REFERENCE

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FEDERAL REGISTER

VOLUME 14 NUMBER 131

Washington, Saturday, July 9, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10067

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE MISSOURI PACIFIC RAILROAD COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Missouri Pacific Railroad Company, a carrier, and certain of its employees represented by the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railway Conductors, and the Brotherhood of Railroad Trainmen, labor organizations; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within several States to a degree such as to deprive a large portion of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Missouri Pacific Railroad Company or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 8, 1949.

[F. R. Doc. 49-5649; Filed, July 8, 1949; 12:17 p. m.]

TITLE 7—AGRICULTURE

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

Subchapter A—Commodity Standards and Standard Container Regulations

PART 42—EGGS AND EGG PRODUCTS (STANDARDS AND GRADES)

SUBPART C—UNITED STATES SPECIFICATIONS AND WEIGHT CLASSES FOR WHOLESALE GRADES FOR SHELL EGGS

On January 28, 1949, notice of proposed rule making was published in the FEDERAL REGISTER (14 F. R. 382) regarding the proposed issuance of United States Specifications and Weight Classes for Wholesale Grades for Shell Eggs. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (Public Law 712, 80th Congress, 2d Sess., approved June 19, 1948): *It is hereby ordered,* That the United States Specifications and Weight Classes for Wholesale Grades for Shell Eggs shall, 30 days from date of publication hereof in the FEDERAL REGISTER, be as set forth below and shall thereupon supersede the Tentative U. S. Specifications and Weight Classes for Wholesale Grades for Shell Eggs that were approved September 17, 1947. The United States specifications for wholesale grades for shell eggs are based upon the United States Standards for Quality of Individual Shell Eggs (7 CFR 42.1 et seq.).

Sec.
42.50 General.
42.51 Specifications.
42.52 Summary of specifications.
42.53 Weight classes.
42.54 Tolerances.

AUTHORITY: §§ 42.50 to 42.54 issued under Pub. Law 712, 80th Cong.

§ 42.50 *General.* (a) These wholesale grade specifications are applicable only to edible shell eggs.

(b) All terms in the United States Standards for Quality of Individual Shell Eggs (7 CFR 42.1 et seq.) shall, when

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1949 Edition

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used herein, have the same meaning as is given to them in such standards.

(c) Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.

(d) The term "refrigerator eggs" means eggs which have been held under refrigeration for a period of not less than 30 days.

(e) "No Grade": The term "No Grade" is not a grade within the meaning of these specifications. Eggs that fail to meet the minimum requirements of the specifications contained in this subpart, or that have been contaminated by smoke, chemicals, or other foreign material to such an extent that the character, appearance, or flavor of the eggs is seriously affected shall be designated "No Grade."

§ 42.51 *Specifications.* (a) U. S. Specials --% AA Quality" shall consist of eggs of which at least 20 percent are AA Quality; and the actual percentage of AA Quality eggs shall be stated in the grade name. The balance may be A Quality except for permitted tolerances, per 30 dozen of eggs, of 27 eggs (7.5 percent) which may be B Quality, C Quality, Stained, Dirties, or Checks in any combination, and 6 eggs (1.7 percent) loss.

(b) "U. S. Extras --% A Quality" shall consist of eggs of which at least 20 percent are not less than A Quality; and the actual total percentage of A Quality and better quality eggs shall be stated in the grade name. The balance may be B Quality except for permitted tolerances, per 30 dozen of eggs, of 42 eggs (11.7 per-

cent) which may be C Quality, Stained, Dirties, or Checks in any combination, and 8 eggs (2.2 percent) loss. For the period beginning on August 15 of any year and extending through January 31 of the next year, the permitted tolerance for loss with respect to "refrigerator eggs" is 12 eggs (3.3 percent).

(c) "U. S. Stained Extras --% A Quality" shall consist of eggs that are Stained but otherwise meet the requirements specified in paragraph (b) of this section for U. S. Extras --% A Quality; and the actual total percentage of A Quality and better quality eggs shall be stated in the grade name.

(d) "U. S. Standards --% B Quality" shall consist of eggs of which at least 20 percent are not less than B Quality; and the actual total percentage of B Quality and better quality eggs shall be stated in the grade name. The balance may be C Quality and Stained except for permitted tolerances, per 30 dozen of eggs, of 42 eggs (11.7 percent) which may be Dirties or Checks in any combination, and 10 eggs (2.8 percent) loss. Of the aforesaid balance not more than 40 percent, by count, may be Stained. For the period beginning on August 15 of any year and extending through January 31 of the next year, the permitted tolerance for loss with respect to "refrigerator eggs" is 15 eggs (4.2 percent).

(e) "U. S. Stained Standards --% B Quality" shall consist of eggs that are Stained but otherwise meet the requirements specified in paragraph (d) of this section for U. S. Standards --% B Quality; and the actual total percentage of B Quality and better quality eggs shall be stated in the grade name.

(f) "U. S. Trades --% C Quality" shall consist of eggs of which at least 83.3 percent are not less than C Quality eggs which may be Stained; and the actual total percentage of C Quality, Stained, and better quality eggs shall be stated in the grade name. The permitted tolerances, per 30 dozen of eggs, are 42 eggs (11.7 percent) which may be Dirties or Checks in any combination, and 18 eggs (5 percent) loss.

(g) "U. S. Dirties" shall consist of eggs that are Dirty and contain, per 30 dozen of eggs, not more than 42 eggs (11.7 percent) which are Checks, and 18 eggs (5 percent) loss.

(h) "U. S. Checks" shall consist of eggs that are Checks and contain, per 30 dozen of eggs, not more than 18 eggs (5 percent) loss.

§ 42.52 *Summary of specifications.* A summary of the United States Specifications for Wholesale Grades for Shell Eggs follows as Table I.

TABLE I—SUMMARY OF UNITED STATES SPECIFICATIONS FOR WHOLESALE GRADES FOR SHELL EGGS

Wholesale grade designation	Minimum percentage of eggs of specific qualities required [1]				Tolerances in terms of maximum number and percentage of eggs, for each 30 dozen of eggs									
	AA Quality	A Quality or better	B Quality or better	C Quality, Stained, or better	B Quality, C Quality, Stained, Dirties, and Checks		C Quality, Stained, Dirties, and Checks		Dirties and Checks		Checks		Loss	
					Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
U. S. Specials ---- percent AA Quality.[2]	20	Balance	None permitted except for tolerances		27	7.5							6	1.7
U. S. Extras ---- percent A Quality.[2]		20	Balance	None permitted except for tolerances.			42	11.7					8	[3] 2.2
U. S. Stained Extras ---- percent A Quality.[2]	Eggs that are stained but otherwise meet the requirements for U. S. Extras ---- percent A Quality, as stated above.													
U. S. Standards ---- percent B Quality.[2]			20	Balance [4]					42	11.7			10	[3] 2.8
U. S. Stained Standards ---- percent B Quality.[2]	Eggs that are stained but otherwise meet the requirements for U. S. Standards ---- percent B Quality, as stated above.													
U. S. Trades ---- percent C Quality.[2]				83.3					42	11.7			18	5
U. S. Dirties											42	11.7	18	5
U. S. Checks													18	5

[1] Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.
[2] The actual total percentage must be stated in the grade name.
[3] For the period beginning on Aug. 15 of one year and extending through Jan. 31 of the next year, the permitted tolerance for loss with respect to "refrigerator eggs" is 12 eggs (3.3 percent) and 15 eggs (4.2 percent) for U. S. Extras ---- percent A Quality and U. S. Standards ---- percent B Quality, respectively.
[4] Of this balance not more than 40 percent may be Stained.

§ 42.53 *Weight classes.* The weight classes for the United States Wholesale Grades for Shell Eggs shall be as indicated in Table II of this section and, subject to the stated tolerance of 10 percent, shall apply to all wholesale grades except U. S. Dirties and U. S. Checks. There are no weight classes for U. S. Dirties or U. S. Checks.

TABLE II—WEIGHT CLASSES FOR UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Weight classes	Per 30 dozen eggs		Weights for individual eggs at rate per dozen	
	Average net weight on a lot [1] basis	Minimum net weight individual case [2] basis	Minimum weight	Weight variation tolerance for not more than 10 percent, by count, of individual eggs
	At least (pounds)	*Pounds*	*Ounces*	
Extra Large	50½	50	26	Under 26 but not under 24 ounces.
Large	45	44	23	Under 23 but not under 21 ounces.
Medium	39½	39	20	Under 20 but not under 18 ounces.
Small	34	None	None	None.

