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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Corn Bulletin 1, Supplement 1]

PART 248—CORN LOANS AND PURCHASE AGREEMENTS

1948 CORN PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 5417, governing the making of loans, and containing the requirements of the purchase agreement program on corn produced in 1948, are hereby supplemented as follows:

§ 248.224 *Loan and purchase rates—*
(a) *Basic loan rates.* Loan rates per bushel of eligible corn for the respective States and counties, basis grade No. 3, or No. 4 solely on the factor of test weight but otherwise grading No. 3, are set forth below, except that the loan rate on eligible corn grading "mixed" is 2 cents per bushel less. State and county rates per bushel are as follows:

COLORADO		<i>Rate</i>
All counties.....		\$1.42

DELAWARE		
All counties.....		1.59

ILLINOIS			
<i>County</i>	<i>Rate</i>	<i>County</i>	<i>Rate</i>
Adams	\$1.41	Ford	\$1.42
Alexander	1.47	Franklin	1.45
Bond	1.43	Fulton	1.42
Boone	1.41	Gallatin	1.46
Brown	1.42	Greene	1.42
Bureau	1.41	Grundy	1.42
Calhoun	1.42	Hamilton	1.45
Carroll	1.41	Hancock	1.41
Cass	1.42	Hardin	1.46
Champaign	1.42	Henderson	1.41
Christian	1.42	Henry	1.41
Clark	1.43	Iroquois	1.43
Clay	1.44	Jackson	1.46
Clinton	1.44	Jasper	1.44
Coles	1.42	Jefferson	1.44
Cook	1.44	Jersey	1.43
Crawford	1.44	Jo Daviess	1.40
Cumberland	1.43	Johnson	1.46
De Kalb	1.42	Kane	1.43
De Witt	1.42	Kankakee	1.42
Douglas	1.42	Kendall	1.42
Du Page	1.43	Knox	1.41
Edgar	1.42	Lake	1.44
Edwards	1.45	La Salle	1.41
Effingham	1.44	Lawrence	1.45
Fayette	1.43	Lee	1.41

ILLINOIS—Continued

<i>County</i>	<i>Rate</i>	<i>County</i>	<i>Rate</i>
Livingston	\$1.42	Putnam	\$1.41
Logan	1.42	Randolph	1.45
McDonough	1.41	Richland	1.45
McHenry	1.42	Rock Island	1.41
McLean	1.42	St. Clair	1.45
Macon	1.42	Saline	1.46
Macoupin	1.43	Sangamon	1.42
Madison	1.44	Schuyler	1.42
Marion	1.44	Scott	1.42
Marshall	1.41	Shelby	1.43
Mason	1.42	Stark	1.41
Massac	1.46	Stephenson	1.41
Menard	1.42	Tazewell	1.42
Mercer	1.40	Union	1.46
Monroe	1.45	Vermilion	1.42
Montgomery	1.42	Wabash	1.45
Morgan	1.42	Warren	1.41
Moultrie	1.42	Washington	1.45
Ogle	1.41	Wayne	1.44
Peoria	1.42	White	1.45
Perry	1.45	Whiteside	1.41
Platt	1.42	Will	1.43
Pike	1.42	Williamson	1.46
Pope	1.46	Winnebago	1.41
Pulaski	1.47	Woodford	1.42

INDIANA

<i>County</i>	<i>Rate</i>	<i>County</i>	<i>Rate</i>
Adams	\$1.46	Jay	\$1.46
Allen	1.46	Jefferson	1.47
Bartholomew	1.46	Jennings	1.46
Benton	1.43	Johnson	1.45
Blackford	1.46	Knox	1.45
Boone	1.45	Kosciusko	1.45
Brown	1.45	Lagrange	1.45
Carroll	1.44	Lake	1.44
Cass	1.44	La Porte	1.44
Clark	1.47	Lawrence	1.46
Clay	1.44	Madison	1.45
Clinton	1.45	Marion	1.45
Crawford	1.47	Marshall	1.44
Daviess	1.45	Martin	1.46
Dearborn	1.47	Miami	1.45
Decatur	1.46	Monroe	1.45
De Kalb	1.46	Montgomery	1.44
Delaware	1.46	Morgan	1.45
Dubois	1.46	Newton	1.43
Elkhart	1.45	Noble	1.45
Fayette	1.46	Ohio	1.47
Floyd	1.47	Orange	1.46
Fountain	1.43	Owen	1.44
Franklin	1.46	Parke	1.44
Fulton	1.44	Perry	1.47
Gibson	1.45	Pike	1.46
Grant	1.45	Porter	1.44
Greene	1.45	Posey	1.46
Hamilton	1.45	Pulaski	1.44
Hancock	1.45	Putnam	1.45
Harrison	1.47	Randolph	1.46
Hendricks	1.45	Ripley	1.46
Henry	1.46	Rush	1.46
Howard	1.45	St. Joseph	1.44
Huntington	1.45	Scott	1.47
Jackson	1.46	Shelby	1.45
Jasper	1.43	Spencer	1.47

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County	Rate	County	Rate
Starke	\$1.44	Wigo	\$1.43
Steuben	1.46	Wabash	1.45
Sullivan	1.44	Warren	1.43
Switzerland	1.47	Warrick	1.46
Tippecanoe	1.44	Washington	1.47
Tipton	1.45	Wayne	1.46
Union	1.46	Wells	1.46
Vanderburgh	1.46	White	1.44
Vermillion	1.43	Whitley	1.45

Iowa

Adair	\$1.37	Jefferson	\$1.39
Adams	1.37	Johnson	1.39
Allamakee	1.38	Jones	1.40
Appanoose	1.39	Keokuk	1.39
Audubon	1.36	Kossuth	1.36
Benton	1.39	Lee	1.41
Black Hawk	1.38	Linn	1.39
Boone	1.36	Louisa	1.40
Bremer	1.37	Lucas	1.38
Buchanan	1.38	Lyon	1.35
Buena Vista	1.35	Madison	1.38
Butler	1.37	Mahaska	1.38
Calhoun	1.36	Marion	1.38
Carroll	1.36	Marshall	1.37
Cass	1.37	Mills	1.37
Cedar	1.40	Mitchell	1.37
Cerro Gordo	1.36	Monona	1.36
Cherokee	1.36	Monroe	1.39
Chickasaw	1.37	Montgomery	1.37
Clarke	1.38	Muscatine	1.40
Clay	1.36	O'Brien	1.35
Clayton	1.38	Osceola	1.35
Clinton	1.40	Page	1.37
Crawford	1.36	Palo Alto	1.36
Dallas	1.37	Plymouth	1.37
Davis	1.40	Pocahontas	1.35
Decatur	1.38	Polk	1.37
Delaware	1.39	Pottawattamie	1.37
Des Moines	1.41	Poweshiek	1.37
Dickinson	1.36	Ringgold	1.37
Dubuque	1.39	Sac	1.35
Emmet	1.36	Scott	1.40
Fayette	1.38	Shelby	1.36
Floyd	1.36	Sioux	1.36
Franklin	1.37	Story	1.37
Fremont	1.37	Tama	1.38
Greene	1.36	Taylor	1.37
Grundy	1.37	Union	1.37
Guthrie	1.36	Van Buren	1.40
Hamilton	1.36	Wapello	1.39
Hancock	1.36	Warren	1.38
Hardin	1.37	Washington	1.39
Harrison	1.37	Wayne	1.38
Henry	1.40	Webster	1.36
Howard	1.37	Winnebago	1.37
Humboldt	1.36	Winneshiek	1.38
Ida	1.35	Woodbury	1.36
Iowa	1.38	Worth	1.37
Jackson	1.40	Wright	1.36
Jasper	1.37		

KANSAS

County	Rate	County	Rate
Allen	\$1.41	Linn	\$1.41
Anderson	1.41	Logan	1.42
Atchison	1.39	Lyon	1.39
Barber	1.42	McPherson	1.39
Barton	1.42	Marion	1.39
Bourbon	1.41	Marshall	1.37
Brown	1.38	Meade	1.42
Butler	1.42	Miami	1.41
Chase	1.39	Mitchell	1.38
Chautauqua	1.42	Montgomery	1.42
Cherokee	1.42	Morris	1.39
Cheyenne	1.39	Morton	1.42
Clark	1.42	Nemaha	1.38
Clay	1.37	Neosho	1.42
Cloud	1.37	Ness	1.42
Coffey	1.40	Norton	1.38
Comanche	1.42	Osage	1.39
Cowley	1.42	Osborne	1.38
Crawford	1.42	Ottawa	1.38
Decatur	1.38	Pawnee	1.42
Dickinson	1.38	Phillips	1.37
Doniphan	1.38	Pottawatomie	1.38
Douglas	1.39	Pratt	1.42
Edwards	1.42	Rawlins	1.39
Elk	1.42	Renov	1.42
Ellis	1.39	Republic	1.36
Ellsworth	1.39	Rice	1.42
Finney	1.42	Riley	1.37
Ford	1.42	Rooks	1.38
Franklin	1.40	Rush	1.42
Geary	1.38	Russell	1.39
Gove	1.42	Saline	1.39
Graham	1.39	Scott	1.42
Grant	1.42	Sedgwick	1.42
Gray	1.42	Seward	1.42
Greeley	1.42	Shawnee	1.38
Greenwood	1.42	Sheridan	1.39
Hamilton	1.42	Sherman	1.42
Harper	1.42	Smith	1.37
Harvey	1.42	Stafford	1.42
Haskell	1.42	Stanton	1.42
Hodgeman	1.42	Stevens	1.42
Jackson	1.38	Sumner	1.42
Jefferson	1.39	Thomas	1.42
Jewell	1.37	Trego	1.42
Johnson	1.40	Wabaunsee	1.38
Kearny	1.42	Wallace	1.42
Kingman	1.42	Washington	1.37
Kiowa	1.42	Wichita	1.42
Labette	1.42	Wilson	1.42
Lane	1.42	Woodson	1.42
Leavenworth	1.40	Wyandotte	1.40
Lincoln	1.39		

KENTUCKY

Adair	\$1.59	Fleming	\$1.57
Allen	1.59	Floyd	1.62
Anderson	1.59	Franklin	1.57
Ballard	1.50	Fulton	1.50
Barren	1.59	Gallatin	1.51
Bath	1.59	Gerrard	1.61
Bell	1.62	Grant	1.56
Boone	1.52	Graves	1.52
Bourbon	1.61	Grayson	1.55
Boyd	1.55	Green	1.59
Boyle	1.61	Greenup	1.54
Bracken	1.54	Hancock	1.51
Breathitt	1.62	Hardin	1.54
Breckinridge	1.51	Harlan	1.62
Bullitt	1.55	Harrison	1.50
Butler	1.57	Hart	1.59
Caldwell	1.54	Henderson	1.50
Calloway	1.53	Henry	1.55
Campbell	1.52	Hickman	1.50
Carlisle	1.50	Hopkins	1.54
Carroll	1.51	Jackson	1.62
Carter	1.57	Jefferson	1.51
Casey	1.61	Jessamine	1.61
Christian	1.55	Johnson	1.61
Clark	1.61	Kenton	1.52
Clay	1.62	Knott	1.62
Clinton	1.61	Knox	1.62
Crittenden	1.50	Larue	1.58
Cumberland	1.59	Laurel	1.62
Daviess	1.51	Lawrence	1.57
Edmonson	1.58	Lee	1.62
Elliott	1.59	Leslie	1.62
Estill	1.62	Letcher	1.62
Fayette	1.61	Lewis	1.54

OHIO—Continued

County	Rate	County	Rate
Butler	\$1.47	Madison	\$1.49
Carroll	1.53	Mahoning	1.53
Champaign	1.48	Marion	1.49
Clark	1.48	Medina	1.51
Clermont	1.48	Meigs	1.51
Clinton	1.48	Mercer	1.46
Columbiana	1.53	Miami	1.47
Coshocton	1.51	Monroe	1.53
Crawford	1.49	Montgomery	1.47
Cuyahoga	1.52	Morgan	1.51
Darke	1.46	Morrow	1.50
Defiance	1.46	Muskingum	1.51
Delaware	1.49	Noble	1.52
Erie	1.50	Ottawa	1.49
Fairfield	1.50	Paulding	1.46
Fayette	1.48	Perry	1.51
Franklin	1.49	Pickaway	1.49
Fulton	1.47	Pike	1.49
Gallia	1.51	Portage	1.53
Geauga	1.53	Preble	1.46
Greene	1.48	Putnam	1.47
Guernsey	1.52	Richland	1.50
Hamilton	1.47	Ross	1.49
Hancock	1.48	Sandusky	1.49
Hardin	1.48	Scioto	1.49
Harrison	1.53	Seneca	1.49
Henry	1.47	Shelby	1.47
Highland	1.49	Stark	1.52
Hocking	1.50	Summit	1.52
Holmes	1.51	Trumbull	1.53
Huron	1.50	Tuscarawas	1.52
Jackson	1.50	Union	1.48
Jefferson	1.53	Van Wert	1.46
Knox	1.50	Vinton	1.50
Lake	1.53	Warren	1.48
Lawrence	1.50	Washington	1.52
Licking	1.50	Wayne	1.51
Logan	1.48	Williams	1.46
Lorain	1.51	Wood	1.48
Lucas	1.48	Wyandot	1.49

Rate
All counties ----- \$1.59

SOUTH DAKOTA

County	Rate	County	Rate
Armstrong	\$1.38	Jackson	\$1.38
Aurora	1.35	Jerauld	1.35
Beadle	1.34	Jones	1.38
Bennett	1.38	Kingsbury	1.35
Bon Homme	1.34	Lake	1.35
Brookings	1.35	Lawrence	1.40
Brown	1.37	Lincoln	1.35
Brule	1.36	Lyman	1.37
Buffalo	1.36	McCook	1.34
Butte	1.40	McPherson	1.38
Campbell	1.38	Marshall	1.37
Charles Mix	1.36	Meade	1.39
Clark	1.36	Mellette	1.37
Clay	1.35	Miner	1.34
Codington	1.36	Minnehaha	1.34
Corson	1.39	Moody	1.35
Custer	1.40	Pennington	1.39
Davison	1.34	Perkins	1.39
Day	1.37	Potter	1.38
Deuel	1.36	Roberts	1.37
Dewey	1.39	Sanborn	1.34
Douglas	1.35	Shanon	1.39
Edmunds	1.37	Spink	1.36
Fall River	1.40	Stanley	1.38
Faulk	1.37	Sully	1.37
Grant	1.36	Todd	1.37
Gregory	1.36	Tripp	1.37
Haakon	1.38	Turner	1.34
Hamlin	1.36	Union	1.36
Hand	1.35	Walworth	1.38
Hanson	1.34	Washabaugh	1.38
Harding	1.40	Washington	1.39
Huges	1.37	Yankton	1.34
Hutchinson	1.34	Ziebach	1.39
Hyde	1.36		

TENNESSEE

Anderson	\$1.61	Campbell	\$1.61
Bedford	1.59	Cannon	1.59
Benton	1.55	Carroll	1.53
Bledsoe	1.60	Chatter	1.63
Bloom	1.63	Cheatham	1.55
Bradley	1.62	Chester	1.54

TENNESSEE—Continued

County	Rate	County	Rate
Claborn	\$1.62	McNairy	\$1.55
Clay	1.59	Macon	1.59
Cocke	1.63	Madison	1.53
Coffee	1.60	Marion	1.61
Crockett	1.53	Marshall	1.58
Cumberland	1.60	Mauzy	1.57
Davidson	1.56	Meigs	1.62
Decatur	1.55	Monroe	1.63
De Kalb	1.59	Montgomery	1.55
Dickson	1.55	Moore	1.60
Dyer	1.52	Morgan	1.61
Fayette	1.53	Obion	1.51
Fentress	1.60	Overton	1.59
Franklin	1.61	Perry	1.55
Gibson	1.52	Pickett	1.59
Giles	1.59	Polk	1.63
Grainger	1.62	Putnam	1.59
Greene	1.63	Rhea	1.61
Grundy	1.60	Roane	1.61
Hamblen	1.62	Robertson	1.56
Hamilton	1.62	Rutherford	1.58
Hancock	1.62	Scott	1.61
Hardeman	1.54	Sequatchie	1.61
Hardin	1.56	Sevier	1.63
Hawkins	1.62	Shelby	1.53
Haywood	1.53	Smith	1.59
Henderson	1.54	Stewart	1.55
Henry	1.53	Sullivan	1.63
Hickman	1.55	Sumner	1.58
Houston	1.55	Tipton	1.52
Humphreys	1.55	Trousdale	1.58
Jackson	1.59	Unicoi	1.63
Jefferson	1.62	Union	1.62
Johnson	1.63	Van Buren	1.60
Knox	1.62	Warren	1.59
Lake	1.50	Washington	1.63
Lauderdale	1.52	Wayne	1.57
Lawrence	1.58	Weakley	1.52
Lewis	1.56	White	1.59
Lincoln	1.60	Willamson	1.57
Loudon	1.62	Wilson	1.58
McMinn	1.62		

WEST VIRGINIA

Barbour	\$1.61	Mineral	\$1.61
Berkeley	1.61	Mingo	1.61
Boone	1.61	Monongalia	1.61
Braxton	1.61	Monroe	1.61
Brooke	1.56	Morgan	1.61
Cabell	1.54	Nicholas	1.61
Calhoun	1.61	Ohio	1.56
Clay	1.61	Pendleton	1.61
Doddridge	1.61	Pleasants	1.55
Fayette	1.61	Pocahontas	1.61
Gillmer	1.61	Preston	1.61
Grant	1.61	Putnam	1.57
Greenbrier	1.61	Raleigh	1.61
Hampshire	1.61	Randolph	1.61
Hancock	1.56	Ritchie	1.61
Hardy	1.61	Roane	1.61
Harrison	1.61	Summers	1.61
Jackson	1.55	Taylor	1.61
Jefferson	1.61	Tucker	1.61
Kanawha	1.61	Tyler	1.56
Lewis	1.61	Upshur	1.61
Lincoln	1.59	Wayne	1.57
Logan	1.61	Webster	1.61
McDowell	1.61	Wetzel	1.56
Marion	1.61	Wirt	1.61
Marshall	1.56	Wood	1.55
Mason	1.54	Wyoming	1.61
Mercer	1.61		

WISCONSIN

Adams	\$1.42	Door	\$1.42
Ashland	1.42	Douglas	1.42
Barron	1.42	Dunn	1.40
Bayfield	1.42	Eau Claire	1.40
Brown	1.42	Florence	1.42
Buffalo	1.39	Fond du Lac	1.42
Burnett	1.42	Forest	1.42
Calumet	1.42	Grant	1.39
Chippewa	1.40	Green	1.42
Clark	1.42	Green Lake	1.42
Columbia	1.42	Iowa	1.40
Crawford	1.39	Iron	1.42
Dane	1.42	Jackson	1.40
Dodge	1.42	Jefferson	1.42

WISCONSIN—Continued

County	Rate	County	Rate
Juneau	\$1.42	Racine	\$1.42
Kenosha	1.42	Richland	1.39
Kewaunee	1.42	Rock	1.42
La Crosse	1.39	Rusk	1.42
Lafayette	1.40	St. Croix	1.40
Langlade	1.42	Sauk	1.42
Lincoln	1.42	Sawyer	1.42
Manitowoc	1.42	Shawano	1.42
Marathon	1.42	Sheboygan	1.42
Marquette	1.42	Taylor	1.42
Marquette	1.42	Trempealeau	1.39
Milwaukee	1.42	Vernon	1.39
Monroe	1.40	Vilas	1.42
Oconto	1.42	Walworth	1.42
Oneida	1.42	Washburn	1.42
Outagamie	1.42	Washington	1.42
Ozaukee	1.42	Waukesha	1.42
Peplin	1.39	Waupaca	1.42
Pierce	1.39	Waushara	1.42
Polk	1.42	Winnebago	1.42
Portage	1.42	Wood	1.42
Price	1.42		

WYOMING

Rate
All counties ----- \$1.41

(b) *Loan settlement value.* A settlement value for corn delivered in satisfaction of a loan will be established on the basis of grades determined under the Official Grain Standards of the United States for Corn.

