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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTA FOR BURLEY TOBACCO FOR 1949-50 MARKETING YEAR

§ 725.6 *Basis and purpose.* This document is issued to announce the reserve supply level and the total supply of Burley tobacco for the marketing year beginning October 1, 1948, and to establish the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1949. The Agricultural Adjustment Act of 1938, as amended, provides that whenever the Secretary finds that the total supply of tobacco, as of the beginning of the marketing year then current, exceeds the reserve supply level therefor, the Secretary shall proclaim not later than December 1, the amount of such total supply and also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed which will make available during the next marketing year a supply of tobacco equal to the reserve supply level. The findings and determinations by the Secretary are contained in § 725.7 and have been made on the basis of the latest available statistics of the Federal Government and after due consideration of recommendations received from Burley tobacco producers and others submitted pursuant to a notice appearing in the FEDERAL REGISTER (13 F. R. 6486) in accordance with the Administrative Procedure Act (60 Stat. 237)

§ 725.7 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1949—*¹ (a) *Reserve supply level.* The reserve supply level for Burley tobacco is 1,420,000,000 pounds, calculated, as provided in the act, from a normal year's domes-

tic consumption of 473,000,000 pounds and a normal year's exports of 31,000,000 pounds.

(b) *Total supply.* The total supply of Burley tobacco as of the beginning of the marketing year for such tobacco beginning October 1, 1948, is 1,427,000,000 pounds consisting of carry-over of 802,000,000 pounds and estimated 1948 production of 625,000,000 pounds.

(c) *National marketing quota.* The amount of Burley tobacco which will make available during the marketing year beginning October 1, 1949, a supply of Burley tobacco equal to the reserve supply level of such tobacco is 545,000,000 pounds, and a national marketing quota of such amount is hereby proclaimed.

(52 Stat. 40, 41, 42, 43, 46, 47, 202; 53 Stat. 1261, 54 Stat. 392; 56 Stat. 121, 57 Stat. 387; 58 Stat. 136; 60 Stat. 21, 7 U. S. C. 1301 (b), 1301 (c), 1312 (a))

Done at Washington, D. C., this 30th day of November 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-10519; Filed, Dec. 1, 1948; 9:01 a. m.]

Chapter XXI—Organization, Functions, and Procedures

Subchapter D—Agricultural Research Administration

PART 2406—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

DISCONTINUANCE OF CODIFICATION

The codification of Part 2406 is hereby discontinued. Future amendments to description of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

Dated: November 18, 1948.

[SEAL] AVERY S. HOYT,
Acting Chief, Bureau of
Entomology and Plant Quarantine.

[F. R. Doc. 48-10505; Filed, Dec. 1, 1948; 8:53 a. m.]

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¹ Rounded to nearest million pounds.



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TITLE 10—ARMY

Subtitle A—Organization, Functions and Procedures of the Department of the Army

Chapter VIII—Supplies and Equipment

WITHDRAWAL OF REGULATIONS FROM TITLE 10

Title 10 is hereby evacuated by the Department of the Army, and the material remaining in Title 10 is disposed of as follows:

- Sections 2.1 through 2.18 of Subtitle A, pertaining to review boards, are revoked. This material has been codified as Part 581, Chapter V, Title 34.
- Section 2.131 of Subtitle A is revoked, as the material is no longer applicable.
- The remainder of the material in Subtitle A is withdrawn from the Code of Federal Regulations; changes or amendments will be published under the Notices section of the FEDERAL REGISTER.
- The material contained in Subchapters A, B, and C; Subtitle B, Chapter VIII, is hereby withdrawn from the Code of Federal Regulations. New procurement and disposition procedures are being promulgated, and will be published

under Subchapters G and H, Chapter V, Title 34, when completed. The material being withdrawn from these subchapters will serve as interim regulations and any changes or amendments will be published under Chapter V of Title 34.

5. The Armed Services Procurement Regulation, contained in Subchapter D of Chapter VIII, is hereby transferred to Subchapter A, Chapter IV, Title 34. Part and section numbers are changed throughout, in accordance with the following:

| Old part No. (Title 10) | New part No. (Title 34) |
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(R. S. 161, 5 U. S. C. 22)

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

[F. R. Doc. 48-10467; Filed, Dec. 1, 1948; 9:00 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

EDITORIAL NOTE: Title 15—Commerce is hereby amended to read Title 15—Commerce and Foreign Trade.

Chapter VII—Committee for Reciprocity Information

TRANSFER AND REVISION OF CHAPTER

Chapter III of Title 19—Customs Duties, of the Code of Federal Regulations is redesignated Chapter VII of Title 15—Commerce and Foreign Trade, and is revised as set forth below. The codification of former Parts 301 and 310 of Title 19 is discontinued, except that §§ 301.4 and 301.5 are incorporated in Parts 701 and 702 below. A revision of the statement with respect to organization and functions under section 3 (a) (1) of the Administrative Procedure Act, issued simultaneously herewith, is published in the Notices section of the FEDERAL REGISTER, *infra*.

PART 701—WRITTEN PRESENTATION OF VIEWS

- Sec.
- 701.1 Publication of notices.
 - 701.2 Place and time of submission.
 - 701.3 Number of copies.
 - 701.4 Form of submission.
 - 701.5 Confidential information.

AUTHORITY: §§ 701.1 to 701.5, issued under sec. 4, 48 Stat. 945, sec. 4, Pub. Law 782, 80th Cong.; 19 U. S. C. 1354; E. O. 10004, Oct. 5, 1948.

§ 701.1 *Publication of notices.* Concurrently with the formal notice published by the Interdepartmental Committee on Trade Agreements of intention to negotiate trade agreements with foreign countries, the Committee for Reciprocity Information shall publish notice of the time during which views in writing may be presented, together with the period within which application may be made to present oral views and the date of the public hearings. Such notice is published in the FEDERAL REGISTER, the Department of State Bulletin, the weekly

Treasury Decisions, and the Foreign Commerce Weekly.

§ 701.2 *Place and time of submission.* Views in writing shall be addressed to the Committee for Reciprocity Information, Department of Commerce Building, Washington 25, D. C. Such views can be assured of full consideration only if received by the Committee before the close of the period announced for their submission to the Committee.

§ 701.3 *Number of copies.* Written views must be submitted in not less than ten copies.

§ 701.4 *Form of submission.* No special form is required in the presentation of written views to the Committee. Written views shall be legibly typed, printed, or duplicated and at least one copy shall be under oath or affirmation.

§ 701.5 *Confidential information.* All written information submitted to the Committee by interested parties other than exhibits presented at public hearings shall be treated as confidential.

PART 702—ORAL PRESENTATION OF VIEWS

- Sec.
- 702.1 Request for permission to present oral testimony.
 - 702.2 Notice of permission to present oral testimony.
 - 702.3 Oath.
 - 702.4 Presentation of oral testimony other than at public hearings.
 - 702.5 Nonconfidential information.
 - 702.6 Action taken upon information received.

AUTHORITY: §§ 702.1 to 702.6, issued under sec. 4, 48 Stat. 945, sec. 4, Pub. Law 782, 80th Cong.; 19 U. S. C. 1354, E. O. 10004, Oct. 5, 1948.

§ 702.1 *Request for permission to present oral testimony.* Requests to present oral views to the Committee at public hearings shall be made prior to the expiration of the time announced by the Committee for submitting such requests. Oral presentations should supplement information contained in written views.

§ 702.2 *Notice of permission to present oral testimony.* After receipt and consideration of requests to present oral testimony, the Committee will notify the applicant whether or not the request is granted, and, if so, the time and place of the hearing.

§ 702.3 *Oath.* All oral statements made to the Committee at public hearings shall be under oath or affirmation.

§ 702.4 *Presentation of oral testimony other than at public hearings.* A private hearing will not be granted as a substitute for a public hearing. Persons desiring to make oral presentations to the Committee other than at public hearings may request an informal conference with the Committee. Such a conference may be arranged for discussion of any phase of trade-agreement matters, and requests therefor should be accompanied by a statement of the reason for the application. Ten copies of such statement should be submitted to the Committee.

§ 702.5 *Nonconfidential information.* Transcripts of oral testimony adduced at public hearings, including exhibits submitted at such hearings, shall be available

ble for inspection by persons properly and directly concerned, upon application to the Executive Secretary of the Committee.

§ 702.6 *Action taken upon information received.* Confidential and nonconfidential information received by the Committee is made available to all governmental agencies directly concerned with trade-agreement matters.

PART 703—PREPARATION AND PRESENTATION OF WRITTEN BRIEFS AND ORAL TESTIMONY

Sec.

703.1 General suggestions regarding type of information to be supplied.

703.2 Data with respect to import items.

703.3 Data with respect to export items.

Authority: §§ 703.1 to 703.3 issued under sec. 4, 48 Stat. 945, sec. 4, Pub. Law 792, 80th Cong.; 19 U. S. C. 1354; E. O. 10004, Oct. 5, 1948.

§ 703.1 *General suggestions regarding type of information to be supplied.* (a) The Committee for Reciprocity Information is the agency designated by the President to receive the views of interested persons on any proposed or existing trade agreement or on any aspect thereof. This obligation carried with it responsibility for seeing that views and information thus received are made available, promptly and in convenient form, to the trade-agreements organization for consideration, along with other available information, in arriving at specific recommendations with reference to tariff or other trade barriers affecting either import or export items.

(b) The Committee for Reciprocity Information believes it is desirable to indicate the types of information and data that are ordinarily most helpful to the interdepartmental trade-agreements organization in the performance of its functions. This applies to the preparation of written briefs and statements and to the presentation of oral views with regard to current trade-agreement negotiations, as well as to the presentation of problems that may arise in connection with existing trade agreements.

(c) Written briefs are submitted to the Committee in 10 copies (one of which is under oath) and in accordance with a few other simple rules which are stated in announcements. All information submitted to the Committee by interested parties, except oral testimony and exhibits in public hearings, is treated as confidential and for the use of only the interdepartmental trade-agreements organization.

(d) While it is not the intention to exclude any form of presentation, it is preferable that material presented orally should expand or supplement rather than merely repeat data previously presented in writing, except as relevant to additional views presented. Also, the hearings provide an opportunity to cover developments which have taken place since a brief was submitted, or to present information not easily susceptible of explanation in writing. It is particularly desirable that detailed or voluminous statistical material be presented in writing rather than orally.

(e) The Committee desires to discourage, so far as possible, the presentation of unnecessary and irrelevant data. The emphasis should be on presentation of factual information and views pertinent to the specific matters under consideration. All-inclusive requests and general protests are unlikely to prove helpful.

§ 703.2 *Data with respect to import items.* (a) As regards possible concessions by the United States on import articles, it is suggested that in any representation in behalf of domestic industry, attention should be given to:

(1) The precise interest which the writer or witness has in the proposed negotiations; the concern which he represents, its location, size, character of output, and importance in the given industry.

(2) The character of the domestic industry concerned; uses of its products; general location of plants; the number and character of the employees, whether skilled or unskilled; the quantity and value of the annual output; the position of the industry in the national business structure; and available information concerning costs in the domestic industry in comparison with costs in the principal competing foreign countries. In the latter connection, comparative data on labor costs should relate primarily to cost per unit of output (resulting from the combination of the productivity of labor and rates of wages) Information regarding wages alone, independent of productivity is of only limited value.

(3) The extent and character of the competition to which the domestic industry has been or may be subjected by reason of imports, indicating by description and by price brackets, if possible, the precise products in which competition has chiefly been encountered or is to be foreseen. If competition is localized, the markets in which competition is expected might also be indicated. Since there is a possibility that, to a limited extent, existing tariff items may be subclassified with a view to distinguishing those types or classes of the general commodity which differ as regards the extent of foreign competition, suggestions for possible subclassification may also be made. These suggestions should, however, be for subclassifications along natural lines recognized in the trade and should not involve excessively fine distinctions.

(4) Data on sources of past imports, and prospective changes in sources if the United States duties should be reduced.

(5) Particularly useful are details of a kind not revealed by official statistics and known only within the trade, such as those relating to types and grades produced or imported, style trends, recent inventions, improvements in processes, and the like.

(6) In those special cases where claim is made that the national security is involved in consideration of the tariff on any item, full substantiating data should be submitted.

(7) If the interest of the domestic industry is in securing a reduction of the United States tariff on a product which

it utilizes in its operations, it should submit, in addition to such information referred to in paragraph (b) of this section as may be pertinent to its particular situation, full information regarding the nature and extent of the impediment to its operations resulting from the existing tariff on the item under reference.

(b) Importers or others desiring a reduction in the United States duty on any commodity should submit data relating to the domestic industry and to imports similar to that suggested in the preceding paragraphs and should also furnish information, often not readily available from published sources, regarding conditions and trends in the foreign industry as affecting imports into the United States. Where appropriate, information should be submitted with regard to competition between imports and the nearest comparable domestic product, including the extent to which they are actually interchangeable, taking into account grade and quality, consumer preferences for foreign specialties, seasonality in imports or domestic production, and other pertinent factors. The number and character of employees, whether skilled or unskilled, engaged in processing and distributing imports might also be indicated.

§ 703.3 *Data with respect to export items.* Representations concerning concessions to be requested of a foreign government should include information, as far as possible, on the following points:

(a) Brief description of the business of the firm or individual submitting the request, with particular reference to production and sales for export, location of plant, quantity and type of labor employed, et cetera.

(b) Description of commodities for which concessions are sought.

(c) Production of commodities itemized under paragraph (b) of this section and percent exported. (Give figures for the individual firm and the domestic industry as a whole)

(d) Sales experience of the concern, and of the industry generally, in the foreign country with which a trade agreement is contemplated.

(e) Full information concerning the trade barriers from which relief is requested, with suggestions as to specific changes desired, and with particular reference, where applicable, to the following:

(1) Import duties and other charges (Give, when possible, tariff classification, item numbers, nomenclature, and approximate ad valorem equivalent of specific duties, methods of valuation, basis of duty, kind of duty, fines, et cetera)

(2) Tariff preferences (Indicate nature, extent, and effect of preference)

(3) Quantitative restrictions (quotas)

(4) Clearing, barter, or other agreements involving discrimination against the United States.

(5) Import licensing requirements.

(6) Exchange control restrictions.

(7) Government monopolies or other forms of state trading.

(8) Customs regulations (marking requirements, documentation, and other formalities)

(f) Supporting data available to the trade, such as:

(1) The competitive situation in the foreign market, both with respect to the competition with domestic production and with imports from sources other than the United States.

(2) Peculiar marketing or other conditions such as those involved in cartel organization, government subsidy to domestic production, or other similar factors.

(g) In the case of countries with which our trade was interrupted by the war, it would in general be desirable to base requests for concessions on both pre-war trading experience and the post-war outlook.

EDWARD YARDLEY,
Executive Secretary.

[F. R. Doc. 48-10478; Filed, Dec. 1, 1948; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter III—Committee for Reciprocity Information

TRANSFER AND REVISION OF CHAPTER

CROSS REFERENCE: For the redesignation and revision of the regulations in this chapter, see Title 15, Chapter VII, *supra*.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter A—Organization, Procedures and Substantive Rules and Statements of General Policy or Interpretation Applicable Thereto

PART 536—AREA OF PRODUCTION

LEAF TOBACCO IN PUERTO RICO AND UNITED STATES

The amendments set forth below establish a uniform definition of the "area of production" with respect to leaf tobacco both in Puerto Rico and elsewhere in the United States. They are intended, among other things, to make it clear that in Puerto Rico, as elsewhere, bulking of leaf tobacco, which characteristically involves processing operations not mentioned in section 13 (a) (10) of the Fair Labor Standards Act, will not provide a basis for exemption under that section. Operations performed within the "area of production" as defined in this part will be regarded as operations to which the "area of production" exemptions provided by section 7 (c) or section 13 (a) (10) refer only if they are operations specifically described in the exempting language of the statute.

On October 6, 1948, notice was published in the FEDERAL REGISTER that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend the regulations contained in this part in the manner hereinafter set forth. Interested parties were given 30 days within which to submit data, views, or arguments pertaining thereto. Such 30-day period has expired, and no objections to any of the amendments have been received.

Accordingly, pursuant to authority vested in me by sections 7 (c) and 13 (a) (10) of the Fair Labor Standards Act of

1938 (52 Stat. 1060; 29 U. S. C. 201), the regulations contained in this part are hereby amended as follows:

1. Amend § 536.1 (a) and § 536.2 (a) (1) (iv) by deleting therefrom the parenthetical phrase "(other than Puerto Rican leaf tobacco)"

2. Amend § 536.2 further by deleting the word "or" at the end of paragraph (a) (1) (iv) changing the semicolon immediately preceding it to a period, and deleting paragraph (a) (2) and paragraph (c).

The above amendments shall become effective 30 days from the date of publication in the FEDERAL REGISTER.

(52 Stat. 1060; 29 U. S. C. 201)

Signed at Washington, D. C., this 18th day of November 1948.

Wm. R. McComb,
Administrator,
Wage and Hour Division,
United States Department of Labor.

[F. R. Doc. 48-10492; Filed, Dec. 1, 1948; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, Department of the Army

PART 201—NATIONAL GUARD REGULATIONS GRADES AND RATINGS FOR ENLISTED AIR PERSONNEL

Section 201.18 is revoked and the following substituted therefor:

§ 201.18 *Grades and ratings for enlisted personnel of Air units.* (a) All enlistments in Air units of the National Guard, except as otherwise provided in the regulations in this part, shall be in the grade of private.

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

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

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

(e) The appointment of noncommissioned officers, privates, first class, and technicians in Air units of the National Guard, and reduction from such appointments are functions of the State military authorities. [C3, NGR 25, Oct. 13, 1948] (Sec. 5, 48 Stat. 165; 32 U. S. C. 4a)

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

[F. R. Doc. 48-10466; Filed, Dec. 1, 1948; 9:00 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter E—Navigation Requirements for the Great Lakes and St. Marys River

[CGFR 48-65]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS: ST. MARYS RIVER, MICHIGAN

VISUAL SIGNALS ON VESSELS AGROUND IN CHANNEL

The purpose of the following amendment to the regulations for navigation in the St. Marys River is to bring the regulations into agreement with Rule 30 (c) in Public Law 448, 80th Congress, approved March 18, 1948, insofar as practicable. The regulation has been changed to require that, in addition to the lights now prescribed, a vessel aground in a channel shall also display the anchorage lights prescribed by statute. The minimum distance separating the red lights is still six feet in order that observers in the lookout towers located along the St. Marys River may not be confused.

This amendment to the regulations regarding visual signals is published without prior general notice of its proposed issuance for the reason that notice, public rule making procedure, and effective date requirements in connection therewith are hereby found to be contrary to the public interest. The amendment does not require a vessel to carry any additional equipment not previously required by either the act of March 18, 1948, or any of the regulations of the Coast Guard.

Any person who may feel aggrieved by the promulgation of this amendment may appeal therefrom to the Commandant (CMC), United States Coast Guard, Washington 25, D. C., in writing within thirty days from date of publication of this document in the FEDERAL REGISTER. The written appeal shall be presented in triplicate and shall include data and views as to why the regulations shall not be amended.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 1, 29 Stat. 54-55, 34 Stat. 136, as amended, 33 U. S. C. 474, and section 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, the following amendment to the regulations is prescribed, which shall become effective on and after January 1, 1949:

Section 92.10 (formerly § 323.10) is amended to read as follows:

§ 92.10 *Visual signals on vessel aground in channel.* (a) A vessel aground in a dredged channel, completely blocking the channel, shall carry from sunset to sunrise, in addition to the white light or lights prescribed for a vessel at anchor, two red lights in a vertical line one over the other, not less than six feet apart, in such position and height as to be readily visible to vessels bound up and down the channel.

(b) A vessel aground in a dredged channel, but so as to permit passage with safety, shall carry from sunset to sunrise, in addition to the white light or lights prescribed for a vessel at anchor, a red light over a white light hoisted vertically not less than six feet apart, in such position and height as to be readily visible to vessels bound up and down the channel. (Sec. 1, 29 Stat. 54, 55, 34 Stat. 136, as amended; 33 U. S. C. 474; sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Dated: November 24, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-10491; Filed, Dec. 1, 1948;
8:50 a. m.]

Subchapter F—Navigation Requirements for
Western Rivers

[CGFR 48-49]

PART 95—PILOT RULES FOR WESTERN
RIVERS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by R. S. 4233A, Public Law 544, 80th Congress, 2d Session, the following corrections shall be made in Coast Guard Document CGFR 48-49, Federal Register Document 48-9633, filed November 2, 1948, and published in the FEDERAL REGISTER dated November 3, 1948, 13 F. R. 6479:

Section 95.13 (b) (formerly § 332.13 (b)) is corrected by changing the word "ascending" to "descending" when it is used the second time, so that this paragraph as corrected reads as follows:

§ 95.13 *Approaching bridge span or draw.* * * *

(b) If the ascending steam vessel is already in the bridge span or draw, and the descending steam vessel sounds the danger or alarm signal, it shall be the duty of the ascending steam vessel, if practicable, to drop below the bridge span or draw, and wait until the other steam vessel shall have passed.

(R. S. 4233A, Pub. Law 544, 80th Cong.)

Dated: November 24, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-10490; Filed, Dec. 1, 1948;
8:50 a. m.]

TITLE 34—NATIONAL MILITARY
ESTABLISHMENT

Chapter IV—Joint Regulations of the
Armed Forces

TRANSFER OF REGULATIONS

CROSS REFERENCE: For transfer of former Parts 851 to 856 of Title 10, containing the Armed Services Procurement Regulation, to Parts 400 to 405 of this chapter, see Title 10, *infra*.

TITLE 38—PENSIONS, BONUSES,
AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES
CLAIMS

CLAIMS UNDER PRIOR LAWS

1. Paragraph (d) (1) of § 4.160 is amended to read as follows:

§ 4.160 *Under section 12, Public Law 144, 78th Congress.* * * *

(d) *Claims under prior laws.* (1) Where claim for the accrued amount due under the laws in effect on or after March 20, 1933, was not filed prior to July 13, 1943, or where claim was filed prior to that date and disallowed either in whole or in part because of prior regulatory restrictions, a claim received prior to July 14, 1944, will be adjudicated under the provisions of this paragraph.

(Sec. 12, 57 Stat. 557; 38 U. S. C. ch. 12 note)

[SEAL] O. W. CLARK,
Executive Assistant Administrator

[F. R. Doc. 48-10482; Filed, Dec. 1, 1948;
8:48 a. m.]

PART 6—UNITED STATES GOVERNMENT LIFE
INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, paragraph (a) of § 6.25 is amended to read as follows:

§ 6.25 *Waiver of payment of premiums on the due date.* * * *

(a) Those who are confined in a hospital as patients of the Veterans' Administration for a compensable disability during the period while so confined.

2. In § 6.27 of Part 6, the introductory paragraph and paragraphs (a) and (c) are amended to read as follows:

§ 6.27 *Period covered by payment of premiums on due date.* The waiver of the payment of premiums on yearly renewable term insurance and United States Government life insurance on the due date thereof in accordance with the provisions of Veterans' Administration regulations, shall operate for full calendar months as follows:

(a) Beginning with the month of confinement to a hospital as a Veterans' Administration patient for a compensable disability and ending with the last day of the last month during the half or major fraction of which the insured is confined in a hospital as a Veterans' Administration patient for a compensable disability.

(c) Beginning with the month in which the rating shows the person to have become mentally incompetent and ending with the last day of the last month during the half or major fraction of which the insured continues to be so rated and until the guardian has notified the Veterans' Administration of his qualification, but not later than six months after appointment as guardian.

3. Section 6.29 of Part 6 is amended to read as follows:

§ 6.29 *Premiums and interest to be an indebtedness against the insurance.* In all cases where the payment of premiums on yearly renewable term insurance and United States Government life insurance on the due date thereof has been waived as provided by Veterans' Administration regulations the premium so waived shall bear interest at the rate of 5 percent per annum, compounded annually, from the due date of such premium, and if not paid the amount shall be an indebtedness against the policy to be deducted from the proceeds of insurance in any settlement thereunder or from the cash value when such value is taken in cash or used for the purpose of purchasing paid-up or extended insurance or making a loan: *Provided however* That the unpaid premiums with interest shall not be considered such an indebtedness as is set forth in paragraph 5 (D) of the contract of Government converted insurance, to cause the policy to cease and become void if the amount (premiums with interest) is greater than the cash surrender value, so long as premiums are paid by the insured or the payment on the due date thereof is waived by regulations of the Veterans' Administration. (Sec. 306, 43 Stat. 626; 38 U. S. C. 514)

(Secs. 5, 300, 301, 43 Stat. 608, 624, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512, 707)

[SEAL] O. W. CLARK,
Executive Assistant Administrator

[F. R. Doc. 48-10481; Filed, Dec. 1, 1948;
8:47 a. m.]

PART 6—UNITED STATES GOVERNMENT LIFE
INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, §§ 6.190 and 6.191 are amended as follows:

§ 6.190 *Establishment of committees on extra hazards of service.* There are hereby established in the disability insurance claims service, central office, and in the several branch office disability insurance claims divisions, committees on extra hazards of service (sections 302 and 313, World War Veterans Act, 1924 and sections 607 and 602 (v) (2), National Service Life Insurance Act, 1940, as amended) hereafter referred to as the committees, which will be in charge of chairmen who shall be responsible to the director, disability insurance claims service, central office, or to the chief, disability insurance claims division, branch office, as the case may be, for the proper functioning of such committees. Each committee shall be composed of the chairman and such regular members, alternate members and other personnel as may be found necessary for the purpose of executing the duties and functions assigned thereto. (Sec. 302, 43 Stat. 625, sec. 607, 54 Stat. 1012; 38 U. S. C. 513, 807)

§ 6.191 *Jurisdiction.* The central office committee is vested with exclusive jurisdiction in determining the liability of the United States and the United

States Government Life Insurance Fund for payment of total, total permanent disability, and death insurance benefits under United States Government Life Insurance. The central office committee and the branch office committees are equally vested with exclusive jurisdiction to determine the liability of the United States and the National Service Life Insurance Fund for waiver of payment of premiums due to total disability, payment of total disability insurance benefits and death insurance benefits under National Service Life Insurance. (Sec. 302, 43 Stat. 625, sec. 607, 54 Stat. 1012; 38 U. S. C. 513, 807)

(Secs. 5, 300, 301, 43 Stat. 608, 624, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512, 707)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-10480; Filed, Dec. 1, 1948; 8:47 a. m.]

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, §§ 6.200 and 6.201 are canceled.

§ 6.200 *Establishment of insurance claims council.* [Canceled November 23, 1948.]

§ 6.201 *Duties of the insurance claims council.* [Canceled November 23, 1948.]

2. In Part 6, § 6.202 is amended to read as follows:

§ 6.202 *Claim for disability benefits under insurance.* A claim for total disability or permanent and total disability benefits under a contract of insurance is any writing which alleges total disability or permanent and total disability at a time when the contract was in force or which uses words showing an intention to claim total disability or permanent and total disability insurance benefits. However, the claimant may be required to furnish a statement in support of his claim on forms provided by the Veterans' Administration, and such additional information concerning his industrial activities and physical and mental condition as may be required by the Veterans' Administration.