[1] Lot means any quantity of 30 dozen or more eggs.
[2] Case means standard 30 dozen egg case as used in commercial practice in the United States.

§ 42.54 *Tolerances.* The minimum weights, listed in Table II of § 42.53, for individual eggs are at the rate per dozen and are subject to a weight variation tolerance of 10 percent, by count, for individual eggs as stated in Table II.

Done at Washington, D. C., this 5th day of July 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-5595; Filed, July 8, 1949; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Fresh Pea Order 5]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA AND SAGUACHE COUNTIES, COLORADO

REGULATION BY GRADES AND SIZES

§ 910.309 *Fresh Pea Order 5*—(a) *Findings* (1) Pursuant to the marketing

agreement, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the grade and size limitations, as hereinafter provided, with respect to the handling of fresh peas, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237), in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 10, 1949. A reasonable determination as to the supply of, and the demand for, such peas must await the development of the crop; adequate information with respect to acreage was not available to the Administrative Committee until June 10, 1949; the supply and quality of fresh peas is subject to change by weather conditions and adequate information thereon as a basis for recommendation as to the need for, and the extent of, regulation of shipments of such peas was therefore not available until a short time before the beginning of harvest; such recommendation was made by the Administrative Committee at a meeting on June 28, 1949, after consideration of all available information relative to the supply and demand conditions for such peas, and submitted to the Department; shipments of the current crop of such peas are expected to begin on or about July 10, 1949, and this section should be applicable to all shipments of such peas in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order* (1) During the period beginning at 12:01 a. m., m. s. t., July 10, 1949 and ending at 12:01 a. m., m. s. t., September 12, 1949, no handler shall handle any fresh peas unless such peas grade at least U. S. No. 1 and are of a minimum pod length of three (3) inches.

(2) As used in this section, the terms "peas," "handler," and "handle" shall have the same meaning as when used in the amended marketing agreement and order; and the term "U. S. No. 1" shall have the same meaning as set forth in the United States Standards for Fresh Peas (14 F. R. 564). (48 Stat. 31, as amended; 7 U. S. C. and Sup. I 601 et seq.; 7 CFR Part 910)

Done at Washington this 5th day of July 1949.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-5589; Filed, July 8, 1949; 8:48 a. m.]

[Orange Reg. 283]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.428 *Orange Regulation 283*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 10, 1949, and ending at 12:01 a. m., P. s. t., July 17, 1949, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,200 carloads;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part.

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

Done at Washington, D. C., this 8th day of July 1949.

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

PRORATE BASE SCHEDULE

(Orange Regulation Period No. 283)

[12:01 a. m. July 10, 1949, to 12:01 a. m. July 17, 1949]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.1083
A. F. G. Corona	.0323
A. F. G. Fullerton	.9852
A. F. G. Orange	.3798
A. F. G. Riverside	.1047
A. F. G. San Juan Capistrano	.6753
A. F. G. Santa Paula	.5030
Hazeltine Packing Co	.4664
Placentia Pioneer Valencia Growers Association	.6792
Signal Fruit Association	.1015
Azusa Citrus Association	.4437
Damerel-Allison Co	.8537
Glendora Mutual Orange Association	.3409
Puente Mutual Orange Association	.1698
Valencia Heights Orchard Association	.5033
Covina Citrus Association	1.1977
Covina Orange Growers Association	.5997
Glendora Citrus Association	.3572
Glendora Heights Orange & Lemon Growers Association	.0536
Gold Buckle Association	.4970
La Verne Orange Association	.6552
Anaheim Citrus Fruit Association	1.3524
Anaheim Valencia Orange Association	1.2620
Eadington Fruit Co., Inc	3.2643
Fullerton Mutual Orange Association	1.3942
La Habra Citrus Association	.7742
Orange County Valencia Association	.4412
Orangethorpe Citrus Association	.9939
Placentia Cooperative Orange Association	1.3557
Yorba Linda Citrus Association, The	.6514
Escondido Orange Association	2.3782
Alta Loma Heights Citrus Association	.0675
Citrus Fruit Association	.1462
Cucamonga Citrus Association	.0925
Rialto Heights Orange Growers	.0564
Upland Citrus Association	.4063
Upland Heights Orange Association	.1124
Consolidated Orange Growers	2.0833
Frances Citrus Association	1.1192
Garden Grove Citrus Association	1.4902
Goldenwest Citrus Association	1.3861
Irvine Valencia Growers	2.6388
Olive Heights Citrus Association	2.0088
Santa Ana-Tustin Mutual Citrus Association	.9501

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Santiago Orange Growers Association	4.2621
Tustin Hills Citrus Association	1.9077
Villa Park Orchards Association, The	1.9208
Bradford Bros., Inc	.7173
Placentia Mutual Orange Association	2.0407
Placentia Orange Growers Association	2.4421
Yorba Orange Growers Association	.5972
Call Ranch	.0618
Corona Citrus Association	.5780
Jameson Co	.0496
Orange Heights Orange Association	.5277
Crafton Orange Growers Association	.2884
East Highlands Citrus Association	.0591
Fontana Citrus Association	.1272
Highland Fruit Growers Association	.0336
Redlands Heights Groves	.2506
Redlands Orangedale Association	.2585
Break & Sons, Allen	.0355
Bryn Mawr Fruit Growers Association	.1690
Mission Citrus Association	.1714
Redlands Cooperative Fruit Association	.8110
Redlands Orange Growers Association	.2115
Redlands Select Groves	.2257
Rialto Citrus Association	.2012
Rialto Orange Co	.1698
Southern Citrus Association	.1619
United Citrus Co	.1334
Zilen Citrus Co	.0802
Andrews Bros. of California	.0096
Arlington Heights Citrus Co	.1180
Brown Estate, L. V. W	.1229
Gavilan Citrus Association	.1291
Highgrove Fruit Association	.0818
Krinard Packing Co	.2353
McDermont Fruit Co	.1924
Monte Vista Citrus Association	.2085
National Orange Co	.0508
Riverside Heights Orange Growers Association	.0542
Sierra Vista Packing Association	.0490
Victoria Avenue Citrus Association	.1753
Claremont Citrus Association	.1450
College Heights Orange & Lemon Association	.3304
Indian Hill Citrus Association	.2023
Pomona Fruit Growers Exchange	.3674
Walnut Fruit Growers Association	.4545
West Ontario Citrus Association	.2883
El Cajon Valley Citrus Association	.2716
San Dimas Orange Growers Association	.4586
Canoga Citrus Association	.8612
Covina Valley Orange Co	.0740
North Whittier Heights Citrus Association	.8488
San Fernando Fruit Growers Association	.6403
San Fernando Heights Orange Association	.9425
Sierra Madre-Lamanda Citrus Association	.4067
Camarillo Citrus Association	1.6936
Fillmore Citrus Association	8.6368
Mupu Citrus Association	2.2246
Ojai Orange Association	.9776
Piru Citrus Association	2.2191
Rancho Sespe	.8150
Santa Paula Orange Association	1.1230
Tapo Citrus Association	1.0271
Ventura County Citrus Association	.2532
Limoneira Co	.5654
East Whittier Citrus Association	.3671
El Ranchito Citrus Association	1.7201
Whittier Citrus Association	.6027
Whittier Select Citrus Association	.3602
Anaheim Cooperative Orange Association	1.4051
Bryn Mawr Mutual Orange Association	.0777
Chula Vista Mutual Lemon Association	.0760
Escondido Cooperative Citrus Association	.8389
Euclid Avenue Orange Association	.5424
Foothill Citrus Union, Inc	.0264
Fullerton Cooperative Orange Association	.2996
Garden Grove Orange Cooperative, Inc	.8097
Golden Orange Groves, Inc	.1986
Highland Mutual Groves, Inc	.0224
Index Mutual Association	.2677
La Verne Cooperative Citrus Association	1.6217
Mentone Heights Association	.0300
Olive Hillside Groves, Inc	.4421
Orange Cooperative Citrus Association	1.2233
Redlands Foothill Groves	.4706
Redlands Mutual Orange Association	.1391
Riverside Citrus Association	.0350
Ventura County Orange & Lemon Association	1.0059
Whittier Mutual Orange & Lemon Association	.1286
Associated Growers Coop	.0853
Babijuice Corp. of California	.5396
Banks, L. M	.6195
Borden Fruit Co	.8989
Calif. Associated Growers	.3687
California Fruit Distributors	.0441
Cherokee Citrus Co., Inc	.1559
Chess Company, Meyer W	.2783
Evans Bros. Packing Co	.3069
Furr Company, N. C	.0388
Gold Banner Association	.2178
Granada Hills Packing Co	.0408
Granada Packing House	2.3029
Hill Packing House, Fred A	.0674
Knapp Packing Co., John C	.2823
Orange Belt Fruit Distributors	2.0694
Panno Fruit Co., Carlo	.0668
Paramount Citrus Association	.6083
Placentia Orchard Co	.5407
San Antonio Orchard Co	.3183
Snyder & Sons Co., W. A	.7505
Stephens, T. F	.1895
Wall, E. T	.1174
Western Fruit Growers, Inc	.5011