(1) Corn grading No. 3, or No. 4 solely on the factor of test weight but otherwise grading No. 3, will have a settlement value equal to the basic loan rate set forth in paragraph (a) of this section.

(2) *Premiums:* Corn grading higher than No. 3 will have a settlement value determined by adding to the established rates in paragraph (a) of this section the following premiums:

Grade No. 1—One cent (1¢) per bushel.

Grade No. 2—One-half cent (½¢) per bushel.

(3) *Discounts:* The following discounts apply to corn delivered in satisfaction of a loan. Corn grading lower than No. 3 (except for No. 4 on test weight only) will have a settlement value determined by subtracting from the rates in paragraph (a) of this section the following discounts:

SCHEDULE OF DISCOUNTS FOR YELLOW, WHITE, AND MIXED CORN

[Grade No. 4—One cent (1¢) per bushel. Grade No. 5—Two cents (2¢) per bushel.]

SAMPLE GRADE

Minimum test weight (pounds)	Moisture (per cent)	Total damaged (per cent)	Heat damaged (per cent)	Discount rate per bushel (cents)
44	17.5	15.1-19.9	5	3
44	17.5	20.0-24.9	7	4
44	17.5	25.0-29.9	9	6
44	17.5	30.0-34.9	11	8
44	17.5	35.0-40.0	13	10

Any lot of corn which grades "sample" solely on account of stones and or cinders, or which is musty, or which has any commercially objectionable foreign odor, or cockle burrs, or rodent excreta, will be subject to a discount of one (1) cent per bushel. This one cent will be an additional discount if the corn otherwise grades "sample" due to any of the factors shown in the above schedule. Any lot of corn grading "weevily" will be subject to a discount of one-half (½) cent per bushel. This one-half cent discount will

be in addition to any discount otherwise applicable.

The settlement value of corn grading sour or heating, or otherwise not coming within the classification of this schedule of discounts, shall be determined by Commodity Credit Corporation on the basis of the market price for such corn.

(c) *Purchase rates.* The basic purchase rates for States and counties where loans are available are the same as the basic loan rates. Basic purchase rates for the following States, where loans are not available, are as follows, except that the purchase rate on eligible corn grading "mixed" is 2 cents per bushel less.

State	Rate	State	Rate
Alabama	\$1.66	North	
Arkansas	1.58	Carolina	\$1.61
Florida	1.59	Oklahoma	1.43
Georgia	1.59	South	
Louisiana	1.59	Carolina	1.63
Mississippi	1.62	Texas	1.49
New Mexico	1.56	Virginia	1.61

The purchase price for corn delivered under a purchase agreement will be established on the basis of grades determined under the official grain standards of the United States for corn. In the case of corn stored in warehouses, whether terminal, subterminal, or at country points, the purchase rate will be that established for the county in which the elevator is located. No adjustment will be made in the purchase rate for freight paid in case of rail movement.

(1) Corn grading No. 3, or No. 4 solely on the factor of test weight but otherwise grading No. 3, will have a purchase price equal to the basic purchase rate.

(2) Premiums: Corn grading higher than No. 3 will have a purchase price determined by adding to the basic purchase rates the following premiums:

Grade No. 1—One cent (1¢) per bushel.
Grade No. 2—One-half cent (½¢) per bushel.

(d) *Storage allowance.* There shall be no storage allowance on corn under either the loan or purchase program.

(Sec. 8, 56 Stat. 767, sec. 5 (a), Pub. Law 806, 80th Cong.; 50 U. S. C. App. 968)

Issued this 20th day of October 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: October 20, 1948.

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 48-9366; Filed, Oct. 22, 1948;
8:53 a. m.]

subdivision to be deemed synonymous with the term "county" as the term is used in said titles. Each such subdivision consists of, and is co-extensive with the geographical limits of, the area set forth opposite the name of the subdivision; and the table containing names of subdivisions and municipalities comprising subdivisions for Puerto Rico, set forth in subparagraph (6) of paragraph (c) of § 300.1, in Title 6 of the Code of Federal Regulations, as amended (6 CFR, 1947 Supp., 300.1 (c) (6)), is hereby superseded by the following:

PUERTO RICO

Name of Subdivisions and Municipalities Comprising Subdivision

Adjuntas: Adjuntas.
Aguadilla: Aguada, Aguadilla, Isabela, Moca.
Angeles: The Wards of Angeles, Caguana, Roncador, Santa Isabel, and Santa Rosa in the municipality of Utuado.
Arecibo: Arecibo.
Arroyo: Arroyo, Guayama, Maunabo, Patillas, Salinas.
Barranquitas: Albonito, Barranquitas.
Bayamon: Bayamon, Catano, Toa Alta, Toa Baja.
Caguas: Caguas, Gurabo.
Camuy: Camuy, Hatillo, Quebradillas.
Canovanas: Canovanas, Rio Grande.
Carolina: Carolina, Trujillo Alto.
Cayey: Cayey, Cidra.
Ciales: Ciales, Morovis.
Comerio: Aguas Buenas, Comerio.
Corozal: Corozal, Naranjito.
Fajardo: Ceiba, Culebra, Fajardo, Luquillo, Vieques.
Humacao: Humacao, Naguabo.
Jayuya: Jayuya.
Juana Diaz: Coamo, Juana Diaz, Santa Isabel, Villalba.
Juncos: Juncos, Las Piedras.
Lares: Lares.
Manati: Barceloneta, Manati.
Mayaguez: Anasco, Hormigueros, Las Marias, Maricao, Mayaguez, Rincon.
Orocovis: Orocovis.
Ponce: Penuelas, Ponce.
Rio Piedras: Guaynabo, Rio Piedras, San Juan.
San German: Cabo Rojo, Lajas, San German, Sabana Grande.
San Lorenzo: San Lorenzo.
San Sebastian: San Sebastian.
Utuado: Utuado, except the Wards of Angeles, Caguana, Roncador, Santa Isabel, and Santa Rosa.
Vega Baja: Dorado, Vega Alta, Vega Baja.
Yabucoa: Yabucoa.
Yauco: Guanica, Guayanilla, Yauco.

(60 Stat. 1062; Pub. Law 249, 80th Cong., 61 Stat. 493; 7 U. S. C. 1028)

Issued this 19th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9342; Filed, Oct. 22, 1948;
8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[Puerto Rico Sugar Order 18, Amdt. 1]

PART 821—SUGAR QUOTAS

AMENDMENT TO DECISION AND ORDER ALLOT- TING DIRECT CONSUMPTION PORTION OF 1948 SUGAR QUOTA FOR PUERTO RICO

Basis and purpose. This amendment is issued under section 205 (a) of the

Sugar Act of 1948 (7 U. S. C., Supp. I, 1115 (a)) for the purpose of revising Puerto Rico Sugar Order 18 (13 F. R. 310) to reallocate deficits in certain allottees' allotments and in the "unallotted reserve" for direct consumption sugar in raw form.

Except for a quantity of 5,169 short tons of sugar, raw value, set aside as an unallotted reserve for marketing of raw sugar for direct consumption, the direct consumption portion of the 1948 sugar quota for Puerto Rico, amounting to 126,033 short tons, raw value, was allotted to six Puerto Rican refiners in Puerto Rico Sugar Order 18. Three of the six allottees have notified the Department in writing that they will be unable to fill their 1948 allotments by an amount of 6,775 short tons of sugar, raw value. On the basis of this information, Central Aguirre, Central San Francisco, and Central Guanica will be unable to market their 1948 allotments by 2,863,752, and 3,160 short tons of sugar, raw value, respectively. The other three refiners have notified the Department that they will be able to fill their allotments during the calendar year 1948. Investigation also shows that of the 5,169 short tons of sugar, raw value, set aside under Order 18 as an unallotted reserve for direct consumption sugar in raw form, it is unlikely that more than 1,000 short tons will be brought into the continental United States during the calendar year 1948. In order to afford interested parties an opportunity to market the full amount of that portion of the Puerto Rican sugar quota which may be filled by direct consumption sugar, it is necessary to reallocate this deficit in the "unallotted reserve."

Since section 205 (a) of the act requires that any amendment or revision of an allotment order be on the same basis as the original allotment was made, the Department has asked for and obtained from each of the interested parties a waiver of its right to a public hearing in regard to the amendment made herein. The deficits in question have, therefore, been allotted to Puerto Rican American Refining Company, Central Roig, and Western Sugar Refining Company on the same basis used in the original allotment order.

In order to afford interested parties adequate opportunity to ship the additional sugar allotted herein, and to protect the interest of consumers of sugar, it is essential that the revised allotments be made effective as soon as possible. Accordingly, it is hereby found that compliance with the effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and this amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the Sugar Act of 1948, paragraph (a) of § 821.51 of Puerto Rico Sugar Order 18 (13 F. R. 310) is hereby amended to read as follows:

§ 825.1 *Direct-consumption portion of the 1948 sugar quota for Puerto Rico—*
(a) *Allotments.* The direct consumption

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

FIELD ORGANIZATION IN PUERTO RICO

In Puerto Rico, for the purposes of title I, title II, and the related provisions of title IV of the Bankhead-Jones Farm Tenant Act as amended, each of the areas identified below is designated a

portion of the 1948 sugar quota for Puerto Rico (126,033 short tons, raw value) is hereby allotted to the following companies in the amounts which appear opposite their respective names:

Refiner	Direct consumption allotment (short tons, raw value)
Porto Rican American Sugar Refinery	87,092
Central Aguirre	2,428
Central Roig Refining Co.	18,348
Western Sugar Refining Co. (Igualdad)	16,232
Central San Francisco	933
	125,033
Unallotted Reserve for Marketing of raw sugar for direct consumption	1,000
	126,033

(Pub. Law 388, 80th Cong.; 61 Stat. 926; 7 U. S. C., Supp. I, 1115 (a))

Done at Washington, D. C., this 19th day of October 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL] A. J. LOVELAND, Acting Secretary.

[F. R. Doc. 48-9343; Filed, Oct. 22, 1948; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreement and Orders)

[Lemon Reg. 297]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.404 *Lemon Regulation 279*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons 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 Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons 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. 1946 ed. 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 lemons 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., October 24, 1948, and ending at 12:01 a. m., P. s. t., October 31, 1948, is hereby fixed as follows:

- (i) District 1: 225 carloads;
- (ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and 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 in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 21st day of October 1948.

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

PRORATE BASE SCHEDULE

Storage date: October 17, 1948

DISTRICT NO. 1

[12:01 a. m. Oct. 24, 1948, to 12:01 a. m. Nov. 7, 1948]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.183
American Fruit Growers, Inc., Fullerton	.181
American Fruit Growers, Inc., Upland	.085
Hazeltine Packing Co.	.192
Ventura Coastal Lemon Co.	3.740
Ventura Pacific Co.	2.051
Total A. F. G.	6.432
Klink Citrus Association	.053
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.966
La Verne Lemon Association	.448
La Habra Citrus Association, The	1.308
Yorba Linda Citrus Association, The	.614
Alta Loma Heights Citrus Association	.492
Etiwanda Citrus Fruit Association	.195
Mountain View Fruit Association	.370
Old Baldy Citrus Association	.794
Upland Lemon Growers Association	5.136
Central Lemon Association	.645
Irvine Citrus Association, The	.350
Placentia Mutual Orange Association	.459
Corona Citrus Association	.086
Corona Foothill Lemon Co.	1.656
Jameson Company	.560
Arlington Heights Citrus Co.	.273
College Heights Orange & Lemon Association	3.069
Chula Vista Citrus Association	1.217
El Cajon Valley Citrus Association	.034
Escondido Lemon Association	1.474
Fallbrook Citrus Association	.936
Lemon Grove Citrus Association	.259
San Dimas Lemon Association	1.808
Carpinteria Lemon Association	3.851

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Carpinteria Mutual Citrus Association	3.774
Goleta Lemon Association	4.888
Johnston Fruit Co.	6.984
North Whittier Citrus Association	.379
San Fernando Heights Lemon Association	.660
San Fernando Lemon Association	.151
Sierra Madre-Lamanda Citrus Association	1.220
Tulare County Lemon and Grapefruit Association	.053
Briggs Lemon Association	2.667
Culbertson Investment Co.	1.256
Culbertson Lemon Association	1.504
Fillmore Lemon Association	1.016
Oxnard Citrus Association No. 1	8.376
Oxnard Citrus Association No. 2	1.157
Rancho Sespe	.726
Santa Paula Citrus Fruit Association	3.359
Saticoy Lemon Association	6.505
Seaboard Lemon Association	4.608
Somis Lemon Association	3.956
Ventura Citrus Association	2.166
Limoneira Co.	2.146
Teague-McKevett Association	.786
East Whittier Citrus Association	.293
Leffingwell Rancho Lemon Association	.529
Murphy Ranch Co.	.881
Whittier Citrus Association	.136
Whittier Select Citrus Association	.252
Total C. F. G. E.	88.481

Chula Vista Mutual Lemon Association	.678
Escondido Co-op. Citrus Association	.193
Highland Mutual Groves	.000
Index Mutual Association	.117
La Verne Co-op. Citrus Association	1.440
Orange Co-op. Citrus Association	.031
Ventura County Orange and Lemon Association	2.016
Whittier Mutual Orange and Lemon Association	.157
Total M. O. D.	4.632

California Citrus Groves, Inc., Ltd.	.000
Dewars, Pieter	.000
Evans Brothers Packing Co.	.001
Flint, Arthur E.	.000
Furr, N. C.	.000
Harding & Leggett	.063
Isely, W. J.	.000
Johnson, Fred	.019
Levinson, Sam	.000
Lorbeer, Carol W. C.	.027
MacDonald, Hugh	.003
Manos, Gus & William	.000
Orange Belt Fruit Distributors	.274
Rooke, B. G., Packing Company	.000
San Antonio Orchard Co.	.043
Segal, Joseph	.000
Torn Ranch	.000
Walshe, Jack M.	.000
Zaninovich Bros., Inc.	.025
Total Independents	.455

[F. R. Doc. 48-9418; Filed, Oct. 22, 1948; 9:33 a. m.]

[Orange Reg. 253]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.399 *Orange Regulation 253*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum.

RULES AND REGULATIONS

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. 1946 ed. 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., October 24, 1948 and ending at 12:01 a. m., P. s. t., October 31, 1948 is hereby fixed as follows:

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

(b) Prorate District No. 2: 600 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 in this section, "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 22d day of October 1948.

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

PRORATE BASE SCHEDULE
[12:01 a. m. October 24, 1948 to 12:01 a. m. October 31, 1948]

VALENCIA ORANGES	
Prorate District No. 2	
Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1100
A. F. G. Corona	.0000
A. F. G. Fullerton	.0000
A. F. G. Orange	.4105
A. F. G. Riverside	.1505
A. F. G. San Juan Capistrano	1.1294
A. F. G. Santa Paula	.8318
Hazeltine Packing Co.	.5540
Placentia Pioneer Valencia Growers Association	.8460
Signal Fruit Association	.1825
Azusa Citrus Association	.5277
Covina Valley Orange Co.	.1169
Damerel-Allison Co.	1.1389
Glendora Mutual Orange Association	.5267
Irwindale Citrus Association	.4456
Puente Mutual Citrus Association	.2863
Valencia Heights Orchard Association	.7492
Covina Citrus Association	1.4924
Covina Orange Growers Association	.7885
Glendora Citrus Association	.5055
Glendora Heights Orange and Lemon Growers Association	.0760
Gold Buckle Association	.0000
La Verne Orange Association	.9090
Anaheim Citrus Fruit Association	1.5828
Anaheim Valencia Orange Association	.0000
Eadlington Fruit Co., Inc.	3.0052
Fullerton Mutual Orange Association	1.4794
La Habra Citrus Association	1.5301
Orange County Valencia Association	1.0320
Orangethorpe Citrus Association	.7744
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association	.7414
Citrus Fruit Growers Association	.1939
Cucamonga Citrus Association	.2989
Etiwanda Citrus Fruit Association	.0553
Mountain View Fruit Association	.0000
Old Baldy Citrus Association	.1772
Rialto Heights Orange Growers	.0826
Upland Citrus Association	.2512
Upland Heights Orange Association	.1762
Consolidated Orange Growers	2.1563
Frances Citrus Association	1.7622
Garden Grove Citrus Association	1.5387
Goldenwest Citrus Association, The	2.1786
Irvine Valencia Growers	3.4775
Olive Heights Citrus Association	2.3048
Santa Ana-Tustin Mutual Citrus Association	1.4986
Santiago Orange Growers Association	4.1889
Tustin Hills Citrus Association	3.1367
Villa Park Orchards Association, The	2.1894
Bradford Brothers, Inc.	.8809
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.7662
Call Ranch	.1037
Corona Citrus Association	.6914
Jameson Co.	.0000
Orange Heights Orange Association	.4949
Crafton Orange Growers Association	.5757
East Highlands Citrus Association	.1087
Fontana Citrus Association	.1692

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Highland Fruit Growers Association	0.0000
Redlands Heights Groves	.0000
Redlands Orangedale Association	.4497
Break & Sons, Allen	.0000
Bryn Mawr Fruit Growers Association	.0000
Krinard Packing Co.	.2791
Mission Citrus Association	.2195
Redlands Cooperative Fruit Association	.4942
Redlands Orange Growers Association	.3419
Redlands Select Groves	.4244
Rialto Citrus Association	.0000
Rialto Orange Co.	.2161
Southern Citrus Association	.2645
United Citrus Growers	.0000
Zilen Citrus Co.	.0000
Arlington Heights Citrus Co.	.1395
Brown Estate, L. V. W.	.0000
Gavilan Citrus Association	.1883
Hemet Mutual Association	.0000
Highgrove Fruit Association	.0000
McDermont Fruit Co.	.2394
Monte Vista Citrus Association	.0000
National Orange Co.	.0000
Riverside Heights Orange Growers Association	.0837
Sierra Vista Packing Association	.0837
Victoria Avenue Citrus Association	.2570
Ciaramont Citrus Association	.2431
College Heights Orange & Lemon Association	.2891
El Camino Citrus Association	.0836
Indian Hill Citrus Association	.2701
Pamona Fruit Growers Exchange	.5580
Walnut Fruit Growers Association	.7164
West Ontario Citrus Association	.5459
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
San Dimas Orange Growers Association	.6723
Andrews Brothers of California	.0000
Ball & Tweedy Association	.7965
Canoga Citrus Association	1.3793
North Whittier Heights Citrus Association	1.3131
San Fernando Fruit Growers Association	.8119
San Fernando Heights Orange Association	1.4202
Sierra Madre-Lamanda Citrus Association	.0000
Camarillo Citrus Association	2.2648
Fillmore Citrus Association	3.6101
Mupu Citrus Association	4.2180
Ojai Orange Association	1.4207
Piru Citrus Association	2.5452
Santa Paula Orange Association	1.6034
Tapo Citrus Association	1.6715
Ventura County Citrus Association	.0000
Limoneira Co.	.9359
East Whittier Citrus Association	.3139
El Ranchito Citrus Association	1.1173
Murphy Ranch Co.	.0000
Rivera Citrus Association	.5816
Whittier Citrus Association	.9317
Whittier Select Citrus Association	.5447
Anaheim Cooperative Orange Association	1.2572
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.0000
Euclid Avenue Orange Association	.4592
Foothill Citrus Union, Inc.	.0435
Fullerton Cooperative Orange Association	.4491
Garden Grove Orange Cooperative, Inc.	.7497

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Golden Orange Groves, Inc.	0.0000
Highland Mutual Groves	.0000
Index Mutual Association	.3223
La Verne Cooperative Citrus Association	1.7923
Mentone Heights Association	.0000
Olive Hillside Groves	.7953
Orange Cooperative Citrus Association	1.3393
Redlands Foothill Groves	.8469
Redlands Mutual Orange Association	.0000
Riverside Citrus Association	.0000
Ventura County Orange and Lemon Association	1.3241
Whittier Mutual Orange and Lemon Association	.1778
Babij Juice Corporation of California	.0000
Banks Fruit Co.	.0000
Banks, L. M.	.0000
Borden Fruit Co.	.0000
California Associated Growers	.0000
California Fruit Distributors	.0000
Cherokee Citrus Co., Inc.	.0000
Chess Co., Meyer W.	.2751
Escondido Avocado Growers	.0000
Evans Brothers Packing Co.	.0000
Furr, N. C.	.0248
Gold Banner Association	.0000
Granada Hills Packing Co.	.0000
Granada Packing House	1.5657
Hill, Fred A.	.0000
Inland Fruit Dealers, Inc.	.0000
Morris Brothers Fruit Co.	.0152
Orange Belt Fruit Distributors	.0000
Panno Fruit Co., Carlo	.0319
Paramount Citrus Association	.6425
Placentia Orchard Co.	.6255
San Antonio Orchard Co.	.3247
Snyder & Sons Co., W. A.	.0000
Stephens, T. F.	.1328
Torn Ranch	.0000
Wall, E. T.	.0000
Webb Packing Co.	.0000
Western Fruit Growers, Inc., Redlands	.8934

[F. R. Doc. 48-9434; Filed, Oct. 22, 1948; 11:19 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

PACK SPECIFICATIONS AND MINIMUM STANDARDS; AND INFORMATION TO BE CONTAINED IN CERTIFICATES

Correction

In Federal Register Document 48-9218, appearing at page 6121 in the issue for Wednesday, October 20, 1948, in the fifth line of § 984.101 (a) (4), insert the word "opening" after the word "round".

