

A copy of this amendment shall be served upon The Monongahela Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of May A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-4281; Filed, May 12, 1948; 8:47 a. m.]

[S. O. 790, Amdt. 2 to Corr. Special Directive 53]

PENNSYLVANIA RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 53 (13 F R. 1200), under Service Order No. 790 (12 F R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 53 be, and it is hereby, amended by changing Appendix A as follows:

Mine	Cars per week
Change:	
West Freedom Nos. 1 and 2	30
Lloyd	15

A copy of this amendment shall be served upon The Pennsylvania Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of May A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 48-4282; Filed, May 12, 1948; 8:47 a. m.]

[S. O. 790, Amdt. 5 to Special Directive 54]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 54 (13 F. R. 1154, 1200, 1249, and 1310) under Service Order No. 790 (12 F R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 54, be, and it is hereby amended by changing paragraph (1) thereof as follows:

Mine	Cars per week
Change:	
Galloway No. 1 or No. 2	50
Catherine Deep or Pepper Strip	20
Eliza Strip	10
Add:	
Hillcrest No. 2	12
Glenn Cambria	50

A copy of this amendment shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of May A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 48-4283; Filed, May 12, 1948; 8:47 a. m.]

[S. O. 790, Amdt. 1 to Special Directive No. 55]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 54 (13 F R. 1155) under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 55, be, and it is hereby amended by changing Paragraph (1) thereof as follows:

Mine	Cars per week
Change:	
West Freedom No. 6	5

A copy of this amendment shall be served up The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of May A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 48-4284; Filed, May 12, 1948; 8:48 a. m.]

[S. O. 790, Special Directive 65]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On May 5, 1948, The New York, New Haven and Hartford Railroad Company certified that it had on that date in storage and in cars less than 16 days' supply of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Baltimore and Ohio Railroad Company is directed:

(1) To furnish to the Delmont No. 11 mine 4 cars per mine working day for the loading of fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mine's distributive share for the week will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the weekly distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 5th day of May A. D., 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-4285; Filed, May 12, 1948; 8:48 a. m.]

[S. O. 790, Special Directive 66]

PENNSYLVANIA RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On May 6, 1948, The Monongahela Connecting Railroad Company certified that they have on that date in storage and in cars a total supply of 5 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Pennsylvania Railroad Company is directed:

(1) To furnish weekly to the Reitz mine seven cars for the loading of The Monongahela Connecting Railroad Company fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Monongahela Connecting Railroad Company fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Pennsylvania Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 6th day of May A. D., 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 48-4286; Filed, May 12, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1807]

AMERICAN POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of May A. D. 1948.

Notice is hereby given that a declaration, and an amendment thereto, have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Power & Light Company ("American") a subsidiary of Electric Bond and Share Company, both registered holding companies. American has designated section 12 (d) of the act and Rules U-44 and U-50 thereunder as applicable to the proposed transactions:

Notice is further given that any interested person may not later than May 12, 1948 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration, as amended, proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. At any time after May 12, 1948 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 transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

American owns $2,100,000 in principal amount of First Mortgage Bonds, 3¼% Series, due 1977 of Pacific Power & Light Company, an electric utility subsidiary of American. American proposes to sell to non-affiliated interests, said $2,100,000 in principal amount of bonds and apply the proceeds toward the purchase of additional shares of common stocks of certain other subsidiaries or in the making of capital contributions to such other subsidiaries. American requests that the proposed sale be exempted from the competitive bidding requirements of Rule U-50. In connection with the proposed sale American may employ an investment banking house to find a purchaser or purchasers for the bonds and pay such investment banking house a finder's fee estimated at not to exceed ¼ of 1% of the principal amount of the bonds.

American requests that any order of the Commission entered herein approving such proposed sale by American recite that such sale is necessary or appropriate to the integration or simplification of the holding company system of which American is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) thereof and Supplement R thereto.

American requests that the Commission's order herein be entered as soon as may be practicable and become effective upon issuance.

By the Commission.

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

[F. R. Doc. 48-4273; Filed, May 12, 1948; 8:46 a. m.]

[File No. 70-1810]

COLUMBIA GAS & ELECTRIC CORP. AND ATLANTIC SEABOARD 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 Washington, D. C., on the 6th day of May A. D. 1948.