[F. R. Doc. 49-5645; Filed, July 8, 1949; 11:52 a. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 70]

PART 30—FOREIGN TRADE STATISTICS

REPORTS OF VESSEL ENTRANCES AND CLEARANCES

Pursuant to section 4 of the Administrative Procedure Act, Approved June 11, 1946 (Public Law 404, 79th Cong., 2d Sess.), the Foreign Commerce Statistical Decision indicated above is of such a nature that preliminary notice and hearing are deemed unnecessary. This decision is therefore made effective immediately:

Section 30.48 is amended to read as follows:

§ 30.48 *Semi-weekly reports of vessel entrances and monthly reports of vessel clearances.* (a) Collectors and Deputy Collectors of Customs will transmit twice a week the duplicate copies of Customs Form 1400 "Record of Vessels Engaged in Foreign Trade—Entered or Arrived Under Permit to Proceed," and monthly the duplicate copies of Customs Form 1401 "Record of Vessels Engaged in Foreign Trade—Cleared or Granted Permit to Proceed," to the Foreign Trade Division, Bureau of the Census, Washington 25, D. C. These should be transmitted as soon as possible after the close of the period, and in no case shall Customs Form 1401 be transmitted later than four work days after the close of the month.

(b) Whenever there are no transactions during any particular period, a report to that effect should be rendered for the required period on Commerce Form 550—"No Transactions."

Foreign Commerce Statistical Decision 65 is rescinded by this Decision.

(R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 335, as amended, 336, as amended, 337, as amended, 4200 as amended, sec. 1, 18 Stat. 352, as amended, sec. 1, 27 Stat. 197, as amended, 32 Stat. 172, as amended, sec. 7, 44 Stat. 572, as amended, sec. 1, 52 Stat. 8; 15 U. S. C. 173, 174, 176, 176a, 177, 178, 46 U. S. C. 92, 95, 49 U. S. C. 177)

[SEAL] A. ROSS ECKLER,
Acting Director,
Bureau of the Census.

Approved: June 29, 1949.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 49-5584; Filed, July 8, 1949; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Economic Cooperation Administration

[ECA Reg. 1, Amdt. 1]

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

MISCELLANEOUS AMENDMENTS

ECA Regulation 1 is amended in the following respects.

1. Section 201.6 (h) is amended to read as follows:

§ 201.6 *General provisions incorporated in Procurement Authorizations.*

* * *

(h) *Insurance.* Dollar payments of premiums for ocean marine insurance on ECA financed commodities procured in the United States will be eligible for financing by ECA under a commodity Procurement Authorization if such insurance is:

(1) Authorized by the participating country in the sub-authorization issued to the importer;

(2) Placed by the importer (or by the supplier or any other person if authorized so to do by the importer in a cable, written document, or the letter of credit); and

(3) Placed at the lowest available competitive rate.

The importer, supplier, or other person placing such insurance shall furnish the Procurement Authorization number to the insurer. The supplier shall state the

name and address of the insurer on the Invoice-and-Contract Abstract (see reverse side of Form ECA-280 set out in § 201.19 (d)).

The insurer shall file a statement with the Controller, ECA, Washington, D. C., by the twentieth of each month, setting forth the Procurement Authorization number for each insurance policy issued during the previous calendar month under ECA financing, and indicating in detail the character of the coverage, the amounts of such policies, amounts of premiums, names and addresses of the insured, names and addresses of persons receiving discounts or commissions in connection with such policies, and the amount of each such discount or commission. Accompanying such statement shall be a certificate in substantially the following form signed by the insurer:

The undersigned certifies to the Administrator for Economic Cooperation that the attached statement of accounts relating to ECA-financed ocean marine insurance policies is, to the best of its knowledge, complete and correct; and that the undersigned, in issuing such insurance policies, has not given or received any benefit, by way of side payments, "kickbacks" or otherwise, except as is indicated in the attached statement.

Upon settlement of a claim on account of insurance financed by ECA, the insurer shall immediately give written notice to the Controller, ECA, Washington, D. C., indicating the Procurement Authorization number, the name and address of the insured, and the amount of the insurance recovery. ECA will request repayment from the participating country of the dollar amount of insurance recovered by the insured.

2. Section 201.15 (b) is deleted.

3. Section 201.19 (a) (2) is amended to read as follows:

§ 201.19 *Documents required for reimbursement.* * * *

(a) * * *

(2) Supplier's Certificate, in duplicate, with Invoice-and-Contract Abstract on reverse side (Form ECA-280, set out in paragraph (d) of this section).

In the case of financing by reimbursement directly to a participating country for payments made by it for procurement (this does not include financing by (i) Letters of Commitment to banking institutions in the United States, (ii) Letters of Commitment to suppliers, or (iii) drafts drawn on a Federal Reserve Bank) the supplier may submit and ECA will accept, in lieu of the above, a Supplier's Certificate, in duplicate, with Invoice-and-Contract Abstract completed in all applicable respects except as to class of supplier, information as to agents' commissions, domestic and foreign, and contract and price information, and containing the following certificate on the Abstract, signed by the supplier: "The undersigned certifies that he has filled in and sent to the Controller, ECA, Washington, D. C., a third copy of this form on which all applicable information omitted above has been given."

If such alternative procedure is used, a supplier shall be deemed to have satisfied the requirement in paragraph (10) of the Supplier's Certificate that he has filled in the applicable portions of the Invoice-and-Contract Abstract.

4. Section 201.19 (b) (2) is amended to read as follows:

(2) Supplier's Certificate, in duplicate, with Invoice-and-Contract Abstract on reverse side (Form ECA-280, set out in paragraph (d) of this section).

In the case of financing by reimbursement directly to a participating country for payments made by it for procurement (this does not include financing by (i) Letters of Commitment to banking institutions in the United States, (ii) Letters of Commitment to suppliers, or (iii) drafts drawn on a Federal Reserve Bank), the supplier may submit and ECA will accept, in lieu of the above, a Supplier's Certificate, in duplicate, with Invoice-and-Contract Abstract completed in all applicable respects except as to class of supplier, information as to agents' commission, domestic and foreign, and contract and price information, and containing the following certificate on the Abstract, signed by the supplier: "The undersigned certifies that he has filled in and sent to the Controller, ECA Washington, D. C. a third copy of this form on which all applicable information omitted above has been given."

If such alternative procedure is used, a supplier shall be deemed to have satisfied the requirement in paragraph (10) of the Supplier's Certificate that he has filled in the applicable portions of the Invoice-and-Contract Abstract.

5. Section 201.19 (c) (2) is amended to read as follows:

(2) Supplier's Certificate, in duplicate, with Invoice-and-Contract Abstract on reverse side (Form ECA-280, set out in paragraph (d) of this section).

In the case of financing by reimbursement directly to a participating country for payments made by it for procurement (this does not include financing by (i) Letters of Commitment to banking institutions in the United States, (ii) Letters of Commitment to Suppliers, or (iii) drafts drawn on a Federal Reserve Bank), the supplier may submit and ECA will accept, in lieu of the above, a Supplier's Certificate, in duplicate, with Invoice-and-Contract Abstract completed in all applicable respects except as to class of supplier, information as to agents' commissions, domestic and foreign, and contract and price information, and containing the following certificate on the Abstract, signed by the supplier: "The undersigned certifies that he has filled in and sent to the Controller, ECA, Washington, D. C., a third copy of this form on which all applicable information omitted above has been given."