PART 987—IRISH POTATOES IN MAINE

Correction

In Federal Register Document 48-8602, appearing at page 5549 in the issue for Friday, September 24, 1948, § 987.0 (b) should be changed so that the date in the third line will read "September 27".

No. 208—2

Chapter XXI—Organization, Functions, and Procedure

Subchapter C—Production and Marketing Administration

PART 2305—FRUIT AND VEGETABLE BRANCH

ORGANIZATION

Section 2305.1 (b) (7) of Title 7 (7 CFR, 1946 Supp., 2305.1 (b) (7)) is amended by adding the following new subdivision (iv) thereto:

(iv) To issue, amend, and modify any general notice of proposed rule making with respect to which a hearing is not required to be conducted pursuant to section 7 of the Administrative Procedure Act (5 U. S. C. 1946 ed. 1001 et seq.), and to prescribe and extend the time within which interested parties may participate in such rule making.

(R. S. 161; 5 U. S. C. 22; 60 Stat. 237; 5 U. S. C. 1001 et seq.)

Issued this 21st day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9419; Filed, Oct. 22, 1948; 8:55 a. m.]

TITLE 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 4—ORGANIZATION OF BUREAU

PART 5—FUNCTIONS AND PROCEDURES

PART 6—SUBSTANTIVE RULES, POLICY OR INTERPRETATION

MISCELLANEOUS AMENDMENTS

Chapter I of Title 12 of the Code of Federal Regulations is amended in the following respects:

1. Codification of Part 4—Organization of the Bureau, is discontinued. Future amendments to the description of organization will be published in the Notices section of the FEDERAL REGISTER.

2. Part 5—Functions and Procedures, is redesignated Part 4, and the part headnote is amended to read "Procedures."

3. Part 6—Substantive Rules, Policy or Interpretation, is deleted.

R. B. McCANDLESS,
Deputy Comptroller.

[F. R. Doc. 48-9345; Filed, Oct. 22, 1948; 8:47 a. m.]

Chapter III—Federal Deposit Insurance Corporation

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

In order to conform Chapter III of Title 12 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F.R. 519), the following editorial changes

are made in the chapter, effective upon publication in the FEDERAL REGISTER:

1. The codification of Subchapter A—Public Information, Parts 301 through 304 (except §§ 304.2 and 304.5) is discontinued. Future amendments to these provisions, which describe the organization and delegations of final authority of the Corporation, will be published in the Notices section of the FEDERAL REGISTER.

2. Subchapter B is redesignated Subchapter A—Procedures and Rules of Practice; Parts 305 through 312 thereunder are redesignated Parts 301 through 308, respectively, and the section numbers in those parts are changed as indicated in the following table:

Old number	New number
Sec. 305.0	301.1
306.1 to 306.7	302.1 to 302.7
307.1 to 307.11	303.1 to 303.11
308.1 to 308.3	304.1 to 304.3
309.1	305.1
310.1 to 310.3	306.1 to 306.3
311.1 to 311.3	307.1 to 307.3
312.1 to 312.18	308.1 to 308.18

3. The section headnote of § 301.1, as redesignated, is amended to read "Scope."

4. Subchapter C is redesignated "Subchapter B—Regulations and Statements of General Policy." The headnote of § 325.0 is amended to read "Scope."

5. A new Part 309—Confidential Information is added to Subchapter B. This part will consist of former §§ 304.2 and 304.5, redesignated §§ 309.1 and 309.2, respectively.

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] E. F. DOWNEY,
Secretary

[F. R. Doc. 48-9340; Filed, Oct. 22, 1948; 8:48 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d Gen. Rev. of Export Regs., Amdt. 11]

PART 372—GENERAL LICENSES

IN TRANSIT LICENSE "GIT"

Section 372.9 *General in transit license "GIT"* is amended in the following particulars:

Paragraph (b) is amended to read as follows:

(b) *Excepted commodity list.* The following commodities may not be exported to any destination under this general license:

Commodity	Schedule B No.	Schedule S No.
Jute 1	320509	303
Jute yarn, cordage and twine 1	321100	305
Bags of jute, new and used 2	322401	335
Jute burlaps 2	322505	335
Beryllium ores and concentrates	004545	080
Beryllium alloys and scrap	004565	085
Beryllium metal	004945	085
Bismuth metals and alloys	004910	085
Radium metal, radium content	004950	085
Gallium metal	004958	085
Polonium metal	004958	085

See footnotes at end of table.

Commodity	Schedule B No.	Schedule S No. ¹
Beryllium metal manufactures and beryllium alloy manufactures including, but not limited to, wire, sheets, castings, tubes, crucibles, disks.....	669198	685
X-ray windows containing beryllium.....	707550	700
Chemicals containing artificial radioactive isotopes.....	813590	810
Radium salts and compounds for medical use (state radium content).....	813590	810
Radon (radium emanations).....	813590	810
Actinium-bearing salts and compounds.....	839900	830
Beryllium salts and compounds including, but not limited to, beryllium oxide, beryllium nitrate, beryllium sulphate, and beryllium carbonate.....	839900	830
Chemicals containing artificial radioactive isotopes.....	839900	830
Gallium salts and compounds.....	839900	830
Polonium-bearing salts and compounds.....	839900	830
Radium ore concentrates.....	839900	830
Radium salts and compounds (state radium content).....	839900	830
Paints containing radium.....	843800	840

¹The Department of Commerce Schedule S number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of Schedule S, as well as Schedule B.

²License applications covering shipments of these jute products moving in transit through the United States to a foreign destination must be accompanied by documentary proof that such shipments are in fact in-transit shipments, and that the shipments have been charged to jute quota of the country of destination and not to that of the United States. Such proof may consist of (1) a photostat copy of the consular invoice of the country of destination, or (2) a copy of the bill of lading from the shipper or any other official document showing the country of destination.

This amendment shall become effective October 21, 1948.

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

Dated: October 8, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-9351; Filed, Oct. 22, 1948; 8:49 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 10]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

JUTE AND JUTE PRODUCTS

Section 373.7 Provisions concerning licenses for jute and jute products is amended to read as follows:

§ 373.7 Provisions concerning licenses for jute and jute products. (a) Except as otherwise provided in paragraph (b) of this section, all applications for licenses to export jute bags, jute burlap and jute twill sacking must be accompanied by satisfactory evidence that a consumption entry has been made at a United States Customhouse covering the particular material specified in the license application.

(b) Jute and jute products are excepted from the provisions of the general in-transit license GIT. License applications covering shipments of these com-

modities moving in transit through the United States to a foreign destination must be accompanied by documentary proof that such shipments are in fact in-transit shipments, and that the shipments have been charged to the jute quota of the country of destination and not to that of the United States. Such proof may consist of (1) a photostat copy of the consular invoice of the country of destination, or (2) a copy of the bill of lading from the shipper or any other official document showing the country of destination. (Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective October 21, 1948.

Dated: October 5, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-9350; Filed, Oct. 22, 1948; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5532]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ASSOCIATION OF COUPON BOOK MANUFACTURERS ET AL.

§ 3.7 Aiding, assisting and abetting unfair or unlawful act or practice: § 3.27 (b) Combining or conspiring—To eliminate competition—In conspirators' goods: § 3.27 (d) Combining or conspiring—To enhance, maintain or unify prices: § 3.27 (h) Combining or conspiring—To restrain and monopolize trade. I. In or in connection with the offering for sale, sale or distribution in commerce, of numbered tickets, namely, coupon books, amusement tickets, restaurant checks, clothing tickets, transit tickets and railroad tickets, and on the part of thirty-three corporate and partnership concerns, and on the part of their respective officers, agents, etc., entering into, continuing, cooperating, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties, to (1) establish, fix, or maintain prices, terms or conditions of sale for numbered tickets, or adhere to or promise to adhere to any prices, terms or conditions of sale so established, fixed or maintained; (2) employ or utilize any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or any other medium or central agency, to aid or assist in formulating plans for fixing or maintaining prices or performing or carrying out any of the acts or practices prohibited by the order; (3) Exchange, distribute, or relay

among the respondent manufacturers, or any of them, through or with the assistance of any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, price lists or schedules, or other information as to current prices or prices to be charged in the future, or any formula by which the current or future prices of any respondent manufacturer may be ascertained by a competitor, for the purpose or with the effect of fixing or maintaining prices for numbered tickets produced and sold by any of the respondent manufacturers; (4) exchange, distribute, or relay among the respondent manufacturers, or any of them, through any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, information concerning prices charged or to be charged for numbered tickets known in the trade as "tailor-made" or "special made" tickets, or for particular items or characteristics entering into the manufacture of such "tailor-made" or "special made" tickets, which has the tendency or capacity of enabling the different respondent manufacturers to quote and charge identical or uniform prices for such tickets or for particular items thereof; (5) exchange, distribute, or relay among the respondent manufacturers, or any of them, or to or through any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, information concerning prices charged particular customers, or information concerning sales or shipments of numbered tickets, when the identity of the manufacturer, seller, or purchaser is disclosed or may be determined through such information and which has the tendency or capacity of enabling any of the respondent manufacturers to quote and sell numbered tickets at the same price or upon the same terms or conditions as any of the other respondent manufacturers; (6) directly or indirectly participate in or carry out any agreement or understanding to establish or maintain any plan for the purpose or with the effect of informing or advising any of the manufacturing respondents, or any other manufacturer of numbered tickets, as to the price, terms, or conditions of sale at or upon which any manufacturing respondent, or other seller of numbered tickets, expects to make a sale or sales of numbered tickets; (7) formulate or use any code of symbols or identification marks, or file with or make known to any of the respondent associations, or any other medium or central agency, any such symbols or identification marks, which has the capacity of enabling any of the respondent associations, or any agent, representative or employee of a respondent or respondents, to identify the numbered tickets produced and sold by any respondent manufacturer, for the purpose or with the effect of fixing or maintaining, or assisting in the fixing or maintaining, of prices for numbered tickets; (8) adopt or maintain uniform standards governing style, size or color of tickets produced and sold by the respondent manufacturers, or the weight and quality of the paper or cardboard out of which said tickets are made, with the

purpose or effect of establishing, maintaining, or assisting in the establishing or maintaining, of uniform prices for numbered tickets; (9) hold or participate in any meeting or exchange of information among themselves, or under the auspices of any of the respondent associations or committees of said associations, or any other medium or central agency, at which proposed or future prices, terms, or conditions of sale of numbered tickets are discussed, or at which any other action is taken for the purpose or with the effect of eliminating competition in price, between and among the respondent manufacturers; or, (10) engage in any act or practice substantially similar to those prohibited in the order with the purpose or effect of establishing or maintaining uniform prices for numbered tickets; and, II, knowingly aiding, assisting, advising, or cooperating with the aforesaid respondents, or any of them, in performing any of the acts or practices or doing any of the things prohibited in the foregoing prohibitions one to ten, inclusive, and on the part of respondent American Ticket Manufacturers Association, and on the part of the five other corporate respondent associations specified in the order, and their officers, and on the part of respondents Gooch, individually and as partners, and on the part of their respective agents, etc.; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Association of Coupon Book Manufacturers et al., Docket 5532, September 3, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 3d day of September A. D. 1948.

In the matter of Association of Coupon Book Manufacturers, Amusement Ticket Manufacturers Association, Restaurant Check Manufacturers Association, Clothing Ticket Manufacturers Association, Transit Ticket Manufacturers Association, Licensed Railroad Ticket Manufacturers Association, Joseph Gooch, Jr., and Edith A. Gooch, copartners, trading as Gooch and Company, Globe Ticket Company, International Ticket Company, Keller Printing Company, Arcus-Simplex Ticket Company, Inc., Poole Brothers, Inc., Ansell-Simplex Ticket Company, Inc., Elliott Ticket Company, The Toledo Ticket Company, Arcus Ticket Company, Inc., McGill-Warner Company, Hancock Brothers, Dillingham Printing Company, Inc., Specialty Printing Company, National Ticket Company, Southwest Tablet Manufacturing Company, Premier-Southern Ticket Company, Inc., National Checking Company, Universal Checking System, Inc., Whitney Duplicating Check Company, Gibbs-Inman Company, Rand Avery-Gordon Taylor, Inc., Rand McNally and Company, Stromberg Allen and Company, Southern Coupon Company, The Baltimore Ticket Printing and Envelope Co., The A. H. Pugh Printing Company, Frank McCaffrey, Allen, Lane & Scott, Buxton & Skinner Printing & Stationery Co., Con. P. Curran Printing Company, Hedstrom-Barry Company, Allison Coupon Company, Dasco-Lock-

stub Corp., American Ticket Corporation, Jack's Letter Service, Inc., National Theatre Supply Company, and Weldon, Williams & Lick, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answers thereto filed by all of the respondents except Dasco-Lockstub Corp. and National Theatre Supply Company, in which answers said respondents (except American Ticket Corporation and Jack's Letter Service, Inc.) admitted with certain qualifications all of the material allegations of fact set forth in the complaint, waived all hearings as to said facts, and consented that the Commission may, without the taking of evidence and without any further procedure, make and enter its findings as to the facts, inferences drawn therefrom, and conclusions based thereon, and issue and serve upon said respondents an order to cease and desist from any act or practice or method of competition alleged in the complaint to constitute a violation of section 5 of the Federal Trade Commission Act; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondents, Globe Ticket Company, International Ticket Company, Keller Printing Company, Arcus-Simplex Ticket Company, Inc., Poole Brothers, Inc., Ansell-Simplex Ticket Company, Inc., Elliott Ticket Company, the Toledo Ticket Company, Arcus Ticket Company, Inc., McGill-Warner Company, Hancock Brothers, Dillingham Printing Company, Inc., National Ticket Company, Premier-Southern Ticket Company, Inc., National Checking Company, Universal Checking System, Inc., Whitney Duplicating Check Company, Gibbs-Inman Company, Rand Avery-Gordon Taylor, Inc., Rand McNally and Company, Southern Coupon Company, the Baltimore Ticket Printing and Envelope Company, the A. H. Pugh Printing Company, Allen, Lane & Scott, Buxton & Skinner Printing & Stationery Company, Con. P. Curran Printing Company, Hedstrom-Barry Company, Allison Coupon Company, and Weldon, Williams & Lick, Inc., and their officers, and Edwin L. Gosnell and Charles Edward Oster, individually and as co-partners trading as Specialty Printing Company, Edgar H. Perry, Sr., Edgar H. Perry, Jr., Edgar H. Perry, III, and Thomas A. Harris, individually and as co-partners trading as Southwest Tablet Manufacturing Company, Charles J. Stromberg, Herbert L. Greaves and Charles S. Greaves, individually and as co-partners trading as Stromberg Allen and Company, and Frank McCaffrey, an individual trading as Frank McCaffrey's Acme Press of Seattle, and said respondents' respective agents, representatives and employees, in or in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of numbered tickets, namely, coupon books, amusement tickets, restaurant checks, clothing tickets, transit tickets and railroad tickets, all hereinafter referred to as

"numbered tickets," do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts, practices or things:

1. Establishing, fixing, or maintaining prices, terms or conditions of sale for numbered tickets, or adhering to or promising to adhere to any prices, terms or conditions of sale so established, fixed or maintained.

2. Employing or utilizing any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or any other medium or central agency, to aid or assist in formulating plans for fixing or maintaining prices or performing or carrying out any of the acts or practices prohibited by this order.

3. Exchanging, distributing, or relaying among the respondent manufacturers, or any of them, through or with the assistance of any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, price lists or schedules, or other information as to current prices or prices to be charged in the future, or any formula by which the current or future prices of any respondent manufacturer may be ascertained by a competitor, for the purpose or with the effect of fixing or maintaining prices for numbered tickets produced and sold by any of the respondent manufacturers.

4. Exchanging, distributing, or relaying among the respondent manufacturers, or any of them, through any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, information concerning prices charged or to be charged for numbered tickets known in the trade as "tailor-made" or "special made" tickets, or for particular items or characteristics entering into the manufacture of such "tailor-made" or "special made" tickets, which has the tendency or capacity of enabling the different respondent manufacturers to quote and charge identical or uniform prices for such tickets or for particular items thereof.

5. Exchanging, distributing, or relaying among the respondent manufacturers, or any of them, or to or through any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, information concerning prices charged particular customers, or information concerning sales or shipments of numbered tickets, when the identity of the manufacturer, seller, or purchaser is disclosed or may be determined through such information and which has the tendency or capacity of enabling any of the respondent manufacturers to quote and sell numbered tickets at the same price or upon the same terms or conditions as any of the other respondent manufacturers.

6. Directly or indirectly participating in or carrying out any agreement or un-

derstanding to establish or maintain any plan for the purpose or with the effect of informing or advising any of the manufacturing respondents, or any other manufacturer of numbered tickets, as to the price, terms, or conditions of sale at or upon which any manufacturing respondent, or other seller of numbered tickets, expects to make a sale or sales of numbered tickets.

7. Formulating or using any code of symbols or identification marks, or filing with or making known to any of the respondent associations, or any other medium or central agency, any such symbols or identification marks, which has the capacity of enabling any of the respondent associations, or any agent, representative or employee of a respondent or respondents, to identify the numbered tickets produced and sold by any respondent manufacturer, for the purpose or with the effect of fixing or maintaining, or assisting in the fixing or maintaining, of prices for numbered tickets.

8. Adopting or maintaining uniform standards governing style, size or color of tickets produced and sold by the respondent manufacturers, or the weight and quality of the paper or cardboard out of which said tickets are made, with the purpose or effect of establishing, maintaining, or assisting in the establishing or maintaining, of uniform prices for numbered tickets.

9. Holding or participating in any meeting or exchange of information among themselves, or under the auspices of any of the respondent associations or committees of said associations, or any other medium or central agency, at which proposed or future prices, terms, or conditions of sale of numbered tickets are discussed, or at which any other action is taken for the purpose or with the effect of eliminating competition in price, between and among the respondent manufacturers.

10. Engaging in any act or practice substantially similar to those prohibited in this order with the purpose or effect of establishing or maintaining uniform prices for numbered tickets.