3. In Part 6, § 6.203 is canceled.

§ 6.203 *Effective dates in decision by insurance claims council.* [Canceled November 23, 1948.]

4. In Part 6, § 6.204 is amended to read as follows:

§ 6.204 *Appeal from decision by disability insurance claims service or division.* Where the disability insurance claims service in central office or the disability insurance claims division in a branch office finds that total disability or permanent and total disability does not exist as alleged, such denial shall be final. However, a veteran or his authorized representative shall have the right to file an application for review on appeal to the Administrator of Veterans' Affairs within one year from the date of mailing

of notice of the decision of the disability insurance claims service or branch office disability insurance claims division. Any new and material evidence must be submitted within a period of one year or prior to the consideration of the appeal. Such appeal must be in writing and otherwise comply with the regulations governing appeals to the Administrator. An application for review on appeal filed with the activity which entered the denial which is postmarked prior to the expiration of the one year period will be accepted as having been filed within the time limit.

5. In Part 6, § 6.205 is amended to read as follows:

§ 6.205 *Ratings for insurance benefits not applicable for pension or disability compensation.* Since decisions of the disability insurance claims service in central office or the disability insurance claims division in a branch office determining the existence or nonexistence of total, or total permanent disability for insurance purposes and decisions of rating agencies determining the existence or nonexistence of total, or total permanent disability for pension or compensation purposes are based upon distinctly dissimilar standards, it follows that the former cannot be determinative for pension or compensation purposes and the latter cannot be determinative for insurance purposes.

(Secs. 5, 300, 301, 43 Stat. 608, 624, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512, 707)

[SEAL] O. W. CLARK,
Executive Assistant Administrator

[F. R. Doc. 48-10479; Filed, Dec. 1, 1948; 8:47 a. m.]

PART 14—LEGAL SERVICES, SOLICITOR'S OFFICE

AUTHORITY OF SOLICITOR AND CHIEF ATTORNEYS

1. In Part 14, § 14.621 is amended to read as follows:

§ 14.621 *Authority of solicitor and chief attorneys.* (a) The solicitor and each branch and regional chief attorney is the attorney of the Administrator of Veterans' Affairs for all purposes of section 509, Title III, Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 694j) and section 6 of Public Law 382, 77th Congress (38 U. S. C. 17e) and as such is authorized to represent the Administrator in any court action, or other legal matter, arising under either of said statutory provisions. Said authorization is subject to any applicable statutes and executive orders concerning claims of the United States. A chief attorney may enter voluntary appearance in such cases subject to the provisions of § 36.4319 of this chapter. Each chief attorney is authorized to contract for the employment of attorneys on a fee basis for conducting any action arising under guaranty or insurance of loans, or for examination and other proper services with respect to title to and liens on real and personal property, when such employment is deemed by him to be appropriate.

(b) The solicitor and each chief attorney in carrying out his duties as authorized in paragraph (a) of this section is authorized (1) to contract for and execute for and on behalf of the Administrator, any bond (and appropriate contract or application therefor) which is required in or preliminary to or in connection with any judicial proceeding in which the chief attorney is attorney for the Administrator and to incur obligations for premiums for such bonds; (2) to sign petitions for removal of causes to United States, or other proper courts or tribunals; (3) to do all other acts and incur all costs and expenses which in his professional opinion are necessary or appropriate to further or protect the interests of the Administrator in or in connection with prosecuting or defending any cause in any court or tribunal within any State or Territory of the United States, which cause arises out of or incident to the guaranty or insurance of loans pursuant to Title III of Public Law 346, 78th Congress, as amended by Public Law 268, 79th Congress (38 U. S. C. 694 et seq.) or the performance of functions authorized under Public Law 382, 77th Congress (38 U. S. C. 17-17j).

(c) Except in an emergency, no regional chief attorney will initiate action for appellate review without prior approval by the chief attorney of the branch office of the area, or the solicitor. In the event that the chief attorney of the branch office is conducting the litigation he will not, except in an emergency, initiate action for appellate review without prior approval of the solicitor. These limitations do not preclude the filing of a motion for a new trial or similar motion, the giving of notice of appeal, reserving of bills of exception, or any other preliminary action in the trial court which may be necessary or appropriate to protect or facilitate the exercise of the right of appellate review, nor do they preclude the taking of appropriate steps on behalf of Administrator as appellee (respondent) without prior reference to the solicitor or the chief attorney of the branch office. Upon the conclusion of the trial of a case, the regional chief attorney will report in duplicate the result thereof to the branch chief attorney, with recommendation as to seeking appellate review if the result reported is adverse to the position of the Veterans Administration in the litigation. The reporting regional chief attorney who recommends appellate review will include as a part of his communication, or in exhibits attached, (1) a summary of the evidence, (2) a summary of the law points to be reviewed, (3) citations of statutes and cases, (4) statements of special reasons for recommending appellate review, (5) time limitations for the action recommended, (6) requirements, if any, respecting printing of the record and briefs, (7) the estimated total expenses to be incurred by reason of the appeal, and (8) the recommendation by the loan guaranty officer, or that he does not desire to make a recommendation. The chief attorney of the branch office is authorized to disapprove, without prior reference to the solicitor, any recommendation for appellate review. He also

RULES AND REGULATIONS

is authorized to approve recommendations and authorize appellate review in any case if the estimated costs, including printing, do not exceed \$300. If the estimated costs, including printing, probably will exceed \$300, the branch chief attorney will obtain approval of the solicitor before authorizing appellate review. In such a case, the branch chief attorney will make recommendation to the solicitor transmitting with the recommendation one of the two copies of the material forwarded by the regional chief attorney. In any case of emergency the regional chief attorney may communicate direct with the solicitor, submitting his recommendations for the review, contemporaneously forwarding a copy to the branch chief attorney, who upon reviewing same will telegraph his recommendation to the solicitor. In all cases in which he approves or disapproves a recommendation for appeal, the branch chief attorney will forward to the solicitor a copy of his communication to the regional chief attorney, together with one of the two sets of papers submitted to the branch chief attorney on which such action was based. When appellate review has been authorized by the branch chief attorney, or by the solicitor, the regional chief attorney is hereby authorized to take all steps necessary or appropriate to secure such appellate review and to incur expenses and costs incident thereto. The authorization will be by letter, the original and a carbon copy thereof being signed and transmitted to the chief attorney concerned.

(d) In the event printing costs must be incurred in connection with the appeal, or other appellate review, appropriate requisition, with the signed carbon copy of the letter of authorization attached, will be submitted to the supply service, central office, as soon as the estimated cost of printing is ascertained, in order that authority may be granted therefor, the cost of the printing being chargeable to the central office allotment.

(e) If time permits, the chief attorney of the regional office will supply the record to the chief attorney of the branch office for review. In all cases, the chief attorney representing the Administrator in any appellate proceedings will promptly report to the branch chief attorney, with carbon copy to the solicitor, the court's decisions if there is an opinion by the court, a copy thereof will be enclosed with such report and copy thereof, if feasible, or if not then available same may be forwarded later, or cited, if contained in printed records.

(f) Recommendations for seeking appellate review will be limited to cases in which, in the chief attorney's opinion, the judgment or decree probably will be reversed or substantially modified on appellate review, except in those few instances in which it may be desirable to obtain an authoritative settlement of a legal question, even if adverse to the views of the Veterans' Administration on the subject. In respect to those few cases, however, care and judgment will be exercised in selecting cases so that a fair and just, as well as fairly illustrative, case is presented to the appellate

tribunal, and the prior approval of the solicitor will be obtained.

(g) The delegation herein is not in derogation of any authority delegated otherwise, and specifically not that of § 36.4342, of this chapter.

(Sec. 5, 43 Stat. 608; secs. 1, 2, 46 Stat. 991, 1016; sec. 7, 48 Stat. 9; sec. 1, 49 Stat. 607; ch. 634, sec. 6, 55 Stat. 870; ch. 588, sec. 8, 59 Stat. 626, 631, 38 U. S. C. 2, 11, 11a, 17e, 426, 694, 694j, 707, Sup. 450)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-10483; Filed, Dec. 1, 1948;
8:48 a. m.]

PART 21—VOCATIONAL REHABILITATION
AND EDUCATION
REGISTRATION AND RESEARCH

1. In Part 21, a new section, § 21.41 is added to read as follows:

§ 21.41 *Severance of service-connection or reduction of disability rating to non-compensable degree.* (a) An official adjudication action which proposes either the severance of service-connection or the reduction to a non-compensable rating evaluation of the disability or any combination of disabilities upon which need for training under Part VII, Veterans Regulation No. 1 (a) (38 U. S. C. ch. 12) is based shall constitute notice to responsible vocational rehabilitation and education personnel that, depending upon the circumstances in the individual case, the following actions are in order with respect to the veteran's entitlement to vocational rehabilitation training.

(1) If the veteran is an applicant for or a potential inductee into Part VII training at the time the proposed adjudication action is made of record, all processes respecting determination of entitlement, need or induction into training shall be immediately suspended. In no event shall any veteran be inducted into Part VII training during the interim period provided in § 3.9 (d) and (e) of this chapter prior to finality of action. If the proposed adjudication action becomes final, the application for vocational rehabilitation will be denied.

(2) If the veteran has been previously inducted into and is currently pursuing Part VII training when the proposed adjudication action is made of record, he may be continued in training until such time as the proposed adjudication action becomes final, at which time the following procedures will be observed:

(i) If the action results in a reduction to a non-compensable rating evaluation of the disability, or any combination of disabilities upon which need for training was based, the veteran may still be retained in Part VII training until the attainment of his objective, except where training is discontinued under § 21.283.

(ii) If the adjudication action results in a severance of the service-connection of the disability, or combination of disabilities upon which need for training was based, the veteran's Part VII train-

ing must be terminated as of the last day of the month in which such action becomes final.

(b) When the final adjudication action results in a denial of the veteran's application for vocational rehabilitation or the termination of his training under Part VII, the veteran will be informed of the determination and of his right to appeal therefrom. If eligibility and entitlement are shown to exist under Part VIII, the veteran should be informed of his eligibility for education or training under that part. (Secs. 1, 2, 46 Stat. 1016, 57 Stat. 43, secs. 300, 1500, 1501, 1502, 1503, Title II, 58 Stat. 286, 287, 291, 300, 301, secs. 5, 6, 7, 10, 11 (a), 59 Stat. 542, 624, 626, 631, secs. 1, 2, 3, 60 Stat. 124, 934; 38 U. S. C. 11, 11a, 693g, 697, 697a, b, c, f, g, 701, ch. 12 notes, secs. 1, 2, 3, Public Laws 115, 239, 338, 377, 411, 512, 80th Congress)

2. In § 21.130, a new subparagraph is added to paragraph (d) to read as follows:

§ 21.130 *Effective dates.* * * *
(d) * * *

(7) In event of severance of service-connection the last day of the month in which such severance of service-connection becomes final.

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-10486; Filed, Dec. 1, 1948;
8:49 a. m.]

PART 21—VOCATIONAL REHABILITATION
AND EDUCATION
REGISTRATION AND RESEARCH

1. In Part 21, § 21.101 is amended as follows:

§ 21.101 *Effective date of claim for increase in rate of subsistence allowance.* The effective date of an increase in subsistence allowance on account of a dependent will be the date the evidence establishing the dependency is received in the Veterans' Administration. In those cases where additional evidence is necessary to substantiate or confirm the original evidence submitted by the veteran, the effective date of increased subsistence allowance is the date of receipt of the original evidence if the additional evidence confirms the original evidence and is received in the Veterans' Administration within one year from the date of request therefor. Additional evidence required for the purpose of inquiring into the veracity of a witness or the authenticity or validity of the documentary evidence falls within the above cited rule. (Secs. 1, 2, 46 Stat. 1016, 57 Stat. 43, secs. 300, 1500, 1501, 1502, 1503, Title II, 58 Stat. 286, 287, 291, 300, 301, secs. 5, 6, 7, 10, 11 (a) 59 Stat. 542, 624, 626, 631, secs. 1, 2, 3, 60 Stat. 124, 934; 38 U. S. C. 11, 11a, 693g, 697, 697a, b, c, f, g, 701, ch. 12 notes, secs. 1, 2, 3, Public Laws 115, 239, 338, 377, 411, 512, 80th Congress)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-10484; Filed, Dec. 1, 1948;
8:48 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

REGISTRATION AND RESEARCH; PROVISIONAL REGULATIONS

1. A new section, § 21.186, is added to Part 21 to read as follows:

§ 21.186 *Policy governing withdrawals from education or training under Part VIII prior to the completion of a period of instruction*—(a) *Purpose.* The purpose of this instruction is to amplify procedures to be followed where training is interrupted or discontinued prior to the completion of a course, a certified period of enrollment, or any period considered as a unit for the purpose of paying tuition and related fees.

(b) *Problem.* (1) When a veteran who has been enrolled in a school, college, or university withdraws from or interrupts his training prior to the expiration of his period of enrollment, the tuition and related fees the Veterans' Administration is required to pay may be in excess of the rate of \$500 for an ordinary school year, when applied to the period of his actual attendance. This circumstance does not relieve the Veterans' Administration of the obligation to pay the proper customary or established charges.

(2) When a veteran withdraws from training, or training is interrupted for any reason, prior to the completion of any period of instruction considered as a unit for the purpose of paying tuition and the Veterans' Administration is required to pay tuition for the entire period, an obligation to pay additional tuition charges for that portion of the period he was no longer in training would be incurred if the veteran re-enters training in the same or another institution. This would constitute duplicate payments of tuition which may not be legally sanctioned. It is accordingly legally required that the veteran refund to the Veterans' Administration the amounts which have been paid for that portion of time when he was no longer in attendance or, if he fails to make such a refund, that there be charged against him all time for which such payments were made.

(c) *Payment of tuition*—(1) *Enrollment for ordinary school year.* Where the veteran enrolls for an ordinary school year in an educational institution in which the total charges for the ordinary school year are within the rate of \$500 for a full-time course for an ordinary school year, such charges will be paid by the Veterans' Administration without regard to the portion allocated to each quarter, semester, or term. Thus, payment will be made when due under Veterans' Administration regulations for a particular quarter, semester, or term, within the ordinary school year, even though such charges for that particular semester, quarter, or term exceed the pro rata part of the \$500 for a full-time course for an ordinary school year. A VA Form 7-1950a is not required in such cases, and such payments by the Veterans' Administration will not constitute overpayment on the part of the finance officer.

(2) *Enrollment for less than ordinary school year.* Where the veteran enrolls for less than an ordinary school year, the maximum amount the Veterans' Administration may pay for such period of time will be that pro rata portion of \$500 that the length of the period of enrollment bears to the length of the ordinary school year of the institution involved. Payment of customary charges in excess of the amount thus determined will be made by the Veterans' Administration only if the veteran elects to exhaust his period of entitlement at an accelerated rate and executes VA Form 7-1950a accordingly. Where an institution under these circumstances is charging the Veterans' Administration other than customary tuition, the veteran will not be permitted nor required to execute a VA Form 7-1950a, nor shall the institution be allowed to charge the veteran personally for any amount in excess of the rate of \$500. It may be necessary in certain instances to adjust the amount of other than customary tuition that the institution would expect to receive, in order to stay within the maximum amount that the Veterans' Administration may pay under the conditions set forth in this paragraph.

(3) *Application of payment policy.* Where the veteran enrolls in an institution for a course where it has been determined that the charges for the ordinary school year will not exceed the rate of \$500 for a full-time course for the ordinary school year and then interrupts or discontinues his course at any time prior to the completion of the ordinary school year, the institution will be paid the amount due it under the regulations of the Veterans' Administration without regard to the fact that the amount of such payment, based on the period of the veteran's attendance in the institution, may exceed the rate of \$500 for a full-time course for an ordinary school year. Such payment will be made without requirement of a VA Form 7-1950a and will not constitute an overpayment on the part of the finance officer. Examples of this are as follows:

(i) A veteran enrolls at the beginning of an ordinary school year consisting of two semesters for which the total charges are \$500, payable \$300 for the first semester and \$200 for the second semester, and discontinues or interrupts at the end of the first semester. In such a case, the Veterans' Administration will pay the institution \$300 for the first semester in the same manner as payment would have been made for a student attending for the full ordinary school year, and the payment of such charges will not require the execution of a VA Form 7-1950a and will not constitute an overpayment on the part of the finance officer.

(ii) A veteran enrolls in a nonprofit institution which has a refund policy for veterans equivalent to that set forth in Veterans' Administration Vocational Rehabilitation and Education procedures, where the total charges for the ordinary school year of two semesters are \$500, payable \$300 for the first semester and \$200 for the second semester. Such veteran interrupts or discontinues his course at the expiration of 5 weeks. Under the

refund policy set forth in Veterans' Administration Vocational Rehabilitation and Education procedures, the institution is entitled to bill and be paid for the full semester's charges of \$300 for such veteran, and the full \$300 will be paid by the Veterans' Administration in the same manner and at the same time that payment would have been made, had the veteran continued for the full ordinary school year. Payment of the \$300 will be effected without the execution of a VA Form 7-1950a, and such payment will not constitute an overpayment on the part of the finance officer.

(iii) A veteran enrolls for a 48-week course of instruction at a profit institution but discontinues his training after 4 weeks. The tuition charge for the 48-week course of instruction is \$360, and the cost of books, supplies, and equipment actually furnished to the veteran amounts to \$100. The Veterans' Administration will pay \$100 for books, etc., plus four forty-eighths of \$360 for tuition, without the execution of a VA Form 7-1950a, and such action will not constitute an overpayment on the part of the finance officer.

(d) *Charges against entitlement.* (1) Where a veteran withdraws from a school, college, or university, or his course of training therein is interrupted or discontinued prior to the completion of any period of instruction considered as a unit for the purpose of paying tuition and related fees, and the Veterans' Administration is required to pay tuition, the veteran must arrange to restore to the Veterans' Administration the amounts which have been paid for that portion of the time when he was no longer in attendance, or a charge will be made against him in terms of years, months, and days, equivalent to the period for which payment was made.

(2) The following procedures will apply:

(i) When the registration and research activity receives a notice of a withdrawal or discontinuance prior to the completion of a period of instruction considered as a unit for the payment of tuition, VA Form 7-1907c will inform the finance activity of the date of last attendance and in the "Remarks" section will be identified "4-1401 required." In any such case when the voucher is rendered by the institution for payment of tuition, the finance activity will inform the registration and research section on VA Form 4-1401 showing the period of instruction for which payment was made and the amount of the payment for tuition and related fees in those cases where the veteran had elected to have the Veterans' Administration pay charges in excess of \$500 for the ordinary school year by executing VA Form 7-1950a. The registration and research section will then recompute the encumbrance which was made against the veteran's period of entitlement when he entered into training for the period during which withdrawal or discontinuance occurred, making such adjustment as is indicated by the report from finance. If it is shown that the payment made on behalf of the veteran represents a percentage of the total charges for a term or semester, the en-

cumbrance will be a corresponding percentage of the term or semester in point of time.

(ii) In the event a voucher rendered by an institution reflects an interruption or withdrawal which has not been reported to the finance activity by registration and research section in the manner prescribed in subdivision (i) of this subparagraph, the finance activity will take necessary action to immediately suspend any further payment of subsistence allowance and will notify registration and research section of the interruption or discontinuance on VA Form 4-1401, which will show the period of instruction for which payment was made and the amount paid for tuition and related fees as described in subdivision (i) of this subparagraph. Registration and research section will then issue an appropriate VA Form 7-1907c and will charge entitlement in accordance with subdivision (i) of this subparagraph.

(iii) In any case where application is made by a veteran for change of institution or course, or both, and supplemental certificate of eligibility, prior to the submission of a voucher by the institution for tuition and other related fees in the veteran's behalf, and it is determined that a change of institution or course should be approved and that a supplemental certificate should be issued, the period of remaining entitlement to be shown on the supplemental certificate will be that period of time remaining had the veteran continued in training to the end of the period considered as a unit for the payment of tuition. A later adjustment may be made if found in order.

(iv) Where the customary charges for tuition and related fees exceed \$500 for an ordinary school year and the veteran has elected to have the Veterans' Administration pay such excess costs, the additional charge against his period of entitlement will be made in accordance with existing instructions. In no other case will an additional charge be made against a veteran's period of entitlement.

(v) An automatic review of all cases is not contemplated under this instruction. In any case where a veteran re-enrolls after having previously withdrawn from a course before the expiration of a period of enrollment considered as a unit for paying tuition, the registration and research section will obtain from the finance division a statement showing the period of instruction for which tuition was paid and adjust the veteran's remaining entitlement accordingly.

(e) *Payment of subsistence allowance in any case of withdrawal.* When a veteran in receipt of regular monthly payments of subsistence allowance withdraws—without giving prior notice to the Veterans' Administration—from either institutional or on-the-job training prior to the end of the course or the end of the certified period of enrollment, the authorization action will extend the training status and subsistence allowance to the end of the month in which the withdrawal, interruption, or discontinuance occurred: *Provided, however* That in any case where an ending date has been previously fixed within the

month in which the withdrawal, interruption, or discontinuance occurred, there will be no extension beyond such ending date. These provisions will be complied with without election or choice upon the part of the veteran and without regard to policy now in effect concerning accrual and granting of leave upon application by the veteran. (It will be understood that this procedure does not modify leave policy presently effective in the cases of veterans who continue in a training status to the end of a scheduled period of instruction.) (Instr. 10, Title II, Pub. Law 346, 78th Cong., 58 Stat. 287-291, 38 U. S. C. 701, ch. 12 note)

[SEAL] O. W. CLARK,
Executive Assistant Administrator

[F. R. Doc. 48-10485; Filed, Dec. 1, 1948;
8:48 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

RENUMBERING OF SECTIONS IN SUBPART B

EDITORIAL NOTE: Sections 36.501 through 36.509 are renumbered 36.5001 through 36.5009, respectively.

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

LEATHER AND SHEEP-LINED JACKETS INDUSTRY AND THE OUTDOOR JACKETS AND WOOL TROUSERS BRANCHES OF UNIFORM AND CLOTHING INDUSTRY—DETERMINATION OF SECRETARY

This matter is before me pursuant to the act of June 30, 1936 (49 Stat. 2036; U. S. C., title 41, secs. 35-45) entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act, and upon the petition of the Amalgamated Clothing Workers of America,

(1) That I review the present minimum wage determinations covering the following industries:

- a. Wool Trousers Branch of the Uniform and Clothing Industry
- b. Outdoor Jackets Branch of the Uniform and Clothing Industry
- c. Leather and Sheep-lined Jackets Industry

(2) That I determine the present prevailing minimum wage in each of these industries to be:

- a. 85 cents per hour, or \$34.00 per week of 40 hours, for non-auxiliary workers; and
- b. 65 cents per hour, or \$26.00 per week of 40 hours, for auxiliary workers, as defined in the amended determination of April 5, 1948 for the Suit and Coat Branch of the Uniform and Clothing Industry

(3) That I adopt for each of these industries the same learner provisions that were included in the amended determination of April 5, 1948 for the Suit and

Coat Branch of the Uniform and Clothing Industry.

The currently effective determination for the Leather and Sheep-lined Jackets Industry which was issued on April 28, 1938 (41 CFR 202.14) established a rate of 42½ cents an hour. The current determination for the outdoor jackets branch and the wool trousers branch of the Uniform and Clothing Industry which was issued on January 25, 1941 (41 CFR 1941 Supp., 202.37) established a rate of 40 cents per hour for these branches. Neither of these determinations contain provisions for employment of auxiliary workers or learners at subminimum rates.

Independently of the proposals of the Union the Public Contracts Division recommended that I consider also the question of expanding the definition of the wool trousers branch of the Uniform and Clothing Industry to include wool or part-wool trousers or breeches other than uniform trousers or breeches. The present definition on the branch includes only the manufacture of wool or part-wool uniform trousers or breeches. The Division's recommendation contemplates broadening this definition so as to include the manufacture of wool and part-wool civilian trousers and breeches.

Notice of a hearing in this matter was published in the FEDERAL REGISTER (13 F. R. 3590) and copies of the notice were mailed to trade associations, unions, Government agencies and individuals having an interest in the industries; in addition a press release was distributed to newspapers, trade publications and firms in the industries which had received contract awards since January 1, 1947. This notice and press release advised interested parties of the time and place at which they could appear and offer testimony (1) for or against the proposals of the Union, and (2) as to the inclusion of wool or part wool trousers and breeches other than uniform trousers and breeches in the wool trousers branch of the Uniform and Clothing Industry. The notice also provided that written statements in lieu of personal appearances could be filed at any time prior to the hearing or with the presiding officer at the hearing, and stated that copies of the petition of the Union containing data on current wages would be available upon request.

The hearing was held on the date scheduled in the notice, at which representatives of the Union and an employer representative appeared and testified. This employer representative, who appeared on behalf of the National Heavy Outerwear Association, Associated Pants Manufacturers of America and the International Association of Garment Manufacturers, recommended approval of the Union's proposals except the one covering the employment of learners at a subminimum rate. There were made a part of the record also letters from 20 manufacturers of wool pants, jackets and other men's clothing and a letter from counsel for the United Hatters, Cap and Millinery Workers' International Union urging the adoption of the petitioned minima. A petition submitted by the United Garment Workers of America

requesting a finding of prevailing minimum wages of one dollar per hour and 85 cents per hour for auxiliary workers was also made a part of the record.

A statement was filed on the day of the hearing by counsel for the Southern Garment Manufacturers Association, Inc., hereinafter called "the Association" requesting the adoption of a minimum wage not exceeding 60 cents per hour for the wool trousers branch of the Uniform and Clothing Industry. As permitted by the presiding officer at the hearing, the Union filed a memorandum on the Association's protest, which memorandum, as well as the Association's reply, two letters from the Union giving requested information on wages and learner practices, and additional information on wool-trousers manufacturing in the South, were made a part of the record. The opposition by the Association was the only opposition on the record against the Union proposals on minimum wages.

There was no objection on the part of employers to the minimum proposed by the Union for the Leather and Sheep-lined Jackets Industry and the outdoor jackets branch of the Uniform and Clothing Industry, nor to the inclusion in the definition of the wool trousers branch of wool or part wool trousers and breeches other than uniform trousers and breeches. The objection referred to in the preceding paragraph related only to the minimum wage proposal for the wool trousers branch.

In its petition the Union shows that there is wide overlapping among the industries under consideration and with the men's clothing industry as regards the various products manufactured by individual plants, and calls attention to the fact that the Secretary of Labor, under date of April 5, 1948, determined the prevailing minimum wage in the suit and coat branch of the Uniform and Clothing Industry to be 85 cents per hour. The Union also states that throughout the country there is a recognized "heavy outerwear" industry which encompasses the scope of both the outdoor jackets branch of the Uniform and Clothing Industry and the Leather and Sheep-lined Jackets Industry, that trade associations are organized on such basis, and that the Union, which is the exclusive bargaining agent for employees in the heavy outerwear industry, conducts its collective bargaining on such industrial basis. While the petition states that the wages presently paid in the industries under consideration and the overlapping among them and with the men's clothing industry require uniform minima, it presents basic wage data under the headings of "heavy outerwear industry" and "wool trousers industry."