If such alternative procedure is used, a supplier shall be deemed to have satisfied the requirement in paragraph (10) of the Supplier's Certificate that he has filled in the applicable portions of the Invoice-and-Contract Abstract.

(Sec. 104 (f), Pub. Law 472, 80th Cong. Interprets or applies secs. 111, 403, Pub. Law 472, 80th Cong., as amended by Pub. Law 47, 81st Cong.)

PAUL G. HOFFMAN,
Administrator for Economic Cooperation.

[F. R. Doc. 49-5591; Filed, July 8, 1949; 8:48 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 533—GRATUITY UPON DEATH

SETTLEMENT OF ACCOUNTS

Rescind § 533.6 and substitute the following in lieu thereof:

§ 533.6 *Settlement of accounts.* Claims for settlement of arrears of pay of deceased Army or Air Force personnel, except in the case of Regular Army or Regular Air Force retired personnel not on active duty on date of death, will be processed through the Military Pay Division, Army Finance Center, OCF, Building 204, St. Louis 20, Missouri, to the Claims Division of the General Accounting Office, Washington 25, D. C., the latter office having jurisdiction in the settlement of such accounts under the provisions of the act of June 10, 1921 (42 Stat. 24). Claims for settlement of arrears of pay of deceased Regular Army or Regular Air Force retired personnel not on active duty on date of death will be processed through the Washington Finance Office, U. S. Army, Washington 25, D. C., or in appropriate cases through the designated disbursing officer of the oversea command to the Claims Division of the General Accounting Office, Washington 25, D. C. [AR 35-1375, June 21, 1949] (34 Stat. 750, 42 Stat. 24; 10 U. S. C. 868, 31 U. S. C. 71)

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

[F. R. Doc. 49-5592; Filed, July 8, 1949; 8:48 a. m.]

Subchapter I—Transport

PART 634—VEHICLES

USE OF VEHICLES

Paragraphs (c), (d) and (e) of § 634.1 are revised to read as follows:

§ 634.1 *Use of vehicles.* * * *

(c) Official passenger vehicles will not be assigned on a full-time basis to officers and employees of the Department of the Army on duty at the seat of the Government or in the field, within or without the continental limits of the United States, other than to the holders of the following offices, who have been authorized by law to utilize such services, or whose work has been determined to require their active participation in diplomatic matters pertaining to military liaison with representatives of foreign nations:

(1) The Secretary of the Army.

(2) The Under Secretary of the Army.

(3) The Assistant Secretaries of the Army.

(4) The Chief of Staff, United States Army.

(5) The Vice Chief of Staff, United States Army.

(6) Generals of the Army.

(7) Such additional persons as may, from time to time, be designated by the Secretary of Defense.

(d) No officer or employee of the Department of the Army at the seat of the Government or in the field, within or without the continental limits of the United States, is authorized to use an official passenger vehicle for other than the actual performance of official duties.

(e) Authorized use shall not be construed to include transportation between their domiciles and their places of employment for other than the following:

(1) Those persons holding the positions specifically enumerated in paragraph (c) of this section.

(2) Medical officers actually engaged in out-patient medical service.

(3) Those officers and employees engaged in field work, the character of whose duties make such transportation necessary, and then only when approved by the Secretary of the Army. Approval shall be denied officers and employees whose justification for using official cars between their domiciles and places of employment relies wholly or substantially on reasons of custom, rank, prestige, or personal convenience. Temporary duty status of itself will not be regarded as automatically creating conditions of field work which justify the use of passenger vehicles between domiciles and places of employment.

(4) Those persons whose transportation to and from their places of employment in vehicles having a seating capacity of 12 or more passengers, is authorized by Public Law 560, 80th Congress, approved May 28, 1948.

[C3, AR 700-105, June 20, 1949] (R. S. 161, 36 Stat. 1051; 5 U. S. C. 22, 10 U. S. C. 749)

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

[F. R. Doc. 49-5593; Filed, July 8, 1949; 8:48 a. m.]

Chapter VII—Department of the Air Force

PART 833—GRATUITY UPON DEATH

SETTLEMENT OF ACCOUNTS

CROSS REFERENCE: For amendment of regulations with respect to gratuity upon death, see Part 533 of Chapter V, *supra*, which was made applicable to the Department of the Air Force at 13 F. R. 8751.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

INTERPRETATION CONCERNING SEPARATE OPERATION OF AURAL AND VISUAL TRANSMITTERS OF TV STATIONS

JUNE 23, 1949.

The Federal Communications Commission announces its interpretation of § 3.661 (b) of its rules and regulations, which provides as follows: "(b) The aural transmitter of a television broadcast station shall not be operated separately from the visual transmitter except for experimental or test purposes."

The Commission interprets the above rule, which was derived from a similar rule originally promulgated on April 20, 1941, as intended to insure that television channels shall be used only for simultaneous visual and aural television programming and for incidental experimental or test purposes, and not for separate aural broadcasts. The Commission is of the opinion that to permit a television sound channel to be used either to duplicate AM or FM aural broadcasts, or to originate aural broadcasts only, would not be an economical use of radio frequencies and would not be in the public interest.

For the information of television broadcasters, the Commission stated its views as to the correct application of the rule to certain existing practices described below, as follows:

(1) Duplication of AM or FM programs on the aural transmitter of a TV station:

(a) While the same program is broadcast on the visual transmitter—is consistent with § 3.661 (b).

(b) While a test pattern is broadcast on the visual transmitter—is not consistent with § 3.661 (b).

(2) Broadcast on the aural transmitter of a TV station of transmissions originated by the TV station:

(a) While a printed moving text is broadcast on the visual transmitter—is consistent with § 3.661 (b).

(b) While still pictures or slides are broadcast on the visual transmitter—is not consistent with § 3.661 (b) except for the purpose of necessary tests of station equipment, and except when the aural and visual transmissions are integral parts of a program and the visual transmissions have a substantial relationship to the aural transmissions. (An example of the latter type of program would be a travel lecture in which the words of the lecturer are broadcast simultaneously with still pictures or slides of scenes illustrating the lecture. Another example would be a newscast in which the words of the newscaster are broadcast simultaneously with still pictures or slides of the news events.)

(c) While a test pattern is broadcast on the visual transmitter—is not consistent with § 3.661 (b) except for the purpose of necessary tests of station equipment, and except for the purpose of the actual demonstration of TV receivers to prospective purchasers. In such cases the aural transmissions shall not consist of any program material or musical composition but shall consist only of a single tone or a series of variable tones.

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

[F. R. Doc. 49-5362; Filed, July 7, 1949; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 110—DESTRUCTION OF RECORDS

SUBPART A—STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of June A. D. 1949.

The matter of "Regulations to Govern the Destruction of Records of Steam Railroads, Issue of 1945," being under consideration pursuant to authority of section 20 (7) (b) of the Interstate Commerce Act, as amended; and,

It appearing that, by order dated May 12. 1949, to become effective June 30, 1949, such regulations were modified as found necessary for administration of Part I of the act, and good cause appearing therefor (34 Stat. 594, 35 Stat. 648, 54 Stat. 918, 49 U. S. C. 20);

It is ordered, That § 110.1 *General authority to destroy records,* of such regulations as modified by the order of May 12, 1949, be and it is hereby deleted and that the following provisions be substituted for that section in the modifications of such regulations to become effective by that order:

§ 110.1 *General authority to destroy records.* Steam railroads subject to Part I of the Interstate Commerce Act may destroy accounts, records, or memoranda named or described in the regulations in this part, if their permanent retention is not therein specifically required, after preservation for the respective periods of time hereinafter prescribed and upon compliance with requirements of the regulations in this part. Authority contained in the regulations in this part shall not, however, exempt a carrier from any statutory requirements other than the provisions of section 20 (7) (b) of the Interstate Commerce Act, as amended, relating to the destruction of carriers' accounts, records, and memoranda.

It is further ordered, That in all other respects the modification attached to and made a part of the order of May 12, 1949, shall become effective June 30, 1949, as therein ordered; and,

It is further ordered, That a copy of this order shall be served upon every steam railroad subject to the act, and upon every trustee, receiver, executor, administrator, or assignee of any such steam railroad, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 20, 24, Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-5594; Filed, July 8, 1949; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 993]

[Docket No. AO-201]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 49-5319, published at page 3622 of the issue for Friday, July 1, 1949, the following corrections are made:

1. In the second paragraph of (1) of the "*Findings and conclusions*" the word "removed" in the next to the last sentence should read "moved".