Columbia Gas & Electric Corporation ("Columbia") a registered holding company, and its wholly owned subsidiary, Atlantic Seaboard Corporation ("Seaboard") also a registered holding company and a gas utility company, having filed a joint declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 with respect to the transactions summarized below:

Columbia proposes to make a capital contribution to Seaboard of $1,450,000 in cash. Seaboard, in turn, will make capital contributions to its own wholly owned subsidiaries in the following amounts, respectively: Amere Gas Utilities Company, $375,000; Virginia Gas Distribution Corporation, $275,000; and Virginia Gas Transmission Corporation, $200,000.

The cash contributed, including the balance of $600,000 retained by Seaboard, will be used by the recipients to finance, in part, their respective construction programs during 1948.

Said joint declaration having been filed on April 6, 1948, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint declaration that the requirements of the applicable provisions of the act and the Rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint declaration be permitted to become effective:

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

By the Commission.

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

[F. R. Doc. 48-4274; Filed, May 12, 1948; 8:46 a. m.]

UNITED STATES MARITIME COMMISSION

PACIFIC ARGENTINE BRAZIL LINE, INC.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held in Conference Room 59, Federal Office Building, Fulton and Leavenworth Streets, San Francisco, California, beginning on June 7, 1948, at 10 o'clock a. m., before Examiner Robert Furness, upon an application dated April 1, 1948, of Pacific Argentine Brazil Line, Inc., under Title VI of the Merchant Marine Act, 1936, for financial aid in the operation of vessels in the foreign commerce of the United States, on trade route No. 24 (between United States Pacific Coast ports and East Coast of South America)

The purpose of the hearing is to receive evidence relevant to determinations which the Commission is required, after hearing, to make pursuant to the provisions of section 605 (c) of the Merchant Marine Act, 1936, as amended.

The hearing will be conducted pursuant to the Commission's rules of procedure.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to be heard at such hearing are requested to notify the Commission accordingly, on or before May 28, 1948.

At the conclusion of proceedings in San Francisco, the hearing will be adjourned to Washington, D. C. The time and place of such adjourned hearing will be fixed upon due notice.

Dated: April 29, 1948.

By the Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F R. Doc. 48-4391; Filed, May 12, 1948; 10:35 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 11123]

JOHN M. JACOBS

In re: Bank account owned by and debts owing to John M. Jacobs also known as J. M. Jacobs. F-28-8895-A-1, F-28-8895-C-1, F-28-8895-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John M. Jacobs, also known as J. M. Jacobs, whose last known address is Oevenum Insel Fohr, Schleswig, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to John M. Jacobs, also known as J. M. Jacobs, by the American Trust Company, San Francisco, California, arising out of a savings account, account number 15381, entitled J. M. Jacobs, maintained at the branch office of the aforesaid bank located at Petaluma, California, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation evidenced by a promissory note in the principal amount of two hundred dollars ($200) made by M. T. Arfsten, dated June 14, 1945, and presently in the custody of the American Trust Company, Petaluma Branch, Petaluma, California, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto, together with any and all rights in, to and under including particularly the right to possession of the aforesaid promissory note, and

c. That certain debt or other obligation evidenced by a promissory note in the principal amount of five hundred dollars ($500) made by Sam Nahmens and Irene E. Nahmens, dated June 21, 1945, and presently in the custody of the American Trust Company, Petaluma Branch, Petaluma, California, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto, together with any and all rights in, to and under including particularly the right to possession of the aforesaid promissory note,

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, John M. Jacobs, also known as J. M. Jacobs, 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 26, 1948.

For the Attorney General.

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

[F. R. Doc. 48-4314; Filed, May 12, 1948; 8:53 a. m.]