MINIMUM WAGE

Heavy Outerwear Industry. The record fully supports a determination, as petitioned by the Union and as recommended to me by the Administrator of the Wage and Hour and Public Contracts Divisions, that the prevailing minimum wage in the Leather and Sheep-lined Jackets Industry and the outdoor jackets branch of the Uniform and Clothing Industry (hereinafter designated as the

"heavy outerwear industry") is 85 cents per hour. The record also supports a finding that the minimum rate for auxiliary workers in the heavy outerwear industry is 65 cents per hour as hereinafter provided. According to the petition there are approximately 9,000 employees engaged in the manufacture of leather, sheep-lined, wool or wool-lined jackets in the United States, and approximately 90 percent of all heavy outerwear employees are covered by collective agreements with the Union. A survey of wages paid in Union plants, made by the Union in the fall of 1946, and covering more than one-third of the employment in the heavy outerwear industry, with adjustment in the wage data to reflect a general increase of ten cents per hour subsequently obtained throughout the industry, shows that only 8.7 percent of the non-auxiliary employees earned less than 85 cents an hour.

The survey, which was based on payroll transcriptions in which every important production area was included and every type of heavy outerwear was represented, also shows that no experienced auxiliary workers in Union factories are receiving less than 65 cents an hour and that a 65-cent minimum wage for all such workers in the heavy outerwear industry has prevailed since the latter part of 1946 when all firms under agreement with the Union adopted such a minimum. As hereinbefore indicated, a representative of the National Heavy Outerwear Association, which is composed of about 125 to 135 "leading manufacturers of heavy outerwear" and which produce about 80 percent of the heavy outerwear in the United States, testified that such manufacturers "certainly recommend" the granting of the petitioned minima, and 20 other manufacturers made similar recommendations by letter. The interest in this proceeding of the United Hatters, Cap and Millinery Workers' International Union is based on the fact that its members produce a substantial portion of the leather headwear which is covered by the Leather and Sheep-lined Jackets Industry, and the request of such union is predicated on the evidence presented in the recent Hat and Cap Industry proceeding; the record in that proceeding supported a finding on prevailing minimum wages of 85 cents per hour (13 F. R. 6081)

On the basis of information in the record, I have decided to consolidate the definitions of the Leather and Sheep-lined Jackets Industry and the outdoor jackets branch of the Uniform and Clothing Industry, and all articles heretofore covered by such definitions shall hereafter be covered by the "heavy outerwear branch" of the Uniform and Clothing Industry, as hereinafter defined.

Wool Trousers Industry. The evidence does not support a determination, as petitioned by the Union, that the prevailing minimum wage for non-auxiliary workers in the wool trousers branch of the Uniform and Clothing Industry is 85 cents per hour. Neither does the record support a finding of a minimum rate "not exceeding 60 cents per hour" as requested by the Association. The Administrator has recommended to me a deter-

mination of 75 cents per hour for non-auxiliary workers in this branch and, in my opinion, his judgment is supported by the data before me.

The Union petition states that while wool trousers (i. e., suiting and separate trousers) may be manufactured in plants devoted exclusively to the production of trousers, they are made to an even larger extent by establishments engaged in the production of men's suits, and in addition are manufactured in plants that produce overcoats, mackinaws, peacoats, sportswear, leather coats, etc. It also states that although military service coats and wool trousers have been purchased separately, enlisted men do in fact wear coat and trousers as a two-piece uniform, and that the clothing industry is set up to produce such uniforms, a typical factory consisting of coat, pants and vest departments, a cutting room, and other facilities. According to the Union statement, there is no significant differential between the earnings of coat workers and pants workers in the clothing industry. The petition shows that approximately 88 percent of all the estimated 45,000 wool trouser employees (including 30,000 suiting and 15,000 separate trouser workers) are covered by the agreements of the Union, and states that all increases obtained since before World War II have been negotiated nationally. In the fall of 1946 a plant minimum of 65 cents was generally adopted and one year later a general wage increase averaging more than ten cents per hour was obtained throughout the wool trouser industry and at the hearing Union representatives testified that non-union houses have to a significant extent followed the patterns of Union wage increases.

The petition includes the results of a wage survey recently concluded by the Union based on payroll transcripts from men's clothing and separate trouser Union shops which show that 11.9 percent of non-auxiliary employees, considering suiting and separate trousers employees together, earn less than 85 cents an hour. The petition requests the 65-cent minimum wage for auxiliary workers, as defined in the determination of April 5, 1948 for the suit and coat branch of the Uniform and Clothing Industry, on the basis that no experienced workers are employed at a lower wage in any plants under Union agreement.

The Association's brief states that the "overwhelming majority" of employees in southern trouser plants are engaged in producing wool and part-wool trousers in addition to cotton work trousers, dress and sports trousers of mixed fabric, and that periodic wage surveys were made of earnings of sewing machine operators; two of these surveys show average hourly earnings of 60.4 cents in May of 1946 and 75.5 cents in the last quarter of 1947. The surveys covered many more plants and employees than the numbers in the Union survey. Since July 1, 1948 and for the purpose of the hearing the Association made a special survey in 13 plants "manufacturing wool, part-wool and trousers of other mixed fabric" which employ 4,450 workers, and found the minimum rates to be between 50 and 70 cents per hour; the

weighted average earnings of these 4,450 workers was approximately 73 cents per hour in straight-time earnings. The Association, however, furnished no tables similar to those furnished by the Union, showing the frequency distribution of average hourly earnings. The Association presents other arguments against the approval of the petition as it relates to the wool trousers branch of the Uniform and Clothing Industry, which are not relevant to the issue of what is the prevailing minimum wage in this industry.

The Union's memorandum on the Association's protest points out that only a very small portion of the employees covered by the Association's survey for the last quarter of 1947 could possibly be separate wool trouser employees, and that the average hourly earnings shown by the survey appear to be based on the earnings of employees in Association plants which produce work pants, work clothing, shirts and other cotton garments in addition to wool trousers. With regard to the Association's special survey referred to above, the Union concludes that it is obvious from the size and States given for some of these plants they are not in fact primarily engaged in the manufacture of wool or part-wool trousers. The Association's reply states that the greater volume of trousers are manufactured in what are known as single trouser plants, regardless of whether these plants are known to make all wool, part-wool or trousers of mixed fabric, and that a considerable volume of such trousers are made in Southern plants, upon which the Government procurement agencies relied heavily during the recent war. On the other hand, a letter from the Union calls attention to a Census Bureau report showing that separate wool trouser production in southern States exclusive of Maryland for 1947 was only 16.8 percent of the total production.

Since the best available information shows that the preponderant majority of separate wool trousers are produced by firms engaged exclusively or primarily in the manufacture of such trousers, with a relatively minor part of the total production being made in the men's clothing industry and the remaining twenty-five to thirty percent in cotton garment plants, more detailed information was asked from the Union and from a representative of the Southern garment industry. The Union was asked to supply a breakdown of the wage data presented in its petition to show separately the earnings of suiting and separate trouser employees and to show the extent of unionization of workers employed in plants primarily or exclusively manufacturing separate wool trousers. The Southern representative was asked to supply information which would show the number of workers in a representative number of Southern garment plants engaged primarily or exclusively in the manufacture of separate wool trousers and the distribution of earnings of such workers. The additional information submitted by this representative threw no further light on these questions.

The Union furnished the requested data which show that the Union has col-

lective bargaining agreements covering from 11,000 to 12,000 of the approximate 15,000 separate wool trouser workers and that between one-third and one-half of all Southern workers engaged exclusively or primarily on separate wool trousers are covered by Amalgamated contracts. The earnings of separate wool trouser workers are shown in the Union wage survey to be considerably less than those of suiting and trouser workers employed in the men's clothing industry and somewhat less than the composite earnings as presented in the Union petition. Consequently, I agree with the Administrator's conclusion that the earnings of trouser workers employed in the men's suit and coat industry should not be determinative of the prevailing minimum wage for the separate wool trousers branch of the Uniform and Clothing Industry.

On the other hand, the Association's surveys cannot be accepted as representative of the wages paid to employees who produce woollen trousers in the industry as a whole, since only a relatively minor portion of woollen trousers are produced in Southern factories. In this connection it is significant to note that the representative of the Association of Pants Manufacturers of America, an organization representing approximately one-fourth of all pants manufacturers, testified that such Association manufacturers make cotton and wool trousers in practically all of their plants, and that he felt the petitioned minima should be extended to the cotton pants industry, as well as to the production of woollen pants. Moreover, counsel for the Southern Garment Manufacturers Association has not refuted the Union's contention that a union-plant minimum of 65 cents has been in effect for approximately two years and a general increase averaging more than ten cents per hour has been effective for about one year, that 75 percent of all separate wool trouser employees are members of the Union, or that non-union employers adopt union wage patterns to a significant extent. Having in mind, therefore, the comparative percentages of production in single-pants shops cotton-garment establishments and men's clothing factories and the wages received by the employees therein, I feel that a prevailing minimum wage of 75 cents per hour is fully supported by the record.

LEARNERS

The determination of the Secretary of Labor dated April 5, 1948 for the suit and coat branch of the Uniform and Clothing Industry provides that learners may be employed in specified non-auxiliary occupations for a period of six weeks at a wage rate of 65 cents an hour and sets forth certain qualifications for such employment, and, as hereinbefore stated, the Union's petition requested that I adopt the same learner provision for the industries under consideration in this proceeding. The representative of heavy outerwear and trouser manufacturers raised objection to such action and testified to individual instances in which new employees in non-auxiliary occupations could not meet production requirements within various specified periods, and in

which cases the employer was required to pay amounts of wages in addition to the employee's piece-rate earnings. This witness read excerpts from letters from member firms showing the difficulties which were being experienced in the employment of new workers, and stated that he felt that a lower learner rate with a more extended learning period for non-auxiliary occupations, as provided in the collective bargaining agreements of the members of his associations, should be adopted. He stated that no learner provision was necessary for auxiliary occupations. Union representatives, however, testified that in many instances employers find it necessary to pay new employees higher wages than provided by contract; the employer representative admitted that such situations did arise due to the necessity of competing for labor, and that it is generally true throughout the industry that learners probably could not be obtained at less than 60 or 65 cents. The employer representative then stated that a graduated learner rate, starting at 60 cents would be appropriate. However, it was agreed by the two parties that the Union would submit data indicating the prevailing practice relating to the employment of learners in the industry which data would be acceptable to the employers. Such data has been received and made a part of the record. On the basis of this data and all other information available, I have decided to establish, upon the recommendation of the Administrator, the provision as hereinafter set forth for the employment of learners at a subminimum rate on a graduated scale of 60 and 65 cents.

AMENDMENT

Upon consideration of the entire record of this proceeding, the prevailing minimum wage determinations for the Leather and Sheep-lined Jackets Industry (41 CFR 202.14) and the Uniform and Clothing Industry (41 CFR 202.37), are hereby amended as follows:

1. The prevailing minimum wage determination for the Leather and Sheep-lined Jackets Industry (41 CFR 202.14) is hereby rescinded;
2. The prevailing minimum wage determination for the Uniform and Clothing Industry (41 CFR 202.37) is hereby amended to read as follows:

§ 202.37 *Uniform and clothing industry*—(a) *Definitions.* (1) The suit and coat branch of the uniform and clothing industry is that branch which manufactures men's civilian suits and overcoats, tailored-to-measure uniforms, tailored-to-measure trousers, uniform overcoats, and uniform coats, including tailored short jackets designed to take the place of regular Army issue coats, e. g. the Eisenhower jacket.

(2) The heavy outerwear branch of the uniform and clothing industry is that branch which manufactures leather, leather-trimmed and sheep-lined garments and wool and wool-lined jackets, whether or not such jackets are properly described as mackinaws, field jackets, windbreakers, lumber jackets, pea jackets, wool jumpers or middies, blanket-lined or similar coats, or by any other similar designation.

(3) The wool trousers branch of the uniform and clothing industry is that branch which manufactures wool or part-wool trousers or breeches, including uniform trousers or breeches, except when tailored-to-measure.

(b) *Minimum wages.* (1) The prevailing minimum wage for persons employed in the manufacture or supply of the products of the suit and coat branch of the uniform and clothing industry is 85 cents an hour or \$34 in straight-time earnings per week of 40 hours, arrived at either upon a time or piecework basis; and auxiliary workers, as hereinafter defined, shall be paid not less than 65 cents an hour or \$26 in straight-time earnings per week of 40 hours, arrived at either upon a time or piecework basis: *Provided*, That learners may be employed in the non-auxiliary occupations of machine operating (except cutting) pressing and hand-sewing for not longer than 240 hours at a wage rate of not less than 65 cents an hour, except that if experienced workers in the same occupation are paid on a piece-rate basis, learners must be paid the same piece rates and earnings based on those piece rates if such earnings are in excess of 65 cents an hour. A learner for the purpose of this determination is a person who has not had, within the previous two years, 240 hours' experience in any non-auxiliary occupation in the same plant or not more than 240 hours' experience in the same non-auxiliary occupation in another plant. If within the previous two years, a worker has had less than 240 hours' experience, the number of hours of previous experience shall be deducted from the 240-hour learning period.

(2) The prevailing minimum wage for persons employed in the manufacture or supply of the products of the heavy outer-wear branch of the uniform and clothing industry is 85 cents an hour or \$34 in straight-time earnings per week of 40 hours, arrived at either upon a time or piecework basis; and auxiliary workers, as hereinafter defined, shall be paid not less than 65 cents an hour or \$26 in straight-time earnings per week of 40 hours, arrived at either upon a time or piecework basis: *Provided*, That learners may be employed in the non-auxiliary occupations of machine operating (except cutting) pressing and hand-sewing at rates of not less than 60 cents an hour for the first 240 hours and 65 cents an hour for the second 240 hours of a 480-hour learning period, except that if experienced workers in the same occupation are paid on a piece-rate basis, learners must be paid the same piece rates and earnings based on those piece rates if such earnings are in excess of the authorized 60- and 65-cent minimum rates. A learner for the purpose of this determination is a person who has not had within the previous two years, 480 hours' experience in any non-auxiliary occupation in the same plant or not more than 480 hours' experience in the same non-auxiliary occupation in another plant. If within the previous two years, a worker has had less than 480 hours' experience the number of hours of previous

experience shall be deducted from the 480-hour learning period.

(3) The prevailing minimum wage for persons employed in the manufacture or supply of the products of the wool trousers branch of the uniform and clothing industry is 75 cents an hour or \$30 in straight-time earnings per week of 40 hours, arrived at either upon a time or piece-work basis; and auxiliary workers, as hereinafter defined, shall be paid not less than 65 cents an hour or \$26 in straight-time earnings per week of 40 hours, arrived at either upon a time or piece-work basis: *Provided*, That learners may be employed in the non-auxiliary occupations of machine operating (except cutting) pressing and hand-sewing at rates of not less than 60 cents an hour for the first 240 hours and 65 cents an hour for the second 240 hours of a 480-hour learning period, except that if experienced workers in the same occupation are paid on a piece-rate basis, learners must be paid the same piece rates and earnings based on those piece rates if such earnings are in excess of the authorized 60 and 65-cent minimum rates. A learner for the purpose of this determination is a person who has not had within the previous two years, 480 hours' experience in any non-auxiliary occupation in the same plant or not more than 480 hours' experience in the same non-auxiliary occupation in another plant. If within the previous two years, a worker has had less than 480 hours' experience the number of hours of previous experience shall be deducted from the 480-hour learning period.

(c) *Auxiliary workers.* The term "auxiliary workers" as applied to the employees in the uniform and clothing industry shall include only those employees engaged in the following auxiliary occupations:

(1) *Position marking.* The operation, by hand, of marking, with a punch, thread, or chalk, the position of buttons, pleats, darts, pockets, buttonholes, etc., by the use of a template, rule or similar device.

(2) *Shade and size numbering.* The operation (except when done by sobar or other power-driven machine) of identifying a garment part by marking or stamping the size, shade, or lot number with chalk or stamp, or by sewing, pinning, or stapling a ticket to the garment part.

(3) *Bundle tying.* The operation of tying together into bundles piles of garment parts, or partially finished garments.

(4) *Bundle ticketing.* The operation, by hand, of preparing and attaching an identifying ticket to a bundle of work.

(5) *Matching and pairing.* The operation of pairing or matching garment parts.

(6) *Basting pulling.* The operation of pulling out basting stitches.

(7) *Hand trimming.* The operation of cutting away with scissors, excess piping, loops or tape.

(8) *Cleaning.* The operation of clipping the waste ends of threads resulting from "black" or permanent stitchings.

(9) *Turning.* The operation of turning inside out or outside in, parts of, or complete garments. Does not, however, include turning of lapels or collars.

(10) *Floor boys and girls.* Workers who carry bundles or materials from department to department or to workers.

(11) *Porter.* Performs the janitorial work of sweeping and cleaning the shop.

(12) *Examiner's helper.* Performs minor preliminary checking for rips, tears and other imperfections in the garment, but is not responsible for the final determination as to the acceptability of the work. Also performs the operation of brushing the garment and removing loose lint or threads.

The provisions of this determination which are applicable to the suit and coat branch of the uniform and clothing industry apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after May 8, 1948.¹

The provisions of this determination which are applicable to the heavy outer-wear branch and the wool trousers branch of the Uniform and Clothing Industry apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after January 1, 1949.

Nothing in these amendments shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of these amendments.

(49 Stat. 2036; 41 U. S. C. 35-45)

Dated: November 29, 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-10424; Filed, Dec. 1, 1948;
8:51 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter II—Bureau of Community Facilities, Federal Works Agency

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION*

NOVEMBER 24, 1948.

In order to conform Chapter II of Title 44 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929) the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER.

* In this respect this document is a clarifying republication of the existing interpretation of the document published in the April 8, 1948 issue of the FEDERAL REGISTER on pp. 1914-1915, and does not change the effective date nor the substantive provisions of the currently effective determination for the suit and coat branch of the uniform and clothing industry.

1. Parts 202, 204 and 212 are deleted.
2. The codification of Parts 211 and 213 is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.
3. Part 201 is redesignated Part 202 and the part headnote is changed to read "Part 202—Advance Planning."
4. The headnote of Part 203 is changed to read "Part 203—Virgin Islands Public Works."
5. In Part 203, Schedules A and B and those references to them in § 203.9 are deleted.

PHILIP B. FLEMING,
Federal Works Administrator.

[F. R. Doc. 48-10460; Filed, Dec. 1, 1948;
8:59 a. m.]

PART 201—PROCEDURE

NOVEMBER 24, 1948.

A new Part 201 is added, to read as follows:

§ 201.1 *General statement.* The general course and method by which the functions of the Bureau of Community Facilities are channeled and determined are as follows: Applications for assistance under the programs administered by the Bureau, with the exception subsequently noted in this section, are received in behalf of the Federal Works Agency by the Division Office of the Bureau serving the area in which the applicant is located, on forms as prescribed by the Commissioner of Community Facilities, for consideration and recommendation to the Federal Works Admin-

istrator for approval. Upon approval of an application by the Federal Works Administrator, an appropriate agreement between the Government and the applicant is executed. All projects coming within the Virgin Islands public works program are specifically described by the law authorizing the program, and, therefore, no applications are required. Further information concerning the operations of the programs of the Bureau can be obtained from the Division Engineers, or from the Commissioner of Community Facilities in Washington, D. C. (Sec. 3 (a) (2), 60 Stat. 238; 5 U. S. C. 1002 (a) (2))

PHILIP B. FLEMING,
Federal Works Administrator.

[F. R. Doc. 48-10469; Filed, Dec. 1, 1948;
8:59 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 961]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Supps., 900.1 et seq., 12 F. R. 1159, 4904) notice is hereby given of a hearing to be held at the John Bartram Hotel, Broad and Locust Streets, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. s. t., December 6, 1948, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the establishment of minimum Class I prices for a limited period of time beginning January 1, 1949.

Evidence will be received on the following proposal made by Inter-State Milk Producers' Cooperative, Inc.: Consider the establishment of the following Class I prices for milk of 4 percent butterfat content delivered f. o. b. Philadelphia for the four quarters of 1949: first quarter, \$5.90; second quarter, \$5.50; third quarter, \$5.90; fourth quarter, \$6.30.

Copies of this notice of hearing, the said order, as amended, now in effect,

and the said tentative marketing agreement may be procured from the Market Administrator, 1612 Market Street, 12th Floor, Fox Building, Philadelphia, Pennsylvania, or from the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Done at Washington, D. C. this 29th day of November 1948.

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

[F. R. Doc. 48-10506; Filed, Dec. 1, 1948;
8:52 a. m.]

[7 CFR, Part 936]

[Docket No. AO 90-A3]

HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Preliminary statement. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Supp. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supps. Part 900) a public hearing was held at Sacramento, California, beginning on April 12, 1948, upon proposed amendments to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp. Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, and the decision with respect to such amendments was made by the Acting Secretary of Agriculture on July 12, 1948 (13 F. R. 4017, 4157). Annexed to the decision was an amendatory order which was complete except for its effective date and the determinations to be made under § 900.14 of the aforesaid rules of prac-

tice and procedure. At present, the results of the referendum ordered to be conducted (13 F. R. 4019, 4137) are being examined to ascertain whether the requisite number of producers approve or favor the issuance of the amendments.

Annexed to the said decision were two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Fresh Bartlett Pears, Plums, and Elberta Peaches Grown in the State of California" and "Order Amending the Order, as Amended, Regulating the Handling of Fresh Bartlett Pears, Plums, and Elberta Peaches Grown in the State of California" which were decided upon as the appropriate and detailed means of effecting the conclusions set forth in the decision. Since the regulatory provisions of the said documents were identical, only the said amendatory order was published in the FEDERAL REGISTER. For ready reference, there follow the regulatory provisions of the said amendatory order:

1. Insert the following immediately preceding the period in § 936.1 (b) " and further amended by Public Law 305, 80th Cong., approved August 1, 1947"

2. Insert, after the first semicolon in § 936.2 (s) (3) the following: "to engage in such research and service activities in connection with the handling of such fruit as may be approved, from time to time, by the Secretary"

3. In § 936.2 (s) (8) insert the following immediately after the word "sizes": "or minimum standards of quality and maturity"

4. Delete the heading from § 936.4 and substitute, in lieu thereof, the following: "Regulation."

5. Delete the heading from § 936.4 (a), and substitute, in lieu thereof, the following: "By grades and sizes—(1) Recommendation."

6. Delete the paragraph designation "(b)" and its heading from § 936.4 and substitute, in lieu thereof, the following: "(2) Establishment."

7. Add to § 936.4 the following new paragraph:

(b) *By minimum standards of quality and maturity*—(1) *Recommendation*. Whenever a commodity committee, established pursuant hereto for a particular fruit, deems it advisable to establish during any period minimum standards of quality or maturity, or both, to govern shipments of such fruit pursuant to this paragraph, it shall so recommend to the Secretary. Each such recommendation of the committee shall be in terms of (i) minimum standards of maturity; (ii) freedom of fruit from material waste; (iii) freedom of fruit from material impairment of shipping quality; (iv) freedom of fruit from material impairment of edible quality; (v) freedom of fruit from serious damage to appearance; (vi) minimum size requirements; or (vii) any combination of the foregoing. With each such recommendation, the committee shall submit to the Secretary the information and data on which such recommendation is predicated; and such commodity committee shall also submit to the Secretary such other information as he may request.

(2) *Establishment*. Whenever the Secretary finds, from the recommendation and information submitted by a commodity committee established pursuant hereto for a particular fruit or from other available information, that to establish minimum standards of quality or maturity, or both, for such fruit and to limit the shipment of such fruit during any period to that meeting the minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, designate such period, and so limit the shipment of such fruit. The Secretary shall immediately notify such commodity committee of the minimum standards so established and the period so designated; and the committee shall give such notice thereof as may be reasonably calculated to bring such regulation to the attention of all interested parties.

8. Delete the provisions in § 936.4 (c) *Exemptions* of the order and insert, in lieu thereof, the following:

(1) Each commodity committee, established pursuant hereto for a particular fruit, shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(2) In the event the Secretary issues a regulation for a particular fruit pursuant to the provisions in paragraph (a) of this section, the commodity committee established pursuant hereto for such fruit shall determine what the percentage of such fruit permitted to be shipped from each district is of the total quantity of such fruit which would be shipped from such district in the absence of such regulation. An exemption certificate shall thereafter be issued by such committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping, or having shipped, a percentage of his crop of such fruit equal to the percentage, de-

termined as aforesaid, of all such fruit permitted to be shipped from his district. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of such fruit equal to the percentage determined as aforesaid. Each such commodity committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section, and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of fruit thus to be exempted, and a record of all shipments of exempted fruit. Such additional information as the Secretary may require shall be recorded in the records of such committee. Each commodity committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of fruit thus exempted, and such additional information as may be requested by the Secretary.

(3) In the event the commodity committee, established pursuant hereto for a particular fruit, determines that by reason of general crop failure or any other unusual conditions within a particular district or districts, it is not feasible or would not be equitable to issue exemption certificates to growers within such district or districts on the basis set forth in subparagraph (2) of this paragraph, it may issue exemption certificates on the basis of the average of the percentages, as determined under subparagraph (2) of this paragraph, of the crops of such fruit permitted to be shipped from all districts. An exemption certificate shall thereafter be issued by such committee to any grower who furnishes proof satisfactory to such committee to the effect that such grower will be prevented, because of the aforesaid regulation, from shipping, or having shipped, as large a percentage of his crop of such fruit as the average of the percentages, as determined under subparagraph (2) of this paragraph, of the crops of such fruit permitted to be shipped from all districts. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of such fruit equal to the average of the percentages determined as aforesaid.

(4) If any grower is dissatisfied with the action of a commodity committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary. *Provided*, That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

9. Insert before the period at the end of the first sentence of § 936.4 (d) the following: "or minimum standards of quality and maturity."

10. Insert, after the word "size" in the last sentence of § 936.4 (d), the following: "or quality and maturity"

11. Add the following new paragraph to § 936.4.

(e) *Modification, suspension, or termination*. Whenever a commodity committee, established pursuant hereto for a particular fruit, deems it advisable to recommend to the Secretary the modification, suspension, or termination of any or all of the regulations established pursuant to paragraphs (a) or (b) of this section, it shall so recommend to the Secretary. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that to modify any such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that any such regulations obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulations. The Secretary shall immediately notify such commodity committee, and such commodity committee shall promptly give adequate notice to handlers and growers, of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

12. Delete the first sentence in § 936.8 (a) and insert, in lieu thereof, the following:

§ 936.8 *Expenses and assessments*—(a) *Expenses*. The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the Control Committee during the then current fiscal period for the maintenance and functioning of such committee and the respective commodity committees, and for such research and service activities relating to the handling of fruit as the Secretary may determine to be appropriate.