2. In the second paragraph of the third column on page 3628 the word "he" in the fifth line should read "be".

3. In the first paragraph of the third column on page 3633 the word "handler" in the sixth line should read "handled".

4. In paragraph (m) of § 993.1 "proprietory" should read "proprietary".

5. In § 993.5 (e) (1) the thirteenth line of subdivision (viii) should read: "channels, not otherwise provided for in".

NOTICES

DEPARTMENT OF AGRICULTURE

Farm Credit Administration

[Farm Credit Administration Order 500]

AUTHORITY AND DESIGNATION OF ORDER OF PRECEDENCE OF ASSISTANT DEPUTY LAND BANK COMMISSIONERS AND CHIEF OF NFLA SECTION TO ACT AS LAND BANK COMMISSIONER

JULY 1, 1949.

Ernest Diebel, Assistant Deputy Land Bank Commissioner, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event the Land Bank Commissioner is absent or unable to serve for any reason.

E. C. Johnson, Assistant Deputy Land Bank Commissioner, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event the Land Bank Commissioner and Assistant Deputy Land Bank Commissioner Diebel are absent or unable to serve for any reason.

Horace A. Lake, Chief of NFLA Section, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event the Land Bank Commissioner and Assistant Deputy Land Bank Commissioners Diebel and Johnson are absent or unable to serve for any reason.

The foregoing supersedes Farm Credit Administration Order No. 482, dated July 1, 1948 (13 F. R. 3805).

[SEAL] I. W. DUGGAN,
Governor,
Farm Credit Administration.

[F. R. Doc. 49-5588; Filed, July 8, 1949; 8:48 a. m.]

Farmers Home Administration

ASSISTANT ADMINISTRATORS AND DIRECTOR, PRODUCTION LOAN DIVISION

DELEGATIONS OF AUTHORITY

There is hereby delegated to the Assistant Administrators and the Director, Production Loan Division, Farmers Home Administration, subject to the general supervision of the Administrator, all authorities, powers, functions and duties vested in the Secretary of Agriculture pursuant to the authority contained in the item under the heading "Loans to Farmers, 1948 Flood Damage", in Title I of Public Law 785, 80th Congress (62 Stat. 1038), in the item under the heading "Loans to Farmers, Property Damage" in Title I of Public Law 71, 81st Congress (63 Stat. 81), and in Public Law 38, 81st Congress (63 Stat. 43), and delegated to the Administrator by orders of the Secretary of Agriculture dated April 15, 1949 (14 F. R. 2048), and June 17, 1949 (14 F. R. 3418). The authorities, powers, functions and duties delegated herein may not be redelegated.

The order of the Administrator of the Farmers Home Administration dated April 26, 1949 (14 F. R. 2416), is hereby revoked.

Done at Washington, D. C., this 29th day of June 1949.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

[F. R. Doc. 49-5590; Filed, July 8, 1949; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52261]

CONVERSION OF CURRENCY

HONG KONG DOLLAR

JULY 1, 1949.

Reference is made to the daily buying rates which section 522 (c) of the Tariff Act of 1930 (31 U. S. C. section 372 (c)) directs the Federal Reserve Bank of New York to certify to the Secretary of the Treasury. The Federal Reserve Bank has announced that for dates on and after June 9, 1947, it will certify, daily for dates on and after January 3, 1949, and upon request of the Customs Information Exchange for earlier dates, two rates for the Hong Kong dollar.

In any case where it is necessary to determine the proper rate or rates for the Hong Kong dollar for the purpose of the assessment and collection of duties on merchandise exported to the United States from Hong Kong on or after June 9, 1947, the appraiser and collector shall, respectively, withhold appraisement and suspend liquidation pending receipt of further instructions.

The two certified rates for the Hong Kong dollar will be published in Customs Information Exchange circulars and the higher rate (i. e., the rate showing the larger amount of United States money as the equivalent of the Hong Kong dollar) shall be used solely for the purpose of calculating estimated duties.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-5596; Filed, July 8, 1949; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates 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 have been issued to the sheltered workshops 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 names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

The Brooklyn Association for Improving the Condition of the Poor, 401 State Street, Brooklyn 17, New York; 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 55 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; cer-

tificate is effective July 1, 1949, and expires March 31, 1950.

Buffalo Goodwill Industries, Inc., 153 North Division Street, Buffalo 3, New York; 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 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 7, 1949, and expires June 30, 1950.

Goodwill Industries of the Zanesville Welfare Organization, 108 Main Street, Zanesville, Ohio; at 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 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1949, and expires June 30, 1950.

Bethel Goodwill Industries, 621 Norton Drive, Ashtabula, Ohio; 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 25 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1949, and expires June 30, 1950.

Goodwill Industries of Cleveland, 2416 East Ninth Street, Cleveland, Ohio; 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 25 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1949, and expires June 30, 1950.

Christ Mission Settlement, 330 East Boardman Street, Youngstown, Ohio; 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 25 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1949, and expires June 30, 1950.

The employment of handicapped clients in the above-mentioned sheltered workshop under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their 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."

These certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates 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 29th day of June 1949.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 49-5587; Filed, July 8, 1949; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1159]

UNITED NATURAL GAS CO.

ORDER FURTHER POSTPONING HEARING

JULY 6, 1949.

On July 5, 1949, United Natural Gas Company filed a motion for a further postponement of the hearing now set to commence on July 11, 1949, in the above-entitled docket.

The Commission finds:

Good cause has been shown for further postponing the date of hearing as set by the order issued by the Commission in this docket on April 22, 1949.

The Commission orders:

The hearing now set for July 11, 1949, at 10:00 a. m., be and the same is hereby further postponed until August 8, 1949, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: July 7, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5611; Filed, July 8, 1949; 9:00 a. m.]

FEDERAL WORKS AGENCY

Bureau of Community Facilities

ORGANIZATION

CHANGE IN LOCATION OF DIVISION OFFICE

Section 211.27 (11 F. R. 177A-576), entitled "Location of offices," as amended by 12 F. R. 5950, 13 F. R. 4695, and 14 F. R. 1606, of Subpart B, entitled, "Division Offices," of Part 211, entitled "Organization,"[1] is hereby further amended in the following respect:

Headquarters and present office location of Division No. 4 are changed from "1506 Civic Opera Building, 20 North Wacker Drive, Chicago 6, Illinois," to "Room 1122, U. S. Post Office, 433 West Van Buren Street, Chicago 7, Illinois."

[1] Codification of Part 211 was discontinued (13 F. R. 7355).

Dated this 29th day of June 1949.

(Sec. 3, 60 Stat. 238; 5 U. S. C. 1002)

[SEAL] JESS LARSON,
Federal Works Administrator.

[F. R. Doc. 49-5576; Filed, July 8, 1949; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

[Administrator's Temporary Reg. 3]

PAYMENTS TO THE GENERAL SUPPLY FUND

Administrator's Temporary Regulation No. 3 is hereby prescribed pursuant to the Federal Property and Administrative Services Act of 1949, approved June 30, 1949 (Pub. Law 152, 81st Cong.).

1. The term "Federal agency" as used herein means any executive department or independent establishment in the executive branch of the Government, including any wholly-owned Government corporation, or any establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives).

2. Section 109 (b) of the Federal Property and Administrative Services Act of 1949 contains the following provisions relating to payment by requisitioning agencies for supplies and services procured through the General Supply Fund for the use of Federal agencies in the proper discharge of their responsibilities:

(a) Requisitioning agencies shall pay by advance of funds in all cases where it is determined by the Administrator of General Services that there is insufficient capital otherwise available in the General Supply Fund.

(b) Advance of funds also may be made by agreement between the requisitioning agencies and the Administrator.

(c) Where an advance of funds is not made, requisitioning agencies shall promptly reimburse the General Services Administration on vouchers prepared by the requisitioning agency on the basis of itemized invoices submitted by the Administrator and receiving reports evidencing the delivery to the requisitioning agency of such supplies or services.

(d) In any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants supported by itemized invoices.

3. In order to carry out these provisions the following procedure is hereby prescribed:

(a) *Advance of funds; insufficient capital.* Whenever the Administrator or his delegated representative determines that the capital of the General Supply Fund is insufficient to finance the supplies or services to be requisitioned by a Federal agency, the interested Federal agency will be advised as to the amount required to be deposited to the credit of the General Supply Fund. Ordinarily, advances of this character will be re-

quired for large purchases or for consolidated purchase programs, such as the purchase of automotive equipment. However, advances may be required also on a blanket basis for the financing of requirements of a particular Federal agency or agencies for a designated period of time depending upon the volume of purchasing in relation to the capital of the General Supply Fund.