It is further ordered, That the corporate respondents, Amusement Ticket Manufacturers Association, Restaurant Check Manufacturers Association, Association of Coupon Book Manufacturers, Clothing Ticket Manufacturers Association, Transit Ticket Manufacturers Association, and Licensed Railroad Ticket Manufacturers Association, and their officers, and respondents, Joseph Gooch, Jr., and Edith A. Gooch, individually and as co-partners trading as Gooch and Company, and said respondents' respective agents, representatives and employees, do forthwith cease and desist from knowingly aiding, assisting, advising, or cooperating with the aforesaid respondents, or any of them, in performing any of the acts or practices or doing any of the things prohibited in the paragraphs numbered 1 to 10, inclusive, of this order.

It is further ordered, For reasons appearing in the findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to the respondents Daseo-Lockstub Corp.,

Jack's Letter Service, Inc., National Theatre Supply Company, and American Ticket Corporation.

It is further ordered, That each of the respondents against which this order is directed shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 48-9356; Filed, Oct. 22, 1948;
8:51 a. m.]

[Docket No. 5323]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PRACTICAL NURSES' GUILD, INC., ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or corporate business as association or guild:* § 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (k) *Advertising falsely or misleadingly—Individual attention:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product or service:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.72 (g) *Offering unfair, improper and deceptive inducements to purchase or deal—Job guarantee and employment:* § 3.72 (h) *Offering unfair, improper and deceptive inducements to purchase or deal—Membership in fictitious bureau or organization:* § 3.72 (i 5) *Offering unfair, improper and deceptive inducements to purchase or deal—Opportunities in product or service:* § 3.72 (n 10) *Offering unfair, improper and deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Individual or corporate business as association or guild.* In connection with the offering for sale, sale, and distribution of courses of study or instruction, in commerce, (1) using the word "guild," or any word or term of similar meaning, to designate, describe, or refer to respondents' business; or otherwise representing that said business is a group or association of practical nurses formed for mutual aid or the protection of their common interests; (2) representing, directly or by implication, that certificates or diplomas issued to those who complete the course of study purchased from respondents are authorized by any board of managers of

a "Guild" or other group or organization of practical nurses or by representatives of such a group or organization; (3) representing, directly or by implication, that purchasers of respondents' course of study become members of or acquire any rights or privileges in any group or organization of practical nurses; (4) representing, directly or by implication, that the certificate or diploma issued by respondents results in the holder being preferred for employment by hospitals or institutions; (5) representing, directly or by implication, that compared to the type of personal training or attention given, the cost of respondents' course of study is insignificant; or otherwise representing or implying that any personal training or attention in excess of that actually furnished is given purchasers of said course of study; (6) representing, directly or by implication, that respondents' terms or conditions of sale for the course of study are other than or different from what they are in fact; or, (7) representing, directly or by implication, that respondents' course of study thoroughly covers every phase of practical nursing; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Practical Nurses' Guild, Inc. et al., Docket 5323, September 23, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 3d day of September A. D. 1948.

In the matter of Practical Nurses' Guild, Inc., a corporation; J. R. McLain, individually and as president of said corporation; and Elsie Hess, an individual.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, and brief in support of the complaint (respondents not having filed briefs and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that respondents Practical Nurses' Guild and J. R. McLain have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Practical Nurses' Guild, a corporation, its officers, representatives, agents, and employees, and respondent J. R. McLain, individually and as president of the Practical Nurses' Guild, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of courses of study or instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Guild," or any word or term of similar meaning, to designate, describe, or refer to respondents' business; or otherwise representing that said business is a group or association of practical nurses formed for mutual aid or the protection of their common interests.

2. Representing, directly or by implication, that certificates or diplomas issued to those who complete the course of study purchased from respondents are authorized by any board of managers of a "Guild" or other group or organization of practical nurses or by representatives of such a group or organization.

3. Representing, directly or by implication, that purchasers of respondents' course of study become members of or acquire any rights or privileges in any group or organization of practical nurses.

4. Representing, directly or by implication, that the certificate or diploma issued by respondents results in the holder being preferred for employment by hospitals or institutions.

5. Representing, directly or by implication, that compared to the type of personal training or attention given, the cost of respondents' course of study is insignificant; or otherwise representing or implying that any personal training or attention in excess of that actually furnished is given purchasers of said course of study.

6. Representing, directly or by implication, that respondents' terms or conditions of sale for the course of study are other than or different from what they are in fact.

7. Representing, directly or by implication, that respondents' course of study thoroughly covers every phase of practical nursing.

It is further ordered, That, for the reasons stated in the conclusion to the findings as to the facts herein, the complaint be, and the same hereby is, dismissed without prejudice as to respondent **Elsie Hess**.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-9357; Filed, Oct. 22, 1948; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter II—United States Tariff Commission

RULES OF PRACTICE AND PROCEDURE

Following are the rules of practice and procedure of the United States Tariff Commission as revised October 7, 1948, effective on the date of publication in the **FEDERAL REGISTER**. Previous rules are superseded as of the effective date of this revision.

This revision incorporates rules governing investigations under section 3 of the Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.); amends rules relating to investigations under section 22 of the Agricultural Adjustment Act (of 1933) as amended by section 3 of the Agricultural Act of 1948 (Pub. Law 897, 80th Cong.); and amends certain rules to conform with Executive Order 10004, Oct. 5, 1948 (13 F. R. 5851).

The codification of Part 200, describing the organization of the Commission, has been discontinued. A revision of the statement of organization appears in this issue of the **FEDERAL REGISTER** in the Notices section, where future amendments will also be published.

- Part
- 201 Rules of general application.
- 202 Investigations as to costs of production.
- 203 Investigations as to unfair practices in import trade.
- 204 Investigations of effects of imports on agricultural programs.
- 205 Investigations as to quotas on Philippine articles.
- 206 Investigations regarding products on which possible tariff concessions will be considered in trade-agreement negotiations.
- 207 Investigations of injury to domestic producers resulting from trade-agreement concessions.

PART 201—RULES OF GENERAL APPLICATION

- Sec.
- 201.1 Applicability of general rules.
- 201.2 Exercise of powers.
- 201.3 Quorum.
- 201.4 Suspension of rules.
- 201.5 Matters of official record available to the public.
- 201.6 Confidential information.
- 201.7 Methods employed in obtaining information.
- 201.8 Applications for investigation under section 336 of the Tariff Act of 1930, under section 504 of the Philippine Trade Act of 1946, and under Part III of Executive Order 10004, and complaints under section 337 of the Tariff Act of 1930.
- 201.9 Scope of investigation.
- 201.10 Public notice of investigations.
- 201.11 Public hearings.
- 201.12 Appearances.
- 201.13 Rehearings, additional hearings, postponements, continuances, and extensions of time.
- 201.14 Conduct of public hearings.
- 201.15 Witnesses and subpoenas.
- 201.16 Witness fees and mileage.
- 201.17 Depositions.
- 201.18 Oral argument.
- 201.19 Service of process.
- 201.20 Authority to make decisions not delegated.

AUTHORITY: §§ 201.1 to 201.20 issued under secs. 332, 336, 337, 46 Stat. 698, 701, 703, sec. 22, 48 Stat. 773 as amended, sec. 504, 60 Stat. 156, secs. 3, 12, 60 Stat. 238; 19 U. S. C. 1332, 1336, 1337, 22 U. S. C. 1354, 5 U. S. C. 1002, 1011; Sec. 3, Pub. Law 897, 80th Cong.; E. O. 10004, Oct. 5, 1948, 13 F. R. 5851.

§ 201.1 *Applicability of general rules.* The Tariff Commission rules of general application apply to investigations under the provisions of sections 332 of the Tariff Act of 1930, and so far as pertinent to investigations under the provisions of sections 336 and 337 of the Tariff Act of 1930 (46 Stat. 698, 701, 703; 19 U. S. C. 1332, 1336, 1337), to investigations under section 22 of the Agricultural Adjustment Act (of 1933), as amended (sec. 3, Pub. Law 897, 80th Cong.), to investigations under section 504 of the Philippine Trade Act of 1946 (60 Stat. 156; 22 U. S. C. 1354), to investigations under section 3 of the Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.), and to investigations under Part III of Executive Order 10004, Oct. 5, 1948 (13 F. R. 5851). Rules having specific application to investigations under sections 336 and 337 of the Tariff Act of 1930, under sec-

tion 22 of the Agricultural Adjustment Act, as amended, under section 504 of the Philippine Trade Act, under section 3 of the Trade Agreements Extension Act of 1948, and under Part III of Executive Order 10004, respectively, appear separately in Parts 202 to 207 of this chapter. In case of inconsistency between a rule of general application appearing in this part and a rule of special application in the other parts mentioned, the rule in Parts 202 to 207 is controlling. No rules governing investigations under section 338 of the Tariff Act of 1930 (46 Stat. 704; 19 U. S. C. 1338) are issued because such investigations, which concern questions of possible discrimination by foreign countries against the commerce of the United States, are of a nature requiring their conduct under cover of secrecy.

§ 201.2 *Exercise of powers.* The Commission may meet and exercise all its powers at any place and may designate any of its members or any duly authorized agent or agents to prosecute any inquiry necessary to its duties.

§ 201.3 *Quorum.* A majority of the Commissioners in office shall constitute a quorum.

§ 201.4 *Suspension of rules.* In an emergency or when in the judgment of the Commission the public interest requires it, the Commission may modify or suspend any of its rules of practice and procedure except such details of procedure as are expressly required by law. Whenever feasible, public notice of such suspension will be given.

§ 201.5 *Matters of official record available to the public.* The following information and reports (except confidential material) may be inspected by persons concerned, on request to the Secretary, either in the Tariff Commission Building, Washington 25, D. C., or if requested, in the New York office of the Tariff Commission, Customhouse, New York City.

(a) Applications for investigations; complaints of unfair practices in import trade; answers and other documents filed in opposition to such applications or complaints.

(b) Notices concerning investigations, including notices of institution of investigations, of hearings, and of disposition of investigations.

(c) Transcripts of testimony taken and exhibits submitted at hearings.

(d) Reports to the President on which the President has taken action.

(e) Reports made to either or both Houses of Congress or to Committees of Congress, after release by the body concerned.

(f) Reports and other documents issued for general distribution.

§ 201.6 *Confidential information.* (a) The following information and reports are held to be confidential for good cause found and are not available to public inspection:

(1) Reports to the President:

(i) Reports under section 3 of the Trade Agreements Extension Act of 1948 which have not been made public by either the Committee on Ways and Means of the House of Representatives

or the Committee on Finance of the Senate.

(i) Other reports which have not been acted upon by the President.

(2) Reports made to either or both Houses of Congress or to Committees of Congress which have not been made public by the body concerned.

(3) Reports containing confidential information, and reports prepared for the confidential use of other Government agencies.

(4) *Confidential business data.* Title 18, U. S. C., section 1905 (Pub. Law 772, 80th Cong.) imposes criminal penalties upon an officer or employee of the United States or of any department or agency thereof who discloses "in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association * * *."

(b) Information submitted to the Commission in confidence should be submitted on separate pages clearly marked "Confidential". The Commission may refuse to accept in confidence any particular information which it determines is not entitled to confidential treatment.

§ 201.7 *Methods employed in obtaining information*—(a) *Questionnaires, correspondence, and field work.* In obtaining information necessary to carry out its functions and duties, the Commission may employ any means authorized by law. It is the practice of the Commission to obtain much of its information through the use of questionnaires and correspondence, and through field work by duly authorized members of the Commission's staff who interview such manufacturers, farmers, distributors, importers, representatives of labor, consumers, and others, as may be necessary to obtain the required information. Official requests for information required by the Commission are made either in writing or orally, and responses are received either in writing or orally, depending upon the nature of the information requested and the use to be made of it.

(b) *Informal conferences.* The Commission encourages informal conferences either with members of the Commission or its staff, in all matters concerning its activities. Such conferences can be arranged by addressing a request to the Secretary of the Commission at its office in the Tariff Commission Building, Washington 25, D. C., stating the subject matter of the proposed conference and the reasons for the request.

(c) *Formal hearings.* In formal proceedings, the Commission obtains information from the evidence presented at hearings as well as through independent investigation by the Commission and its staff of experts.

§ 201.8 *Applications for investigation under section 336 of the Tariff Act of 1930, under section 504 of the Philippine Trade Act of 1946, and under Part III of Executive Order 10004, and complaints under section 337 of the Tariff Act of 1930.*

(a) All applications for investigations under section 336 of the Tariff Act of 1930, under section 504 of the Philippine Trade Act of 1946, or under Part III of Executive Order 10004, and complaints under section 337 of the Tariff Act of 1930, must be filed with the Secretary, United States Tariff Commission, Washington 25, D. C.¹ However, requests for information concerning such matters may be filed with the New York office as well as with the Washington office.

(b) Receipt by the Commission of an application for investigation or of a complaint properly filed will be acknowledged by the Secretary of the Commission, and public notice of such receipt will be posted at the principal office of the Commission in Washington, D. C., and at its New York office, and published in the FEDERAL REGISTER and the weekly Treasury Decisions of the Treasury Department. This public notice will set forth the name or description of the commodity concerned, the date of receipt, the purpose of the application or complaint, and the name of the applicant or complainant. Similar public notice will be given regarding the withdrawal or dismissal of applications or complaints. Copies of the notices referred to in this paragraph will be mailed to all persons named in the application or complaint concerned.

(c) From the time of posting notice of the receipt of an application or of a complaint, such application or complaint, except for confidential material, will be made available for public inspection at the office of the Commission in Washington, D. C., where it may be read and copied by persons interested.

(d) Applications and complaints may be withdrawn as a matter of course at any time before an investigation pursuant thereto has been ordered by the Commission, but, even if an application or complaint shall have been withdrawn, the Commission may order an investigation if in its judgment the public interest so requires. The Commission may also in special cases and for adequate cause allow the withdrawal of an application or complaint after an investigation has been ordered, but the investigation may be continued if deemed by the Commission to be in the public interest. Investigations may be terminated short of formal completion when, in the judgment of the Commission, the public interest so requires.

(e) The Commission will notify the applicant or complainant of its decision to order or not to order the investigation requested. In reaching its decision, the Commission will take into consideration the information furnished by the applicant or complainant, the information

assembled by its staff, and the information furnished by other persons either in favor of or opposed to the institution of an investigation.

§ 201.9 *Scope of investigation.* In ordering an investigation, the Commission will not be confined to the commodity or commodities covered by an application or a complaint but may broaden, limit, or modify the scope of the investigation.

§ 201.10 *Public notice of investigations.* Public notice will be given of every formal investigation under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act (of 1933), as amended, under section 504 of the Philippine Trade Act of 1946, under section 3 of the Trade Agreements Extension Act of 1948, and under Part III of Executive Order 10004, by posting a copy of the notice at the principal office of the Commission at Washington, D. C., and at its office in New York City, and by publishing a copy of the notice in Treasury Decisions and in the FEDERAL REGISTER. Subsequent notices concerning the investigations will be given in the same manner. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers' organizations.

§ 201.11 *Public hearings.* (a) Hearings are required by law in the case of investigations under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, under section 504 of the Philippine Trade Act of 1946, under section 3 of the Trade Agreements Extension Act of 1948, and under Part III of Executive Order 10004. No public hearing is required in general investigations under section 332 of the Tariff Act of 1930; however, when determined by the Commission to be appropriate and feasible, hearings will be held in such investigations.

(b) Public notice will be given of the time and place set for all hearings, in the same manner that notice is given of an investigation. Announcement of hearing will ordinarily be made 30 days in advance of the date set.

(c) Hearings will be conducted in accordance with the rules set forth in § 201.14.

§ 201.12 *Appearances.* (a) Any person showing to the satisfaction of the Commission an interest in the subject matter of an investigation may enter an appearance in such investigation, either in person or by representative, at any time before the close of the public hearing relating to the matter involved. Persons participating as witnesses only are not expected to enter appearances.

(b) Requests to enter an appearance shall be filed in writing with the Secretary of the Commission at its office in Washington, D. C., or at any other place where a hearing is held. Attorneys or agents desiring to appear for any interested person or persons shall file written notice to that effect.

(c) No register of attorneys or agents who may practice before the Commission is maintained. No application for admission to practice is required. Any per-

¹ Under Executive Order 7233 of November 23, 1935 (7 CFR 900.501), applications for investigations under sec. 22 of the Agricultural Adjustment Act (of 1933) as amended, must be filed with the Secretary of Agriculture. See Part 204 of this chapter.

son desiring to appear as attorney or agent before the Commission may be required to show to the satisfaction of the Commission his acceptability in that capacity. Any attorney or agent practicing before the Commission, or desiring so to practice, may for good cause shown be suspended or disbarred from practicing before the Commission, but only after he has been accorded an opportunity to be heard in the matter.

(d) No former officer or employee of the Commission who has, as such officer or employee, given personal consideration to an investigation (including preliminary inquiries prior to the institution of an investigation) shall be eligible to appear as attorney or agent before the Commission in such investigation. No former officer or employee of the Commission shall be eligible to appear as attorney or agent before the Commission within 2 years after the termination of such employment unless he has first obtained written consent from the Commission.

§ 201.13 *Rehearings, additional hearings, postponements, continuances, and extensions of time.* The Commission may in its discretion for good cause shown grant rehearings, additional hearings, postponements, or continuances of hearings, or extend the time for doing any act required by or pursuant to these rules. Motions or requests for postponements or extensions of time must be filed at least 10 days in advance of the time previously prescribed. Motions for additional hearing or rehearing must be filed within a reasonable time after the Commission's decision in the particular matter. The Commission may on its own motion order such rehearings, additional hearings, postponements, or continuances of hearings as it may deem necessary for a full presentation of the facts in any investigation.

§ 201.14 *Conduct of public hearings.* (a) Hearings are conducted by one or more Commissioners, and the record shall be presented for the consideration of the Commission.

(b) Parties interested may appear at public hearings, either in person or by representative, and produce, under oath, oral or written evidence relevant and material to the subject matter of the investigation. Publications of the United States Government, particularly reports of the Tariff Commission, need not be offered in evidence because the Commission will take notice of them as public documents. Reference may be made to a public document by its title and particular page.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b).

(c) After offering evidence, witnesses may be questioned under the direction of the Commission by any member of the Commission, or by any agent designated by the Commission, or by any person who has entered an appearance, for the purpose of assisting the Commission in obtaining the material facts with respect to the subject matter of the investigation.

(d) Evidence, oral or written, submitted at hearings, will upon the order of the Commission be subject to verification from the books, papers, and records of the parties submitting the same and from any other available sources.

(e) All hearings are stenographically reported. The Commission does not distribute transcripts of the records of such hearings. Parties interested may inspect them at the Commission's office in Washington, D. C., or purchase them from the official reporter.

§ 201.15 *Witnesses and subpoenas.* (a) Unless otherwise ordered by the Commission, witnesses shall be examined orally.

(b) The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(c) Any member of the Commission may sign subpoenas, and members and agents of the Commission, when authorized by the Commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

(d) Subpoenas for the attendance of witnesses or for the production of documentary evidence will be issued at the request of any person who has entered an appearance in an investigation in accordance with § 201.12, upon application in writing and determination by the Commission of the general relevance and reasonable scope of the evidence sought. Such application shall be addressed to the Commission, and shall include a statement as to the nature, relevance, and scope of the testimony sought, and, in the case of documentary evidence, an adequate specification of the documents desired.

CROSS REFERENCE: For rule regarding expenses see § 201.16.

For rule regarding service of process, see § 201.19.

§ 201.16 *Witness fees and mileage.* (a) Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking them, except employees of the Commission, shall severally be entitled to the same fees and mileage as are paid for like service in the courts of the United States.

(b) When witnesses are summoned or depositions are taken at the request of a party interested, such party shall bear all expenses involved.