13. Delete the last sentence of § 936.8 (b)

The Control Committee, established pursuant to the aforesaid marketing agreement and order as the agency to administer the provisions thereof, has requested that a public hearing be held with respect to the further amendment of the marketing agreement and order.

Notice of proposed rule-making. Pursuant to the said act, and in accordance with the aforesaid rules of practice and procedure, notice is hereby given of a public hearing to be held in the Conference room of the California Tree Fruit Agreement, 1515 Ninth Street, Sacramento, California, beginning at 9:00 a. m., California d. s. t., December 6, 1948, with respect to proposed further amendments to the marketing agreement, as amended and as proposed to be further amended in the manner prescribed in the aforesaid amendatory order, and Order No. 36, as amended and as proposed to be further amended in the manner prescribed as aforesaid, (hereinafter referred to as the "marketing agreement" and "order," respectively), regulating the handling of fresh Bartlett

PROPOSED RULE MAKING

pears, plums, and Elberta peaches grown in the State of California.

Such public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof. Such proposals have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by the Control Committee:

1. Delete the provisions of section 1 (d) of the marketing agreement and § 936.1 (d) of the order and insert, in lieu thereof, the following:

"Fruit" means any one or more of the following types of deciduous fruit and designated varietal groupings of plums grown in the State of California and shipped in fresh form: (1) Bartlett pears; (2) Elberta peaches; (3) plums of the Beauty, Formosa, Santa Rosa, and Climax varieties; and (4) plums of all varieties other than those listed in (3) of this paragraph (d)

2. In section 1 (h) of the marketing agreement and § 936.1 (h) of the order delete the dates "April 1" and "March 31" and insert, in lieu thereof, "March 1" and "the last day of February" respectively.

3. Delete section 1 (j) of the marketing agreement and § 936.1 (j) of the order; redesignate sections 1 (k) and 1 (l) of the marketing agreement as section 1 (j) and section 1 (k) respectively and redesignate § 936.1 (k) and § 936.1 (l) of the order as § 936.1 (j) and § 936.1 (k) respectively.

4. In the second sentence of section 2 (a) of the marketing agreement and § 936.2 (a) of the order delete the date "March 1" and insert, in lieu thereof, "February 1"

5. In the second sentence of section 2 (e) of the marketing agreement and § 936.2 (e) of the order delete the date "February 15" and insert, in lieu thereof, "January 15"

6. In section 2 (k) of the marketing agreement and § 936.2 (k) of the order delete the dates "March 15" and "April 1" and insert, in lieu thereof, "February 15" and "March 1" respectively.

7. Revise section 2 (s) (4) of the marketing agreement and § 936.2 (s) (4) of the order to read as follows:

(4) To employ a manager who shall, among other duties, act as the secretary of the Control Committee, all commodity committees, and the Sales Managers' Committee established pursuant hereto; to employ such other employees as it deems necessary to determine the salary and duties of such manager and other employees; and to authorize, if the committee deems such to be necessary, the manager to employ temporarily, subject to such limitations and qualifications as may be specified by the committee, such persons as the manager deems necessary, and to determine the salaries, of such persons, which salaries shall be reasonable and within the limitations of the budget and such other limitations as may be prescribed by the committee, and to define the respective duties of such persons;

8. Delete the following words which appear in the first sentence of section 4 (c) (2) of the marketing agreement and § 936.4 (c) (2) of the order: "In paragraph (a)"

9. Delete section 4 (e) of the marketing agreement and § 936.4 (c) (2) of the order and add the following as a new section 7 to the marketing agreement and a new § 936.7 to the order:

Modification, suspension, or termination. Whenever a commodity committee, established hereunder for a particular fruit, deems it advisable to modify, suspend, or terminate any or all of the regulations issued pursuant hereto for such fruit or any variety or varieties thereof, it shall so recommend to the Secretary. With each such recommendation submitted to the Secretary, the commodity committee shall forward the information upon which it acted in making such recommendation. If the Secretary finds upon the basis of such recommendation and information or from other available information that to modify such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation and information or upon the basis of other available information that any such regulations obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulations. The Secretary shall immediately notify such commodity committee, and such committee shall promptly give adequate notice to handlers and growers, of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

10. Revise section 5 of the marketing agreement and § 936.5 of the order so as to delete therefrom all references to the regulation of daily shipments of plums and to restrict the scope of such sections to the regulation of daily shipments of Bartlett pears grown in California and shipped in fresh form.

11. Delete the first four sentences in section 8 (b) of the marketing agreement and § 936.8 (b) of the order and insert, in lieu thereof, the following:

(b) Each shipper of a particular fruit shall, upon demand, pay to the Control Committee such shipper's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, during the current season with respect to such fruit. Each such shipper's share of such expenses shall be that proportion thereof which the total quantity of such fruit shipped by such shipper during said season is of the total quantity of the same fruit shipped by all shippers during the same season. The Secretary shall fix the rate of assessment which shippers of such fruit shall pay. The Secretary may, from time to time, increase such rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred during said season for such fruit; and such increase shall be applicable to all

such fruit shipped during the season. * * *

12. In the first sentence of section 9 (c) of the marketing agreement and § 936.9 (c) of the order delete the words "confidential employee or confidential employees" and insert, in lieu thereof, the word "manager"

13. Delete the last two sentences in section 9 (c) of the marketing agreement and § 936.9 (c) of the order and insert, in lieu thereof, the following: Upon receipt of the foregoing by the manager of the Control Committee, he shall promptly have such information compiled; and a summary of such compiled information shall be made available promptly to all shippers and other interested parties. Each such summary, however, shall not reveal the identity of any informant. The manager and each person engaged in the preparation of any such compilation or summary, shall not disclose any information obtained pursuant to this paragraph (c) except in the aforesaid summary. *Provided*, That the manager and each person engaged, as aforesaid, shall, if so directed by the Secretary, submit all of said information, including the original reports, to the Secretary or such other person or persons as the Secretary may direct.

14. In the last sentence of section 10 (b) (2) of the marketing agreement and § 936.10 (b) (2) of the order delete the dates "April 1" and "March 31" and insert, in lieu thereof, "March 1" and "the last day of February" respectively.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed that consideration be given to the following:

15. Making such changes in the marketing agreement and order as may be necessary to provide proper representation of grower and shipper interests on the Control Committee and the Plum Commodity Committee or on such other committee as may be required in connection with proposal numbered 1.

16. Making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to the proposed amendments.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Western Marketing Field Office of the Fruit and Vegetable Branch, 100 Plaza Building, 921 Tenth Street, Sacramento, California.

Filed at Washington, D. C. this 29th day of November 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator
[F. R. Doc. 48-10507; Filed, Dec. 1, 1948;
8:52 a. m.]

[7 CFR, Part 978]

HANDLING OF MILK IN NASHVILLE, TENN.,
MARKETING AREA

TERMINATION OF PROCEEDING

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as

reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.) a public hearing was convened at Nashville, Tennessee, on November 4, 1948, pursuant to a notice published in the FEDERAL REGISTER (13 F. R. 6425) on October 30, 1948.

The hearing was called for the purpose of receiving evidence with respect to a proposal filed by the Nashville Milk Producers, Inc., requesting emergency action to amend the present pricing provisions to provide that prices for Class I and Class II milk until March 1, 1949, should not be less than the September 1948 price for such milk.

After the hearing was opened, representatives of the producers' Association and the handlers subject to the order entered appearances. However, no evidence was offered either in support of or in opposition to the proposal or any modification thereof. On the basis of such record, the issuance of a decision is unwarranted and unnecessary. Accordingly, the proceeding is hereby terminated.

Issued at Washington, D. C., this 29th day of November 1948.

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

[F. R. Doc. 48-10504; Filed, Dec. 1, 1948; 8:52 a. m.]

FEDERAL SECURITY AGENCY

Bureau of Federal Credit Unions

[45 CFR, Parts 301, 310, 315, 320]

ORGANIZATION AND OPERATION, VOLUNTARY AND INVOLUNTARY LIQUIDATION AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

-NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003) that the regulations set forth in tentative form below, are proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with the approval of the Commissioner for Social Security and the Federal Security Administrator, in lieu of the present regulations of the Bureau of Federal Credit Unions (45 CFR, Cum. Supp., Chapter VI) The proposed regulations are designed to revise, supplement, amend and clarify the existing regulations.

Prior to the official adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Federal Security Agency, Federal Security Building, Washington 25, D. C., within a period of fifteen days from the date of the publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority contained in section 16 (a) of the Federal Credit Union Act, as amended.

(48 Stat. 1221, 12 U. S. C. 1766, and section 2 of the act of June 29, 1948 (62 Stat. 1091))

Dated: November 30, 1948.

[SEAL] CLAUDE R. ORCHARD,
Director,
Bureau of Federal Credit Unions.

A. J. ALTMAYER,
Commissioner for Social Security.
J. DONALD KINGSLEY,
Acting Federal Security
Administrator.

Chapter VI is hereby redesignated Chapter III of Title 45 and is amended to read as follows:

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Federal Security Agency

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

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| Sec. | |
| 301.1 | Organization of Federal credit unions. |
| 301.2 | Mergers and conversions of Federal credit unions. |
| 301.3 | Standard form of bylaws. |
| 301.4 | Amendment of bylaws and charter. |
| 301.5 | Other applications. |
| 301.6 | Fee for supervision. |
| 301.7 | Fee for examination. |
| 301.8 | Fee for final examination. |
| 301.9 | Loans by Federal credit unions to other credit unions. |
| 301.10 | Establishment of cash fund for making change. |
| 301.11 | Election report. |
| 301.12 | Supervisory committee audit report. |
| 301.13 | Financial and statistical report. |
| 301.14 | Manual of accounting procedure for Federal credit unions. |
| 301.15 | Credit committee handbook. |
| 301.16 | Manual of procedure for supervisory committees of Federal credit unions. |
| 301.17 | Handbook for Federal credit unions. |
| 301.18 | Petitions. |

Authority §§ 301.1 to 301.18 issued under sec. 16 (a), 48 Stat. 1221, cco. 2, 62 Stat. 1221; 12 U. S. C. 1766 (a), and note.

§ 301.1 *Organization of Federal credit unions.* (a) Persons desiring to form a Federal credit union shall submit in duplicate on forms prescribed by the Bureau of Federal Credit Unions, Social Security Administration, Federal Security Agency, a proposed organization certificate (Form FCU 503B). The certificate shall be subscribed to before an officer competent to administer oaths by not less than 7 natural persons who have a common bond of occupation, or association, or are within a well defined neighborhood, community, or rural district, and shall specifically state:

- (1) The proposed name of the association.
- (2) The location of the proposed Federal credit union and the territory in which it will operate.
- (3) The names and addresses of the subscribers to the certificate and the number of shares subscribed by each.
- (4) The par value of the shares, which shall be \$5 each.
- (5) The proposed field of membership, specified in detail.
- (6) The term of the existence of the corporation, which may be perpetual.
- (7) The fact that the certificate is made to enable such persons to avail

themselves of the advantages of the Federal Credit Union Act, as amended.

Copies of the form of organization certificate may be obtained from the Washington Office of the Bureau of Federal Credit Unions or from any of its Regional Offices.

(b) The proposed organization certificates shall be submitted to the Regional Supervisor of the Bureau of Federal Credit Unions for the region in which the principal office of the proposed Federal credit union is to be located together with a check or money order payable to the Treasurer of the United States in the amount of \$25.00 in payment of the investigation fee of \$20.00 and charter fee of \$5.00. The Regional Office will investigate and make recommendations as to whether the proposed organization certificate conforms to the Federal Credit Union Act, as amended; as to the general character and fitness of the subscribers thereto; and as to the economic advisability of establishing the proposed credit union. The report and recommendation of the Regional Supervisor shall be forwarded to the Division of Supervision of the Bureau of Federal Credit Unions in Washington, D. C. The Division of Supervision shall consider the proposed organization certificate and the recommendations of the Regional Supervisor and shall make recommendations to the Director of the Bureau of Federal Credit Unions who shall approve or disapprove the proposed organization certificate. The organization certificate, if approved, shall be the charter of the Federal credit union. If the organization certificate is disapproved, the incorporators shall be notified of the basis for such action and the charter fee of \$5.00 shall be returned to them. Under no circumstances shall the investigation fee of \$20.00 be returned.

§ 301.2 *Mergers and conversions of Federal credit unions.* On approval of the Director of the Bureau of Federal Credit Unions a Federal credit union may merge with one or more Federal credit unions or convert to State charter. A Federal credit union contemplating such action shall communicate in writing with the Regional Office of the Bureau of Federal Credit Unions for the region in which the Federal credit union's principal office is located and request instructions. After receiving full information concerning the proposed merger or conversion and reasons therefor, and where proper, an investigation by a representative of the Bureau of Federal Credit Unions, and on approval of the Director of the Bureau of Federal Credit Unions, suitable instructions shall be furnished by the Bureau and shall be binding upon the officials of the Federal credit union or the Federal credit unions concerned. In the preparation of such instructions consideration shall be given to the circumstances in each case, including pertinent State laws in conversions.

§ 301.3 *Standard form of bylaws.* At the time of submitting an organization certificate to the Regional Supervisor, the incorporators shall submit a proposed draft of bylaws which shall contain the following provisions:

FCU 503c
11/48

BYLAWS

FEDERAL CREDIT UNION

ARTICLE I—NAME; PURPOSES

SECTION 1. The name of this credit union shall be "----- Federal Credit Union."

SEC. 2. The purpose of this credit union is to promote thrift among its members, by affording them an opportunity for accumulating their savings; and to create for them a source of credit for providence or productive purposes.

ARTICLE II—QUALIFICATIONS FOR MEMBERSHIP

SECTION 1. The field of membership shall be limited to those having the following common bond of association, occupation, or residence: -----

SEC. 2. Each application for membership must be in writing and must be presented to the board of directors for action at a regular or special meeting thereof.

SEC. 3. An applicant shall not be admitted to membership except by the affirmative vote of a majority of the directors present at the meeting at which the application is acted upon; and shall not become a member or entitled to any of the rights or privileges of a member until he shall have qualified by paying an entrance fee of 25 cents and shall have subscribed for at least one share of this credit union and paid at least the first installment thereon, as required in section 1 of article III of these bylaws.

SEC. 4. A member who withdraws all his shareholdings thereby ceases to be a member.

SEC. 5. Subject to the conditions herein contained, a member who leaves the field of membership of this credit union may retain his membership therein but may not borrow therefrom in excess of his shareholdings.

ARTICLE III—CAPITAL AND LIABILITY

SECTION 1. The par value of each share shall be \$5. Subscriptions to shares are payable at the time of subscription, or in equal installments at the rate of 25 cents per month on each share so subscribed; but on any day when installments are due and payable any number of installments may be paid in advance.

SEC. 2. The maximum amount of shares which may be held by any one member shall be established from time to time by resolution of the board of directors.

SEC. 3. A member failing to pay any installment on shares when due may be required by the board of directors to pay a fine amounting to 1 cent per full week on each \$2 or fraction thereof of the installment or installments in arrears: *Provided, however,* That in no case shall such fine be less than 5 cents.

SEC. 4. Shares may be transferred only from one member to another, by written instrument in such form as the board of directors may prescribe and upon the payment to this credit union of a fee of 25 cents for each such transfer.

SEC. 5. Money paid in on shares, or installments of shares, may be withdrawn as in these bylaws provided on any day when payment for shares may be made; but the board of directors shall have the right, at any time, to require members to give 60 days' notice in intention to withdraw the whole or any part of the amounts so paid in by them: *Provided,* That no member may withdraw any shareholdings below the amount of his total liability to the credit union as borrower, endorser, comaker, or guarantor without the written approval of the credit committee.

ARTICLE IV—RECEIPTING FOR MONEY—PASSBOOKS

SECTION 1. Money paid in or paid out on account of shares, loans, interest, fees, or fines shall be evidenced by entries in the member's passbook. Every entry in the passbook shall identify the person receiving or paying out, on behalf of this credit union, the money represented thereby. No money shall be received from or paid to a member unless the passbook is presented and the proper entry made therein, except money received from members under a payroll-deduction plan or under a machine-bookkeeping system approved by the Bureau of Federal Credit Unions, Federal Security Agency.

SEC. 2. If a passbook is lost or stolen, immediate notice of such fact must be given to the treasurer, and written application must be made for the payment of the amount due the member as represented by said passbook or for the issuance of a duplicate passbook. The board of directors may require the filing of an adequate bond to indemnify this credit union against any loss or losses resulting from the issuance of such duplicate passbook.

ARTICLE V—MEETINGS OF MEMBERS

SECTION 1. The annual meeting of the members shall be held during January of each year in the county in which the office of this credit union is situated, at such time and place as the board of directors shall designate.

SEC. 2. At least 7 days before the date of any annual or special meeting of the members, the clerk shall cause written notice thereof to be handed to each member in person, or mailed to each member at his address as the same appears on the records of this credit union: *Provided, however,* That any meeting of the members, whether annual or special, may be held without prior notice, at any place or time, if all the members entitled to vote thereat who are not present at such meeting shall in writing waive notice thereof, before, during, or after the meeting.

SEC. 3. Special meetings of the members may be called by the president (or by the supervisory committee as in these bylaws provided); and shall be called by the president on the written request of not fewer than 10 members.

SEC. 4. The order of business at annual meetings of members shall be:

- (a) Ascertainment that a quorum is present.
- (b) Reading and approval (or correction) of the minutes of the last meeting.
- (c) Report of directors.
- (d) Report of the treasurer.
- (e) Report of the credit committee.
- (f) Report of the supervisory committee.
- (g) Unfinished business.
- (h) New business other than elections.
- (i) Elections.
- (j) Adjournment.

The members assembled at any annual meeting may suspend the above order of business upon a two-thirds vote of the members present at the meeting.

SEC. 5. Except as hereinafter provided, at annual or special meetings 15 members shall constitute a quorum. If no quorum is present, an adjournment may be taken to a date not fewer than 7 nor more than 15 days thereafter; and the members present at any such adjourned meeting shall constitute a quorum, regardless of the number of members present. The same notice shall be given for the adjourned meeting as is prescribed in section 2 of this article for the original meeting, and such notice shall be given not fewer than 5 days previous to the date of the meeting, as fixed in the adjournment.

ARTICLE VI—ELECTIONS

SECTION 1. At least 30 days prior to each annual meeting, the president shall appoint a nominating committee of 3 members. It shall be the duty of the nominating com-

mittee to nominate at the annual meeting one member for each vacancy for which elections are being held.

SEC. 2. After the nominations of the nominating committee have been placed before the members, the president shall call for nominations from the floor. When nominations are closed, tellers shall be appointed by the president, ballots shall be distributed, the vote shall be taken and tallied by the tellers, and the results announced. All elections shall be determined by plurality vote, and shall be by ballot except where there is only one nominee for the office.

SEC. 3. Nominations shall be in the following order:

- (a) Nominations for directors.
- (b) Nominations for credit committee members.
- (c) Nominations for supervisory committee members.

Elections may be by separate ballots following the same order as the above nominations or, if preferred, may be by one ballot for all offices.

SEC. 4. No member shall be entitled to vote by proxy, but a member other than a natural person may vote through an agent designated in writing for the purpose. A trustee, or other person acting in a representative capacity, shall not, as such, be entitled to vote.

SEC. 5. Irrespective of the number of shares held by him, no member shall have more than one vote.

SEC. 6. Within 10 days after their election the names and the addresses of all persons elected to office shall be forwarded to the Bureau of Federal Credit Unions, Federal Security Agency, in such manner as may be required by said Bureau.

ARTICLE VII—BOARD OF DIRECTORS

SECTION 1. The board of directors shall consist of ----- members, all of whom shall be members of this credit union.

SEC. 2. At the first annual meeting, or at any annual meeting following a change in the number of members constituting the board of directors, a bare majority of the directors shall be elected for a term of 1 year, and the others for a term of 2 years. Whenever the number of members on the board of directors is increased by amendment to the bylaws, one-half of such additional members shall be elected at the first annual meeting following the approval of the amendment for 1 year, and one-half for 2 years. Thereafter the term of office for directors shall be for 2 years and until the election and qualification of their respective successors.

SEC. 3. Any vacancy on the board of directors or credit committee shall be filled by vote of a majority of the remaining directors; but the member so elected shall hold office only until the qualification of a director or committee member who shall be elected at the next annual meeting of the members of this credit union to complete the unexpired term.

SEC. 4. Regular meetings of the board of directors shall be held during the ----- week of each month. The president, or in his absence the vice president, may call a special meeting of the board of directors at any time; and shall do so upon the written request of any 3 directors. The time and place of regular meetings of the board of directors shall be fixed by the board. The president, or in his absence the vice president, shall fix the time and place of special meetings, unless the board, by resolution, prescribes otherwise. Notice of all meetings of the board of directors shall be given in such manner as the board of directors may from time to time, by resolution, prescribe.

SEC. 5. The board of directors shall have the general direction and control of the affairs of this credit union. In addition to

the duties customarily performed by boards of directors, the board of directors shall:

(a) Act upon all applications for membership.

(b) From time to time fix the amount and character of, and approve, surety bonds required of any persons handling or having custody of funds, and may authorize the payment of the premium or premiums therefor, by this credit union.

(c) Recommend the declaration of dividends.

(d) Fill vacancies in the board of directors and in the credit committee, as provided in section 3 of article VII of these bylaws.

(e) Employ, fix the compensation, and prescribe the duties of such employees as may, in the discretion of the board of directors, be necessary.

(f) Determine from time to time the maximum number of shares that may be held by any member.

(g) Determine from time to time the interest rates on loans and the maximum amount that may be loaned, with or without security, to any member within the limitations prescribed by law. When, by action of the board of directors, the interest rates on future loans are reduced, similar action may be taken with regard to interest rates on unpaid balances of existing loans.

(h) Authorize and supervise investments of this credit union other than loans to members.

(i) Designate the depository or depositories for the funds of this credit union.

(j) Authorize borrowings and discounting operations on behalf of this credit union within the limitations prescribed by the Federal Credit Union Act, as amended, and any regulations issued thereunder by the Bureau of Federal Credit Unions, Federal Security Agency.

(k) Supervise the collection of loans to members and authorize, when necessary, the charge-off of uncollectible loans.

(l) If deemed necessary or advisable, adopt a common seal and alter the same.

SEC. 6. A majority of the number of directors specified by the bylaws shall constitute a quorum for the transaction of business at any meeting thereof; but fewer than a quorum may adjourn from time to time until a quorum is in attendance. Written notice of an adjourned meeting need not be given the directors.

SEC. 7. If a director or a credit committee member fails to attend regular meetings of the board of directors or credit committee for 3 consecutive months, or otherwise fails to perform any of the duties devolving upon him as a director or a credit committee member, his office may be declared vacant by the board of directors and the vacancy filled as herein provided.

ARTICLE VIII—OFFICERS AND THEIR DUTIES

SECTION 1. The officers of this credit union shall be a president, a vice president, a treasurer, and a clerk, all of whom shall be elected by the board of directors and from their number. The offices of treasurer and clerk only may be held by the same person. Unless sooner removed as herein provided, the officers elected at the first meeting of the board of directors shall hold office until the first meeting of the board of directors following the first annual meeting of the members and until the election and qualification of their respective successors.

SEC. 2. Officers elected at the first meeting of the board of directors following the annual meeting of the members shall hold office for a term of 1 year and until the election and qualification of their respective successors: *Provided, however,* That any person elected to fill a vacancy caused by the death, resignation, or removal of an officer shall be elected by the board of directors to serve only during the unexpired portion of

the term of such officer and until his successor is duly elected and qualified.

SEC. 3. The president shall preside at all meetings of the members and at all meetings of the board of directors; shall countersign all notes of this credit union and all checks, drafts, and other orders for the disbursement of its funds; and shall perform such other duties as customarily appertain to the office of president or as he may be directed to perform by resolution of the board of directors not inconsistent with the provisions of law or these bylaws.

SEC. 4. The vice president shall have and exercise all the powers, authority, and duties of the president during the absence of the latter or his inability to act.

SEC. 5. The treasurer shall be the general manager of this credit union under the control and direction of the board of directors. Before entering upon his duties, he shall give a proper bond with good and sufficient surety, in amount to be determined by the board of directors as herein provided, conditioned upon the faithful performance of his duties. Subject to such limitations and control as may be imposed by the board of directors, the treasurer shall have custody of all funds, securities, valuable papers, and other assets of this credit union. He shall sign all checks, drafts, notes, and other obligations of this credit union. He shall provide and maintain full and complete records of all the assets and liabilities of this credit union. Within 7 days after the close of each month, he shall prepare and submit to the board of directors a financial statement showing the condition of this credit union as of the close of business on the last business day of such month, and shall promptly post a copy of such monthly financial statement in a conspicuous place in the office of this credit union, where it shall remain posted until replaced by the financial statement for the next succeeding month. He shall prepare and forward to the Bureau of Federal Credit Unions such financial reports as said Bureau may require. The treasurer may be compensated for his services to such extent as may be determined by the members at any annual or special meeting thereof.

SEC. 6. The board of directors may appoint an assistant treasurer and authorize him, under the direction of the treasurer, to perform any of the duties devolving on the treasurer, including the signing of checks. He may also act as treasurer during the absence of the treasurer or in the event of his inability to act. Where this authorization is made, the assistant treasurer shall give a proper bond with good and sufficient surety, in amount to be determined by the board of directors, conditioned upon the faithful performance of his duties.

SEC. 7. The clerk shall prepare and maintain full and correct records of all meetings of the members and of the board of directors. He shall give or cause to be given, in the manner prescribed in these bylaws, proper notice of all meetings of the members, and shall perform such other duties as he may be directed to perform by resolution of the board of directors not inconsistent with the provisions of law or of these bylaws.

ARTICLE IX—CREDIT COMMITTEE

SECTION 1. The credit committee shall consist of _____ members, all of whom shall be members of this credit union.

SEC. 2. At the first annual meeting, or at any annual meeting following a change in the number of members constituting the credit committee, a bare majority of the committee shall be elected for a term of 1 year, and the other for a term of 2 years. Whenever the number of members on the credit committee is increased by amendment to the bylaws, one-half of such additional members shall be elected at the first annual meeting following the approval of the amendment for 1 year, and one-half for 2 years. Thereafter the term of office for committee mem-

bers shall be for 2 years and until the election and qualification of their respective successors.

SEC. 3. The credit committee members shall choose from their number a chairman and a secretary. The secretary of the credit committee shall prepare and maintain full and correct records of all action taken by it. The offices of chairman and secretary may be held by the same person.

SEC. 4. The credit committee shall hold such meetings as the business of this credit union may require, and not less frequently than once a month. Notice of such meetings shall be given to members of the committee in such manner as the committee members may from time to time, by resolution, prescribe.

SEC. 5. The credit committee shall inquire carefully into the character and financial condition of each applicant for a loan and his sureties, if any, to ascertain their ability to repay fully and promptly the obligations incurred by them and to determine whether the loan sought is for a provident or productive purpose and will be of profitable benefit to the borrower. The credit committee shall endeavor diligently to assist applicants in solving their financial problems.

SEC. 6. No loan shall be made unless approved by a majority of the entire committee and by all the members of the committee who are present at the meeting at which the application is considered.