When the amount to be advanced has been determined, the General Services Administration will prepare and forward Standard Form 1080, Revised, to the Federal agency. Upon receipt, the form will be certified and forwarded to the appropriate Disbursing Officer for payment. A statement of the advance account, supported by appropriate documents, for transactions through the close of each calendar month will be furnished by the General Services Administration to the Federal agency as promptly as possible after the close of the month.

(b) *Advance of funds; mutual agreement.* Whenever a Federal agency and the Administrator or his delegated representative mutually agree to finance transactions under the General Supply Fund through advances, the procedure for effecting payment will be identical with that described for the advance of funds in cases where the Administrator determines that the capital of the General Supply Fund is insufficient.

(c) *Payment by certified invoice.* In those cases where advance payment arrangements have not been made, the General Services Administration will bill the requisitioning agency by means of a certified invoice. Federal agencies will reimburse the General Supply Fund by preparing Standard Form 1080, Revised, and sending it directly to the appropriate Disbursing Officer for payment. In the space on the Standard Form 1080, Revised, captioned, "ARTICLES OR SERVICES" there will be shown the invoice number, and the spaces for "QUANTITY," "UNIT PRICE," and "AMOUNT" will be left blank. The certified invoices should be attached to the Standard Form 1080, Revised, in accordance with Paragraph 7 of General Accounting Office General Regulations 98 (23 Comp. Gen. 1000). A single Standard Form 1080, Revised, should include as many certified invoices as possible without unduly delaying prompt reimbursement. Disbursing Officers will send to the General Services Administration Standard Form 1080b, Revised, and 1080c, Revised, together with the payment, so that invoices paid may be identified. Treasury Department voucher Form 991 will no longer be used for reimbursing the General Supply Fund.

(d) *Payment by transfer and counterwarrant.* Transfer and counterwarrants supported by itemized invoices may be issued by the Administrator to effect reimbursement of the General Supply Fund where payments have not been made by the requisitioning agency within forty-five days after date of billing. These documents will be prepared in the usual manner.

4. The Bureau of Federal Supply, General Services Administration, will administer the procedure herein prescribed. Requisitions of Federal agencies for supplies and services to be procured through the General Supply Fund will be forwarded to the appropriate office of the Bureau of Federal Supply, General Services Administration, in the same manner as heretofore. Requisitions must indicate the location of the office to which certified invoices should be mailed and the appropriation or account of the agency to be charged.

JESS LARSON,
Administrator of General Services.

JULY 8, 1949.

[F. R. Doc. 49-5631; Filed, July 8, 1949; 10:10 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3363]

COOPER DISTRIBUTING CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of July A. D. 1949.

Applications have been filed with the Commission by the following exchanges, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike from registration and listing the Class A Common Stock, Par Value $1.00, of Cooper Distributing Company;

New York Curb Exchange.
Philadelphia-Baltimore Stock Exchange.

The reasons for striking this security from registration and listing on these exchanges that are stated in the applications are: (1) The number of shares of stock which remain outstanding in the hands of the public has become so reduced as to make inadvisable further dealings upon the Exchanges therein; (2) the number of publicly held shares remaining outstanding has been reduced to 15,478 shares in the hands of 132 holders.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the applicant exchanges with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the applications, and having due regard for the public interest and the protection of investors;

It is ordered, That the applications of the New York Curb Exchange and the Philadelphia-Baltimore Stock Exchange to strike the Class A Common Stock, Par Value $1.00, of Cooper Distributing Company from registration and listing be, and the same are, hereby granted, effective at the close of the trading session on July 20, 1949.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-5583; Filed, July 8, 1949; 8:46 a. m.]

AMERICAN CANADIAN ENTERPRISES, LTD., AND GEORGE PIPERNO

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1949.

In the matter of American Canadian Enterprises, Ltd., 40 Exchange Place, New York 5, N. Y., and George Piperno, 40 Exchange Place, New York 5, N. Y.

Broker-dealer registration—grounds for revocation and expulsion from National Securities Association: Conviction involving sale of a security, injunction against purchase or sale of securities, violations of Securities Act and Securities Exchange Act, conversion of customers' securities, and unlawful hypothecation.

Where controlling stockholder of registered broker-dealer has entered a plea of guilty to a charge of wrongful appropriation of securities, and where broker-dealer is permanently enjoined from engaging in or continuing certain practices in connection with the purchase and sale of securities, has sold securities of customers not indebted to it and applied proceeds to its own use, and has improperly pledged customers' securities in willful violation of section 17 (a) of Securities Act of 1933 and sections 10 (b), 15 (c) (1) and 15 (c) (2) of Securities Exchange Act of 1934 and rules thereunder, held, in public interest to revoke broker-dealer's registration and to suspend it from membership in national securities association, and further held, that controlling stockholder willfully violated certain of the foregoing statutory provisions and is a cause of broker-dealer's revocation and expulsion.

This is a proceeding to determine whether we should revoke the registration as a broker and dealer of American Canadian Enterprises, Ltd. ("registrant"), pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the Exchange Act"), and suspend or expel registrant from membership in National Association of Securities Dealers, Inc. ("NASD") pursuant to section 15A (*l*) (2) of the Exchange Act, and whether, for purposes of future proceedings which might arise under the Exchange Act, we should find that George Piperno, president, director and majority shareholder of registrant, willfully violated the Securities Act of 1933 ("the Securities Act"), the Exchange Act and rules and regulations thereunder and was a cause of any order of revocation, suspension or expulsion which we might enter in this proceeding.

Registrant and Piperno filed an answer to the order instituting the proceeding in which they acknowledged receipt of adequate notice of the proceeding, waived opportunity for hearing and admitted, for the purpose of this proceeding only and any other proceeding which may be instituted hereinafter pursuant to section 15 of the act, the existence of the facts and cause of action set forth in the order for proceeding. In the aforesaid answer, registrant also consented to the entry of an order revoking its registration as a broker and dealer and expelling it from membership in NASD, and Piperno agreed to our finding that he is a cause of any order of revocation, suspen-

sion or expulsion which might be entered in this proceeding. On the basis of the record we make the following findings:

Registrant is permanently enjoined by a decree of the Supreme Court of the State of New York, New York County, entered on January 13, 1949, from engaging in or continuing certain practices in connection with the purchase and sale of securities. In addition, Piperno was indicted by a grand jury sitting in the County, City and State of New York on 14 counts of grand larceny charging misappropriation of funds and/or securities of various individuals, and on April 26, 1949, after the institution of this proceeding, he pleaded guilty to one count of the indictment which charged wrongful appropriation of securities.

During the period from approximately December 10, 1947, to December 14, 1948, registrant and Piperno, while in possession of certain fully paid for securities of customers, sold such securities at times when the customers were not indebted to registrant and applied the proceeds to registrant's own use and benefit without the knowledge and consent of the customers. Registrant and Piperno used the mails and the means and instrumentalities of interstate commerce in executing the foregoing transactions, some of which were effected on a national securities exchange and the balance otherwise than on a national securities exchange. Accordingly, we find that in the foregoing transactions registrant and Piperno willfully violated section 17 (a) of the Securities Act and section 10 (b) of the Exchange Act and Rule X-10B-5 thereunder, and that registrant, aided and abetted by Piperno, violated, in addition, section 15 (c) (1) of the Exchange Act and Rule X-15C1-2 (a) and (b) thereunder.

During the period mentioned above, registrant and Piperno directly and indirectly hypothecated and arranged for and permitted directly and indirectly the continued hypothecation of securities carried for the accounts of customers under circumstances (1) that permitted such securities to be commingled with securities carried for the account of other customers, without first obtaining the written consent of each such customer to such hypothecation, and (2) that permitted such securities to be hypothecated for a sum which exceeded the aggregate indebtedness of all customers in respect of securities carried for their accounts. We find, therefore, that registrant, aided and abetted by Piperno, willfully violated section 15 (c) (2) of the Exchange Act and Rule X-15C2-1 thereunder.