§ 201.17 *Depositions.* (a) The Commission may order testimony to be taken by deposition at any stage of an investigation. Depositions may be taken before any person having power to administer oaths and designated by the Commission. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent and certified in the usual manner by the person taking the deposition. After the deposition has been so certified it shall, together with a copy thereof made by such person or under his direction, be forwarded under seal to the Secretary of the

Commission, Washington 25, D. C., and shall constitute a part of the record in such investigation. A sufficient number of additional copies of depositions must be furnished so that testimony so produced will be available to parties interested.

(b) Briefs of the evidence given by deposition and arguments thereon may be filed in the same manner as briefs of testimony given at a public hearing.

(c) Any person may be compelled to appear and depose and to produce documentary evidence under this section in the same manner that witnesses may be compelled to appear and testify and produce documentary evidence before the Commission.

CROSS REFERENCE: For provision regarding expenses, see § 201.16 (b).

§ 201.18 *Oral argument.* Oral argument may, in the discretion of the Commission, be heard upon the conclusion of the testimony in a hearing. The Commission will determine in each instance the time to be allowed for argument and the allocation thereof to the parties interested.

§ 201.19 *Service of process.* (a) Except when service by other methods shall be specifically ordered by the Commission, processes of the Commission, service of which is required by law or by the Commission's rules, shall be served by the Secretary of the Commission by mailing a copy thereof, registered, to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served. Complaints and findings under section 337 of the Tariff Act of 1930 shall be similarly served.

(b) When service cannot be accomplished by registered mail or whenever the Commission shall so direct, processes of the Commission may be served by anyone duly authorized by a Commissioner (1) by delivering a copy of the document to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (2) by leaving a copy thereof at the principal office of such person, partnership, or corporation.

(c) The return post office receipt for such processes, registered and mailed as aforesaid, or the verified return by the person serving such processes, setting forth the manner of said service, shall be proof of the service of the document.

§ 201.20 *Authority to make decisions not delegated.* (a) Authority to interpret the laws applying to the Tariff Commission and the rules adopted thereunder is retained in the Commission itself.

(b) Authority to make findings, recommendations, and reports authorized by law is retained in the Commission itself.

PART 202—INVESTIGATIONS AS TO COSTS OF PRODUCTION

Sec.	
202.1	Applicability of rules under section 336.
202.2	Applications.
202.3	Type of information to be developed at hearing.

Sec.

202.4 Briefs.
202.5 Reports.

AUTHORITY: §§ 202.1 to 202.5 issued under sec. 336, 46 Stat. 701; 19 U. S. C. 1336.

§ 202.1 *Applicability of rules under section 336.* The rules under this part are specifically applicable to investigations for the purposes of section 336 of the Tariff Act of 1930 (46 Stat. 701; 19 U. S. C. 1336), and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 202.2 *Applications.* (a) Applications for an investigation for the purposes of section 336 may be made by any person, partnership, association, or corporation.

(b) Applications for investigation should be typewritten or printed and five clear copies must be submitted, but applications need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

(c) Applications must clearly state that they are requests for investigations and must name or describe the commodity concerning which an investigation is sought. They should also refer to the tariff provision or provisions applicable to such commodity and should state whether an increase or a decrease in the rate of duty is sought.

(d) The applicant must file with his application such supporting information as may be in his possession. The filing of such information is required to aid the Commission in determining whether to order the investigation, and does not render unnecessary the investigation itself. As far as practicable, information of the character indicated below should be furnished:

(1) Comparability of the domestic and foreign articles and the degree of competition between them.

(2) Trend of domestic production and sales and trend of imports.

(3) Trend of cost of production and prices in recent years.

(4) Evidence of difference between domestic and foreign costs of production of the articles involved. (When considered with reference to section 336, the term "cost of production" includes transportation costs and other costs incident to the delivery of the articles to the principal market or markets of the United States.)

(5) Areas of greatest competition between the imported and domestic products and the principal market or markets in the United States.

(6) Other relevant factors that constitute, in the opinion of the applicant, an advantage or disadvantage in competition, and any other information which the applicant believes the Commission should consider.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

§ 202.3 *Type of information to be developed at hearing.* (a) Without excluding other factors, but with a view to assisting parties interested to present

information necessary for the formulation of findings required by the statute, the Commission will expect attention in the hearing to be concentrated upon facts relating to:

(1) The competitive strength of the foreign and domestic articles in the markets of the United States.

(2) The degree of likeness or similarity between grades, classes, and price groups of the American product and the imported article.

(3) Costs of production and importation. Statements of average cost of production, domestic and, so far as known, foreign, may be submitted subject to verification and review in the Commission's investigation. Such statements should include not only the direct costs for materials and labor, commonly termed prime cost, but also indirect costs, such as indirect labor, overhead factory expenses, fixed charges, the portion of general and administrative expense chargeable to manufacture, interest on investment equity, and transportation to markets. For the foreign product the expenses (other than duties) incident to importation are also important. Any information which may be available bearing on the general levels of domestic and foreign costs of production, the differentials between domestic and foreign producers as to particular elements of cost, and the extent to which invoice or wholesale prices are reliable evidence of foreign costs, will be pertinent.

(4) Other significant advantages or disadvantages in competition.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

(b) The Commission also seeks information to determine: (1) Principal competing country. (2) Principal American market or markets. (3) Representative period of time for cost inquiry.

(c) Finally, parties interested appearing at public hearings are expected to present definite information rather than generalities and conjectures.

CROSS REFERENCE: For rules regarding public notice of investigation and hearings, see §§ 201.10, 201.11 of this chapter.

§ 202.4 *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the Commission by parties interested who have entered an appearance. Unless otherwise ordered, 10 clear copies typed, mimeographed, multigraphed, or printed shall be filed with the Secretary of the Commission within 10 days after the close of the hearing.

CROSS REFERENCE: For rules regarding briefs of evidence given by deposition, see § 201.17 (b) of this chapter.

§ 202.5 *Reports.* After the completion of its investigation, the Commission will incorporate its findings in a report and the report will be transmitted to the President.

PART 203—INVESTIGATIONS AS TO UNFAIR PRACTICES IN IMPORT TRADE

Sec.

203.1 Applicability of rules under section 337.
203.2 Complaints.

Sec.

203.3 Preliminary inquiry.
203.4 Answers to complaints.
203.5 Briefs.
203.6 Record.
203.7 Findings.
203.8 Transmittal to President.

AUTHORITY: §§ 203.1 to 203.8, issued under sec. 337, 46 Stat. 703; 19 U. S. C. 1337.

§ 203.1 *Applicability of rules under section 337.* The rules under this part are specifically applicable to investigations for the purposes of section 337 of the Tariff Act of 1930 (46 Stat. 703; 19 U. S. C. 1337), and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 203.2 *Complaints.* (a) Complaint alleging violation of section 337 of the Tariff Act of 1930 may be made by any person, partnership, association, or corporation.

(b) Complaints must be made under oath but need not be drawn in any particular form. They must be signed by or on behalf of the complainant and must contain the name, address, and nature of business of the complainant and of the person or persons alleged to violate the law. The location of manufacturing plant or plants should also be stated. Complaints must contain a short and simple statement of the facts constituting the alleged unfair methods of competition or unfair acts. Specific instances of alleged unlawful importations or sales should be given.

(c) To the extent possible, complaints must also contain economic data concerning domestic production and distribution, imports and their distribution, and other pertinent facts such as will indicate: (1) That the domestic industry concerned is efficiently and economically operated and that it is being or is likely to be destroyed or substantially injured by the importations or sales in question; (2) that the alleged unlawful acts are preventing the establishment of an efficiently and economically operated domestic industry; or (3) that the alleged unlawful acts are having the effect or tendency to restrain or monopolize trade and commerce in the United States.

CROSS REFERENCE: For rule dealing with confidential information, see § 201.6 of this chapter.

(d) The complaint may be amended or further evidence submitted, in the discretion of the Commission, for good cause shown.

(e) Complainants must submit a clear copy of any complaint or amendment thereto for each person alleged to have violated the provisions of section 337 of the Tariff Act of 1930, and the Commission may require the supplying of additional copies to be served on persons whose alleged violation of section 337 is called to its attention subsequent to the filing of the complaint. In addition, five copies must be submitted for the official use of the Commission.

§ 203.3 *Preliminary inquiry.* The Commission will make such preliminary inquiry as it shall deem necessary to determine (a) whether the institution of an investigation is warranted and (b)

whether the issuance of a temporary order of exclusion from entry (if requested) under section 337 (f) of the Tariff Act of 1930 is warranted.

§ 203.4 *Answers to complaints.* After an investigation shall have been ordered, and not before, a copy of the complaint will be served by the Commission upon any owner, importer, or consignee, or the agent of any of them, alleged to violate the provisions of section 337 of the Tariff Act of 1930, and such owner, importer, consignee, or agent, shall have 30 days, unless otherwise ordered, in which to make written answer under oath and to show cause, if any there be, why the provisions of section 337 of the Tariff Act of 1930 should not be applied in respect of the alleged unfair methods of competition and unfair acts set forth in the complaint.

Copies of all answers will be served by the Commission upon complainants or upon their attorneys.

The Commission reserves the right to determine whether to send copies of complaints to respondents in foreign countries.

CROSS REFERENCE: For rule regarding public notice of investigation and hearings, see §§ 201.10, 201.11 of this chapter.

§ 203.5 *Briefs.* (a) The Commission will fix a date on or before which briefs may be submitted, which date will be announced at the close of the hearing. Unless otherwise ordered, 20 clear copies typed, mimeographed, multigraphed, or printed shall be filed with the Secretary of the Commission.

(b) Application for extension of time for submitting briefs shall be filed in writing with the Secretary of the Commission at least 10 days before the date set for submitting briefs and shall set forth fully the reasons for such application.

(c) Copies of all briefs shall be served by the Commission upon all interested parties who have entered appearances or upon their representatives of record.

§ 203.6 *Record.* (a) A transcript of the testimony in an investigation, together with the findings and recommendations of the Commission, shall be the official record of the proceedings and findings in the investigation.

(b) Confidential material accepted by the Commission as confidential and so marked, will not be considered a part of the record sent to the court in the case of an appeal.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

§ 203.7 *Findings.* (a) Upon the conclusion of an investigation, the Commission will formulate findings based thereon. When the findings show a violation of the statute, a copy of the findings certified by the Secretary under the seal of the Commission will be delivered or sent by registered mail promptly to the owner, importer, or consignee or to the agent of any of them, found to be guilty of such violation.

(b) Attention is directed to the provision of section 337 (c) authorizing rehearings by the Commission on questions of either fact or law and appeals by the importer or consignee within 60 days

to the United States Court of Customs and Patent Appeals upon a question or questions of law only. If no appeal is filed within the time prescribed and no rehearing granted, or if appeal is filed or rehearing granted and the Commission's findings are ultimately affirmed, the findings are then considered final.

§ 203.8 *Transmittal to President.* The final findings of the Commission will be transmitted with the record to the President for consideration and for action under the statute.

PART 204—INVESTIGATIONS OF EFFECTS OF IMPORTS ON AGRICULTURAL PROGRAMS

Sec.

- 204.1 Applicability of rules under Agricultural Adjustment Act.
- 204.2 Tariff Commission directed to make investigations.
- 204.3 Public notice of hearing.
- 204.4 Conduct of hearings.
- 204.5 Confidential information.
- 204.6 Investigation in addition to hearing.
- 204.7 Reports.

AUTHORITY: §§ 204.1 to 204.7 issued under sec. 22, added by sec. 31, 49 Stat. 773, as amended; 7 U. S. C. 624.

§ 204.1 *Applicability of rules under Agricultural Adjustment Act.* The rules under this part are specifically applicable to investigations under section 22 of the Agricultural Adjustment Act (of 1933), as amended (sec. 3, Pub. Law 897, 80th Cong.), and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 204.2 *Tariff Commission directed to make investigations.* When so directed by the President, the United States Tariff Commission shall make an immediate investigation and shall give precedence thereto.¹

§ 204.3 *Public notice of hearing.* A public hearing is required by law in every such investigation. Notice of the hearing shall be given by posting a copy of the notice or announcement thereof at the principal office of the Commission in Washington, D. C., and at its office in New York City. A copy of the notice will also be sent to press associations, to trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the investigation.

§ 204.4 *Conduct of hearings.* (a) Hearings shall be conducted by one or more Commissioners. The Production and Marketing Administration² may have a representative or representatives at each hearing, who shall have the privilege of examining witnesses.

(b) Any interested person may appear at the hearing, either in person or by representative, and produce oral or written evidence relevant and material to the

¹ Applications for investigations for the purpose of sec. 22 of the Agricultural Adjustment Act, as amended, must be filed with the Secretary of Agriculture.

² Originally referred to in Executive Order 7233 (7 CFR 900.501) as the Agricultural Adjustment Administrator. (See E.O. 9069, Feb. 23, 1942; E.O. 9280, Dec. 5, 1942; E.O. 9322, Mar. 26, 1943 (3 CFR, Cum. Supp.); and Memorandum No. 1118 of the Secretary of Agriculture, Aug. 18, 1945.)

matter or matters involved in the investigation.

(c) Witnesses shall be sworn. No documentary evidence, except as is legally subject to judicial notice, shall be accepted unless verified under oath by the person offering it as a true statement of the facts contained therein.

(d) Evidence, oral or written, submitted in hearings, shall, upon the order of the Commission, be subject to verification from the books, papers, and records of the parties interested and from any other available sources.

(e) All hearings shall be stenographically reported. Copies of the transcript of the minutes of such hearings may be purchased from the official reporter.

(f) The Commission may continue any hearings or order such additional hearing or rehearing as it may deem necessary for a full presentation of the facts involved in any investigation.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

§ 204.5 *Confidential information.* (a) If witnesses desire to submit confidential information which the Commission considers to be of that character, the Commission shall accept such submission and respect its confidential character.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

§ 204.6 *Investigation in addition to hearing.* The Commission shall make such investigation in addition to the hearing as it deems to be necessary for a full disclosure and presentation of the facts. In such investigation the Commission may invoke all the powers granted to it under Part II, Title III, of the Tariff Act of 1930 (46 Stat. 696 et seq.; 19 U. S. C. 1330-1341).

§ 204.7 *Reports.* After the completion of its investigation the Tariff Commission shall make findings of fact, which shall include a statement of the steps taken in the investigation, and it shall transmit to the President a report of such findings, and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and it shall also transmit a copy of such report to the Secretary of Agriculture.

PART 205—INVESTIGATIONS AS TO QUOTAS ON PHILIPPINE ARTICLES

Sec.

- 205.1 Applicability of rules under section 504, Philippine Trade Act of 1946.
- 205.2 Applications.
- 205.3 Type of information to be developed at hearing.
- 205.4 Reports.

AUTHORITY: §§ 205.1 to 205.4 issued under sec. 504, 60 Stat. 156.

§ 205.1 *Applicability of rules under section 504, Philippine Trade Act of 1946.* The rules under this part are specifically applicable to investigations for the purposes of section 504 of the Philippine Trade Act of 1946 (60 Stat. 156) and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter. Section 504 of the Philippine Trade Act does not apply to sugar, cordage, rice, cigars, scrap to-

bacco, stemmed and unstemmed filler tobacco, coconut oil, and pearl or shell buttons, on which quotas are imposed by part 2 of title II of the act.

§ 205.2 *Applications.* (a) Applications for an investigation for the purpose of section 504 of the Philippine Trade Act may be made by any person, partnership, association, or corporation.

(b) Applications for investigation should be typewritten or printed and five clear copies must be submitted, but applications need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

(c) Applications must clearly state that they are requests for investigation and must name or describe the commodity concerning which the investigation is sought.

(d) The applicant must file with his application supporting information in his possession. The filing of such information is requested to aid the Commission in determining whether to order an investigation, and does not render unnecessary the investigation itself. As far as practicable, information of the character indicated below should be furnished.

(1) Comparability of the Philippine articles in question with products of the United States with which they are considered competitive, and the degree of competition between them.

(2) Trend of domestic production and sales and trend of imports of the particular Philippine articles.

(3) Areas of greatest competition between domestic products and the particular Philippine articles and the principal market or markets in the United States.

(4) Other relevant factors that constitute, in the opinion of the applicant, an advantage or disadvantage in competition, and any other information which the applicant believes the Commission should consider.

CROSS REFERENCES: For rule regarding the submission of confidential information, see § 201.6 (b) of this chapter.

For rules regarding public notice of investigation and of hearings, see §§ 201.10, 201.11 of this chapter.

§ 205.3 *Type of information to be developed at hearing.* (a) Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings required by the statute, the Commission will expect attention in the hearing to be concentrated upon facts relating to:

(1) The competitive strength in the markets of the United States of the Philippine articles as compared with the like domestic products.

(2) The degree of likeness or similarity between grades, classes, and price groups of the Philippine articles and the like domestic products.

(3) The point (in terms of quantity) at which imports of the Philippine articles come or are likely to come into substantial competition with like products of the United States.

(4) The amount of the Philippine articles which (during the 12 months ending on the last day of the month preceding the month in which occurs the date of the beginning of the investigation) was entered, or withdrawn from warehouse, in the United States for consumption.

(5) Other significant factors concerning conditions of competition between the Philippine article and the like domestic article.

(b) Finally, parties appearing at public hearings are expected to present definite information rather than generalities and conjectures.

§ 205.4 *Reports.* After the completion of its investigation, the Commission will incorporate its findings in a report and include in its report a statement of the steps taken in the investigation. The report will be transmitted to the President and copies will be sent to each House of the Congress.

PART 206—INVESTIGATIONS REGARDING PRODUCTS ON WHICH POSSIBLE TARIFF CONCESSIONS WILL BE CONSIDERED IN TRADE-AGREEMENT NEGOTIATIONS

Sec.

206.1 Applicability of rules under section 3, Trade Agreements Extension Act of 1948.

206.2 Purpose of investigation.

206.3 Public notice of investigation.

206.4 Public hearings.

206.5 Briefs.

206.6 Reports.

AUTHORITY: §§ 206.1 to 206.6 issued under Sec. 3, Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.); E. O. 10004, Oct. 5, 1948 (13 F. R. 5851).

§ 206.1 *Applicability of rules under section 3, Trade Agreements Extension Act of 1948.* The rules under Part 206 are specifically applicable to investigations for the purposes of section 3 of the Trade Agreements Extension Act of 1948 and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 206.2 *Purpose of investigation.* The purpose of an investigation under section 3 of the Trade Agreements Extension Act of 1948 is to determine, with respect to each import article to be considered in trade-agreement negotiations for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment (a) the limit to which such modification, imposition, or continuance may be extended in order to carry out the purpose of the Trade Agreements Act of 1934, as amended, without causing or threatening serious injury to the domestic industry producing like or similar articles; and (b) the minimum increases in duties or additional import restrictions required in cases where increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or similar articles.

§ 206.3 *Public notice of investigation.* Public notice of an investigation for the purpose of section 3 of the Trade Agreements Extension Act of 1948 will be

announced by posting a copy of the notice, and the list of products to be covered by the investigation, at the principal office of the Commission at Washington, D. C., and at its office in New York City; by publishing a copy of the notice in the FEDERAL REGISTER and in Treasury Decisions. Copies of the notice will also be sent to press associations, trade and similar organizations of producers, and to importers' organizations. Copies of the notice and the list of products to be covered by the investigation will be mailed on request to parties interested.

§ 206.4 *Public hearings—(a) Public notice.* In the course of an investigation pursuant to section 3 of the Trade Agreements Extension Act of 1948, the Commission will hold public hearings. Notice will be given of the time and place set for all hearings in the same manner as notice is given of the investigation. Announcement of hearing will ordinarily be made 30 days in advance of the date set.

(b) *Appearances at hearings.* Parties interested may appear at public hearings, either in person or by representative, and produce, under oath, oral or written evidence relevant and material to the subject matter of the investigation.