SEC. 7. Subject to the limits imposed by law and these bylaws and the instructions of the board of directors, the credit committee shall determine the security, if any, which shall be required for each loan and the terms upon which it shall be repaid. When there are pending more loan applications than can be granted with the funds available, preference shall be given, in all cases, to the applications for smaller loans if the need and credit factors are nearly equal.

ARTICLE X—SUPERVISORY COMMITTEE

SECTION 1. The supervisory committee shall consist of three members, none of whom shall be directors, and all of whom shall be members of this credit union. At the first annual meeting, one member shall be elected for a term of 1 year, and two members for terms of 2 years. Thereafter, all committee members shall be elected for terms of 2 years. Any vacancy in the membership of the supervisory committee of this credit union shall be filled by a vote of the remaining members, but the member so elected shall hold office only until the qualification of the member who shall be elected at the next annual meeting of the members of this credit union to complete the unexpired term.

SEC. 2. The supervisory committee members shall choose from among their number a chairman and a secretary. The secretary of the supervisory committee shall maintain and have custody of full and correct records of all action taken by it. The offices of chairman and secretary may be held by the same person.

SEC. 3. The supervisory committee shall make, at least quarterly, an examination of the affairs of this credit union (including an audit of its books), and shall make a written report thereof to the board of directors; and shall make an annual audit and a written report on the condition and affairs of this credit union to be submitted to the members at each annual meeting. It shall prepare and forward to the Bureau of Federal Credit Unions, Federal Security Agency, such reports as said Bureau may require.

SEC. 4. The supervisory committee shall cause the passbooks and accounts of all members to be verified with the records of the treasurer from time to time and not less frequently than once every 2 years.

SEC. 5. By unanimous vote the supervisory committee may suspend until the next meeting of the members any director, officer, or

member of the credit committee. In the event of any such suspension, the supervisory committee shall call a special meeting of the members to act on said suspension within 7 days thereof. The notice of any such special meeting shall state the purpose for which it is to be held.

SEC. 6. By the affirmative vote of a majority of its members, the supervisory committee may call a special meeting of the members to consider any violation of the provisions of the Federal Credit Union Act (including any amendments thereto), or of the charter or the bylaws of this credit union, or to consider any practice of this credit union which the committee deems to be unsafe or unauthorized. Notice of any such special meeting shall be given in the manner elsewhere herein provided for the giving of notice of special meetings of the members.

ARTICLE XI—ORGANIZATION MEETING

SECTION 1. On receipt of the approved organization certificate, the subscribers thereto shall convene for the purpose of nominating and electing a board of directors, a credit committee, and a supervisory committee.

SEC. 2. The subscribers shall elect a chairman and a secretary for the meeting. The subscribers shall then elect from their number, or from those eligible to become members of this credit union, a board of directors, a credit committee, and a supervisory committee, all to hold office until the first annual meeting of the members and until the election and qualification of their respective successors. If not already a member, every person elected under this section must qualify within 30 days by becoming a member. If any person elected as a director or committee member does not qualify as a member within 30 days of such an election, his office shall automatically become vacant and shall be filled in accordance with the provisions of these bylaws pertaining to the filling of vacancies.

SEC. 3. Following the elections held under the provisions of the preceding section, the directors shall retire from the meeting, and elect the officers, who shall hold office until the first annual meeting and until the election and qualification of their respective successors.

ARTICLE XII—LOANS TO MEMBERS

SECTION 1. Except as otherwise provided in article XV, section 5 of these bylaws, loans shall be restricted to members, and shall be made for provident or productive purposes only.

SEC. 2. Rates of interest shall be fixed from time to time by the board of directors, and shall in no case exceed 1 percent per month on unpaid balances, inclusive of all charges incidental to making the loan.

SEC. 3. No loan shall be made to a director, an officer, a committee member, or to a member who has left the field of membership in excess of the amount of his shareholding in this credit union. No director, officer, or committee member, shall act as endorser or guarantor for borrowers from this credit union.

SEC. 4. A borrower may repay his loan prior to maturity, in whole or in part, on any business day.

SEC. 5. Applications for loans shall be on forms prepared and furnished by the credit committee and shall in each case set forth the purpose for which the loan is desired, the security (if any), and such other data as may be required.

SEC. 6. No loan shall be made to members in excess of the limitations imposed in section 11 (d) of the Federal Credit Union Act, as amended.

SEC. 7. All applications for loans and the reports of the credit committee thereon shall be filed as permanent records of this credit union.

SEC. 8. Any member whose loan is delinquent for a period of 1 week or more shall, unless excused for cause by the board of directors, pay a fine at a rate not to exceed 1 cent per month on each \$5 or fraction thereof computed on the remaining unpaid balance of the delinquent loan from the date of the last principal payment, or from the date of disbursement if no principal payments have been made: *Provided, however,* That in no case shall such fine be less than 5 cents. The board of directors may take such steps toward making collection of delinquent loans, interest, or fines, as may, in its judgment, be advisable.

ARTICLE XIII—RESERVES

SECTION 1. All entrance and transfer fees and fines, and 20 percent of the net earnings of each year (before the declaration of any dividend) shall be set aside as a reserve against possible bad loans, which shall not be distributed except in case of final liquidation.

ARTICLE XIV—DIVIDENDS

SECTION 1. At the annual meeting only, on recommendation of the board of directors, a dividend may be declared from the net earnings remaining after the setting aside of 20 percent thereof for the reserve for bad loans. Any such dividend shall be paid only on shares fully paid up before December 1, and outstanding on December 31, of the preceding year. In the case of any share which became fully paid up during such year and prior to December 1 thereof, the holder shall be entitled to receive a proportional part of said dividend calculated from the first day of the month following such payment in full.

SEC. 2. No dividend shall be authorized or paid at a rate in excess of 6 percent per annum.

SEC. 3. A member shall be deemed to have one fully paid share for each \$5 paid in, regardless of the number of shares for which he has subscribed.

ARTICLE XV—DEPOSIT AND DISBURSEMENT OF FUNDS—INVESTMENTS

SECTION 1. The funds of this credit union shall be deposited only in national banks, or in State banks, trust companies, or mutual savings companies operating in accordance with the laws of the State or States in which this credit union does business; and except with the specific written permission of the Bureau of Federal Credit Unions, shall not be deposited in, or permitted to remain in, any institution the deposits of which are not insured by the Federal Deposit Insurance Corporation.

SEC. 2. All funds of this credit union, except those mentioned in sections 3 and 4 of this article, shall be deposited in such qualified depository or depositories as the board of directors may from time to time by resolution designate; and shall be so deposited within 48 hours of their receipt: *Provided, however,* That receipts in the aggregate of \$100 or less need not be deposited more often than once each week.

SEC. 3. All disbursements of funds of this credit union shall be made by checks signed by the treasurer, or a duly authorized assistant treasurer, and countersigned by the president, or, in his absence or inability to serve, by the vice president: *Provided, however,* That the board of directors may by resolution provide for the establishment and replenishment, at least annually, of a petty cash fund of not exceeding \$10 for postage, and for defraying other expense items of this credit union in amounts of less than \$1.

SEC. 4. A cash fund for the purpose of making change may be established by the board of directors by resolution, in an amount not to exceed \$100. On all cash funds in excess of \$100, however, the board of directors shall obtain the written permis-

sion of the Bureau of Federal Credit Unions, Federal Security Agency.

SEC. 5. The funds of this credit union shall be invested only in:

(a) Loans exclusively to members,

(b) Obligations of the United States of America, or in securities fully guaranteed thereby as to both principal and interest,

(c) Loans to other credit unions in the total amount not exceeding 25 percent of this credit union's paid-in and unimpaired capital and surplus, in accordance with rules and regulations prescribed by the Bureau of Federal Credit Unions, Federal Security Agency.

(d) Shares or accounts of federal savings and loan associations.

(e) Any other manner authorized by the Federal Credit Union Act, as amended.

ARTICLE XVI—EXPULSION AND WITHDRAWAL

SECTION 1. A member may be expelled only in the manner provided by law. Expulsion or withdrawal shall not operate to relieve a member of any liability to this credit union. All amounts paid in on shares by expelled or withdrawing members, prior to their expulsion or withdrawal, shall be paid to them in the order of their withdrawal or expulsion, but only as funds become available and only after deducting therefrom any amounts due from such members to this credit union.

ARTICLE XVII—MINORS

SECTION 1. Shares may be issued in the name of a minor, or in trust therefor. When shares are so issued in trust, the trustee must be a member of this credit union in his own right, and the name of the beneficiary must be stated.

ARTICLE XVIII—DEFINITION OF TERMS

SECTION 1. When used in these bylaws the terms:

(a) "Net earnings," for a given period, shall mean the balance remaining after deducting from the gross income of this credit union actually received during such period all expenses paid or payable during such period, and any losses sustained therein (as determined by the board of directors) for which no specific reserve has been set aside. Amounts set aside during such period as a reserve for bad loans shall not be deemed items of expense.

(b) "Paid in and unimpaired capital," as of a given date, shall mean the balance of the paid-in shares account as of such date, less any losses that may have been incurred for which there is no reserve or which have not been charged against undivided profits or surplus.

(c) "Surplus" as of a given date, shall mean the credit balance of the undivided profits account on such date, after all losses have been provided for and net earnings or net losses have been added thereto or deducted therefrom, as the case may be. Reserves for bad loans shall not be considered as a part of the surplus.

ARTICLE XIX—GENERAL

SECTION 1. All power, authority, duties, and functions of the members, directors, officers, and employees of this credit union, pursuant to the provisions of these bylaws, shall be exercised in strict conformity with the applicable provisions of law and regulations issued thereunder, and of the charter and the bylaws of this credit union.

SEC. 2. The officers, directors, members of committees, and employees of this credit union shall hold in strictest confidence all transactions of this credit union with its members and all information respecting their personal affairs.

SEC. 3. Notwithstanding any other provisions of these bylaws, any director, committee member, officer, or employee of this credit union may be removed from office by the affirmative vote of two-thirds of the mem-

bers present at a special meeting called for the purpose, but only after an opportunity has been given him to be heard.

Sec. 4. When any officer is absent, disqualified, or otherwise unable to perform the duties of his office, the board of directors may by resolution designate another member of this credit union to act temporarily in his place. The board of directors may also, by resolution, designate another member or members of this credit union to act on the credit committee when necessary in order to obtain a quorum.

Sec. 5. No director, committee member, officer, agent, or employee of this credit union shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his pecuniary interest or the pecuniary interests of any corporation, partnership, or association (other than this credit union) in which he is directly or indirectly interested. In the event of the disqualification of any director respecting any matter presented to the board of directors for deliberation or determination, such director shall withdraw from such deliberation or determination; and in such event the remaining qualified directors present at the meeting, if constituting a quorum with the disqualified director or directors, may exercise with respect to this matter, by majority vote, all the powers of the board of directors. In the event of the disqualification of any member of the credit committee or the supervisory committee, such committee member shall withdraw from such deliberation or determination.

Sec. 6. Copies of the organization papers of this credit union, its bylaws, and any amendments thereto, shall be preserved in a place of safekeeping. Returns of nominations and elections and proceedings of all regular and special meetings of the members and directors shall be recorded in the minute books of this credit union. The minutes of the meetings of the members, the board of directors, and the committees shall be signed by their respective chairmen or presiding officers and by the persons who serve as secretaries of such meetings.

Sec. 7. All books of account and other records of this credit union shall at all times be available to the directors and committee members of this credit union, and to any duly authorized representative of the United States Government, upon presentation of the proper credentials.

ARTICLE XX—AMENDMENTS TO BYLAWS AND CHARTER

SECTION 1. Amendments to these bylaws may be adopted and amendments to the charter requested by the affirmative vote of two-thirds of the members of the board of directors at any duly held meeting thereof if the members of the board of directors have been given 7 days' notice of said meeting and the notice has contained a copy of the proposed amendment or amendments. No amendment to these bylaws or to the charter shall become effective, however, until approved in writing by the Director, Bureau of Federal Credit Unions, Federal Security Agency.

Specimen copies of the standard form of bylaws (FCU 503-C) may be obtained from the Regional or Washington Offices of the Bureau of Federal Credit Unions.

§ 301.4 *Amendment of bylaws and charter* Amendments to the bylaws of a Federal credit union may be adopted and amendments to the charter requested by the affirmative vote of two-thirds of the members of the board of directors of the Federal credit union at any duly held meeting thereof if the members of the board of directors have

been given 7 days' notice of said meeting and the notice has contained a copy of the proposed amendment or amendments. No amendment to the bylaws or to the charter shall become effective, however, until approved in writing by the Bureau of Federal Credit Unions.

§ 301.5 *Other applications.* (a) Except as otherwise provided by rule or regulation of the Bureau of Federal Credit Unions all applications, requests, and submittals regarding Federal credit unions, for which no form of application has been prescribed by the Bureau of Federal Credit Unions, shall be in writing, signed by the applicant or his duly authorized agent, and should contain a statement of the action requested, the reasons and facts relied upon as the basis for such requested action, and the applicant's interest in the matter. The application, request, or submittal shall be addressed to the Regional Supervisor for the region of the Bureau of Federal Credit Unions in which the Federal credit union's principal office is located or to the Division of Supervision in Washington, D. C. The applicant shall furnish such other pertinent information as may be required by the Director of the Bureau of Federal Credit Unions.

(b) Unless otherwise provided in the regulations in this part, all applications regarding Federal credit union matters (including amendments to charter and bylaws of Federal credit unions and matters involving Federal credit unions in liquidation) shall be investigated and reviewed by the Regional Supervisor for the region of the Bureau of Federal Credit Unions in which the principal office of the Federal credit union concerned is located. The report and recommendations of the Regional Supervisor as to the application shall be transmitted to the Division of Supervision in Washington, D. C., which shall review and make recommendations to the Director of the Bureau of Federal Credit Unions. Notice of the action of the Director of the Bureau of Federal Credit Unions shall be promptly transmitted to the applicant together with a statement as to the basis for the action.

§ 301.6 *Fee for supervision.* During December of each year each Federal credit union shall pay to the Bureau of Federal Credit Unions a fee of \$10 for the cost of supervision: *Provided, however* That no such annual fee shall be payable by a Federal credit union for the fractional part of the first calendar year during which it is formed. Checks in payment of such fees shall be made payable to the Treasurer of the United States and shall be forwarded to the Regional Office of the Bureau of Federal Credit Unions for the region in which the Federal credit union maintains its principal office.

§ 301.7 *Fee for examination.* Each Federal credit union shall pay to the Bureau of Federal Credit Unions a fee for each examination. The fee shall be assessed at 25 cents per hundred dollars of the Federal credit union's assets as of the effective date of the examination or the cost of making the examination computed at \$25.72 per examiner day,

whichever is lower: *Provided, however*, That the minimum fee for each examination shall be \$2.50. The check in payment of such fee shall be made payable to the Treasurer of the United States and the check shall be delivered to the examiner at the completion of the examination.

§ 301.8 *Fee for final examination.* At the completion of voluntary or involuntary liquidation of a Federal credit union or of the conversion of a Federal credit union to State charter, and prior to dissolution, each such Federal credit union shall be examined by the Bureau of Federal Credit Unions. For such final examination the Federal credit union shall pay a fee computed at 25 cents per \$100 of the Federal credit union's assets as of the effective date of the final examination: *Provided, however* That the minimum fee for each final examination shall be \$2.50.

§ 301.9 *Loans by Federal credit unions to other credit unions.* On authorization of its board of directors, a Federal credit union may invest its funds in loans to other credit unions in the total amount not exceeding 25% of its paid-in and unimpaired capital and surplus. The term of such loans shall not exceed one year and the rate of interest shall not exceed 6% per annum. Prior to making the loan, the Federal credit union shall require the borrowing credit union to furnish the following:

(a) A current financial and statistical report;

(b) A copy of the latest supervisory committee's audit report;

(c) A certified copy of the resolution of the board of directors authorizing such borrowing; and

(d) A certificate from the clerk of the credit union that the persons negotiating the loan and executing the note are officers of the credit union and are authorized to act in its behalf.

§ 301.10 *Establishment of cash funds for making change.* The board of directors of a Federal credit union may establish a cash fund in an amount not to exceed \$100 for the purpose of making change. On all cash funds in excess of \$100, except temporary funds which are deposited within the time limit specified in the bylaws of the Federal credit union for making deposits of receipts, the board of directors shall obtain prior written permission of the Regional Supervisor of the region of the Bureau of Federal Credit Unions in which the Federal credit union's principal office is located.

§ 301.11 *Election report.* Each operating Federal credit union shall file annually in triplicate with the Regional Supervisor of the region of the Bureau of Federal Credit Unions in which the principal office of the Federal credit union is located, within 10 days after the election of officials, a report setting forth the names and addresses of its officials. Copies of the standard form of report prescribed by the Bureau of Federal Credit Unions (Form FCU 2) may be obtained from the Regional Office of the Bureau of Federal Credit Unions or from

the Division of Supervision in Washington, D. C.

§ 301.12 *Supervisory committee audit report.* The supervisory committee of every Federal credit union shall audit the affairs of its credit union as of the last day of March, June, September, and December of each year and shall promptly make a report of the audit to the board of directors of the Federal credit union. This report shall be on Form FCU 110 prescribed by the Bureau of Federal Credit Unions. The supervisory committee shall also submit a report on this form for the periods ending June 30 and December 31 of each year to the Regional Supervisor for the region of the Bureau of Federal Credit Unions in which the principal office of the Federal credit union is located, not later than July 31 and January 31, respectively. Copies of Form FCU 110 may be obtained from the Regional Office of the Bureau of Federal Credit Unions or from the Division of Supervision in Washington, D. C.

§ 301.13 *Financial and statistical report.* Each Federal credit union shall file within 15 days of June 30 a financial and statistical report on Form FCU 109 as of June 30 each year with the Regional Supervisor of the region of the Bureau of Federal Credit Unions in which the Federal credit union maintains its principal office. The Director of the Bureau of Federal Credit Unions may require a Federal credit union to file monthly financial and statistical reports on Form FCU 109 more frequently if in the judgment of the Director the condition of the Federal credit union so requires. Sample copies of this form may be obtained from the Regional Office of the Bureau of Federal Credit Unions or from the Division of Supervision in Washington, D. C. A similar report on Form FCU 521 made as of December 31 each year shall be filed by every operating Federal credit union within 15 days following said date with the Regional Office of the Bureau of Federal Credit Unions. Form FCU 521 is furnished to all Federal credit unions by and may be obtained from the Bureau of Federal Credit Unions.

§ 301.14 *Manual of accounting procedure for Federal credit unions.* (a) The Bureau of Federal Credit Unions has promulgated for use by Federal credit unions the Manual of Accounting Procedure for Federal Credit Unions (Form FCU 544). A copy of this manual is furnished to each Federal credit union at the time the approved organization certificate is submitted to the incorporators by the Bureau of Federal Credit Unions. This manual specifies the type of records to be maintained and the accounting forms to be used by each Federal credit union. Variations in prescribed accounting records may be approved by the Director of the Bureau of Federal Credit Unions on presentation of convincing evidence of convenience or advantage. The Federal credit union shall obtain such approval prior to adopting a revision. On receipt of a request in writing from a Federal credit union the Regional Office of the Bureau of Federal Credit Unions

for the region in which the Federal credit union's principal office is located shall furnish information and instructions concerning proposed variation in the prescribed accounting forms and records.

(b) The following standard accounting records are prescribed for use by Federal credit unions:

- Application for Membership (Form FCU 200).
- Bank Reconciliation (Form FCU 108).
- Cash Received Voucher (Form FCU 105).
- Dividend Work Sheet and Payment Record (Form FCU 112).
- Extension Agreement (Form FCU 115).
- Financial and Statistical Report (Form FCU 109).
- General Ledger (Form FCU 102).
- Individual Share and Loan Ledger (Form FCU 103).
- Individual Share and Loan Ledger (Optional Forms FCU 103A, 103B, 103C, 103D, 103E, and 103F).
- Joint Share Account Agreement (Form FCU 123).
- Journal and Cash Record (Form FCU 101).
- Journal Voucher (Form FCU 106A).
- Loans Transfer Summary (Forms FCU 105C).
- Member's Passbook (Form FCU 107).
- Member's Passbook (Optional Forms FCU 107A, 107B, 107C, 107D, and 107E).
- Note and Pledge of Shares (Form FCU 201).
- Record of Cash Received from Sales of U. S. Savings Bonds (Form FCU 120).
- Schedule of Delinquent Loans (Form FCU 118).

§ 301.15 *Credit Committee Handbook.* The Bureau of Federal Credit Unions has promulgated a manual of instructions for credit committees of Federal credit unions called "Credit Committee Handbook" (Form FCU 548). A copy of this handbook is furnished to each Federal credit union at the time the approved organization certificate is submitted to the incorporators by the Bureau of Federal Credit Unions.

§ 301.16 *Manual of procedure for supervisory committees of Federal credit unions.* The Bureau of Federal Credit Unions has promulgated a manual of procedure for supervisory committees of Federal credit unions (Form FCU 545). A copy of this manual is furnished to each Federal credit union at the time the approved organization certificate is submitted to the incorporators by the Bureau of Federal Credit Unions.

§ 301.17 *Handbook for Federal credit unions.* The Bureau of Federal Credit Unions has promulgated a manual of instructions for directors and officers of Federal credit unions called "Handbook for Federal Credit Unions" (Form FCU 543). A copy of this handbook is furnished to each Federal credit union at the time the approved organization certificate is submitted to the incorporators by the Bureau of Federal Credit Unions.

§ 301.18 *Petitions.* Any interested person may petition the Director of the Bureau of Federal Credit Unions for the issuance, amendment, or repeal of any rule by submitting such petition in writing together with a complete and concise statement of the petitioner's interest in the subject matter and the reasons why the petition shall be granted. Such petition shall be submitted to the Bureau

of Federal Credit Unions in Washington, D. C.

PART 310—VOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS

| Sec. | |
|--------|---|
| 310.1 | Approval of liquidation. |
| 310.2 | Transaction of business during liquidation. |
| 310.3 | Notice to members of liquidation. |
| 310.4 | Notice of liquidation to creditors. |
| 310.5 | Reports and schedules at commencement of liquidation. |
| 310.6 | Reports during period of liquidation. |
| 310.7 | Request for final examination and distribution of assets. |
| 310.8 | Final examination. |
| 310.9 | Distribution of assets. |
| 310.10 | Certificate of dissolution. |
| 310.11 | Further instructions and assistance. |

Authority: §§ 310.1 to 310.11 issued under sec. 16 (a), 48 Stat. 1221, sec. 2, 62 Stat. 1231; 12 U. S. C. 1766 (a), 1751 and note.

§ 310.1 *Approval of liquidation.* A Federal credit union may go into voluntary liquidation on approval of two-thirds of its members in writing or by vote at a regular meeting of the members or a special meeting called for that purpose. Where authorization for liquidation is to be obtained at a meeting of members, notice in writing shall be given to each member at least seven days before such meeting and within 10 days after said meeting a copy of the notice shall be forwarded to the Regional Office of the Bureau of Federal Credit Unions for the region in which the Federal credit union's principal office is located together with a transcript of the minutes of the meeting duly certified by the president and clerk of the Federal credit union. If voluntary liquidation is authorized by members in writing, two-thirds of the members must execute a Liquidation Request (Form FCU 61) and an officer or director of the Federal credit union shall certify to the Regional Supervisor of the region of the Bureau of Federal Credit Unions in which the Federal credit union's principal office is located that at least two-thirds of the members have executed the Liquidation Request and shall forward such signed request to said Regional Office.

§ 310.2 *Transaction of business during liquidation.* Immediately on decision by the board of directors of a Federal credit union to seek approval of members for liquidation, withdrawal of shares and granting of loans shall be suspended pending action by members on the proposal to liquidate, and, on approval by members of such proposal, withdrawal of shares and the making of loans shall be permanently discontinued.

§ 310.3 *Notice to members of liquidation.* When voluntary liquidation of a Federal credit union has been decided on by its board of directors, a notice of proposed liquidation must be given to each member together, with a request that the member furnish his passbook or confirm in writing the shares held by him in the Federal credit union and the loans owed by him to the Federal credit union.

§ 310.4 *Notice of liquidation to creditors.* On approval of the members of a Federal credit union of a proposal to liquidate, the board of directors of the

Federal credit union shall immediately cause to be prepared and mailed to all creditors a notice of liquidation and to present claims to the Federal credit union within ninety days.

§ 310.5 *Reports and schedules at commencement of liquidation.* At the commencement of voluntary liquidation of a Federal credit union the officer or agent conducting the liquidation must file with the Regional Supervisor for the region of the Bureau of Federal Credit Unions wherein the Federal credit union is located a financial and statistical report on Form FCU 109 and a schedule of the shares held by members and loans outstanding on Form FCU 61a, both of which shall be as of the date the board of directors reached the decision to seek approval of members for liquidation.

§ 310.6 *Reports during period of liquidation.* A Federal credit union in the process of voluntary liquidation shall forward monthly to the Regional Office of the Bureau of Federal Credit Unions for the region wherein the Federal credit union is located a copy of the financial and statistical report on Form FCU 109 within ten days after the close of each month.

§ 310.7 *Request for final examination and distribution of assets.* A Federal credit union in voluntary liquidation shall not make any distribution of funds to members until after final examination has been made by the Bureau of Federal Credit Unions and the proposed distribution to members has been approved by the examiner for the Bureau who shall make the final examination, unless otherwise expressly authorized by the Bureau of Federal Credit Unions. After all assets of the Federal credit union in voluntary liquidation have been converted to cash or found to be worthless and all loans and debts owing to it have been collected or found to be uncollectible, the Federal credit union may file with the Regional Office of the Bureau of Federal Credit Unions a request for final examination and for approval of distribution to members. There shall be forwarded to the said Regional Office together with said request for final examination and distribution of assets the following information: Financial and statistical report after the books are closed prior to final distribution (Form FCU 109) bank reconciliation showing that the cash in the credit union's bank account is in agreement with the cash as shown on its books after proper adjustments (Form FCU 108) statement indicating the number of passbooks or signed confirmations that have been submitted by the members and are in possession of the Federal credit union. The statement should also indicate where the records are located in order that the examiner may make the final examination.

§ 310.8 *Final examination.* As soon as possible after receipt of request for final examination from a Federal credit union in voluntary liquidation, the Regional Supervisor shall assign a Federal credit union examiner to supervise the completion of the liquidation and to make the final examination. Under the guidance of the Federal credit union examiner, the official of the Federal credit

union or the agent conducting the liquidation will compute the final distribution to members. A check in payment of the examination fee as computed and billed by the examiner pursuant to the provisions of § 301.8 of this chapter shall be drawn by the Federal credit union payable to the Treasurer of the United States and delivered to the examiner.

§ 310.9 *Distribution of assets.* (a) Checks shall then be drawn for the amounts to be distributed to each member who has submitted a passbook or a confirmation of his balance and entries shall be made in the members' passbooks on hand to reflect the dividend paid on members' shares. The members' passbooks shall be retained with the books and records of the Federal credit union.