On the basis of the foregoing, we find that it is in the public interest to revoke registrant's broker-dealer registration and to expel it from membership in NASD, and that Piperno is a cause of such order of revocation and expulsion.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Exchange Act, that the registration of American Canadian Enterprises, Ltd., as a broker and dealer be and it hereby is revoked and, pursuant to section 15A (*l*) (2) of the Exchange Act, that the aforesaid firm be and it hereby is expelled from membership in National Association of Securities Dealers, Inc.

By the Commission.

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

[F. R. Doc. 49-5577; Filed, July 8, 1949; 8:46 a. m.]

SOUTHEASTERN SECURITIES CORP. AND EUGENE F. LUCK

ORDER REVOKING REGISTRATION AND NOT PERMITTING NOTICE OF WITHDRAWAL TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1949.

In the matter of Southeastern Securities Corporation, 304 West Adams Street, P. O. Box 88, Jacksonville, Florida, and Eugene F. Luck, 304 West Adams Street, P. O. Box 88, Jacksonville, Florida.

Southeastern Securities Corporation having filed a notice of withdrawal from registration as a broker and dealer on February 2, 1948, and proceedings having been instituted on March 1, 1948, pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Southeastern Securities Corporation as a broker and dealer should be revoked or whether the notice of withdrawal from registration of Southeastern Securities Corporation should be permitted to become effective;

A hearing having been held after appropriate notice and the Commission having this day issued its findings and opinion; on the basis of said findings and opinion

It is ordered, That the notice of withdrawal filed by Southeastern Securities Corporation be and it hereby is not permitted to become effective;

It is further ordered, That the registration of Southeastern Securities Corporation as a broker and dealer be and it hereby is revoked.

By the Commission.

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

[F. R. Doc. 49-5578; Filed, July 8, 1949; 8:46 a. m.]

AURELIUS F. DE FELICE

ORDER REVOKING REGISTRATION AND NOT PERMITTING NOTICE OF WITHDRAWAL TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1949.

Proceedings having been instituted on August 13, 1948, pursuant to section 15 (b) of the Securities Exchange Act of 1934, to determine whether the registration of Aurelius F. De Felice, 145 Sutter St., San Francisco 4, Calif., as a broker and dealer should be revoked;

Aurelius F. De Felice having filed a notice of withdrawal from registration on July 16, 1948;

A hearing having been held after appropriate notice and the Commission having this day issued its findings and opinion; on the basis of said findings and opinion

It is ordered, That the notice of withdrawal from registration filed by Aurelius F. De Felice be and it hereby is not permitted to become effective;

It is further ordered, That the registration of Aurelius F. De Felice as a broker and dealer be and it hereby is revoked.

By the Commission.

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

[F. R. Doc. 49-5579; Filed, July 8, 1949; 8:46 a. m.]

F. G. MASQUELETTE & CO. AND J. E. CASSEL

ORDER TEMPORARILY DENYING ACCOUNTANTS' PRIVILEGE OF PRACTICING BEFORE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June A. D. 1949.

A proceeding having been instituted by the Commission pursuant to Rule II (e) of its rules of practice to determine whether respondents, F. G. Masquelette & Co., Cotton Exchange Bldg., of Houston, Texas, a firm of certified public accountants, and J. E. Cassel, 209 North Second St., of Albuquerque, New Mexico, a partner in said firm, should be disqualified or denied, temporarily or permanently, the privilege of appearing or practicing before the Commission;

A hearing having been held after appropriate notice, and the Commission being fully advised and having this day issued its findings and opinion herein:

It is ordered, That F. G. Masquelette & Co. be and it hereby is denied, for a period of 30 days from the date hereof, the privilege of appearing and practicing before the Commission;

It is further ordered, That J. E. Cassel be and he hereby is denied, for a period of one year from the date hereof, the privilege of appearing and practicing before the Commission.

By the Commission.

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

[F. R. Doc. 49-5580; Filed, July 8, 1949; 8:46 a. m.]

[File No. 70-2157]

ELECTRIC POWER & LIGHT CORP. AND MIDDLE SOUTH UTILITIES, INC.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of July A. D. 1949.

Electric Power & Light Corporation ("Electric") and Middle South Utilities, Inc. ("Middle South"), both registered holding company subsidiaries of Electric

Bond and Share Company, also a registered holding company, having filed a joint application-declaration, and amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 with respect to the issuance and sale by Middle South to Electric of 560,000 shares of the common stock of the former in consideration of the payment by Electric to Middle South of $2,100,000 in cash and the transfer of 300,000 shares of the common stock of Mississippi Power & Light Company and 320,000 shares of the common stock of Arkansas Power & Light Company; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having issued its findings and opinion herein; and

Electric and Middle South having requested that the order of the Commission conform to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended, and contain the findings therein specified:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder that the said application-declaration be, and the same hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the further condition that jurisdiction be, and the same hereby is, specifically reserved to institute and conduct such further proceedings under section 11 (b) of the act with respect to Middle South as may be necessary or appropriate;

It is further ordered and recited, That transfer by Electric to Middle South of 320,000 shares of the common stock of Arkansas Power & Light Company, 300,000 shares of the common stock of Mississippi Power & Light Company, and $2,100,000 in cash, and the issuance and transfer by Middle South in exchange therefor of 560,000 shares of its common stock, are necessary or appropriate to the integration and simplification of the holding company system of which Middle South and Electric are members, and are necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935.

By the Commission.

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

[F. R. Doc. 49-5581; Filed, July 8, 1949; 8:46 a. m.]

[File No. 812-604]

GAS INDUSTRIES FUND, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of July A. D. 1949.

Notice is hereby given that Gas Industries Fund, Inc. ("applicant"), of Boston, Massachusetts, a registered investment company, has filed an application for an order pursuant to section 6 (c) of the act exempting applicant from the provisions of sections 13 (a) (1), 15 (a), 16 (a) and 32 (a) (1) and (2) of the act.

Section 13 (a) (1) requires a vote of a majority of the outstanding voting securities of a registered company to change its sub-classification from a closed-end company to that of an open-end company. Applicant requests exemption from this requirement to permit its board of directors by resolution to effect the change in sub-classification upon completion of the initial public offering of its shares of common stock which shall be the first full business day following the settlement date with the underwriters. The settlement date is referred to in the underwriting agreement as the twenty-first day after the effectiveness of the registration statement under the Securities Act of 1933 for the initial public offering of applicant's shares of common stock.

Section 15 (a) makes it unlawful for a person to act as investment adviser for a registered company except pursuant to a written contract containing certain specified statutory terms which has been approved by vote of a majority of its outstanding voting securities. Applicant requests exemption from this provision pending approval or disapproval of the written contract at a special meeting of applicant's stockholders to be held not later than sixty days from the effective date of its registration statement under the Securities Act.

Section 16 (a) requires directors of a registered company to be elected to that office by stockholders at an annual or special meeting and requires such a meeting to be held within sixty days if at any time less than a majority of the directors were so elected by stockholders. Applicant requests exemption from this provision pending election of directors at the aforementioned special meeting.

Section 32 (a) (1) and (2) makes it unlawful for a registered company to file with the Commission any financial statement signed or certified by an independent public accountant unless such accountant has been selected by a certain specified majority of the board of directors within a designated period and such selection has been submitted for ratification or rejection to the stockholders. Applicant requests exemption from these provisions pending ratification or rejection by stockholders of the selection of the accountant by the directors at the aforementioned special meeting.