(c) *Written statements.* Since public hearings are only a part of the investigation, and the Commission's findings are based on the information obtained at public hearings as well as other information which it may obtain in the course of the investigation, persons who cannot appear at public hearings but who desire to supply written information relevant and material to the subject matter of the investigation may do so by submitting five clear copies of the written statement, one of which shall be sworn to. No special form for presentation of written views is prescribed. Written statements so submitted will be given the same consideration as testimony presented at the hearing, and, except for confidential material, will be open to public inspection. Because the Commission's report to the President must be completed within 120 days after the start of the investigation, written statements not submitted at the hearing can be assured consideration only if received by the Commission before the close of the public hearing.

(d) *Official notice of Government publications.* Publications of the United States Government, especially reports of the Tariff Commission, need not be offered in evidence because the Commission will take notice of them as public documents. Extensive excerpts from such publications, particularly data regarding United States production, exports, or imports, should not be included in statements to the Commission either at the hearing or otherwise, but should be referred to by citing the title and page number of the pertinent publication.

CROSS REFERENCES: For rule regarding conduct of public hearings, see § 201.14 of this chapter.

For rule regarding official notice by Commission of public documents, see § 201.14 of this chapter.

(e) *Confidential information.* All information submitted in confidence should be submitted on separate pages clearly marked "Confidential." The Commission may refuse to accept in confidence any particular information which it determines is not entitled to confidential treatment.

CROSS REFERENCE: For general rule regarding confidential information, see § 201.6 of this chapter.

(f) *Type of information to be developed at hearing or in written statements.* Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings required by the statute, the Commission will expect attention to be concentrated on facts relating to:

(1) Trends of domestic production, sales, and imports for the articles in question, including data on recent developments.

(2) The competitive strength of the foreign article and the like or similar domestic article in the markets of the United States during a period which is representative of conditions of competition between such articles.

(3) Geographic areas of greatest competition between the domestic and the imported product and the principal market or markets in the United States.

(4) Costs of production of the foreign and the domestic article during the period specified under (2) and trend in costs of importation of the imported article.

(5) Additional information of a factual character bearing on the competitive position of the domestic industry.

§ 206.5 *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the Commission by parties interested who have entered an appearance. Unless otherwise ordered, 10 clear copies typed, mimeographed, multigraphed, or printed shall be filed with the Secretary of the Commission within 30 days after the close of the hearing.

§ 206.6 *Reports.* The Commission will report to the President its findings in the investigation not later than 120 days after the receipt by the Commission from the President of the list of products to be covered by the investigation.

Section 5 of the Trade Agreements Extension Act provides that within 30 days after a trade agreement has been entered into which does not comply with the limits or minimum requirements specified in the findings reported to the President by the Tariff Commission, the President shall transmit a copy of such agreement to the Congress, whereupon the Tariff Commission must deposit with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a copy of its report to the President with respect to such agreement. The Tariff Commission is required by paragraph 5 of Executive Order 10004 to keep confidential any portion of its report to the President which has not been made public by one or both of the committees referred to. Otherwise no part of the re-

port may be disclosed by the Tariff Commission at any time.

PART 207—INVESTIGATIONS OF INJURY TO DOMESTIC PRODUCERS RESULTING FROM TRADE-AGREEMENT CONCESSIONS

Sec.

- 207.1 Applicability of rules under Executive Order 10004.
- 207.2 Purpose of investigation.
- 207.3 Applications.
- 207.4 Confidential information.
- 207.5 Public notice of investigation.
- 207.6 Public hearings.
- 207.7 Reports.

AUTHORITY: §§ 207.1 to 207.7 issued under Part III, E. O. 10004, Oct. 5, 1948, 13 F. R. 5851.

§ 207.1 *Applicability of rules under Executive Order 10004.* The rules under this part are specifically applicable to investigations for the purposes of Part III of Executive Order 10004 dated October 5, 1948 (13 F. R. 5851) and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 207.2 *Purpose of investigation.* The purpose of an investigation under Part III of Executive Order 10004 is to determine whether, as a result of unforeseen developments and of a concession granted on any article by the United States in a trade agreement containing a clause such as that prescribed in paragraph 10 of Part III of Executive Order 10004, such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or similar articles.

§ 207.3 *Applications.* (a) Applications for an investigation for the purposes of Part III of Executive Order 10004 may be made by any interested person, partnership, association, or corporation, and must be filed with the Secretary, United States Tariff Commission, Washington 25, D. C. Receipt by the Commission of an application for investigation, properly filed, will be acknowledged by the Secretary, and public notice of such receipt will be posted at the principal office of the Commission in Washington, D. C., and at its New York office, and published in the FEDERAL REGISTER, and in the weekly Treasury Decisions of the Treasury Department. Copies of notices will also be sent to press associations, trade and similar organizations of

¹ Paragraph numbered 10 of the Executive Order (which was issued to implement the Trade Agreements Act of June 12, 1934, as amended by the Trade Agreements Extension Act of 1948) is as follows: "There shall be applicable to each concession with respect to an article imported into the United States which is granted by the United States in any trade agreement hereafter entered into, a clause providing in effect that if, as a result of unforeseen developments and of such concession, such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or similar articles, the United States shall be free to withdraw the concession, in whole or in part, or to modify it, to the extent and for such time as may be necessary to prevent such injury."

producers, and to importers known to the Commission to have an interest in the subject matter of the application. Such applications, except for confidential material, will be available for public inspection at the office of the Commission in Washington, D. C., or in the New York office of the Tariff Commission, Customhouse, New York City 4, N. Y., where they may be read and copied by persons interested. If the Tariff Commission orders an investigation, notice of such order will be posted and published in accordance with § 207.5. Notice of decision not to order an investigation will be posted and published in the same manner as notice of receipt of an application under this section. The Commission will notify the applicant of its decision to order or not to order the investigation requested.

(b) Applications for investigations should be typewritten or printed, and five clear copies must be submitted, but applications need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

(c) Applications must clearly state that they are requests for investigations and must name or describe the commodity or commodities concerning which an investigation is sought. They must also refer to the trade-agreement provision or provisions applicable to such commodity.

(d) The applicant must file with his application such supporting information as may be in his possession or is readily available. The filing of such information is required to aid the Commission in determining whether the circumstances warrant an investigation under Executive Order 10004, and does not render unnecessary the investigation itself. In other words, the application is preliminary to and not a substitute for the investigation which the Tariff Commission is required to make in appropriate circumstances. As far as practicable, information of the character indicated in this paragraph should be furnished:

(1) Information on imports, production, sales, and exports, of the product covered by the application, by months, for the years 1937, 1939, and 1946, and subsequent periods.

(i) Imports (quantity and value).

(ii) Production (quantity).

(a) By the applicant.

(b) By the domestic industry.

(iii) Sales (quantity and value).

(a) By the applicant.

(b) By the domestic industry.

(iv) Exports (quantity and value).

(a) By the applicant.

(b) By the domestic industry.

(2) Direct labor engaged in the domestic production of the product covered by the application, including the number of persons employed during a normal period of operation in a representative prewar year, in 1946, and at the time application is filed:

(i) By the applicant.

(ii) By the industry as a whole.

(3) Relation of income from the sales of product covered by the application to total receipts from all products produced by the applicant for a representative pre-

war year and for 1946 and subsequent period.

(4) Comparability of the domestic and the foreign article and the degree of competition between them both prior and subsequent to the effective date of the trade-agreement concession.

(5) The nature and extent of injury to the domestic producer which is alleged to be caused or threatened by reason of unforeseen developments and the concession in the trade agreement.

(6) Geographic areas in which the competition between the domestic and the foreign article is most intensive.

(7) Additional information of factual character, such as: Profits and losses; changes in price structures; tax burden; wages and other costs; effects of subsidies, and price-support programs; and similar data that show the applicant's competitive position.

(e) Upon acceptance of an application by the Commission, the facts set forth therein will be carefully considered together with other pertinent information which the Commission may have available in its files, or which it may obtain from other sources, in order to determine whether an investigation is warranted.

(f) The Commission encourages informal conferences either with members of the Commission or its staff with regard to filing applications under Executive Order 10004 as well as any other matters. Such conferences can be arranged by addressing a request to the Secretary of the Commission at its office in the Tariff Commission Building, Washington 25, D. C., stating the subject matter of the proposed conference and the reasons for the request. Most of the statistical material relating to United States production and trade referred to in paragraph (d) of this section may be found in publications of the United States Departments of Agriculture, Commerce, Interior, and Labor, which are generally available both at the Washington headquarters and at the field offices of those Departments, as well as in the larger public libraries and university and state libraries.

§ 207.4 *Confidential information.* All information submitted in confidence should be submitted on separate pages clearly marked "Confidential." The Commission may refuse to accept in confidence any particular information which it determines is not entitled to confidential treatment.

CROSS REFERENCE: For general rule regarding confidential information, see § 201.5 of this chapter.

§ 207.5 *Public notice of investigation.* Public notice of an investigation ordered by the Commission under Part III of Executive Order 10004 will be given by posting a copy of the notice at the principal office of the Commission at Washington, D. C., and at its office in New York City; by publishing a copy of the notice in the FEDERAL REGISTER; and by an announcement regarding the notice in Treasury Decisions. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the investigation.

§ 207.6 *Public hearings—(a) Public notice.* In the course of an investigation ordered for the purpose of Part III of Executive Order 10004, the Commission will hold public hearings. Public notice will be given of the time and place set for all hearings, in the same manner as notice is given of an order instituting investigations. Announcement of hearing will ordinarily be made 30 days in advance of the date set.

CROSS REFERENCE: For rule regarding conduct of public hearings, see § 201.14 of this chapter.

(b) *Type of information to be developed at hearing.* Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings and recommendations required by Part III of Executive Order 10004, the Commission will expect attention in the hearing to be concentrated upon the facts relating to:

(1) The competitive strength of the foreign and domestic article in the markets of the United States during a representative period prior and subsequent to the granting of the trade-agreement concession.

(2) Costs of production of the foreign and domestic article during a representative period prior and subsequent to the granting of the trade-agreement concession, and costs of importation of the foreign article during similar periods.

(3) Developments since the granting of the trade-agreement concession which constitute advantages or disadvantages in competition between the domestic and the foreign article in the markets of the United States.

Finally, parties interested appearing at public hearings are expected to present definite information rather than generalities and conjectures.

§ 207.7 *Reports.* If the Commission finds in its investigation that, as a result of unforeseen developments and of a concession granted in a trade agreement, imports are in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry, it will report its findings to the President with appropriate recommendations for the withdrawal or modification of the concession to the extent found necessary for the prevention of such injury. Such report is submitted for the President's consideration "in the light of the public interest." Presidential authority to increase duties and impose such additional import restrictions as are required or appropriate to carry out a foreign trade agreement is provided for in the Trade Agreements Act of 1934, as amended. (Section 350, Tariff Act of 1930, as amended, 19 U. S. C. 1351.) In the absence of such a finding by the Commission, notice of dismissal of the investigation will be published in the same manner as the notice ordering the investigation under § 207.5. The Commission will also issue a statement of the reasons for the dismissal.

[SEAL] OSCAR B. RYDER,
Chairman,
United States Tariff Commission.

[F. R. Doc. 48-9395; Filed, Oct. 22, 1948; 9:01 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,¹ Amdt. 45]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§825.1 to 825.12) is hereby amended in the following respect:

Schedule A, item 82 (d), is amended to describe the counties in the Defense-Rental Area, as follows: "In White County, the City of Carmi."

This amendment decontrols all of the Carmi Defense-Rental Area, State of Illinois, except the City of Carmi, Illinois.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c).)

This amendment shall become effective October 23, 1948.

Issued this 20th day of October 1948.

ED DUPREE,
Acting Housing Expediter.

Statement To Accompany Amendment 45 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Carmi Defense-Rental Area, State of Illinois, which is outside the City of Carmi, Illinois, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met. This amendment is therefore being issued to decontrol said portion of said Defense-Rental Area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9354; Filed, Oct. 22, 1948; 8:51 a. m.]

[Controlled Housing Rent Reg. for Miami Defense-Rental Area,² Amdt. 8]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION FOR MIAMI DEFENSE-RENTAL AREA

The Controlled Housing Rent Regulation for Miami Defense-Rental Area (§§ 825.41 to 825.52) is amended in the following respect:

1. Section 825.41 (b) (1) (vii) is amended by changing the second sentence thereof to read as follows: "This exemption shall apply to such accommodations only while rented to a person who at the beginning of his tenancy is, or was, a tourist tenant."

¹ 13 F. R. 5706, 5788, 5783, 5937.

² 13 F. R. 5735.

2. Section 825.41 (b) (1) (vii) as hereby amended shall read as follows:

(vii) *Tourist tenants.* Housing accommodations located in a resort community which, during at least six months of the year ending May 31, 1947, were either rented to tourist tenants or vacant, or both, and which were rented to a tourist tenant or not rented on May 31, 1947. This exemption shall apply to such accommodations only while rented to a person who at the beginning of his tenancy is, or was, a tourist tenant. For the purpose of this section, the term "tourist tenant" shall mean a tenant having his domicile outside of the resort community who is, or was, temporarily residing within such community: *Provided, however,* That the term shall not include a tenant who has continuously resided in the resort community for a period of more than nine months immediately prior to May 31, 1947, or more than nine months immediately prior to the date of renting the accommodations, whichever is the later.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (b))

This amendment shall become effective October 23, 1948.

Issued this 20th day of October 1948.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 48-9346; Filed, Oct. 22, 1948; 8:48 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments, Amdt. 45]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

Schedule A, item 82 (d), is amended to describe the counties in the Defense-Rental Area, as follows: "In White County, the City of Carmi."

This amendment decontrols all of the Carmi Defense-Rental Area, State of Illinois, except the City of Carmi, Illinois.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective October 23, 1948.

Issued this 20th day of October 1948.

ED DUPREE,
Acting Housing Expediter.

¹ 13 F. R. 5750, 5729, 5875, 5937, 5938.

Statement To Accompany Amendment 45 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Carmi Defense-Rental Area, State of Illinois, which is outside the City of Carmi, Illinois, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met. This amendment is therefore being issued to decontrol said portion of said Defense-Rental Area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9355; Filed, Oct. 22, 1948; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE, AND PROCEDURE

BUREAUS OF LAW AND ENGINEERING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of October 1948;

The Commission having before it a proposal to amend § 1.44 of its rules relating to organization and practice and procedure, whereby the Secretary with the approval of the Commission's Engineering and Law Bureaus shall have authority to act upon applications from FM broadcast stations for authority to transmit multiplex facsimile in accordance with § 3.266 of the Commission's rules; and

It appearing, that under the present Commission rules, the Commission would be required to take individual action upon each of said applications; and

It further appearing, that the processing of said applications will be greatly expedited by appropriate delegation of the Commission's authority to act thereon to members of the Commission Staff; and

It further appearing, that the proposed amendment is procedural and that the provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that authority for the proposed amendment is contained in sections 5 (b) and 303 (r) of the Communications Act of 1934, as amended.

It is ordered, That, effective immediately, § 1.144 of the Commission's rules relating to organization and practice and procedure be, and it is hereby, amended to include paragraph (1) which paragraph shall read as follows:

(1) Applications from FM broadcast stations requesting authority to transmit multiplex facsimile in accordance with § 3.266 of the Commission's rules.

(5 (b) 48 Stat. 1068; 303 (r), 50 Stat. 191; 47 U. S. C. 5 (b) and 303 (r))

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9364; Filed, Oct. 22, 1948; 8:53 a. m.]

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

PART 13—COMMERCIAL RADIO OPERATORS MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of October 1948;

The Commission having under consideration its rules and regulations relating to the application for and issuance of new, renewed, replacement and duplicate commercial radio operator licenses; and

It appearing, that, in the case of a license holder whose name is legally changed, specific provision should be made to cover the practice of issuing a replacement of that license to show the new legal name of the holder; and

It further appearing, that submission of applications in duplicate is no longer considered necessary; and

It further appearing, that the license entitled "War Emergency Radio Service Operator Permit" is no longer issued; and

It further appearing, that, in view of the provisions of section 35 (A) of the United States Criminal Code, applications for commercial radio operator licenses on which proper reference to section 35 (A) is made need no longer be notarized; and

It further appearing, that certain editorial changes should be made to simplify and clarify the meaning of certain rules and regulations involved in the above entitled matter, without, however, changing the intent or effect thereof; and

It further appearing, that authority for the amendments herein ordered is contained in sections 4 (1) and 303 (r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendments proposed herein are procedural in nature and, therefore, that the public notice and procedure for rule making provided by section 4 of the Administrative Procedure Act are not required and those amendments may be made effective immediately;

It is ordered, That §§ 1.213 and 1.329 of the Commission's rules relating to organization and practice and procedure, and §§ 13.1, 13.71, 13.72 and 13.73 of the Commission's rules governing commercial radio operators be amended as set forth below.

It is further ordered, That the amendments, as set forth below, shall be effective immediately.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

1. Paragraph (b) of § 1.213 is amended by the deletion of the words "in duplicate" in the second line thereof.

2. Paragraph (a) of § 1.329 is amended to read as follows:

(a) Application for a new, renewed, replacement or duplicate commercial radio operator's license, permit or authorization, or for an endorsement thereon, or for a verification card, shall be filed on FCC Form No. 756, entitled "Application for Commercial Radio Operator License or Permit," or on FCC Form No. 756-A, entitled "Application for Aircraft Radiotelephone Operator Authorization."

3. Footnote 1 to § 13.1 is amended to read as follows:

¹ Whenever the term "license" is used generally to denote an authorization from the Commission, it includes "license," "permit" and "authorization."

4. Section 13.71 is amended to read as follows:

§ 13.71 *Issue of duplicate or replacement licenses.* (a) An operator whose license, permit or authorization has been lost, mutilated or destroyed shall immediately notify the Commission. A properly executed application for duplicate should be submitted to the office of issue, embodying a statement of the circumstances involved in the loss, mutilation or destruction of the license or permit for which a duplicate is desired. If the license or permit has been lost, the applicant must state that reasonable search has been made for it, and further, that in the event it be found either the original or the duplicate will be returned for cancellation. The applicant should also submit documentary evidence of the service that has been obtained under the original license or permit, or a statement under oath or affirmation embodying that information.

(b) The holder of any license, permit or authorization whose name is legally changed may make application for replacement document to indicate the new legal name, by submitting a properly executed application to the office of issue, accompanied by the license, permit or authorization affected and by documentary evidence of the legality of the name change.

5. Section 13.72 is amended to read as follows:

§ 13.72 *Exhibiting signed copy of application.* When a duplicate or replacement operator license or permit has been requested, or request has been made for renewal upon service or for an endorsement or a verification card, the operator shall exhibit in lieu of the original document a signed copy of the application which has been submitted by him.

6. Section 13.73 is amended to read as follows:

§ 13.73 *Verification card.* The holder of an operator license or permit of the diploma form (as distinguished from such document of the card form) may, by filing a properly executed application accompanied by his license or permit,

obtain a verification card.² This card may be carried on the person of the operator in lieu of the original license or permit when operating any station at which posting of an operator license is not required: *Provided*, That the license is readily accessible within a reasonable time for inspection upon demand by an authorized Government representative.

7. Footnote 1 to § 13.73, as that section appeared prior to this amendment, is deleted.

[F. R. Doc. 48-9365; Filed, Oct. 22, 1948; 8:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF TOMATOES IN BOXES, APPLES AND ONIONS

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev.-24C, Amdt. 2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENT OF APPLES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, *It is hereby ordered*, That General Permit ODT 18A, Revised-24C, as amended (13 F. R. 3939, 6108), shall remain in full force and effect until December 31, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 20th day of October 1948.

HOMER C. KING,
Deputy Director,

Office of Defense Transportation.

[F. R. Doc. 48-9347; Filed, Oct. 22, 1948; 8:49 a. m.]

[General Permit ODT 18A, Rev.-43]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF TOMATOES IN BOXES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Ex-

² FCC Form 758-F.

ecutive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.544 *Shipments of tomatoes in boxes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), or in Items 545 and 550 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of tomatoes in boxes, standard lug, when such carload freight is loaded with not less than 600 boxes.