(b) A schedule shall be prepared by the Federal credit union showing the name of each member who has not submitted his passbook or a confirmation in support of his claim. The schedule shall contain, in addition to the name, the total original amount of each claim, any additions to or deductions from this amount and the final balance which has not been paid. The original membership application (signature card) of each member listed on said schedule shall be attached thereto. A certified check, payable to the Treasurer of the United States, in an amount equal to the total claims listed on said schedule shall be drawn by the Federal credit union and the schedule and check shall be delivered to the examiner for the Bureau of Federal Credit Unions upon completion of the examination. The Bureau will deposit said funds in a special account with the Chief Disbursing Officer of the Treasury of the United States where they will be held for the account of the Director of the Bureau of Federal Credit Unions as trustee for the individuals named on said schedule. Such individuals or any person claiming on their behalf may submit to the Bureau their respective claim for such funds.

(c) Instructions concerning the disposition of cancelled and returned checks and bank statements following the final distribution shall be furnished by the examiner.

(d) The charter, official bylaws, permit to operate, and other records of the Federal credit union requested by the examiner shall be delivered to the examiner at the completion of the examination.

§ 310.10 *Certificate of dissolution.* After the final examination of a Federal credit union in voluntary liquidation and the final distribution of its assets to members have been made, the officer or agent conducting the liquidation must sign, under oath, a Certificate of Dissolution on Form FCU 61d stating that all the liabilities of the Federal credit union have been paid and that its assets have been equitably distributed to its members. Such certificate must be delivered to the examiner at the completion of the final examination. On proof that distribution has been made, and within one year after receipt of the report of final examination and the signed Certificate of Dissolution, the Director of the Bureau

of Federal Credit Unions shall cancel the charter of the credit union concerned.

§ 310.11 *Further instructions and assistance.* Further detailed instructions, information, and assistance pertaining to voluntary liquidations may be obtained from the Washington or Regional Offices of the Bureau of Federal Credit Unions.

PART 315—INVOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS

Sec.

- 315.1 Basis for involuntary liquidation.
- 315.2 Suspension or revocation of charter.
- 315.3 Order directing involuntary liquidation.
- 315.4 Immediate suspension or liquidation.
- 315.5 Involuntary liquidation and appointment of liquidating agent.
- 315.6 Cancellation of charter.

AUTHORITY: §§ 315.1 to 315.6 issued under sec. 16 (a), 48 Stat. 1221, sec. 2, 62 Stat. 1221; 12 U. S. C. 1766 (a), 1761 and note.

§ 315.1 *Basis for involuntary liquidation.* The charter of any Federal credit union may be suspended or revoked, the Federal credit union placed in involuntary liquidation and a liquidating agent therefor appointed upon the finding by the Director of the Bureau of Federal Credit Unions that the organization is bankrupt, or insolvent, or has violated any provisions of its charter, its bylaws, the Federal Credit Union Act, as amended, or any regulation issued by the Bureau of Federal Credit Unions, or that such suspension or revocation and liquidation is in the best interests of the membership of the Federal credit union concerned.

§ 315.2 *Suspension or revocation of charter.* Except as is otherwise provided for by the regulations in this part, the Director of the Bureau of Federal Credit Unions, before suspending or revoking the charter of a Federal credit union and placing the Federal credit union in liquidation, may cause to be served on the Federal credit union concerned a notice of intention to suspend or revoke the charter, a statement of the reasons for such proposed action and an order directing the Federal credit union concerned to show cause why its charter should not be suspended or revoked. Service of the order to show cause shall be either by mail addressed to the Federal credit union concerned at the last address of its principal office as shown by the records of the Bureau of Federal Credit Unions or by delivery to any officer or member of the board of directors of the Federal credit union. The order shall be returnable at the Regional Office of the Bureau of Federal Credit Unions for the region in which the principal office of the Federal credit union concerned is located. No oral hearing shall be held on such order to show cause, but the Federal credit union concerned may file with the said Regional Office, within the period of time specified in the order to show cause, a statement in writing setting forth the grounds and reasons why its charter should not be suspended or revoked. This statement shall be accompanied by a certified copy of a resolution of the board of directors of the Federal credit union concerned authoriz-

ing the filing of the statement. If no statement is received within the period of time specified in the order, or if the proffered reasons why the charter should not be suspended or revoked are found to be insufficient by the Director of the Bureau of Federal Credit Unions, the Director may order that the charter be suspended or revoked and may order the Federal credit union placed in involuntary liquidation. If the Federal credit union is ordered to be liquidated, the Director shall designate the liquidating agent in the order directing the liquidation. A copy of the order directing the suspension or revocation and, where proper, of the order directing the involuntary liquidation and of the appointment of a liquidating agent and a statement of the findings on which the order is based shall be served on the Federal credit union concerned. Such service shall be either by mail addressed to the Federal credit union concerned at the last address of its principal office as shown by the records of the Bureau of Federal Credit Unions or by delivery to any officer or member of the board of directors of the Federal credit union concerned.

§ 315.3 *Order directing involuntary liquidation.* In the event that the Director of the Bureau of Federal Credit Unions does not order the Federal credit union placed in involuntary liquidation at the time he orders its charter suspended or revoked (see § 315.2) the Director may, at any time prior to the cancellation of the suspension or the annulment of the revocation, order the Federal credit union concerned to show cause why it should not be placed in involuntary liquidation. Service of the order to show cause shall be either by mail addressed to the Federal credit union concerned at the last address of its principal office as shown by the records of the Bureau of Federal Credit Unions or by delivery to any officer or member of the board of directors of the Federal credit union concerned. The order shall be returnable at the Regional Office of the Bureau of Federal Credit Unions for the region in which the principal office of the Federal credit union concerned is located. No oral hearing shall be held on such order to show cause, but the Federal credit union concerned may file with the said Regional Office within the period of time specified in the order to show cause, a statement in writing setting forth the grounds and reasons why it should not be placed in involuntary liquidation. This statement shall be accompanied by a certified copy of a resolution of the board of directors of the Federal credit union concerned authorizing the filing of the statement. If no statement is received within the period of time specified in the order, or if the proffered reasons why the Federal credit union should not be placed in involuntary liquidation are found to be insufficient by the Director of the Bureau of Federal Credit Unions, the Director may order that the Federal credit union be placed in involuntary liquidation and may appoint a liquidating agent. A

copy of the order directing the involuntary liquidation and appointment of a liquidating agent and a statement of the findings on which the order is based shall be served on the Federal credit union concerned. Such service shall be either by mail addressed to the Federal credit union concerned at the last address of its principal office as shown by the records of the Bureau of Federal Credit Unions or by delivery to any officer or member of the board of directors of the Federal credit union.

§ 315.4 *Immediate suspension or liquidation.* In any case where the Director of the Bureau of Federal Credit Unions shall find that a Federal credit union is insolvent or that the interests of its members require immediate action or that the issuance of the order to show cause provided for in §§ 315.2 and 315.3 will not serve any purpose, the Director may order the suspension or revocation of the charter and the involuntary liquidation of the Federal credit union and the appointment of a liquidating agent therefor without prior notice to the Federal credit union of such action and without the prior issuance of the order to show cause provided for in §§ 315.2 or 315.3.

§ 315.5 *Involuntary liquidation and appointment of liquidating agent.* On receipt of a copy of the order placing the Federal credit union in involuntary liquidation, the officers and directors of the Federal credit union concerned shall deliver to the liquidating agent possession and control of all books, records, assets and property of every description of the Federal credit union, and the liquidating agent shall proceed to convert said assets to cash, collect all debts due to said Federal credit union and to wind up its affairs in accordance with the provisions of section 16 of the Federal Credit Union Act, as amended (12 U. S. C. 1766) and the instructions and procedures issued to said liquidating agent by the Regional Office of the Bureau of Federal Credit Unions for the region in which the principal office of the Federal credit union in liquidation is located.

§ 315.6 *Cancellation of charter.* On the completion of the liquidation and certification by the liquidating agent that the distribution of the assets of the Federal credit union has been made and that the liquidation has been completed, the Director of the Bureau of Federal Credit Unions shall cancel the charter of the Federal credit union concerned.

PART 320—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

- Sec.
320.1 Definitions.
320.2 Inspection of final opinions, orders, and rules.
320.3 Availability of official records and information.
320.4 Information which may be disclosed and to whom.
320.5 Place to apply for disclosure.
320.6 Authority or refusal to disclose.

AUTHORITY: §§ 320.1 to 320.6 issued under sec. 16 (a), 48 Stat. 1221; sec. 2, 62 Stat. 1221; 12 U. S. C. 1776 (a), 1751 and note.

§ 320.1 *Definitions.* As used in the regulations in this part, the term person includes a natural person, guardian, trust or estate, partnership, corporation, or joint stock company; the term state includes the several states and Alaska, Hawaii, Puerto Rico, District of Columbia, and the Panama Canal Zone. The terms records and information include all files, documents, reports, books, accounts, opinions, orders, and records, and all information obtained at any time by the Bureau of Federal Credit Unions or by any officer or employee of the Federal Security Agency in the course of discharging the official duties of the Bureau.

§ 320.2 *Inspection of final opinions, orders and rules.* All final opinions or orders in the adjudication of cases and all rules issued by the Bureau of Federal Credit Unions in the administration of the Federal Credit Union Act, as amended (12 U. S. C. 1751 et seq.) not relating to matters of internal management, are available for public inspection at the offices of the Bureau of Federal Credit Unions, Social Security Administration, Federal Security Agency, Washington 25, D. C., or at the appropriate Regional Office of the Bureau of Federal Credit Unions, except, those opinions and orders or parts thereof, which the Director, Bureau of Federal Credit Unions, may, for good cause, declare to be confidential, in which event such opinion or order or part thereof, will not be cited as a precedent. The provisions of §§ 320.4, 320.5 and 320.6 shall govern the disclosure of any opinion or order, or part thereof, declared confidential by the Director.

§ 320.3 *Availability of official records and information.* All records and information of the Bureau of Federal Credit Unions, except rules issued in the administration of the Federal Credit Union Act, as amended, and opinions and orders in the adjudication of cases, are hereby declared to be confidential and no disclosure of any such records or information shall be made directly or indirectly except as hereinafter authorized by the regulations in this part.

§ 320.4 *Information which may be disclosed and to whom.* Disclosure of any records or information of the Bureau of Federal Credit Unions declared to be confidential is hereby authorized only in the following cases and for the following purposes:

(a) To any instrumentality of the United States Government where the records or information is required by such instrumentality in its course of discharging its official duties, provided that the Director, Bureau of Federal Credit Unions, finds that such disclosure is not contrary to the public interest or to any applicable Federal law, rule, regulation, or directive of the Executive branch of the Federal Government.

(b) To the proper Federal or State law enforcement and prosecuting authorities, provided that: (1) Such records or information relate to a violation of a Federal or State criminal law and, (2) such disclosure is not contrary to any Federal law, rule, regulation or directive of the Executive branch of the Federal Govern-

ment. When the Bureau of Federal Credit Unions obtains knowledge of the commission of a crime involving a Federal credit union, the Bureau may report such facts as it may have concerning the commission of the crime to the appropriate Federal or State authorities.

(c) To any person properly and directly concerned upon a verified written application by such person showing substantial interest in the said record or information: *Provided*, That the Director, Bureau of Federal Credit Unions, finds that such disclosure is not contrary to the public interest or to any Federal law, rule, regulation or directive of the Executive branch of the Federal Government.

(d) To any Federal credit union: *Provided*, That (1) such records or information pertain solely to the affairs of the said Federal credit union, and (2) the records or information are not designated as "confidential" by the Bureau of Federal Credit Unions.

§ 320.5 *Place to apply for disclosure.* Applications for disclosure of records or information shall be addressed to the Bureau of Federal Credit Unions, Social Security Administration, Federal Security Agency, Washington 25, D. C.

§ 320.6 *Authority for refusal to disclose.* Any request or demand for records or information, the disclosure of which is forbidden by the regulations in this part, shall be declined upon authority of the regulations in this part. If any officer or employee of the Bureau of Federal Credit Unions or of the Social Security Administration or of the Federal Security Agency, is sought to be required, by subpoena or other compulsory process, to produce such record, or give such information, he shall respectfully decline to present such record or to divulge such information, basing his refusal on the regulations in this part.

[F. R. Doc. 48-10527; Filed, Dec. 1, 1948; 8:59 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Part 101]

[Docket No. R-111]

UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES

NOTICE OF PROPOSED RULE MAKING

NOVEMBER 24, 1948.

Amendment of Balance Sheet Accounts 100.1, 100.2, 100.4, 100.6 and 265; Electric Plant Account 393; and Instruction 15, Electric Plant Accounts, of Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act.

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

2. It is proposed to amend § 101.265, entitled "Contributions in Aid of Construction," of Part 101—Uniform System of Accounts Prescribed for Class A and B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations,¹ by subdividing the said

section or Account into two sections, a new § 101.265:1 (Account 265.1), which shall include donations of the nature set forth in the present § 101.265 (Account 265) and a new § 101.265:2 (Account 265.2) which shall include donations currently contemplated by present § 101.393 (Electric Plant Account 393) entitled "Donations in Aid of Construction—Credit." The amended § 101.265 (Balance Sheet Account 265) if the amendments here proposed are adopted, will then read as follows:

§ 101.265 *Contributions in aid of construction.* (a) This account shall include donations or contributions in cash, services or property from States, municipalities or other governmental agencies, individuals, and others for construction purposes.

(b) The credits to this account shall not be transferred to surplus account or to any other account without the approval of the Commission.

(c) The records supporting the entries to this account shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, and the amount of donations from (1) States, (2) municipalities, (3) customers, and (4) others.

(d) This account shall be divided as follows: 101.265:1 Contributions in Aid of Construction—General, 101.265:2 Contributions in Aid of Construction—Federal. Account 265:1 shall include all the donations to the various utility departments except those which are made in respect to a licensed project. Account 265:2 shall be kept only by licensees. There shall be included therein donations from States, municipalities, individuals or others which have been expended for plant, or which are included in the plant accounts, of a licensed project, referred to in section 3, subsection (13) of the Federal Power Act, 49 Stat. 839; 16 U. S. C. 796 (13). This treatment shall not affect the determination of actual legitimate original cost or net investment in accordance with the act.

(e) Account 265:1 shall be further subdivided according to departments (electric, gas, etc.) of the utility.

NOTE A: There shall not be included in these accounts advances for construction which are ultimately to be repaid wholly or in part. Such advances shall be credited to Account 241, Customers' Advances for Construction.

3. In connection with the adoption of the foregoing amendment to § 101.265, it is proposed to amend § 101.393, entitled "Donations in Aid of Construction—Credit," of Part 101—Uniform System of Accounts Prescribed for Class A and B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, by eliminating said section (Account 393, "Donations in Aid of Construction—Credit") which presently ap-

pear in the plant section of the Commission's System of Accounts and in which donations to licensed projects are presently required to be recorded. The section which is proposed to be stricken and eliminated reads as follows:

pears in the plant section of the Commission's System of Accounts and in which donations to licensed projects are presently required to be recorded. The section which is proposed to be stricken and eliminated reads as follows:

§ 101.393 *Donations in aid of construction; credit.* This account shall be kept only by licensees. There shall be included herein donations from States, municipalities, individuals, or others which have been expended for project plant, or assigned to the plant accounts of a project, concurrent debits being made to Account 265, Contributions in Aid of Construction. (See sec. 3, subsection 13, of the Federal Power Act, 49 Stat. 839; 16 U. S. C. 796 (13) and Account 265.)

4. In connection with the amendments here proposed, it will be necessary to modify Account 100, "Utility Plant" of the Commission's System of Accounts by the elimination of references therein to Account 393. It also will be necessary to modify Instruction 15, Electric Plant Accounts, "Common Utility Plant" by eliminating therefrom reference to Account 393. Accordingly, it is proposed to amend §§ 101.100:1 entitled "Electric Plant in Service" 101.100:2, entitled "Electric Plant Leased to Others" 101.100:4, entitled "Electric Plant Held for Future Use" 101.100:6, entitled "Electric Plant in Process of Reclassification" and 101.3-15, entitled "Common Utility Plant" of Part 101—Uniform System of Accounts Prescribed for Class A and B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, by the elimination therefrom of references to Account 393.

5. The amendments here proposed are designed to provide that donations to licensed projects be accounted for in accordance with generally accepted accounting principles and practice and to insure the inclusion of such donations in the outlay for depreciable property which is subject to depreciation. Their adoption would make clear that the full outlay for depreciable electric plant in service is subject to depreciation, without deduction for contributions in aid of construction, but would not affect the determination of cost or net investment as defined in section 3 (13) of the Federal Power Act. (See Account 503, "Depreciation," 18 CFR 101.503.)

6. The amendments to the Commission's rules herein described and set forth are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301 (a) 302 and 303 thereof (49 Stat. 854, 855, 858; 16 U. S. C. 825 (a) 825a, 825h)

7. Any interested persons may submit to the Federal Power Commission, Washington 25, D. C., not later than December 31, 1948, data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL]

J. H. GURRIDE,
Acting Secretary.

[F. R. Doc. 48-10495; Filed, Dec. 1, 1948; 8:51 a. m.]

¹ The reference to the Code of Federal Regulations, 18 CFR 101.265, corresponds to Bal-

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52092]

COAL, COKE, AND BRIQUETS PRODUCED IN
UNION OF SOUTH AFRICA

TAXABLE STATUS

NOVEMBER 26, 1948.

In the President's proclamation of June 12, 1948, published in T. D. 51940, it was stated that the Government of the Union of South Africa would on June 14, 1948, be a contracting party to the General Agreement on Tariffs and Trade which was concluded at Geneva on October 30, 1947. Paragraph 1 of Article III of the General Agreement provides for most-favored-nation treatment with respect to customs duties imposed on or in connection with the importation of products originating in the territory of a contracting party.

In view of the foregoing and by virtue of the provisions of section 3420 of the Internal Revenue Code, coal, coke made from coal, and coal or coke briquets produced in the Union of South Africa and imported into the United States directly or indirectly therefrom, if entered, or withdrawn from warehouse, for consumption on or after June 14, 1948, but before the end of the calendar year 1948, are entitled to exemption from the import tax imposed by sections 3420 and 3423 of the Internal Revenue Code.

T. D. 51864 is hereby amended to the extent indicated above.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 48-10487; Filed, Dec. 1, 1948;
8:49 a. m.]

United States Coast Guard

[CGFR 48-60]

TERMINATION OF APPROVAL OF
EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244, as amended (46 U. S. C. 367, 375, 391a, 392, 489, 1333, 50 U. S. C. 1275) the following approvals of automatic floating electric water lights are terminated effective December 31, 1948, because the regulations in 46 CFR 37.9-1 prohibit their installation on board merchant vessels as either replacement equipment or as new equipment:

LIGHTS (WATER) ELECTRIC, FLOATING,
AUTOMATIC

Termination of approval of Automatic floating electric water light, Dwg. A. E. F. 101-1 revised June 7, 1943 (formerly Contour-A-Form Equipment Co. Dwg. No. A), submitted by A. E. F. Water Light Corp., New York, N. Y. (Approved March 2, 1943, 8 F. R. 2605)

Termination of approval of Coslite automatic floating electric water light, Dwg. No. 10, revised July 22, 1943 (original Dwg. dated June 15, 1942) submitted by the Coston Supply Co., New York, N. Y. (Approved September 26, 1942, 7 F. R. 7616)

Termination of approval of Safe-T-Glo Type MG Electric automatic floating water light, Dwg. No. E-451-7 Alt. 1, dated April 5, 1943, and revised July 24, 1943, submitted by C. C. Galbraith & Son, Inc., New York, N. Y. (Approved July 16, 1943, 8 F. R. 9841)

Termination of approval of Safe-T-Glo Type AC electric automatic floating water light, Dwg. E-551-1 dated April 7, 1943, and revised July 24, 1943, submitted by C. C. Galbraith & Son, Inc., New York, N. Y. (Approved July 16, 1943, 8 F. R. 9841.)

Conditions of Termination of Approval. The termination of approval of equipment made by this document shall be made effective as of December 31, 1948, in accordance with the provisions in 46 CFR 37.9-1. Electric water lights installed on board merchant vessels prior to January 1, 1949, may be continued in service so long as they are in good and serviceable condition.

Dated: November 24, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-10489; Filed, Dec. 1, 1948;
8:50 a. m.]

[CGFR 48-61]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489) and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875) as well as the additional authorities cited with specific items below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are for use on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

Approval No. 160.008/400/0, 14" x 29" x 2" rectangular buoyant cushion, 36 oz. kapok, Dwg. No. 102 dated October 21, 1948, U. S. C. G. Specification 160.008, manufactured by Nappe-Smith Manufacturing Co., Southard Avenue, Farmingdale, N. J.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p;
46 CFR 25.4-1, 28.4-8)

BUOYANT APPARATUS

Approval No. 160.010/16/0, Buoyant apparatus, elliptical, solid balsa wood, 5-person capacity, Dwg. No. MDC-CG-

100, revised October 7, 1948, manufactured by Modcraft Co., Inc., 300 Wyckoff Avenue, Brooklyn 27, N. Y.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.54a, 60.47a, 76.51a)

DAVITS, LIFEBOAT

Approval No. 160.032/92/0, Mechanical davit, Type 22-31, straight boom sheath screw, approved for maximum working load of 8,800 pounds per set (4,400 pounds per arm) using 6 part falls, identified by Arrangement Dwg. No. DB-101 dated March 28, 1947, and revised September 28, 1948, manufactured by the Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4417a, 4426, 4481, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 474, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1-4, 59.3, 60.21, 76.15, 94.14, 113.23)

LIFEBOATS

Approval No. 160.035/27/1, 28' x 9' x 4' steel, oar-propelled lifeboat, 59-person capacity, identified by Construction and Arrangement Dwg. No. G-355-F dated June 10, 1948, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y. (Supersedes Approval No. 160.035/27/0 published in the FEDERAL REGISTER July 31, 1947.)

Approval No. 160.035/166/0, 30' x 10' x 4' steel, hand-propelled lifeboat, 72-person capacity, identified by Construction and Arrangement Dwg. No. G-413 dated July 20, 1948, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/174/0, 22' x 7.5' x 3.17' steel, motor-propelled lifeboat without radio cabin, 28-person capacity, identified by Construction and Arrangement Dwg. No. 22-2B dated September 18, 1947, and revised October 9, 1948, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/221/0, 24' x 7.63' x 3.21' steel, oar-propelled lifeboat, 35-person capacity, identified by Construction and Arrangement Dwg. Nos. 24-4 dated April 19, 1948, and revised September 30, 1948, and 24-4B dated June 14, 1948, and revised October 12, 1948, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4417a, 4426, 4481, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.13, 76.16, 94.15, 113.10)

FIRE EXTINGUISHER, PORTABLE, HAND,
CARBON-DIOXIDE TYPE

Approval No. 162.005/30/0, Model 5T-1, trigger grip, 5-pound, carbon dioxide, hand portable fire extinguisher, Assembly Dwg. No. MS-890012, Rev. A, dated October 23, 1946, Name Plate Dwg. No. 270061, Rev. A, dated September 27, 1946,

manufactured by Walter Kidde & Co., Inc., 675 Main St., Belleville 9, N. J.

(R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 34.5-1, 61.13, 77.13, 95.13, 114.15)

Dated: November 24, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-10488; Filed, Dec. 1, 1948;
8:49 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

**VOLUNTARY PLAN UNDER PUBLIC LAW 395,
80TH CONGRESS, FOR ALLOCATION OF
STEEL PRODUCTS FOR CONSTRUCTION,
CONVERSION AND REPAIR OF DOMESTIC
FREIGHT-CARRYING BARGES AND TOWING
VESSELS**

**NOTICE OF PUBLIC HEARING ON PROPOSED
INCREASE AND OTHER CHANGES AND ON
CONTINUATION**

Notice is hereby given that a public hearing will be held on Thursday, December 9, 1948, at 3:00 p. m., e. s. t., in the Auditorium on the fifth floor of the National Archives Building, Pennsylvania Avenue between Seventh and Ninth Streets NW., Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to (1) the proposed increase in the quantity of steel products to be made available under the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for the construction, conversion and repair of certain domestic freight-carrying barges and towing vessels, approved by the Attorney General on August 24, 1948 and by the Secretary of Commerce on August 25, 1948, and subsequently published in the FEDERAL REGISTER (13 F. R. 5669) (2) several proposed changes in the operational details of the plan, and (3) the proposed continuation of the plan beyond February 28, 1949.

The proposed continuation involves two procedures. One would remain effective if the present authority contained in Public Law 395 is not extended. The other would become effective if the present authority contained in Public Law 395 is appropriately extended. The two procedures are represented by documents attached hereto as Exhibits A and B.

Under one procedure (Exhibit B) it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral action by steel producers in continuing deliveries for the program during the six-month period March 1, 1949 through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

Under the other procedure (Exhibit A) it is proposed to amend the existing plan to provide that, in the event of

statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949 through September 30, 1949, which would round out the full third calendar quarter.

Exhibit A, which is an amendment to the existing plan, in addition to containing the continuation provision mentioned above, also provides for (1) increasing the present 20,000-ton monthly quantity of steel products to 25,000 tons, beginning with the month of February 1949, and (2) various changes in the operational details of the plan.

Both exhibits are subject to revision at or after the public hearing.

The proposed actions have been formulated after consulting with representatives of the interested industries and government agencies.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Monday, December 6, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—AMENDMENT

**PROPOSED AMENDMENT OF VOLUNTARY PLAN
UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR
ALLOCATION OF STEEL PRODUCTS FOR CON-
STRUCTION, CONVERSION AND REPAIR OF DO-
MESTIC FREIGHT-CARRYING BARGES AND
TOWING VESSELS**

[Preamble—To be inserted in final draft]

Therefore, the above-mentioned voluntary plan, in its entirety is amended to read as follows:

1. In furtherance of the proposed program developed by the Office of Defense Transportation for (1) the construction of new domestic freight-carrying barges and towing vessels of 3,000 gross tons or less for inland waterway or harbor use (hereinafter referred to as domestic barges and towing vessels), and (2) the repair and conversion of such type of equipment, the steel producers participating herein will make available, or cause to be made available (out of the production of their own mills or the mills of their subsidiaries or affiliates), a total of 20,000 net tons of steel products per month through January 1949 and 25,000 net tons per month thereafter, during the period this Plan shall remain in effect, to builders and repairers of domestic barges and towing vessels who comply with the provisions of this Plan (hereinafter called Builders), in accordance with and subject to the terms and conditions hereinafter set forth.