[Vesting Order 11126]

WILLIAM KASTENHOLZ AND MARIA KASTENHOLZ

In re: Bank accounts owned by and debts owing to William Kastenholz and Maria Kastenholz. F-28-23793-E-1, F-28-23794-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 William Kastenholz and Maria Kastenholz, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation of The First National Bank of Chicago, 38 South Dearborn Street, Chicago 90, Illinois, arising out of a Blocked Funds Account, account number Tr. 21990, entitled William Kastenholz, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The First National Bank of Chicago, 38 South Dearborn Street, Chicago 90, Illinois, arising out of an account numbered Tr. 19351, entitled Aldine Court, Inc., Apts., said account representing dividend disb. funds held for retirement of Certificate Number 56 for five shares of Aldine Court Inc., Apts. Stock Trust Certificate for capital stock, 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, William Kastenholz, the aforesaid national of a designated enemy country (Germany)

3. That the property described as follows:

a. That certain debt or other obligation of The First National Bank of Chicago, 38 South Dearborn Street, Chicago 90, Illinois, arising out of a Blocked Funds Account, account number Tr. 21990, entitled Mrs. Maria Kastenholz, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The First National Bank of Chicago, 38 South Dearborn Street, Chicago 90, Illinois, arising out of an account numbered Tr. 19351, entitled Aldine Court Inc., Apts., said account representing dividend disb. funds held for retirement of Certificate Number 69 for five shares of Aldine Court Inc., Apts. Stock Trust Certificate for capital stock, 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, Maria Kastenholz, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 26, 1948.

For the Attorney General.

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

[F. R. Doc. 48-4315; Filed, May 12, 1948; 8:53 a. m.]

[Vesting Order 11135]

ADELE MEINERS

In re: Bank accounts and bonds owned by Adele Meiners. F-28-7805.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Adele Meiners, whose last known address is Bonn, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of an income account, account number 11754405, entitled City Bank Farmers Trust Company as Trustee for Karl W. Neuhoff under agreement January 29, 1934 — share of Adele Meiners, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of a principal account, account number 11754405, entitled City Bank Farmers Trust Company as Trustee

for Karl W Neuhoff under agreement January 29, 1934—share of Adele Meiners, and any and all rights to demand, enforce and collect the same, and

c. United States Treasury Certificates of Indebtedness, Series E, of $8,000.00 total face value, bearing the numbers 16163, 16164 and 16165 for $1,000.00 each and number 8465 for $5,000.00, presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Adele Meiners, 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 26, 1948.

For the Attorney General.

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

[F. R. Doc. 48-4316; Filed, May 12, 1948; 8:53 a. m.]

[Vesting Order 11136]

ALINE OERTEL

In re: Bank accounts and bonds owned by Aline Oertel. F-28-7036.

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 Aline Oertel, whose last known address is 8 Speldorferstrasse, Dusseldorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of an income account, account number 117544 4, entitled City Bank Farmers Trust Company as Trustee for Karl W Neuhoff under agreement January 29, 1934—share of Aline Oertel, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of a principal account, account number 117544 4, entitled City Bank Farmers Trust Company as Trustee for Karl W. Neuhoff under agreement January 29, 1934—share of Aline Oertel, and any and all rights to demand, enforce and collect the same, and

c. United States Treasury Certificates of Indebtedness, Series E, of $8,000,000 16138, 16139 and 16140, for $1,000.00 each and number 8459 for $5,000, presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Aline Oertel, 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 26, 1948.

For the Attorney General.

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

[F. R. Doc. 48-4317; Filed, May 12, 1948; 8:53 a. m.]

[Vesting Order 11193]

JOHANNA HAND

In re: Estate of Johanna Hand, deceased. File No. F-28-2305; E. T. sec. 14471.

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

1. That Alma Becke Halket, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

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

3. That such property is in the process of administration by Jennie D. Klein, as Executrix, acting under the judicial supervision of the Surrogate's Court, Erie County, State of New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on April 30, 1948.

For the Attorney General.

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

[F. R. Doc. 48-4318; Filed, May 12, 1948; 8:53 a. m.]

[Vesting Order 11162]

OTTO P. SCHULZ

In re: Estate of Otto P Schulz, deceased. File No. D-28-3463; E. T. sec. 5519.

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

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Emma Schulz, deceased, Robert Schulz, deceased, and Emil Schulz, deceased, and each of them, 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 Otto P Schulz, deceased, is property payable or deliverable to, or claimed by, the afore-

said nationals of a designated enemy country (Germany)

4. That such property is in process of administration by Hugo Schulz, as Executor, acting under the judicial supervision of the County Court of Sheboygan County, Wisconsin;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Emma Schulz, deceased, Robert Schulz, deceased, and Emil Schulz, deceased, and each of them, 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 30, 1948.

For the Attorney General.

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

[F. R. Doc. 48-4257; Filed, May 11, 1948; 9:02 a. m.]