This General Permit ODT 18A, Revised-43, shall become effective October 20, 1948, and shall expire February 28, 1949.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 20th day of October 1948.

HOMER C. KING,
Deputy Director,

Office of Defense Transportation.

[F. R. Doc. 48-9348; Filed, Oct. 22, 1948; 8:49 a. m.]

[General Permit ODT 18A, Rev.-44]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.545 *Shipments of onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), or in Item 400 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward

from point of origin, any carload freight consisting of onions when such carload freight is loaded to a weight not less than 30,000 pounds.

This General Permit ODT 18A, Revised-44, shall become effective October 22, 1948, and shall expire February 28, 1949.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 20th day of October 1948.

HOMER C. KING,
Deputy Director,

Office of Defense Transportation.

[F. R. Doc. 48-9349; Filed, Oct. 22, 1948; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 151]

NARCOTIC REGULATIONS; ORDER FORMS AND MONTHLY RETURNS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Narcotics, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue or to the Commissioner of Narcotics, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 551, 2559, and 2606 of the Internal Revenue Code (53 Stat. 270, 277, 283; 26 U. S. C. 2551, 2559, 2606).

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.
GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Narcotic Regulations No. 5 amended to provide a third copy of narcotic order forms, and to eliminate the reporting of certain detailed information in monthly narcotic returns of manufacturers and wholesalers.

Narcotic Regulations 5 (26 CFR, Part 151) relating to narcotics subject to the Harrison Narcotic Law, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4884, approved February 11, 1939 (26 CFR, Cum. Supp., p. 5875) are amended as follows:

PARAGRAPH 1. Article 64 (26 CFR 151.64) is amended to read as follows:

§ 151.64 *Manner of procurement.* A person desiring and entitled to receive order forms should submit requisition on Form 679 to the collector of the district in which he is doing business. The order forms are issued in books each containing 10 sets of original, duplicate and triplicate forms. Blank requisitions, Form 679, may be obtained from the collector and a replacement requisition blank is included in each book of forms. Each requisition shall show the taxpayer's name, address, registry number

and class, and the number of books of order forms desired. A charge of 10 cents is made for each book of order forms, and the requisition should be accompanied by remittance of the proper amount in the form of certified check, cash or money order.

PAR. 2. Article 69 (26 CFR 151.69) is amended to read as follows:

§ 151.69 *Execution of forms.* Order forms are issued in triplicate and shall be executed in triplicate. They are arranged to permit the execution of the original, duplicate and triplicate simultaneously by means of interleaved carbon sheets. The original and the triplicate, together with the intervening carbon sheet must be furnished to the consignor, but shall not leave the possession of the person executing the order until the duplicate is made.

The attachment of extra sheets to order forms is not permitted. If one order form is not sufficient to include all the items of an order an additional form or forms shall be used. The order forms are intended solely to cover dispositions of taxable narcotic drugs and preparations to registered persons. They shall not in any case be used as prescriptions.

PAR. 3. Article 75 (26 CFR 151.75) is amended by striking from the first sentence thereof the number "10" and inserting in lieu of such number the number "5."

PAR. 4. Article 82 (26 CFR 151.82) is amended by inserting in the last sentence thereof immediately following the word "original" the words "and triplicate".

PAR. 5. Article 86 (26 CFR 151.86) is amended by striking out the first sentence and inserting in lieu thereof the following:

§ 151.86 *Endorsements.* An order form made out to a Class I or Class II registrant who can not fill it may be indorsed in the spaces provided for that purpose on the reverse sides of the original and triplicate forms and referred by him to another such registrant for filling.

PAR. 6. Article 88 (26 CFR 151.88) is amended to read as follows:

§ 151.88 *Filing of orders.* The duplicate shall be kept on file by the vendee for at least two years. The original shall be filed and preserved for a like period by the vendor. The triplicate shall be forwarded by the vendor at the close of the month during which it is filled to the Narcotics District Supervisor for the district in which the vendor is located.

Where an order is only partially filled during one month and other items thereon are to be supplied during a following month, as provided in § 151.82, the triplicate should be retained by the vendor and forwarded to the district supervisor at the close of the month during which the final shipment is made or during which the 60-day validity period expires.

Any order form which is improperly executed or mutilated so as to make it unusable, shall not be destroyed, but all copies shall be kept on file with the other duplicates.

PAR. 7. Article 89 (26 CFR 151.89) is amended to read as follows:

§ 151.89 *Lost and stolen order forms.* If a purchaser ascertains that an original unfilled order has been lost, he shall execute another in triplicate and an affidavit stating that the goods covered by the first order were not received through loss of the order, and shall note on the second order the number and date of the lost order and the fact that it was lost. The duplicate of the second order and the affidavit shall be filed with the duplicate of the order first executed. If the first order is subsequently received by the person to whom it was directed, he shall mark upon the face thereof, "Not accepted", and return it to the purchaser, who shall attach it to the duplicate and the affidavit.

Whenever any used or unused order forms are stolen from, or lost (otherwise than in the course of transmission) by, any person registered under the act, he shall immediately upon discovery of such theft or loss, report the same to the Commissioner of Narcotics, Washington, D. C., stating the serial number of each form stolen or lost. If the theft or loss includes any original orders received from other persons and the registrant is unable to state the serial numbers of such orders, he shall report the date of receipt thereof and the names and addresses of the purchasers. If an entire book of order forms is lost or stolen, and the registrant is unable to state the serial numbers of the order forms contained therein, he shall report, in lieu of the numbers of the forms contained in such book, the date or approximate date of purchase thereof. If any unused order form reported stolen or lost is subsequently recovered or found, the Commissioner of Narcotics shall be notified thereof.

PAR. 8. Article 116 (26 CFR 151.116) is amended to read as follows:

§ 151.116 *Form 810b; dispositions.* All dispositions of taxable narcotics and

preparations by a manufacturer as such, including exports, sales, transfers to other classes at the same location, and losses, shall be reported on form 810b. A separate sheet, properly headed in the space provided, shall be used for each different type of transaction. On each sheet separate entries shall be used to report dispositions of each kind of drug and of each different type and size of package or unit involved. All losses reported shall be fully explained.

The details of all exports, all insular sales, and all domestic sales to manufacturers (Class I), manufacturers of exempted preparations (Class V) and wholesale dealers (Class II), of any narcotic drug, and the details of all sales of (1) opium, its tinctures and extracts, (2) Pantopon, (3) Morphine and its salts, (4) dihydromorphinone and its salts (Dilaudid, Hymorphan), (5) dihydrocodeinone and its salts (Dicodid, Hycodan), (6) methyl-dihydromorphinone and its salts (Metopon), (7) cocaine and its salts, (8) isonipecaine and its salts (Demerol), and (9) Amidone (4, 4-diphenyl-6-dimethylamino-heptanone 3) (Methodon, Dolophin, Adanon) to retail pharmacists (Class III), practitioners (Class IV), hospitals, clinics, and sanatoria (Classes III or IV), and laboratories (Class VI), shall be reported in full on form 810b. The details of sales of other drugs to Class III, IV and VI registrants, may be omitted from returns, but such transactions shall be included in summarized entries on form 810b. For all such sales not reported in detail the manufacturer shall have available for inspection original sales orders, delivery slips, or other papers or records sufficient to fully evidence and explain the dispositions.

PAR. 9. Article 151 (26 CFR 151.151) is amended to read as follows:

§ 151.151 *Form 811b; dispositions.* All dispositions of taxable narcotics and preparations by a wholesale dealer as such, including exports, sales, transfers to other classes at the same location, and losses, shall be reported on form 811b. A separate sheet, properly headed in the space provided, shall be used for each different type of transaction. On each sheet separate entries shall be made of dispositions of each kind of drug and of each different type and size of package or unit involved. All losses reported shall be fully explained.

The details of all exports, all insular sales, and all domestic sales to manufacturers (Class I), manufacturers of exempted preparations (Class V), and wholesale dealers (Class II), of any drug, and the details of all sales of (1) opium, its tinctures and extracts, (2) pantopon, (3) morphine and its salts, (4) dihydromorphinone and its salts (dilaudid, hymorphan), (5) dihydrocodeinone and its sales (dicodid, hycodan), (6) methyl-dihydromorphinone and its salts (metopon), (7) cocaine and its salts, (8) isonipecaine and its salts (demerol), and (9) Amidone (4,4 diphenyl-6-dimethylamino-heptanone 3) (Methodon, Dolophin, Adanon), to retail pharmacists (Class III), practitioners (Class IV), hospitals, clinics, and sanatoria (Classes III

or IV), and laboratories (Class VI), shall be reported in full on form 811b. The details of sales of other drugs to Class III, IV and VI registrants, may be omitted from returns, but such transactions shall be included in summarized entries on form 811b. For all such sales not reported in detail the wholesale dealer shall have available for inspection original sales orders, delivery slips, or other papers or records sufficient to fully evidence and explain the dispositions.

[F. R. Doc. 48-9352; Filed, Oct. 22, 1948; 8:50 a. m.]

[26 CFR, Part 152]

MARIHUANA TAX REGULATIONS; STATUS OF MILLERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Narcotics, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, or to the Commissioner of Narcotics, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2599 and 2600 of the Internal Revenue Code (53 Stat. 282, 283; 26 U. S. C. 2599, 2600).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.
H. J. ANSLINGER,
Commissioner of Narcotics.

Regulations No. 1 amended to include special tax on, registration of, and exemption for certain transfers to, millers.

Regulations No. 1 (26 CFR, Part 152), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4884, approved February 11, 1939 (Note, 26 CFR, Cum. Supp., page 5875), are amended as follows:

PARAGRAPH 1. Article 2 (§ 152.2) is amended by relettering paragraphs (e) to (h) inclusive, (f) to (i) inclusive, and by inserting after paragraph (d) a new paragraph (e), which reads as follows:

(e) The term "miller" means any person who at a mill manufactures or produces from the plant *Cannabis sativa* L. any fiber or fiber products.

PAR. 2. There is inserted immediately preceding Article 3 (§ 152.3), the following:

SEC. 3231. REGISTRATION (INTERNAL REVENUE CODE)

(a) *In general.* Any person subject to the tax imposed by section 3230 shall, upon payment of such tax, register his name or style and his place or places of business with the collector of the district in which such place or places of business are located.

(b) *Special requirements for millers.* The Secretary shall not permit the registration of any person under this section as a person required to pay the tax imposed by section 3230 (a) (6), unless in the opinion of the Secretary such person (or if a corporation, each officer thereof) is a person of good moral character and unless in the opinion of the Secretary such person is a person of suitable financial standing, intends to engage in good faith in the business of manufacturing or producing fiber or fiber products from the plant *Cannabis sativa* L. on a commercial basis, and is not seeking registration under this section for the purpose of facilitating the unlawful diversion of marihuana. Any person who is registered under this section and has paid the tax imposed by section 3230 (a) (6) shall afford agents of the Bureau of Narcotics ready access at all times to any part of the premises of the mill or other premises of such person and the right to inspect any and all books, papers, records, or documents connected with the activities of such person in dealing in, manufacturing, and processing *Cannabis sativa* L. and fiber or fiber products thereof, and the handling of marihuana. The Secretary may cancel or may refuse to renew, after notice and opportunity for hearing, the registration of any such person if he finds that such person has not complied or is not complying with the requirements of this subsection, or if he finds that grounds exist which would justify the refusal to permit the original registration of such person under this section. [As added by sec. 10 (c), 60 Stat. 40; 26 U. S. C. 3231 (b)]

PAR. 3. The first sentence of Article 3 (§ 152.3) is amended by substituting a comma for the period after the word "marihuana" at the end thereof, and adding "or who manufactures or produces any fiber or fiber products from the plant *Cannabis sativa* L."

PAR. 4. Immediately after Article 4 (§ 152.4), there is inserted the following:

§ 152.4a *Investigation of millers' application.* (a) All applications filed by millers on Form 678c shall be referred by the collector to the appropriate narcotic district supervisor for investigation, report, and recommendation. Applications on Form 678c for reregistration shall also be referred by the collector to the appropriate narcotic district supervisor for investigation, report, and recommendation, if the collector is in doubt as to the applicant's being lawfully entitled to engage in the activity for which he seeks registration.

(b) In the case of applications which have been so referred, the collector shall not issue a special tax stamp in connection with any registration until information has been submitted to him by the narcotic district supervisor, that the applicant is lawfully entitled to engage in the activity in the district in which he seeks registration.

(c) Upon receipt of such application for registration or reregistration, the narcotic district supervisor shall immediately cause an investigation to be made of the applicant to determine whether he meets the qualifications set forth in section 3231 (b) of the Internal Revenue Code. In the case of a new applicant particularly, the investigation shall include a comprehensive inquiry to determine whether the applicant is equipped with technical facilities and technical skill adequate to establish and maintain the proposed milling operation with rea-

sonable degree of efficiency; whether the applicant has a market for the prospective fiber products; and whether there are or will be appropriate safeguards against diversion of marihuana while en route to, or at, the mill premises. The narcotic district supervisor shall make a complete report of the result of the investigation, with a statement of his findings and his recommendation, to the Commissioner of Narcotics who will notify the district supervisor of his approval or disapproval of the application, or direct that more information be furnished or that additional investigation be made before decision of approval or disapproval is made.

(d) Upon receipt of said notification, the narcotic district supervisor shall return the application to the collector with a statement that it has been approved or disapproved by the Commissioner of Narcotics including, in case of disapproval, representation of the points wherein the applicant lacks statutory qualification. The application together with the statement shall be returned to the collector within twenty days from date of receipt of the application by the district supervisor, unless a longer time shall be required within which to complete an investigation and report. In the latter event the district supervisor shall, upon or before the expiration of the said twenty days, notify the collector stating the estimated additional time required.

(e) If the application is returned disapproved, the collector shall so notify the applicant with a statement of the points wherein he lacks the necessary qualifications, and shall deny him registration.

(f) If the narcotic district supervisor shall find, after investigation, that a miller already registered has not complied or is not complying with the requirements of section 3231 (b) of the Internal Revenue Code, or that grounds exist which would justify the refusal to permit the original registration of such person under said section, he shall report the result of his investigation, with a statement of his findings and his recommendation, to the Commissioner of Narcotics whether or not an application by the miller for reregistration (renewal) has been submitted or is pending. The Commissioner of Narcotics may direct that more information be furnished or that additional investigation be made before decision is made in the case. The final decision of the Commissioner of Narcotics shall be communicated to the narcotic district supervisor and if adverse to the registrant, will include a statement showing wherein said registrant is deemed to be disqualified.

The collector shall immediately notify the registrant of an adverse decision with the included statement of disqualification, and that his current registration is canceled and that reregistration will be, or if application is pending is, denied. As the public health, interest and safety require otherwise, the registrant shall not be accorded opportunity to demonstrate or achieve compliance with the lawful requirements before cancellation of registration or denial of reregistration.

Within fifteen days from the date of the collector's notification of cancellation of existing registration or denial of reregistration, the registrant so notified may request a hearing by letter addressed and mailed to the Commissioner of Narcotics, Washington 25, D. C. Upon receipt of timely application, the Commissioner of Narcotics shall arrange a hearing at a time and place convenient to the parties, but effort will be made to hold such hearing within thirty days, before a hearing officer to be designated by said Commissioner and pursuant to rules to be hereafter promulgated and published.

PAR. 5. There is inserted immediately preceding Article 10 (§ 152.10) the following:

SEC. 3230. TAX (INTERNAL REVENUE CODE)

(a) *Liability and time for payment of tax.* Every person who imports, manufacturers, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana shall (1) before engaging in any of the above-mentioned activities, and (2) thereafter, on or before July 1 of each year, pay the following special taxes respectively:

(1) *Importers, manufacturers, and compounders.* Importers, manufacturers, and compounders of marihuana, \$24 per year.

(2) *Producers.* Producers of marihuana (except those included within subdivision (4) of this subsection), \$1 per year, or fraction thereof, during which they engage in such activity.

(3) *Physicians, dentists, veterinary surgeons, and other practitioners.* Physicians, dentists, veterinary surgeons, and other practitioners who distribute, dispense, give away, administer, or prescribe marihuana to patients upon whom they in the course of their professional practice are in attendance, \$1 per year or fraction thereof during which they engage in any of such activities.

(4) *Persons engaged in research, instruction, or analysis.* Any person not registered as an importer, manufacturer, producer, or compounder who obtains and uses marihuana in a laboratory for the purpose of research, instruction, or analysis, or who produces marihuana for any such purpose, \$1 per year, or fraction thereof, during which he engages in such activities.

(5) *Persons not otherwise taxed.* Any person who is not a physician, dentist, veterinary surgeon, or other practitioner and who deals in, dispenses, or gives away marihuana, \$3 per year: *Provided*, That any person who has registered and paid the special tax as an importer, manufacturer, compounder, or producer, as required by subdivisions (1) and (2) of this subsection, may deal in, dispense, or give away marihuana imported, manufactured, compounded, or produced by him without further payment of the tax imposed by this section.

(6) *Millers.* Any person who at a mill manufactures or produces from the plant *Cannabis sativa L.* any fiber or fiber products, \$1 per year or fraction thereof during which he engaged in such activities. [Subpar. (6) added by sec. 10 (b), 60 Stat. 40; 26 U. S. C. 3230 (a) (6)]

PAR. 6. Article 10 (§ 152.10) is amended as follows:

a. There is inserted in the table under the heading "Class" the numeral "VI"; under the heading "Annual tax rate" the numeral "1"; and under the heading "Persons liable" the word "Millers."

b. The last sentence in paragraph two is amended to read as follows: "Persons registering in classes II, IV, V, or VI, shall pay the tax of \$1 a year or for any

fractional part thereof, regardless of when business is commenced."

PAR. 7. Immediately after Article 16 (§ 152.16), there is inserted the following:

§ 152.16a *Millers.* Every person who at a mill manufactures or produces from the marihuana plant any fiber or fiber products is subject to tax as a miller at the rate of \$1 per annum or fraction thereof in class VI.

PAR. 8. The last sentence in the first paragraph of Article 38 (§ 152.38) is amended to read as follows: "The coupon stamps are issued to registrants in classes I and III, and the stamps without coupons to registrants in classes II, IV, V, and VI."

PAR. 9. There is inserted immediately preceding Article 52 (§ 152.52), the following:

SEC. 2591. ORDER FORMS (INTERNAL REVENUE CODE)

(a) *General Requirement.* It shall be unlawful for any person, whether or not required to pay a special tax and register under sections 3230 and 3231, to transfer marihuana, except in pursuance of a written order of the person to whom such marihuana is transferred, on a form to be issued in blank for that purpose by the Secretary.

(b) *Exceptions.* Subject to such regulations as the Secretary may prescribe, nothing contained in this section shall apply:

(1) *Professional practice.* To a transfer of marihuana to a patient by a physician, dentist, veterinary surgeon, or other practitioner registered under section 3231, in the course of his professional practice only: *Provided*, That such physician, dentist, veterinary surgeon, or other practitioner shall keep a record of all such marihuana transferred, showing the amount transferred and the name and address of the patient to whom such marihuana is transferred, and such record shall be kept for a period of two years from the date of the transfer of such marihuana, and subject to inspection as provided in section 2595.

(2) *Prescriptions.* To a transfer of marihuana, made in good faith by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, veterinary surgeon, or other practitioner registered under section 3231: *Provided*, That such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, veterinary surgeon, or other practitioner who issues the same: *Provided further*, That such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled so as to be readily accessible for inspection by the officers, agents, employees, and officials mentioned in section 2595.