2. (a) The quantities and types of such steel products to be made available by each of the steel producers shall be (except as may be otherwise specified in any such steel producer's acceptance hereof) such as the Secretary of Commerce (or such other official as he may designate) determines, after consultation with the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, to be fair and equitable, in order to accomplish, as nearly as may be, the supply of such steel products, on an average monthly basis, necessary to fulfill the purposes of this Plan in the approximate quantities specified in the following table:

| Types of products | Net tons per month | |
|------------------------|----------------------|--------------------|
| | Through January 1949 | After January 1949 |
| Structural shapes..... | 5,700 | 6,500 |
| Plates..... | 13,700 | 17,700 |
| Sheet and strip..... | 100 | 100 |
| Pipes..... | 300 | 300 |
| Hot rolled bars..... | 200 | 200 |
| Total..... | 20,000 | 25,000 |

Each steel producer participating herein will, however, upon request of the Secretary of Commerce (or such other official as he may designate), give consideration to making such steel products available for the purposes of this Plan in amounts additional to the amounts provided for in its acceptance of this Plan.

(b) Such steel products will be made available under such contractual arrangements as may be made by the respective steel producers or their subsidiaries and affiliates with the respective Builders, and no request or authorization will be made by Government relating to the allocation of orders or customers or to the delivery of steel products or to the allocation of business among such Builders nor will any request or authorization be made to such steel producers for any limitation or restriction on the production or marketing of any such steel products. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any steel producer shall not affect the prices or terms and conditions on which any such steel products as are made available are actually sold and delivered.

(c) Each steel producer participating herein will make available or cause to be made available only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products, and the quantities of steel products which it will make available or cause to be made available in any month during said period may be reduced, or at its option the delivery thereof may be postponed, in direct proportion to any production losses which it or such subsidiary or affiliate shall sustain during any such month due to causes beyond its control.

(d) Each such steel producer will, if requested by the Secretary of Commerce (or such other official as he may designate), subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942, report to the Secretary of Commerce (or such other official as he may designate) the total quantities of the several types of steel products shipped pursuant to purchase orders certified as provided in section 3 (b) hereof, in any monthly period or periods during the operation of this Plan.

3. (a) Each Builder becoming a participant herein will forthwith submit to the Secretary of Commerce (or such other official as he may designate), unless previously submitted, a schedule showing by plants, the numbers, and types of domestic barges and towing vessels scheduled for production by it, monthly, and estimates of the quantities of steel products required therefor and for the conversion and repair of this type of equipment. The quantities and types of steel products to be made available monthly hereunder to the several participating Builders shall be initially determined by the Secretary of Commerce (or such other official as he may designate) after consultation with the Barge and Towing Vessel Industry Advisory Committee subject to such revision, if any, from time to time, as may be deemed necessary by the Secretary of Commerce (or such other official as he may designate) after consultation with such Committee.

For the purposes of such determination, consideration will be given to past production, conversion and repair records, plant capacity, orders for new domestic barges and towing vessels on hand and anticipated, and inventories of finished products on hand.

(b) By participation herein, the several Builders shall be obligated to use all steel products made available hereunder solely for the production of new domestic barges and towing vessels or for the repair or conversion of such type of equipment; not to resell or transfer any thereof (except to such subsidiary, affiliate or subcontractor as may be designated by any such Builder for the fabrication of such end products) in the form received by such Builders; and not to build up inventory of such steel products beyond current needs for the purposes hereof. Each purchase order placed with a steel producer for steel products to be made available hereunder shall be placed not less than 60 days before the first of one month in which delivery is required and shall bear the following certification of the Builder placing such purchase order:

The undersigned certifies to the seller and to the Department of Commerce that the steel products specified in this order will be used solely for and in the (construction) (conversion) (repair) of _____, and that this order is placed under, and in strict compliance with, Department of Commerce Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Construction, Conversion and Repair of Domestic Freight-Carrying Barges and Towing Vessels, with which the undersigned is familiar.

In addition, certifications on orders placed after December 31, 1948 shall contain the following additional sentence:

The undersigned further certifies that the quantities ordered herewith, when added to all other quantities certified by the undersigned under the Plan for the same delivery month, do not exceed the undersigned's allocations under the Plan for that month.

(c) Each Builder participating herein shall furnish such reports (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) on Government forms, from time to time, as the Secretary of Commerce (or such other official as he may designate) may deem desirable or necessary, showing the total quantities and types of steel products received from all sources and the quantities and types of domestic barges and towing vessels produced, repaired, or converted and other relevant information.

(d) Participation in the benefits of this Plan shall at all times be contingent upon each participating Builder's continued strict compliance with the provisions hereof. In the event of any actual or prospective non-compliance by any participating Builder, the Secretary of Commerce may, after written notice to the participating Builder, take such action as he deems warranted with respect to the Builder's participation in the plan, including partial or total suspension or termination of participation privileges and notification to the participating steel producers not to make any or certain further shipments under the Plan to such Builder.

4. *Delegation of authority.* Until further notice by the Secretary of Commerce, the Director of the Office of Defense Transportation will carry out the functions of the Secretary of Commerce under this plan with respect to the distribution of the over-all quantities of steel among the individual steel producers, the allocation of the over-all quantities among individual participating Builders, calling for and receiving schedules and other reports from participants, and consultation with industry advisory committees. At his discretion, the Secretary of Commerce may reassign all or any of those functions to any other agencies outside the Department of

Commerce or may provide for their performance within the Department of Commerce. The Office of Defense Transportation (and any other agencies to which functions hereunder may hereafter be assigned) will furnish the Secretary of Commerce with such reports as he may require from time to time.

5. *Effective date.* After approval of this amendment of the plan by the Attorney General and by the Secretary of Commerce, and after any steel producer's or builder's written acceptance of a request by the Secretary of Commerce for compliance herewith, this Plan, as amended, shall become effective as to such steel producer or builder. Until the plan, as amended, has been so accepted by any steel producer or builder participating in the original plan, the original plan shall continue effective as to such steel producer or builder. Requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers and such builders as notify the Secretary of Commerce, in writing, that they will comply with such requests.

6. *Duration.* This Plan shall cease to be effective at the close of business on February 28, 1949, unless the time limitation of March 1, 1949, now specified in section 2 (b) of Public Law 395, 80th Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this plan, in which event this plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified). However, the plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the FEDERAL REGISTER.

7. *Withdrawal from Plan.* Any steel producer or steel consumer participating in this Plan may withdraw by giving not less than 60 days written notice to the Secretary of Commerce.

8. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this Plan shall be binding upon all participants notified of such interpretation.

[To be signed by the Attorney General and the Secretary of Commerce, upon approval.]

EXHIBIT B—REQUEST

PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, CONVERSION AND REPAIR OF DOMESTIC FREIGHT-CARRYING BARGES AND TOWING VESSELS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and builders of domestic freight-carrying barges and towing vessels, and after expression of the views of industry, labor and the public generally at an open public hearing held on December 9, 1948, has determined that, in order to carry out the program begun under the voluntary plan (13 F. R. 5669) entered into by steel producers to furnish certain steel products for builders and repairers of certain domestic freight-carrying barges and towing vessels, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products to such manufacturers after the expiration of the plan (as amended) on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with

the approval of the Attorney General, hereby requests:

1. That steel producers participating in the abovementioned voluntary plan continue to make approximately 25,000 net tons of steel products available monthly, during the period March 1, 1949 through August 31, 1949, on certified orders from builders and repairers of domestic freight-carrying barges and towing vessels; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That builders and repairers of domestic freight-carrying barges and towing vessels place purchase orders hereunder only for the quantities and types of steel products established for them individually by the Secretary of Commerce; that they put identifying certifications on such purchase orders; and that they use all steel products obtained hereunder solely for the construction, conversion and repair of domestic freight-carrying barges and towing vessels (as defined in the abovementioned voluntary plan).

In the event that an amendment to the abovementioned voluntary plan extending its effectiveness beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by said extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-10524; Filed, Dec. 1, 1948; 9:05 a. m.]

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION OF DOMESTIC FREIGHT CARS AND THE REPAIR OF RAILWAY ROLLING STOCK

NOTICE OF PUBLIC HEARING ON PROPOSED CONTINUATION AND REVISION

Notice is hereby given that a public hearing will be held on Thursday, December 9, 1948, at 10:00 a. m., e. s. t., in the Auditorium on the fifth floor of the National Archives Building, Pennsylvania Avenue between Seventh and Ninth Streets-NW., Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to (1) the proposed continuation, beyond February 28, 1949, of the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for construction of domestic freight cars and the repair of railway rolling stock approved by the Attorney General and by the Secretary of Commerce on March 30, 1948 and subsequently published in the FEDERAL REGISTER (13 F. R. 2272) and (2) revision of the plan to remove the provisions regarding allocation of pig iron and to make certain changes in the operational details of the plan.

The proposed continuation involves two procedures. One would remain effective if the present authority contained in Public Law 395 is now extended. The other would become effective if the present authority contained in Public Law 395 is appropriately extended. The two procedures are represented by documents attached hereto as Exhibits A and B.

Under one procedure (Exhibit B), it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral

action by steel producers in continuing deliveries for the program during the six-month period March 1, 1949, through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

Under the other procedure (Exhibit A) it is proposed to amend the existing plan to provide that, in the event of statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949 through September 30, 1949, which would round out the full third calendar quarter.

Exhibit A is a proposed revision of the existing plan. It incorporates the continuation provision mentioned above, removes the present provisions for allocation of pig iron (since it has not been found necessary to make such allocations) and makes certain changes in operational details.

Both exhibits are subject to revision at or after the public hearing.

The proposed actions have been formulated after consultation with interested industry groups and with interested government agencies.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Monday, December 6, 1948. Persons desiring to present written statements or memoranda should submit them in triplicate.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—AMENDMENT

PROPOSED AMENDMENT OF VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION OF DOMESTIC RAILWAY FREIGHT CARS AND THE REPAIR OF RAILROAD ROLLING STOCK

[Preamble—To be inserted in the final draft.]

Therefore, Voluntary Allocation Plan No. 1 (13 F. R. 2272) is amended, in its entirety, to read as follows:

1. *Agreement by steel producers.* The various steel companies agreeing to this plan will make available the various types of steel products in individual quantities which aggregate approximately 250,000 tons monthly and will permit the construction of 10,000 new domestic freight cars monthly and the repair of railroad rolling stock. The types of steel products and the maximum quantities thereof which each steel company will undertake and agree to furnish will be set forth on its written acceptance of this agreement and plan, it being the purpose and intention of this plan, however, that each steel company will consider requests for variations in quantities in excess of such maximum and will furnish such additional quantities whenever feasible to do so.

2. *Determination of quantities to be furnished by respective producers.* The amounts of various types of steel to be made available under the program by the individual steel companies, within the maximum stipulated by them, will be determined periodically by the Secretary of Commerce (or such other official as he may designate) on such basis as he deems fair and equitable after consultation with a steel producers' industry advisory committee on distribution of steel for freight cars.

3. *Requirements schedules from participating steel consumers.* The individual car builders will submit to the Secretary of

Commerce (or to such other official as he may designate) schedules showing by plants the number and types of domestic railway freight cars scheduled for production monthly. The individual car builders, component parts manufacturers, railroads and private car lines will submit to the Secretary of Commerce (or such other official as he may designate) quarterly estimates of their steel requirements for domestic railway freight cars scheduled for production and for the repair of domestic railway freight cars, passenger cars and locomotives.

4. *Allocation procedure.* After receiving the quarterly estimates referred to in paragraph 3 hereof, the Secretary of Commerce (or such other official as he may designate), with the assistance of three industry advisory committees composed of representatives of (1) contract car builders, (2) railroads and private car lines, and (3) component parts manufacturers, will relate such estimated requirements to the over-all program. The quantities and types of steel to be made available under the program to each individual steel consumer from steel rollings in each quarterly period will be determined by the Secretary of Commerce (or such other official as he may designate). In determining the quantities and types of steel to be made available under the program to each car builder participating in the program, consideration will be given to the past production record of each car builder, plant capacity, and orders for new domestic freight cars which each car builder has on hand. Any company which is not now engaged in constructing domestic freight cars under the program but which is in a position to engage in such activity may become a participant in the program. Each individual consumer will make its own arrangements for securing the steel assigned to it under the program. However, the Secretary of Commerce (or such other official as he may designate), with the aid of the steel advisory committee, will furnish assistance to individual consumers in securing the quantities of steel which have been assigned to them. No request or authorization will be made relating to allocation of orders or customers, or the delivery of cars or the allocation of business among members of the car building industry, nor will any request or authorization be made to the steel producers for any limitation or restriction on the production or marketing of steel.

5. *Agreement by participating steel consumers.* The various steel consumers participating in the program agree to show on their purchase orders for steel under the program that the steel is "To be used for new domestic freight cars" or "To be used for repair of domestic freight cars, passenger cars, or locomotives." Such steel consumers further agree that they will not use steel secured under the domestic car building and repair program for any other purpose.

6. *Reports from participants.* The individual steel producers participating in the program agree to furnish the Secretary of Commerce (or such other official as he may designate) reports on Government forms showing the quantities of steel shipped monthly under purchase orders designated as provided in paragraph 5 hereof to the following classes: (1) Contract car builders, (2) railroads and private car lines, and (3) component parts manufacturers. Each car builder participating in the program agrees to furnish monthly reports on Government forms showing the total quantities of steel byproducts received under the program and the number of domestic railway freight cars it constructs each month. The railroads and private car lines participating in the program also agree to furnish reports on Government forms showing the number of freight cars accorded heavy repairs each month. The Secretary of Commerce (or such other official as he may designate) may request the par-

ticipants in the program to submit such individual reports from time to time as it may consider appropriate.

7. *General provisions.* From time to time the Secretary of Commerce (or such other official as he may designate) will call together in joint or separate meetings the members of the four industry advisory committees for full discussion of problems arising under the domestic car building and repair program.

Nothing in this Plan shall be construed as authorizing or approving any fixing of prices.

The reporting requirements of this plan have been approved by the Bureau of the Budget.

8. *Delegation of authority.* Until further notice by the Secretary of Commerce, the Director of the Office of Defense Transportation will carry out the functions of the Secretary of Commerce under this plan with respect to the distribution of the over-all quantities of steel among the individual steel producers, the allocation of the over-all quantities among individual participating steel consumers, calling for and receiving schedules and other reports from participants, and consultation with industry advisory committees. At his discretion, the Secretary of Commerce may reassign all or any of those functions to any other agencies outside the Department of Commerce or may provide for their performance within the Department of Commerce. The Office of Defense Transportation (and any other agencies to which functions hereunder may hereafter be assigned) will furnish the Secretary of Commerce with summaries of the individual monthly reports obtained under paragraph 6 above and with such other reports as the Secretary of Commerce may require from time to time.

9. *Effective date.* After approval of this amendment of the plan by the Attorney General and by the Secretary of Commerce, and after any steel producer's or steel consumer's written acceptance of a request by the Secretary of Commerce for compliance herewith, this Plan, as amended, shall become effective as to such steel producer or steel consumer. Until the plan, as amended, has been so accepted by any steel producer or steel consumer participating in the original plan, the original plan shall continue effective as to such steel producer or steel consumer. Request for compliance with this plan under section 2 (c) of Public Law 395, 80th Congress, will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in said section 2 (c), only with respect to such persons as agree in writing to comply with such requests.

10. *Duration.* This Plan shall cease to be effective at the close of business on February 23, 1949, unless the time limitation of March 1, 1949, now specified in section 2 (b) of Public Law 395, 80th Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this plan, in which event this plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified). However, the plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the FEDERAL REGISTER.

11. *Withdrawal from Plan.* Any steel producer or steel consumer participating in this Plan may withdraw by giving not less than 60 days written notice to the Secretary of Commerce.

12. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this Plan

shall be binding upon all participants notified of such interpretation.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—REQUEST

PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION OF DOMESTIC RAILWAY FREIGHT CARS AND THE REPAIR OF RAILROAD ROLLING STOCK

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and the freight car manufacturing and repairing industries, and after expression of the views of industry, labor and the public generally at an open public hearing held on December 9, 1948, has determined that, in order to carry out the program begun under the voluntary plan (13 F. R. 2272) entered into by steel producers to furnish certain steel products for the production of domestic railway freight cars and the repair of railroad rolling stock, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products to the steel consumers involved after the expiration of the plan (as amended) on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above mentioned voluntary plan continue to make approximately 250,000 net tons of steel products available monthly, during the period March 1, 1949, through August 31, 1949, on certified orders from contract car builders, railroads and private car lines, and component parts manufacturers; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That contract car builders, railroads and private car lines, and component parts manufacturers place purchase orders hereunder only for the quantities and types of steel products established for them individually by the Secretary of Commerce; that they put identifying certifications on such purchase orders; and that they use all steel products obtained hereunder solely for the production of domestic railway freight cars and the repair of railroad rolling stock.

In the event that an amendment to the above-mentioned voluntary plan extending its effectiveness beyond February 28, 1949, takes effect pursuant to appropriate legislation, this request will be superseded by said extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-10525; Filed, Dec. 1, 1948; 9:05 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF HANDICAPPED CLIENTS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES TO SHELTERED WORKSHOPS

Notice is hereby given that a Special Certificate authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and

section 1 (b) of the Walsh-Healey Public Contracts Act has been issued to the sheltered workshop hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (Sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556) and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (Secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102)

The name and address of the sheltered workshop to which a certificate was issued, wage rate, and the effective and expiration dates of the certificate are as follows:

Sheltered Shop, Rehabilitation Center for the Physically Handicapped, Inc., 10 Wall Street, Stamford, Connecticut; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective November 15, 1948, and expires November 14, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshop under this certificate is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. This certificate has been issued on the applicant's representation that it is a sheltered workshop as defined in the regulations and that special services are provided its handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificate may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of this certificate may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 22d day of November 1948.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 48-10493; Filed, Dec. 1, 1948; 8:50 a. m.]

COMMITTEE FOR RECIPROcity INFORMATION

ORGANIZATION AND FUNCTIONS

SECTION 1. *Creation and authority.* The Committee for Reciprocity Information was established by Executive Order

10004, issued October 5, 1948.¹ The provisions of Executive Order 10004 relating to the Committee for Reciprocity Information were issued pursuant to the provisions of section 4 of the act approved June 12, 1934 (48 Stat. 945; 19 U. S. C. (1940) 1354) as amended by Public Law 792, 80th Congress, approved June 20, 1948.

SEC. 2. *Functions of Committee.* Section 4 of the above-mentioned act approved June 12, 1934 provides in part that before a trade agreement is concluded with any foreign government reasonable public notice shall be given in order that interested persons shall have an opportunity to present their views to the President or to such agency as the President may designate. The Committee for Reciprocity Information is the agency created for the purpose of receiving such views. The function of the Committee is to accord reasonable opportunity to all interested persons to present their views on any proposed or existing trade agreement or any aspect thereof.

SEC. 3. *Organization.* The Committee consists of members designated from the personnel of their respective agencies by the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Labor, and the Administrator for Economic Cooperation. The Committee may invite the participation in its activities of other government agencies in any manner consistent with relevant legislation and Executive Order 10004.² The member from the Department of Commerce is the Chairman of the Committee. The Committee may from time to time designate such subcommittees and prescribe such procedures and rules and regulations, as it may deem necessary for the conduct of its functions.

SEC. 4. *Office of Committee.* The office of the Committee is in the Department of Commerce Building, 14th and E Streets NW., Washington 25, D. C., and it is open on each business day, Monday through Friday, from 8:30 a. m. to 5:00 p. m. (The office is not open on Saturday.)

EDWARD YARDLEY,
Executive Secretary.

[F. R. Doc. 48-10477; Filed, Dec. 1, 1948; 8:40 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6175]

FLORIDA POWER CORP.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

NOVEMBER 29, 1948.

Notice is hereby given that, on November 24, 1948, the Federal Power Commission issued its order entered November

¹ The Committee was originally created by Executive Order 6750 of June 27, 1934, which was revoked by Executive Order 10004.

² Under Executive Order 10004, members of the Committee for Reciprocity Information are members of the Interdepartmental Committee on Trade Agreements.

23, 1948, authorizing issuance of bonds in the above entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10476; Filed, Dec. 1, 1948; 8:46 a. m.]

[Docket No. E-6180]

DUKE POWER CO.

NOTICE OF APPLICATION

NOVEMBER 26, 1948.

Notice is hereby given that on November 23, 1948, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by Duke Power Company, a corporation organized under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance and private sale to seven insurance companies of \$40,000,000 principal amount of new series of First-and Refunding Mortgage Bonds bearing interest at the rate of 3½% to be dated as of December 1, 1948, and to mature December 1, 1978. The bonds are to be issued under the provisions of an indenture to the Guarantee Trust Company of New York, Trustee, as supplemented and amended by a Supplemental Indenture to be dated December 1, 1948; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of December 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10496; Filed, Dec. 1, 1948; 8:51 a. m.]

[Docket Nos. IT-5550, IT-5743, E-6158]

SAN DIEGO GAS & ELECTRIC CO.

NOTICE OF ORDERS AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO, SUPERSIDING PREVIOUS AUTHORIZATIONS AND DISMISSING APPLICATION FOR A PRESIDENTIAL PERMIT

NOVEMBER 29, 1948.

In the matters of San Diego Gas & Electric Company, Docket No. IT-5550; San Diego Gas & Electric Company, Docket Nos. IT-5743 and E-6158.

Notice is hereby given that, on November 24, 1948, the Federal Power Commission issued its orders entered November 23, 1948, in the above entitled matters, authorizing transmission of electric energy to Mexico in Dockets Nos. IT-5550 and IT-5743, and dismissing application for Presidential Permit in Docket No. E-6158.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10473; Filed, Dec. 1, 1948; 8:46 a. m.]

[Docket No. G-933]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 29, 1948.

Notice is hereby given that, on November 26, 1948, the Federal Power Commission issued its findings and order entered on November 23, 1948, issuing certificate of public convenience and necessity in the above entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10475; Filed, Dec. 1, 1948; 8:46 a. m.]

[Docket Nos. G-1119, G-1134, G-1139]

CENTRAL KENTUCKY NATURAL GAS CO.
ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 29, 1948.

In the matters of Central Kentucky Natural Gas Company, Docket No. G-1119; Lone Star Gas Company, Docket No. G-1134; Southern Natural Gas Company Docket No. G-1139.

Notice is hereby given that, on November 24, 1948, the Federal Power Commission issued its findings and orders entered on November 23, 1948, issuing certificates of public convenience and necessity in the above entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10474; Filed, Dec. 1, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-25, 59-11, 59-17]

UNITED LIGHT AND RAILWAYS CO. ET AL.

NOTICE OF FILING

In the matter of the United Light and Railways Company, American Light & Traction Company, et al., File Nos. 59-11, 59-17, 54-25.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of November A. D. 1948.

Notice is hereby given that the United Light and Railways Company ("Railways") a registered holding company, has filed an application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules promulgated thereunder, with respect to the proposed sale, at competitive bidding under the provisions of Rule U-50, of 78,270 shares of the common stock of the Detroit Edison Company ("Detroit Edison")

Notice is further given that any interested person may, not later than December 6, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to said application-declaration, stating the nature of his interest, the reasons for such re-

quest and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 6, 1948, such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in rules U-20 (a) and U-100 thereof.

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

On December 30, 1947, the Commission entered an order approving a plan filed pursuant to the provisions of section 11 (e) of the act by Railways and its subsidiary, American Light & Traction Company ("American Light") which plan provides, among other things, that during 1948 American Light will distribute to its stockholders quarterly as dividends shares of common stock of Detroit Edison on the basis of one share of such stock for each seventy-five shares of American Light common stock owned. The plan also provides that on or before December 31, 1948, Railways, the owner of a large block of common stock of American Light, shall dispose of all shares of stock of Detroit Edison received through such dividend distributions. Railways states that it has received 78,270 shares of Detroit Edison common stock as dividends and that such shares constitute all of the Detroit Edison stock owned by Railways. Railways proposes to sell the said 78,270 shares of Detroit Edison common stock at competitive bidding pursuant to the requirements of Rule U-50. The application-declaration requests that the period provided by Rule U-50 for the invitation of bids be shortened from ten to six days, and, according to the time schedule in said application-declaration, it is contemplated that the invitation for bids will be published on or about December 9, 1948, and that bids will be opened on or about December 15, 1948. The net proceeds are to be applied to the reduction of bank loans outstanding under Railways' Loan Agreement dated November 24, 1945, as amended, the unpaid balance of which at November 22, 1948 amounted to \$21,757,353.35.

The application-declaration also requests authority to purchase on the New York Stock Exchange and the Detroit Stock Exchange such numbers of shares of common stock of Detroit Edison as may be necessary or appropriate to stabilize the price of such stock in order to facilitate the distribution and offering of the 78,270 shares of such stock proposed to be sold. It is stated that such purchases by Railways may commence at 10:00 a. m., on the date set for opening of bids and continue until Railways has accepted a bid or, if no bid is accepted, until all bids are rejected, and that all

purchases will be made through a member or members of the exchanges under applicable rules. It is further stated that Railways proposes to sell through ordinary brokerage channels all shares of common stock of Detroit Edison purchased for stabilization purposes.

The application-declaration requests that the Commission enter an order herein on or before December 8, 1948, granting and permitting such application-declaration to become effective and that said order become effective upon its issuance.

[SEAL] ⁰
NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10462; Filed, Dec. 1, 1948;
8:59 a. m.]

[File No. 70-1997]

OKLAHOMA GAS AND ELECTRIC CO.
ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of November A. D. 1948.

Oklahoma Gas and Electric Company ("Oklahoma") a subsidiary of Standard Gas and Electric Company, a registered holding company, has filed with the Commission, an application and an amendment thereto pursuant to sections 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23, U-24, and U-50 promulgated thereunder regarding the following proposed transactions:

Oklahoma proposes to issue and sell pursuant to the competitive bidding provisions of Rule U-50, \$7,500,000 principal amount of its First Mortgage Bonds ("New Bonds"), Series due December 1, 1978. The New Bonds will be issued under the provisions of an Indenture, dated February 1, 1945, between Oklahoma and the First National Bank and Trust Company of Oklahoma City, Trustee, as supplemented by a new Supplemental Trust Indenture dated as of December 1, 1948.

Oklahoma states that the proceeds from the issuance and sale of the New Bonds will be applied to the prepayment, without premium, of \$3,500,000 of Secured Notes, 1 $\frac{3}{4}$ %, and \$2,000,000 of unsecured notes, 2 $\frac{1}{4}$ %. The balance is to be applied to the payment of construction expenditures.

The invitation for bids provides that each proposal for the purchase of the New Bonds shall specify (a) the coupon rate (which shall be a multiple of $\frac{1}{8}$ of 1%) of the New Bonds, and (b) the price (exclusive of accrued interest) to be paid for the New Bonds, which price shall be expressed as a percentage of the principal amount of New Bonds and shall be not less than 100% and not more than 102 $\frac{3}{4}$ % of the principal amount thereof.

Oklahoma has requested authority to shorten to six days the ten-day notice period for bids provided for by Rule U-50.

The Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission have, respectively, issued orders authorizing the pro-

posed issue and sale by Oklahoma of the New Bonds.