It appears from the application that applicant was incorporated under the laws of the State of Delaware on June 16, 1949; that it has an authorized capitalization of 2,000,000 shares of common stock of $1 par value, none of which is outstanding; that it has filed a registration statement under the Securities Act of 1933 covering an initial issue of 660,000 shares to be publicly sold by underwriters at an aggregate offering price of $10,725,000, for which there will be a firm commitment for 480,000 shares; that it intends to operate as an open-end company, although it has registered under the Investment Company Act as a closed-end company for the following reasons: (1) It would not be possible for applicant as an open-end company to obtain a firm commitment from underwriters for a minimum of $7,000,000 because paragraph (f) (2) of Rule 26 of Article III of the rules of fair practice of the National Association of Securities Dealers prohibits any member thereof to purchase securities of an open-end company except to cover purchase orders already received, (2) underwriters could not engage in stabilizing operations because paragraph (j) (2) of said rule prohibits an underwriter of securities of an open-end company from repurchasing from a dealer who is not a party to a sales agreement or from any investor unless the dealer or investor is a record owner, (3) redemption of shares during the distribution period would be a disturbing and confusing factor and (4) a firm commitment by underwriters would make certain to purchasers during the distribution period that a minimum of $7,000,000 will be in the hands of applicant for the commencement of operations; that paragraph 2 of Article Fourth of applicant's certificate of incorporation provides that on and after such date not prior to the date of the initial issue of applicant's stock as may be fixed by resolution of its board of directors, applicant shall become an open-end company; that the underwriting agreement with White, Weld & Co. as representative to sell the initial issue commits the board to take the necessary action to have applicant become an open-end company twenty-one days after the effective date of its registration statement under the Securities Act; that purchasers of applicant's stock should be assured that applicant is definitely committed to become an open-end company within a comparatively short period of time; that until applicant becomes an open-end company, it will not invest its funds except in United States Government securities and short-term corporate notes; that it is not practicable to call a stockholders' meeting during the distribution period since sufficient time should be allowed for applicant's stock to reach the hands of investors as record holders; that applicant proposes to execute an investment advisory contract, containing the terms required by section 15 (a) of the Investment Company Act, with Colonial Investment & Management Associates before the effective date of its registration statement under the Securities Act so that the investment adviser will be in a position to function as soon as applicant has become an open-end company, at which time its investment advisory compensation will begin to accrue; that the directors of applicant have selected Lybrand, Ross Bros. & Montgomery as independent public accountants who will file with the Commission certified financial statements prior to ratification of their selection by stockholders; that a special meeting of stockholders will be held not later than sixty days from the effective date of applicant's registration statement under the Securities Act for action on the following matters: (a) Election of a board of directors; (b) approval or disapproval of the investment advisory contract; (c) ratification or rejection of the selection of Lybrand, Ross

Bros. & Montgomery as independent public accountants.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application, subject to such terms and conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after July 13, 1949, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 13, 1949, at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

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

[F. R. Doc. 49-5582; Filed, July 8, 1949; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 13436]

LENA HEIDL

In re: Estate of Lena Heidl, deceased. File No. D-28-12657; E. T. sec. 16833.

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 Marie Huber (Mrs. Carl), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the children, names unknown, of Marie Huber (Mrs. Carl), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

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

4. That such property is in the process of administration by Newman Clarke, as executor, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the children, names unknown, of Marie Huber (Mrs. Carl), are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

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

[F. R. Doc. 49-5597; Filed, July 8, 1949; 8:50 a. m.]

[Vesting Order 13444]

LUCY NEUHAUS

In re: Trust Agreement dated September 10, 1931, between Lucy Neuhaus, grantor, and Kurt V. Moll and the St. Louis Union Trust Company, trustees. File No. D-28-18367-G-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 Karl Neuhaus, Jorg Wilbur Neuhaus, Ralpha Neuhaus (Oesten), Frederick Ernst Oesten and Christa Oesten, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the descendants, names unknown, of Kurt Fritz Neuhaus, of Karl Neuhaus and of Ralpha Neuhaus (Oesten), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated September 10, 1931, by and between Lucy Neuhaus, grantor, and Kurt V. Moll and the St. Louis Union Trust Company, trustees, presently being administered by the St. Louis Union Trust Company, 323 No. Broadway, St. Louis 2, Missouri, as trustee,

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

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the descendants, names unknown, of Kurt Fritz Neuhaus, of Karl Neuhaus and of Ralpha Neuhaus (Oesten), are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

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

[F. R. Doc. 49-5598; Filed, July 8, 1949; 8:50 a. m.]

[Vesting Order 13448]

ELIZABETH SCHWARZ

In re: Trust under the Will of Elizabeth Schwarz, deceased. File No. D-28-12500; E. T. sec. No. 16708.

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 Mary J. Schwarz, also known as Maria Rosalia Schwarz, also known as Marie Schwarz; Franz Joseph Schwarz, also known as Frank Schwarz; Hedwig Schwarz; Ruth Kunzmann, Siegfried Schwarz; Johanna Schwarz; Heidrun Schwarz; Olivia Caecilia Kussel, and Anna Caecilia Kremsler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, distributees and legatees, names unknown, of Paul Ludwig Schwarz, deceased, also known as Powell Schwarz; of Werner Schwarz, deceased, and of Antonia (Antonie) Kussel, deceased, who there is reasonable cause to believe

are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Elizabeth Schwarz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Shenandoah Valley National Bank, as trustee, acting under the judicial supervision of the Corporation Court for the City of Winchester, Virginia;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs-at-law, next-of-kin, distributees and legatees, names unknown, of Paul Ludwig Schwarz, deceased, also known as Powell Schwarz; of Werner Schwarz, deceased, and of Antonia (Antonie) Kussel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

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

[F. R. Doc. 49-5599; Filed, July 8, 1949; 8:51 a. m.]

[Vesting Order 13469]

ALBERT VON BORSIG

In re: Bonds owned by Albert Von Borsig. F-28-13830-A-1.

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

1. That Albert Von Borsig, whose last known address is Sacrower Kirchweg 60, Berlin, Kladow, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

Twenty-five (25) German Government International Loan of 1930 5½% Bonds, of $1,000.00 face value each, bearing the numbers:

C 73890	C 87006	C 35251
C 33727	C 34866	C 63114
C 35674	C 60347	C 54987
C 72881	C 54986	C 91634
C 72880	C 08531	C 22857
C 91635	C 66358	C 07587
C 44079	C 93056	C 93055
C 61382	C 38077	
C 67684	C 25993	

and presently in the custody of Jas. H. Oliphant & Co., 61 Broadway, New York 6, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Albert Von Borsig, 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 June 21, 1949.

For the Attorney General.

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

[F. R. Doc. 49-5600; Filed, July 8, 1949; 8:51 a. m.]

[Return Order 364]

ANTONIO GIGLIOTTI AND FRANCESCO GIGLIOTTI

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, Claim No., Notice of Intention To Return Published, and Property

Antonio Gigliotti, Francesco Gigliotti, Catanzaro, Italy, Claim No. 7514; June 1, 1949 (14 F. R. 2886), $971.66 in the Treasury of the United States. $971.65 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Antonio Gigliotti and Francesco Gigliotti and each of them in and to the estate of Vincenzo Gigliotti, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 5, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-5602; Filed, July 8, 1949; 8:51 a. m.]

BJARNE AAS

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., and Property

Bjarne Aas, Fredrikstad, Norway, 6436, the property described in Vesting Order No. 294 (7 F. R. 9840, November 26, 1942) relating to United States Patent Application Serial No. 258,310, now United States Patent No. 2,437,236.

Executed at Washington, D. C., on July 5, 1949.

For the Attorney General.

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

[F. R. Doc. 49-5603; Filed, July 8, 1949; 8:51 a. m.]

BANCO DI NAPOLI

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

Banco di Napoli, Naples, Italy, 42102, $1,200.00 in the Treasury of the United States. All right, title and interest of the Attorney General by virtue of Vesting Order No. 195 in and to 20 shares of $50.00 par value common capital stock of Banco di Napoli Trust Company of New York, a New York corporation, which shares were registered in the name of Antonio Corigliano.

Executed at Washington, D. C., on July 5, 1949.

For the Attorney General.

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

[F. R. Doc. 49-5604; Filed, July 8, 1949; 8:51 a. m.]

[Dissolution Order 88]

FORTRA, INC.

Whereas, by Vesting Order No. 713, executed January 18, 1943 (8 F. R. 1208, January 27, 1943) there was vested all of the issued and outstanding capital stock of Fortra, Inc., a New York corporation; and

Whereas, by Vesting Order No. 12230, executed October 20, 1948 (13 F. R. 6366, October 29, 1948) there was vested all property in the United States of said Fortra, Inc.; and

Whereas, Fortra, Inc. has been substantially liquidated;

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

Hereby orders, that the officers and directors of Fortra, Inc. (to wit: F. J. Carmody, President and Director, L. M. Reed, Secretary and Director, and Robert Kramer, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Fortra, Inc.; and

Further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, including any assets thereafter discovered, the same to be applied, first, in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

Further orders, That nothing herein set forth shall be construed as prejudicing the right, under the Trading With the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further*, That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, That all actions taken and acts done by the said officers and directors of Fortra, Inc. pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 6th day of July 1949.

For the Attorney General.

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

[F. R. Doc. 49-5601; Filed, July 8, 1949; 8:51 a. m.]