Said application having been filed on November 4, 1948, and an amendment thereto having been filed on November 23, 1948, and notice of such 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 notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied; and the Commission deeming it unnecessary in the public interest or the interest of investors or consumers to impose any terms or conditions under the provisions of section 6 (b) of the act with respect to the proposed issue and sale of securities; and deeming it appropriate in the public interest and the interest of investors and consumers that said application, as amended, be granted subject to the following reservations of jurisdictions:

It is ordered, Pursuant to Rule U-23 that said application be, and the same hereby is, granted and may be consummated forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject to the further condition that the proposed sale of the New Bonds by Oklahoma shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all legal fees and expenses proposed to be paid by the company.

It is further ordered, That the request of Oklahoma for authority to shorten the ten-day notice period for bids provided for by Rule U-50 to six days be, and the same hereby is, granted.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10463; Filed, Dec. 1, 1948;
8:59 a. m.]

[File No. 70-2002]

TEXAS UTILITIES CO. ET AL.
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 26th day of November A. D. 1948.

In the matter of Texas Utilities Company, Dallas Power & Light Company, Texas Electric Service Company, File No. 70-2002.

Notice is hereby given that Texas Utilities Company ("Texas Utilities") Dallas Power & Light Company ("Dallas") and Texas Electric Service Com-

pany ("Texas Electric"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (a) 7, 9, 12 (b) and 12 (f) thereof and Rule U-45 thereunder as applicable to the transactions proposed therein. Texas Utilities is a registered holding company subsidiary of American Power & Light Company, in turn, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company. Dallas and Texas Electric are electric utility subsidiaries of Texas Utilities.

Notice is further given that any interested person may, not later than December 8, 1948, at 5:30 p. m., e. s. t., request in writing that a hearing be held with respect to said application-declaration stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request in writing 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 NW., Washington 25, D. C. At any time after December 8, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said 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 application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

To enable Texas Electric and Dallas to meet their cash construction expenditure needs, Texas Utilities proposes to lend temporarily to Texas Electric from time to time, cash amounts which at any one time will not exceed \$4,000,000, and to Dallas cash amounts which at any one time will not exceed \$7,000,000. It is proposed that loans be made by Texas Utilities to Texas Electric between December, 1948 and the date on which Texas Electric completes its long-term financing (estimated to be in May or June of 1949) and to Dallas between January, 1949 and the date on which Dallas completes its long-term financing (estimated to be in April or May, 1949). In any event all loans are to mature not later than September 15, 1949.

In December, 1948 it is estimated that Texas Utilities will have available treasury funds in an amount exceeding \$2,500,000 which will be used to meet the needs, in part, of Dallas and Texas Electric for cash for the construction expenditures of the two companies. To the extent that the cash resources of Texas Utilities are not sufficient to provide for the temporary cash requirements of Dallas and Texas Electric, Texas Utilities proposes to borrow from time to time (not earlier, however, than January, 1949) from approximately ten banks, within and without the State of Texas, such sums of money as may be necessary to provide Dallas and Texas Electric with

cash for the purposes described herein. It is provided that the aggregate amount of all such borrowings to be outstanding at any one time shall not exceed \$7,000,000 and that all of such borrowings shall be repaid not later than September 15, 1949.

The advances by Texas Utilities to Dallas and Texas Electric are to be made from time to time upon request of the borrowing companies and will bear interest from the date made to the date of repayment at the same rate or rates of interest as charged to Texas Utilities by the said banks in obtaining such funds from such banks. Advances made from funds not borrowed from banks by Texas Utilities will bear interest at the same rate or rates as Texas Utilities could obtain if it borrowed such funds from banks. Dallas and Texas Electric will have the right at any time prior to the maturity dates of advances made to them to repay all or any part of the sums so borrowed upon the giving of thirty days written notice to Texas Utilities with provision for the waiver by Texas Utilities of such notice.

As indicated above, the advances made by Texas Utilities will be repaid when Dallas and Texas Electric shall have completed their long-term financings. It is presently contemplated that at the time of permanent financing by Texas Electric, Texas Utilities will make a contribution to the capital of Texas Electric of approximately \$4,000,000.

The borrowings made by Texas Utilities from banks will be repaid from proceeds derived from repayment by Dallas and Texas Electric of the herein described advances. It is contemplated that Texas Utilities may continue to borrow from banks after the completion of the permanent financings of Dallas and Texas Electric but that all such borrowings from banks shall be repaid not later than September 15, 1949. As from time to time borrowings are to be made from banks by Texas Utilities, amendments to this application-declaration will be filed with the Commission stating the name or names of the bank or banks from which such borrowings are to be made, the terms of such borrowings, the interest rate or rates and the maturity date or dates. Amendments so filed shall become effective ten days after filing in the event no action is taken with respect thereto by the Commission within such ten-day period.

Applicants-declarants request that the Commission's order herein issue as soon as may be practicable and become effective upon issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10464; Filed, Dec. 1, 1948;
8:59 a. m.]

[File No. 70-2005]

NORTH AMERICAN LIGHT AND POWER CO.
ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER
FOR HEARING

At a regular session of the Securities
and Exchange Commission, held at its
No. 234—5

office in the city of Washington, D. C.,
on the 24th day of November A. D. 1948.

In the matter of North American
Light & Power Company, the Kansas
Power and Light Company, Missouri
Power & Light Company, File No. 70-
2005.

Notice is hereby given that a joint ap-
plication-declaration has been filed with
this Commission, pursuant to the Pub-
lic Utility Holding Company Act of 1935
("act") and the rules and regulations
promulgated thereunder, by North Amer-
ican Light & Power Company ("Light &
Power"), a subsidiary of the North Amer-
ican Company, both registered holding
companies, and Light & Power's subsidi-
aries, the Kansas Power and Light Com-
pany ("Kansas") and Missouri Power &
Light Company ("Missouri")

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

Light & Power which presently holds
all the outstanding common stock of
Kansas and Missouri proposes:

(a) To borrow \$5,000,000 from Bank-
ers Trust Company of New York ("Bank-
ers") pursuant to a "Credit Agreement"
which provides for the issuance, as evi-
dence of such borrowing, of a promissory
note payable on or before one year after
date of said note, bearing interest at the
rate of 2¼% per annum, payable quar-
terly. It is further provided that pre-
payment may be made in whole or in
part without penalty. *Provided, however,*
That a premium of 1% per annum com-
puted for the unexpired life of the
amount so prepaid shall be payable on
prepayments made out of funds made
available through borrowing; and

(b) To use the proceeds of such bor-
rowing, together with treasury funds,
(i) to purchase 700,000 additional shares
of Kansas common stock, \$5 par value,
for \$3,500,000; (ii) to purchase 440,000
additional shares of Missouri common
stock, \$5 par value, for \$2,200,000; and
(iii) to discharge its outstanding bank
loan in the principal amount of
\$2,200,000.

Kansas proposes to issue and sell to
Light & Power said 700,000 additional
shares of its common stock and to use
the proceeds from such sale for the pay-
ment, in part, of its proposed construc-
tion expenditures and those of its sub-
sidiary, Kansas Electric Power Company,
for the years 1948, 1949, and 1950, esti-
mated in the aggregate amount of
\$36,825,874.

Missouri proposes to issue and sell to
Light & Power said 440,000 additional
shares of its common stock and to use
the proceeds from such sale for the pay-
ment, in part, of its proposed construc-
tion expenditures for the years 1948,
1949, and 1950, estimated in the aggre-
gate amount of \$10,865,000.

The companies have designated sec-
tions 6 (a) 6 (b), 7, 9, 10, and 12 (c) of
the act and Rules U-20, U-23, U-42, and
U-43 thereunder as applicable to the
proposed transactions. Exemption from

the competitive bidding requirements of
Rule U-50 with respect to the proposed
issuances and sales of common stock to
Light & Power has been requested.

The applicants-declarants state that
the Public Service Commission of Mis-
souri has jurisdiction over the proposed
purchase by Light & Power of shares of
Missouri's common stock, as well as ju-
risdiction over the proposed transactions
in so far as Missouri is concerned, and
that the State Corporation Commission
of the State of Kansas has jurisdiction
over Kansas with respect to the trans-
actions proposed by Kansas.

It appearing to the Commission that
it is appropriate in the public interest
and in the interest of investors and con-
sumers that a hearing be held with re-
spect to the matters set forth in said
application-declaration and that said
application-declaration should not be
granted or permitted to become effective
except pursuant to further order of this
Commission:

It is ordered, That a hearing on said
application-declaration under the appli-
cable provisions of the act and the rules
and regulations thereunder be held at
10:00 a. m., e. s. t., on the 10th day of
December 1948, at the office of the Se-
curities and Exchange Commission, 425
Second Street NW., Washington 25, D. C.
On such date, the hearing room clerk in
Room 101 will advise as to the room in
which such hearing shall be held. Any
person desiring to be heard or otherwise
wishing to participate in this proceeding
shall file with the Secretary of the Com-
mission on or before the 9th day of De-
cember, 1948, his request or application
therefor, as provided by Rule XVII of
the Commission's rules of practice.

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

The Division of Public Utilities of the
Commission having advised the Commis-
sion that it has made a preliminary ex-
amination of the application-declaration
and that, upon the basis thereof, the fol-
lowing matters and questions are pre-
sented for consideration without preju-
dice, however, to the presentation of ad-
ditional matters and questions upon fur-
ther consideration:

1. Whether the proposed issuance and
sale of said promissory note by Light &
Power meets the requirements of section
7 of the act.

2. Whether the provisions of the
"Credit Agreement" between Light &
Power and Bankers are appropriate and
in the interest of investors.

3. What terms and conditions, if any,
should be imposed by the Commission in
connection with the proposed issuance
and sale of a promissory note by Light &
Power.

4. Whether the proposed acquisition
by Light & Power of common stock of

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 CE 462]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK, OHIO, MASSACHUSETTS AND NEW JERSEY COURTS

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 having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;
2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses were incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A,

4. That each amount stated in Column 4 of said Exhibit A has been paid from the property which each of said persons obtained or was determined to have as a result of the action or proceeding identified in Column 3 of said Exhibit A opposite such person's name and all of said amounts are presently in the possession of the Attorney General of the United States.

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, the amounts stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (3 CFR, Cum. Supp., 503.6)

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

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

EXHIBIT A

| Column 1 Name | Column 2 Country or territory | Column 3 Action or proceeding | Column 4 Sum vested |
|---|----------------------------------|--|------------------------|
| Sam Kaplan, and his heirs-at-law, next-of-kin and distributees. | Lithuania..... | Item 1 Estate of Sophie Kaplan, deceased. Surrogate's Court, New York County, State of New York. Docket No. P-1340/1044. | \$20.40 |
| Heirs within Poland of Marlon Zesotarski, deceased. | Poland..... | Item 2 Estate of Marlon Zesotarski, deceased. Probate Court, Lucas County, State of Ohio. | 73.00 |
| Rose Alberghini, deceased..... | Italy..... | Item 3 Estate of Ettore Tassinari Partition of Real Estate. Probate Court, Essex County, State of Massachusetts. No. 209,061. | 100.00 |
| Edward Pisano..... | do..... | Item 4 Estate of Joseph Pisano, deceased. Surrogate's Court, Passaic County, State of New Jersey. | 24.07 |
| Carmela Pisano..... | do..... | Item 5 Same..... | 24.67 |
| Sam Pisano..... | do..... | Item 6 Same..... | 24.69 |

[F. R. Doc. 48-10456; Filed, Nov. 30, 1948; 8:50 a. m.]

[Vesting Order 12297]

GUSTAV WEISS

In re: Debts owing to Gustav Weiss. F-28-4795-C-1, F-28-4795-C-2, F-28-4795-D-1.

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

1. That Gustav Weiss, whose last known address is Lutherstrasse 12, Lud-

wigshafen, An Rhein, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by five (5) Prudence-Bonds Corporation First Mortgage Collateral Bonds, 16th Series, of \$900 aggregate face value bearing the numbers 16C 2, 16C 3, 16C 4, 16C 561 and 16D 99, registered in the name of Gustav Weiss, and any and all

Kansas and Missouri satisfies the requirements of section 10 of the act, and, specifically, whether such proposed acquisition is detrimental to the carrying out of the provisions of section 11 of the act, the Commission's order dated December 30, 1941, and the provisions of Amended Plan I approved by this Commission on June 25, 1947, by the District Court of the United States for the District of Delaware on November 6, 1947, and affirmed by the United States Circuit Court of Appeals for the Third Circuit on November 5, 1948.

5. Whether the proposed issue and sale of common stock by Kansas is exempt from the provisions of section 6 (a) of the act pursuant to the provisions of section 6 (b) thereof, and, if not, whether the requirements of section 7 of the act are satisfied.

6. What terms and conditions, if any, should be imposed by the Commission in connection with the proposed issue and sale of common stock by Kansas.

7. Whether the proposed issue and sale of common stock by Missouri is exempt from the provisions of section 6 (a) of the act pursuant to section 6 (b) thereof, and, if not, whether the requirements of section 7 of the act are satisfied.

8. What terms and conditions, if any, should be imposed by the Commission in connection with the proposed issue and sale of common stock by Missouri.

9. Whether the fees, commissions or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

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

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

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on North American Light & Power Company, the Kansas Power and Light Company, Missouri Power & Light Company, the North American Company, the State Corporation Commission of the State of Kansas and the Public Service Commission of Missouri, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and that further notice be given to all other persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10461; Filed, Dec. 1, 1948; 8:59 a. m.]

rights to demand, enforce and collect the said debts or other obligations, together with any and all rights in, to and under said bonds,

b. All those debts or other obligations owing to Gustav Weiss, by Prudence-Bonds Corporation, 10 East 40th Street, New York 16, New York, including particularly but not limited to a portion of the sum of money on deposit with Chemical Bank & Trust Company, 165 Broadway, New York 15, New York, in an escrow account, entitled Prudence-Bonds Corporation—Blocked Funds—Non-Resident Alien Account, maintained at the branch office of the aforesaid bank located at Lexington Avenue and 49th Street, New York, New York, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Gustav Weiss, by Prudence Realization Corporation, 15 William Street, New York 5, New York, in the amount of \$9.99, as of September 21, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

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

[F. R. Doc. 48-10497; Filed, Dec. 1, 1948; 8:51 a. m.]

[Return Order 220]

K. FUJITA ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims which are incorporated by reference herein and filed herewith and notice of intention to return

having been published on October 12, 1948 (13 F. R. 5961).

It is ordered, That the claimed property, described below and in the determination, be returned subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses:

| Claimant | Claim No. | Property |
|--|-----------|----------|
| K. Fujita, 1234 Kanewal St., Honolulu, T. H. | 37248 | \$3.94 |
| Mrs. Yoshiko Fujita, (nee Yoshiko Kawato), 435 Coral St., Honolulu, T. H. | 37249 | 100.20 |
| H. Hasegawa, sole owner of Sankaiya Hotel, 1442 Palolo Ave., Honolulu, T. H. | 37251 | 23.01 |
| Hiroshi Igashi, 347 North Kuakini St., Honolulu, T. H. | 37253 | 62.87 |
| H. Y. Inasa, P. O. Box 1208, Honolulu, T. H. | 37254 | 215.19 |
| H. Y. Inasa, guardian of Kazuo Inasa, P. O. Box 1208, Honolulu, T. H. | 37255 | .54 |
| G. Ishihara and Yoshimasa Ishihara, 183 North Hotel St., Honolulu, T. H. | 37256 | 613.04 |
| Yoshimasa Ishihara, 183 North Hotel St., Honolulu, T. H. | 37257 | 13.62 |
| Island Fender Shop, Harry Y. Takemoto, 423 Ward St., Honolulu, T. H. | 37258 | 170.61 |
| Genaro Kaneshiro, 2412 Liliha St., Honolulu, T. H. | 37259 | 45.22 |
| Sukelehi Kirimitsu or Yukimi Kirimitsu, 929-E Austin Lane, Honolulu, T. H. | 37261 | 253.37 |
| Helen K. Rosario, Adm. Est. of Wasaku Watase (deceased), Clerk, First Circuit Court Territory of Hawaii | 9133 | 103.83 |
| Chikayo Kobayashi, 1525-A Kaulawela Lane, Honolulu, T. H. | 37262 | 101.60 |
| Masahichi Kobayashi, a/k/a M. Kobayashi, 1525-A Kaulawela Lane, Honolulu, T. H. | 37263 | 543.84 |
| Fujio Komatsu, a/k/a Mrs. Harriet K. Haslett, District Public Works, N. O. B., Kodiak, Alaska | 37265 | 63.13 |
| Yasu Matsuura or Noburu Matsuura, c/o Mr. S. A. Baldwin, Makawae, Maui, T. H. | 37267 | 45.14 |
| S. Miranda, 10-B N. School St., Honolulu, T. H. | 37268 | 2.60 |
| Michiko Mitsui, 1804 Kam IV Rd., Honolulu, T. H. | 37269 | 33.93 |
| Michiko Mitsui, trustee for Fumiko Mitsui, 1804 Kam IV Rd., Honolulu, T. H. | 37270 | 62.42 |
| Michiko Mitsui, guardian of Kazuo Mitsui, 1804 Kam IV Rd., Honolulu, T. H. | 37271 | 112.09 |
| Tatsuo Mitsumori, 3441 James St., Honolulu, T. H. | 37272 | 7.43 |
| Tom Miyasaki, 1751 10th Ave., Honolulu, T. H. | 37273 | 12.49 |
| Kanichi Morita, 1918 Lima St., Honolulu, T. H. | 37274 | 17.23 |
| Tsuya Muramoto, 4753-G Farmers Rd., Honolulu, T. H. | 37277 | 11.99 |
| Selichi Nakamura, 2943 Ohai Lane, Honolulu, T. H. | 37278 | 100.50 |
| Fusa Nishihara, 95 Vineyard St., Honolulu, T. H. | 37279 | 5.00 |
| Mikayo Nishihara, 593 N. Vineyard St., Honolulu, T. H. | 37280 | 183.43 |
| Eizo Okada or Soyo Okada, 1703 Olona Lane, Honolulu 44, T. H. | 37281 | 97.83 |
| Eizo Okada, 1703 Olona Lane, Honolulu 44, T. H. | 37282 | 191.70 |
| Fumiko Okamoto, 1114-B Pua Lane, Honolulu, T. H. | 37283 | 13.00 |
| Toraki Okamoto, guardian of Mitsuki Okamoto, 1114-B Pua Lane, Honolulu, T. H. | 37284 | 17.37 |
| Takemo Okuda, 1672 S. Beretania St., Honolulu, T. H. | 37285 | 812.42 |
| Minoru Oshio or Mrs. Hatsuno Oshio, P. O. Box 2, Kapa, Kaula, T. H. | 37286 | 3,637.65 |
| Doris Tsunoyoshi Oshima, agent for Wakana Oshima, sole owner of Shinkiraku Restaurant, 1439 Alencastro St., Honolulu 39, T. H. | 37287 | 237.33 |
| Hyoichi Shimamura, guardian of Hiroshi Shimamura, 1104 Palama St., Honolulu 7, T. H. | 37289 | 154.40 |
| Kumato Sonoda and Masao Sonoda, 983-A Niapers Lane, Honolulu, T. H. | 37290 | 21.57 |
| Natsu Suway, 339 North Kukui St., Honolulu, T. H. | 37291 | 63.15 |
| Chutaro Suzuki, House 523, Camp 2, Spreckelsville, Maui, Territory of Hawaii | 37292 | 182.80 |
| Yakichi Takahashi, Kailua, Oahu, T. H. | 37294 | 63.74 |
| Harry Y. Takemoto, 3215 Honolulu St., Honolulu, T. H. | 37295 | 144.63 |

| Claimant | Claim No. | Property |
|---|-----------|----------|
| Kiyoshi Takemoto, 3215 Honolulu St., Honolulu, T. H. | 37295 | \$137.09 |
| Kinamatsu Nakata, 234 South King St., Honolulu, T. H. | 37297 | 337.83 |
| Miyaki Tomimaga, 1633 Kalihii St., Honolulu 10, T. H. | 37298 | 478.65 |
| Kikaji Ujijima, 1703 Olona Lane, Honolulu, T. H. | 37301 | 8.83 |
| Genzaemon Tsuchida or Mrs. Shizu Tsuchida, P. O. Box 6, Wallua, Oahu, T. H. | 16172 | 4,222.75 |
| A. S. Carvalho, Adm. Est. of Ribuchi Oyama, deceased, Third Circuit Court, Hilo, T. H. | 7035 | 130.71 |
| Hiroshi Ushijima, 1918 South King St., Honolulu, T. H. | 37303 | 13.33 |
| Takao Yamamoto, trustee for Fumio Yamamoto, 234-B Auwahi Lane St., Honolulu, T. H. | 37305 | 20.80 |
| Shuhei Yamashiro, 1515 Miller St., Honolulu, T. H. | 37306 | 2,842.55 |
| Miyuki Hiramachimura, 2303 Namuan St., Honolulu, T. H. | 32333 | 15.63 |
| Yuriko Hiramachimura, 2303 Namuan St., Honolulu, T. H. | 32334 | 13.39 |
| Kuma Inoue, guardian of Ribuchi Inoue, 1419 University Lane, Honolulu 33, T. H. | 29451 | 315.80 |
| Sibyl Davis, Adm. Est. of Kamataro Mitamura, deceased, Chief Clerk, Circuit Court, First Judicial District, Honolulu, T. H. | 7297 | 503.20 |
| S. Suganuma, trustee for the Est. of Nao Suganuma, deceased, 1333 10th Ave., Honolulu, T. H. | 6101 | 123.53 |
| Tatsuo S. Hedani, Adm. Est. of Togo Sugimura, deceased, Kakaia, Palis, Maui, T. H. | 26339 | 434.31 |
| Sibyl Davis, Adm. Est. of Aki Kashiwahara, deceased, Chief Clerk, First Circuit Court, Honolulu, T. H. | 7043 | 1,014.69 |
| Sibyl Davis, Adm. Est. of Etsuko Shimamura, deceased, Chief Clerk, First Circuit Court, Honolulu, T. H. | 13759 | 558.11 |
| Sibyl Davis, Adm. Est. of Teikataro Kozumi, deceased, Chief Clerk, First Circuit Court, Honolulu, T. H. | 6012 | 34.41 |
| Ted M. Nagamichi, Adm. Est. of Teuruya Eto, deceased, 1235 Tenth Ave., Honolulu, T. H. | 27470 | 2,633.83 |

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

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

[F. R. Doc. 48-10457; Filed, Nov. 30, 1948; 8:59 a. m.]

[Vesting Order 12331]

TSUNESUE MIYAGAWA

In re: Cash owned by Tsunesue Miyagawa. F-39-6198-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 Tsunesue Miyagawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Cash in the sum of \$424.78, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," 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 ac-

count of, or owing to, or which is evidence of ownership or control by Tsunesue Miyagawa, the aforesaid national of a designated enemy country (Japan), and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

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

[F. R. Doc. 48-10498; Filed, Dec. 1, 1948; 8:51 a. m.]

[Return Order 208]

MANDUS DAMMANN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Mandus Dammann, Landis, Province of Saskatchewan, Canada; 7486; September 14, 1948 (13 F. R. 5356); \$228.75 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 24, 1948.

For the Attorney General.

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

[F. R. Doc. 48-10500; Filed, Dec. 1, 1948; 8:51 a. m.]

[Return Order 211]

LOUIS PIERONI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Louis Pieroni, Boston, Mass.; 5857; October 14, 1948 (13 F. R. 6042); \$170,269 in the Treasury of the United States. All right, title, interest and claim of any name or nature whatsoever of Louis Pieroni in and to Pieroni Bros. & Company, a Massachusetts partnership. The following securities presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York: 130 shares of Pieroni Building Trust (a Massachusetts Trust), and 65 shares of no par value capital stock of Pieroni Inc., a Massachusetts corporation.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 24, 1948.

For the Attorney General.

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

[F. R. Doc. 48-10501; Filed, Dec. 1, 1948; 8:52 a. m.]

ROSA PRATOS SIMONELLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Rosa Pratos Simonelli, A/K/A Rose Pratos, 228 Lafayette Street, New York, N. Y., 4797; \$14,794.64 in the Treasury of the United States. The beneficial interest of Rosa Pratos Simonelli in the following insurance policies on life of Pasquale I. Simonelli: Equitable Life Assurance Society, Policy Nos. 1714690, 2713870, 2899280, and 2901183; New York Life Insurance Company, Policy No. 4586630; Metropolitan Life Insurance Company, Policy No. 1641477; and Travelers Insurance Company, Policy No. 1627262; said policies in custody Real Estate Section, Office of Alien Property, Washington, D. C. 50 shares NVP capital stock 2380 Arthur Avenue Corp., registered in name of Alien Property Custodian, presently in custody Safekeeping Department, Federal Reserve Bank, New York. 50 shares NVP capital stock Mosholu Realty Corp., Inc., registered in name of Rose Simonelli, a/k/a Rose Pratos. \$26,000 6% non-accumulative debenture bonds Mosholu Realty Corp., Inc., registered in name of Rose Pratos Simonelli, presently in possession Custody and Clearance Section, Office of Alien Property, 120 Broadway, New York, N. Y. All right, title, interest and estate, both legal and equitable, of Rosa Pratos Simonelli in and to certain real property described as follows:

First parcel. That certain lot or parcel of land situate, lying and being in the

Borough of the Bronx, County of Bronx, City and State of New York, being known as and by the street number 2394 Belmont Avenue.

Second parcel. That certain plot of land in the Borough of the Bronx, County of Bronx, City and State of New York, being known as and by the street number 652 East 187th Street.

Third parcel. That certain lot or parcel of land in the Borough of the Bronx, County of Bronx, City and State of New York, being known as and by the street numbers 660-662 East 187th Street.

Fourth parcel. All that certain piece or parcel of land situate, lying and being in the Town of Long Branch, in the County of Monmouth, State of New Jersey, being the westerly two-thirds of lot thirty (30) on the map entitled "Map of Section One (1) on the lands of John Hoey, deceased" duly recorded in the County Clerk's Office of said County and bounded and described as follows:

Beginning at the southeast corner of Brighton Avenue and Monmouth Place, as shown on said map, running thence (1) southerly along the easterly side of Monmouth Place, three hundred and seven (307) feet and six (6) inches to the northeasterly corner of said Monmouth Place and Brookdale Avenue as shown on said map; thence (2) easterly along Brookdale Avenue seventy-five (75) feet; thence (3) northerly and parallel with Monmouth Place three hundred and six (306) feet be the same more or less, to the southerly side of Brighton Avenue; thence (4) westerly along said Brighton Avenue, seventy-five (75) feet to the point or place of beginning.

Executed at Washington, D. C., on November 24, 1948.

For the Attorney General.

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

[F. R. Doc. 48-10502; Filed, Dec. 1, 1948; 8:52 a. m.]

MARTHE GUIGNEBERT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property

Marthe Guignebert, 2 Rue Emile Faguet, Paris, France; 12341; Property to the extent owned by claimant immediately prior to vesting thereof described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to the literary work "A Short History of the French People" (listed in Exhibit "A" of said vesting order), including royalties pertaining thereto in the amount of \$63.63.

Executed at Washington, D. C., on November 24, 1948.

For the Attorney General.

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

[F. R. Doc. 48-10503; Filed, Dec. 1, 1948; 8:52 a. m.]