(3) *Exportation.* To the sale, exportation, shipment, or delivery of marihuana by any person within the United States, any Territory, the District of Columbia, or any of the insular possessions of the United States, to any person in any foreign country regulating the entry of marihuana, if such sale, shipment, or delivery of marihuana is made in accordance with such regulations for importation into such foreign country as are prescribed by such foreign country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

(4) *Government and State officials.* To a transfer of marihuana to any officer or employee of the United States Government or of any State, Territorial, District, county, or municipal or insular government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, the Public Health Service, and for Government, State, Territorial, District, county, or municipal or insular hospitals or prisons.

(5) *Certain seeds.* To a transfer of any seeds of the plant *Cannabis sativa L.* to any person registered under section 3231.

(c) *Supply.* The Secretary shall cause suitable forms to be prepared for the purposes before mentioned and shall cause them to be distributed to collectors for sale. The price at which such forms shall be sold by said collectors shall be fixed by the Secretary, but shall not exceed 2 cents each. Whenever any collector shall sell any of such forms he shall cause the date of sale, the name and address of the proposed vendor, the name and address of the purchaser, and the amount of marihuana ordered to be plainly written or stamped thereon before delivering the same.

(d) *Preservation.* Each such order form sold by a collector shall be prepared by him and shall include an original and two copies, any one of which shall be admissible in evidence as an original. The original and one copy shall be given by the collector to the purchaser thereof. The original shall in turn be given by the purchaser thereof to any person who shall, in pursuance thereof, transfer marihuana to him and shall be preserved by such person for a period of two years so as to be readily accessible for inspection by any officer, agent, or employee mentioned in section 2595. The copy given to the purchaser by the collector shall be retained by the purchaser and preserved for a period of two years so as to be readily accessible to inspection by any officer, agent, or employee mentioned in section 2595. The second copy shall be preserved in the records of the collector.

(e) *Exemption for certain transfers to Millers.* Nothing in this section shall apply to a transfer of the plant *Cannabis sativa L.* or any parts thereof from any person registered under section 3231 to a person who is also registered under section 3231 as a taxpayer required to pay the tax imposed by section 3230 (a) (6). [Subsec. (e) added by sec. 10 (a), 60 Stat. 40; 26 USC 2591 (e)].

PAR. 10. Article 52 (§ 152.52) is amended by adding the following new subparagraph (6) (§ 152.52 (f)) at the end thereof:

§ 152.52 *When order forms not required.* * * *

(f) For transfers of the plant *Cannabis sativa L.* or any parts thereof (including seeds of the plant), from any person registered under section 3231 of the Internal Revenue Code to a person who is also registered under section 3231 of said Code as a taxpayer required to pay the tax imposed by section 3230 (a) (6), of said Code.

PAR. 11. There is inserted immediately after Article 68 (§ 152.68) the following:

§ 152.68a *Transfer of the plant Cannabis sativa L.* Before making transfers of the plant *Cannabis sativa L.*, the transferor must receive from the transferee a certificate of registration showing such person to be qualified under the act to acquire such plant. Certificates of registration will be issued by the collector for the district in which the transferee is registered, upon request of the transferee. Records covering receipt and disposition of such plant must be kept in the same manner as records of other transactions in marihuana (see article 74^{1/2} (§ 152.74a)).

PAR. 12. There is inserted immediately after Article 74 (§ 152.74) the following:

§ 152.74a *Returns required of millers.* Every person registered as a miller who

receives *Cannabis sativa L.* plants or parts thereof for the purpose of manufacturing or producing any fiber or fiber products, shall render a quarterly return on Form 961, and its supplement, Form 961a. The return shall be submitted to the collector of internal revenue for the district on or before the 15th day of April, July, October, and January, for the quarterly periods ending March 31, June 30, September 30, and December 31, respectively. Each such return shall account for all *Cannabis sativa L.* plants or parts thereof on hand, purchased, or otherwise acquired, all manufacture or producing of fiber or fiber products, and all sales, exports, or other dispositions of such plants or parts thereof, or their products.

All marihuana yield of such *Cannabis sativa L.* plants or parts thereof (green or dried flowering tops, foliage and seed) shall be destroyed on the miller's prem-

ises, and each return shall bear a written statement of the approximate weight of marihuana, or the approximate weight of marihuana and other commingled plant waste material, destroyed during the quarterly period and the method of destruction.

PAR. 13. Immediately after Article 77 (§ 152.77), there is inserted the following:

§ 152.77a *Processing by millers.* Persons who have registered and paid the tax to process the *Cannabis sativa L.* plants and parts thereof, for the purpose of extracting any fiber or fiber products therefrom, are required to keep complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom. The Government does not furnish blanks for the keeping of this record, but it should be in a form substantially as follows:

Date	Cannabis sativa L. plants and parts		Disposed of—		On hand			Remarks
	Received (pounds)	Processed (pounds)	Fiber (pounds)	Fiber products (pounds)	Plants (pounds)	Fiber (pounds)	Products (pounds)	

[F. R. Doc. 48-9353; Filed, Oct. 22, 1948; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 301]

EXTENSION TO TENNESSEE OF QUARANTINE ON ACCOUNT OF WHITE-FRINGED BEETLES AND EXTENSION TO REGULATED AREAS IN CERTAIN OTHER STATES NOW UNDER SAID QUARANTINE

NOTICE OF PUBLIC HEARING AND OF PROPOSED RULE MAKING

Notice is hereby given as required by section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 1946 ed. 161), and section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1946 ed. 1003 (a)) as follows:

The Secretary of Agriculture has information that white-fringed beetles (*Graphognathus* spp.), introduced insect pests destructive to agriculture and not heretofore known to be widely prevalent or generally distributed within the United States except in parts of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, have now been found to be present also in the State of Tennessee.

It is necessary, therefore, to consider amending Quarantine No. 72 on account of white-fringed beetles (7 CFR 301.72 *et seq.*; 13 F. R. 2811) to quarantine the State of Tennessee and to restrict or prohibit the movement from that State, or regulated portions thereof, into any other State, Territory or District, of any car-

riers of white-fringed beetles, including but not limited to the following articles:

Soil, sand, gravel, clay, compost, manure, peat, or muck, whether moved independently of or in connection with or attached to nursery stock, plants, products, articles, or things.

- Nursery stock.
- Grass sod.
- Plant crowns or roots for propagation.
- Uncleaned grass, grain, and legume seed.
- Potatoes (Irish), when freshly harvested.
- True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.
- Hay and straw.
- Peanuts in shells and peanut shells.
- Seed cotton and cottonseed.
- Scrap metal, junk, and cinders.

Consideration is also being given to extension of the presently regulated area designated in regulations supplemental to Quarantine No. 72 on account of white-fringed beetles (7 CFR 301.72-2; 13 F. R. 2811) to include parts of Clarke and Houston counties in Alabama, Jackson county in Florida, Crawford county in Georgia, East Baton Rouge and Washington parishes in Louisiana, Greene county in Mississippi, and Jones and Lenoir counties in North Carolina, where initial or additional infestations of white-fringed beetles were discovered during the last season; and to include additional parts of counties which are now under regulation in Alabama, Florida, Georgia, Mississippi, and North Carolina, where extensions of infestations of white-fringed beetles were found during the last season.

A public hearing will be held before the Bureau of Entomology and Plant Quarantine in the conference room, Patton Hotel, Chattanooga, Tennessee, at 10:00 a. m., December 1, 1948, in order that any person interested in the proposed quarantine or quarantine extension may appear and be heard, either in person or by attorney. Any interested person who desires to do so may also submit written views, data or arguments on these subjects by filing them with the Chief of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C., on or before November 30, 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

OCTOBER 19, 1948.

[F. R. Doc. 48-9344; Filed, Oct. 22, 1948;
8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 8414]

RULES AND AERONAUTICAL SERVICES

NOTICE OF PROPOSED RULE MAKING

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

2. It is proposed to amend § 9.172 of the rules governing aeronautical services to permit the continued use under certain conditions of currently licensed ground station equipment operating on frequencies above 500 kc even though that equipment cannot meet the frequency stability of 0.01% as provided for in this section. The proposed amended rule would read as follows:

§ 9.172 *Frequency stability.*¹ The carrier frequency of stations in the aeronautical service shall be maintained within the following percentage of the assigned frequency:

	Before Jan. 1 1950	After Jan. 1 1950
All aircraft stations on frequencies above 500 kc.....	Per- cent .02	Per- cent 1.01
All ground stations on frequencies above 500 kc.....	1.01	1.01
All stations on frequencies of 500 kc or below.....	.02	.02

¹ All new equipment shall meet this requirement. All existing equipment operating on frequencies below 30,000 kilocycles shall meet this requirement if this tolerance can be met by crystal change alone; otherwise the tolerance shall be 0.02%.

3. The proposed amendment is issued under the authority of section 303 (e),

¹ These tolerance requirements are obviously not applicable to certain devices such as altimeters and various radar equipments which are now operating on an experimental basis to determine their value, design and frequency requirements. Pending decision on the final status of such equipment and the modification of the Commission's rules to meet their needs, tolerance requirements will be specified on the licenses under which such devices operate.

(f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before November 19, 1948, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments, briefs and arguments presented before taking final action with respect to the proposed amendment.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9363; Filed, Oct. 22, 1948;
8:53 a. m.]

[47 CFR, Part 13]

[Docket No. 9163]

COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE MAKING

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

2. The proposed amendment of the Commission's rules governing commercial radio operators, by the establishment of a new § 13.5, is designed to prevent persons whose commercial radio operator licenses are suspended, persons involved in license suspension proceedings, or persons involved in pending litigation based on an alleged violation of the Communications Act of 1934, as amended, from escaping the penalty imposed (or that may be imposed) by declaring such persons temporarily ineligible to apply for commercial radio operator licenses of any class. Also, in view of the numerous letters received by the Commission from aliens requesting Commercial radio operator licenses, it is proposed to include in the new § 13.5 the provision of section 303 (l) of the Communications Act of 1934, as amended, that radio operator licenses be issued only to such citizens of the United States that the Commission finds qualified.

3. The proposed amendment, authority for which is contained in sections 4 (i), 303 (l) and 303 (r) of the Communications Act of 1934, as amended, is set forth below:

4. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner set forth below, may file with the Commission on or before November 19, 1948, a statement or brief setting forth his comments. At the same time, persons favoring the amendment as proposed may file statements in support thereof. The Commission will consider such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

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

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

It is proposed to amend Part 13 of the Commission's rules and regulations by adding a new § 13.5 as follows:

§ 13.5 *Eligibility for new license.* (a) Under the provisions of section 303 (l) of the Communications Act of 1934, as amended, United States citizens who are found qualified by the Commission are the only persons to whom radio operator licenses may be issued.

(b) Notwithstanding any other provisions of the Commission's rules, no person otherwise eligible shall be deemed to be eligible to be examined for or to receive a commercial radio operator license of any class, (1) whose commercial radio operator license is under suspension or is involved in a suspension proceeding, or (2) who is involved in any pending litigation based on an alleged violation of the Communications Act of 1934, as amended.

[F. R. Doc. 48-9362; Filed, Oct. 22, 1948;
8:53 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Parts 03, 157]

[Docket No. R-110]

FILING OF APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE OF PROPOSED RULE MAKING

OCTOBER 12, 1948.

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

2. It is proposed to adopt three general rules: The first to clarify the interpretation to be given generally to certain words and phrases of section 7 (c) of the Natural Gas Act, as amended; the second to permit natural-gas companies subject to the jurisdiction of the Commission under such act, as amended, without further authorization from the Commission; (a) to construct or install and operate certain auxiliary and replacement facilities, and facilities for the establishment of new delivery points for presently served communities; and (b) to construct and/or operate facilities for temporary periods when necessary to assure maintenance of adequate natural-gas service where interruption of service exists or is threatened; and the third to amend the present regulations respecting applications for temporary certificates under section 7 (c) of the Natural Gas Act, as amended, so as to limit the filing of such applications to cases of emergency involving minor extensions of existing facilities and interconnections of pipe line systems.

3. Section 7 (c) of the Natural Gas Act, as amended, provides among other things, that a certificate of public convenience and necessity must be obtained

before any person may construct, acquire, or operate "facilities" for the purpose of engaging in the transportation or sale of natural gas, subject to the jurisdiction of the Commission. Since the word "facilities" as used in this section of the act has not been defined, it has been given varying interpretations by those within the purview of section 7 (c). Clarification of the administrative interpretation to be given to section 7 (c) of the act, and specifically the word "facilities" as used therein, is desirable, in order to obtain greater uniformity in matters arising under this section of the statute and to avoid the filing and consideration of unnecessary applications for certificates.

4. Section 7 (c) of the Natural Gas Act, as amended, also provides, among other things, that the Commission "may by regulation exempt from the requirements of this section temporary acts or operations for which the issuance of a certificate will not be required in the public interest." The Commission has not heretofore found it necessary to issue a regulation of the nature contemplated by this provision of the act. However, because of greatly increased demands being made on natural-gas companies and the inability of such companies immediately to expand or improve their facilities sufficiently to meet such demands, there has been an increasing number of applications for temporary authority to construct and/or operate facilities for short periods of emergency. In order to relieve the administrative burden and to enable natural-gas companies to act immediately to assure maintenance of adequate natural-gas service where interruption of service exists or is threatened because of failure of facilities or failure of natural gas supply or because of unusual and unexpected demand on such facilities or supply, the Commission proposes by regulation to permit the performance of such temporary emergency acts without the necessity of first obtaining specific authorization therefor.

5. Section 157.9 of the general rules and regulations presently permits the filing of applications for temporary certificates under section 7 (c) of the Natural Gas Act, as amended, but requires that application for a permanent certificate shall be filed within 10 days thereafter if the emergency may continue for more than 30 days. The issuance of the regulation referred to in the paragraph next above will make it unnecessary for natural-gas companies to obtain specific authorization for emergency acts of less than 60 days' duration. Accordingly, it is appropriate and desirable that the present § 157.9 be amended. The proposed amendment is intended to restrict applications for temporary certificates to actual cases of emergency where it is necessary to construct and/or operate

facilities in order to assure maintenance of adequate service or to serve particular customers and the emergency does not permit a final determination with respect to a pending application for a permanent certificate.

6. The proposed amendments to the Commission's general rules and regulations set forth below are proposed to be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 56 Stat. 83; 15 U. S. C. Supp 717f, 15 U. S. C. 717o).

PART 03—SUBSTANTIVE RULES, GENERAL POLICY AND INTERPRETATIONS

§ 03.80 *Definition of term used in section 7 (c) of the Natural Gas Act, as amended.* For the purposes of section 7 (c) of the Natural Gas Act, as amended, the word "facilities" as used therein shall be interpreted to exclude:

(a) *Auxiliary facilities.* Facilities which are merely auxiliary or appurtenant to an existing transmission pipe line system such as: Valves; yard and station piping; cathodic protection equipment; metering and regulating equipment; gas cleaning, cooling and dehydration equipment; residual refining equipment; water pumping, treating and cooling equipment; electrical and communication equipment; and buildings: *Provided,* That such facilities do not change the daily delivery capacity of such existing transmission pipe line system.

(b) *Replacement facilities.* Facilities which constitute the replacement of existing facilities which have or will become unserviceable: *Provided,* That such replacement will not result in a reduction or abandonment of service rendered by means of such facilities: *And, provided, further,* That such replacement does not change the daily delivery capacity of the existing transmission pipe line system.

(c) *New delivery points.* Facilities for metering, regulating and for branch lines necessary to the establishment of new delivery points required for the delivery of gas to an existing customer for resale in a local community presently served from the same pipe line system by such customer.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT, AS AMENDED

§ 157.9 *Applications.* Pending the determination of an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, application may be made in cases of emergency for a temporary certificate authorizing the construction and operation of such minor extensions of existing facilities

and such interconnections of pipe line systems as may be required to assure maintenance of adequate service, or to serve particular customers. Such application for temporary certificate may be formal or informal and shall state clearly and specifically the exact character of the emergency, the proposed method of meeting it, and the facts warranting the issuance of a temporary certificate.

§ 157.14 *Exemption from requirements of section 7 (c) of the Natural Gas Act, as amended, of certain temporary acts or operations.* Public interest does not require the issuance of a certificate for the construction and operation of facilities or the undertaking of operations necessary to assure maintenance of adequate natural-gas service where interruption of service exists or is threatened because of failure of facilities supplying natural gas or failure of natural gas supply or unusual and unexpected demand on such facilities or natural-gas supply, and where such acts and operations are limited to a period aggregating not more than sixty (60) days.

All facilities used in connection with such temporary acts or operations shall be removed immediately upon discontinuance of the use thereof, unless appropriate application is made pursuant to section 7 (c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation thereof.

Any company which shall engage in such temporary acts or operations pursuant to this section shall, within ten (10) days after commencement thereof, file with this Commission a statement in writing setting forth the purpose and character of such temporary acts or operations and giving a description of any facilities specifically constructed therefor, and likewise shall file with the Commission a statement in writing of the fact and date of discontinuance of such temporary acts or operations within ten (10) days after such discontinuance. Such company shall also file a statement in writing of the fact and date of removal of any facilities specifically constructed for the purpose of enabling such temporary acts or operations within five (5) days of the completion of removal thereof.

7. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than November 30, 1948, data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9335; Filed, Oct. 22, 1948; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Circular 1702]

POWELL, WYO.

SALE OF TOWN LOTS

1. *Statutory authority.* Certain additional lands in Powell Townsite, Wyoming, will be disposed of under the acts of April 16 and June 27, 1906 (34 Stat. 116 and 519, 43 U. S. C. 561 and 568).

2. *Area and price.* The area and minimum price of the lands which are to be sold are shown by the attached schedule.

3. *Public sale.* On Tuesday, October 26, 1948, beginning at 10:00 a. m., a sale at public auction to the highest bidder at not less than the appraised price will be held at the office of the Shoshone Irrigation District at Powell, Wyoming. W. F. Kemp has been designated as superintendent of the sale and Alden S. Ingraham as auctioneer.

4. *Terms of sale.* Full payment for the lands must be made in cash on the date of the sale. The superintendent of the sale will forward the money received to the Manager, District Land Office at Cheyenne, Wyoming.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any of the lands and to suspend, adjourn, or postpone the sale of any lands to such time and place as he may deem proper. Any lands remaining unsold will be subject to private sale at the District Land Office at Cheyenne, Wyoming.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any land from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code, U. S. C. Title 18, section 113.

ROSCOE E. BELL,
Acting Director.

Approved: October 20, 1948,

WILLIAM E. WARNE,
Acting Secretary of the Interior.

TOWNSITE OF POWELL, STATE OF WYOMING.

Appraisal of lots and blocks under acts of Apr. 16, 1906 (34 Stat. 116), and June 27, 1906 (34 Stat. 519)

Block	Lot	Area	Appraised value
41, W34		56,000 square feet	\$3,500
78	11	7,610 square feet	700
	12	7,610 square feet	600
	13	7,304 square feet	650
	A11	1.38 acres	2,000
129	A	1.61 acres	4,500
	B	1.20 acres	2,500
130	A	0.63 acre	750
	B	0.51 acre	750
134	A	0.85 acre	2,000
	B	0.85 acre	2,000

[F. R. Doc. 48-9366; Filed, Oct. 22, 1948; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9113]

BROADCAST OF LOTTERY INFORMATION

PROPOSED ORDER OF APPEARANCE AT ORAL ARGUMENT

The oral argument on the above entitled matter will be held on October 19, 1948 in the Commission Meeting Room, Room 6121, New Post Office Building, at 9:30 a. m. Oral argument by parties who have expressed a desire to appear will be held in the following order:

- American Broadcasting Co.
- National Association of Broadcasters.
- Maryland Broadcasting Co.
- Radio Features, Inc.
- Radio Council of National Advertisers.
- Columbia Broadcasting System.
- National Broadcasting Co.
- W. Theodore Pierson.
- Arthur W. Scharfeld.
- Symons Broadcastings Co.
- Associated Activities, Inc.
- Louis G. Cowan, Inc.
- Premium Advertising Association, Inc.

Because of the large number of persons expected to appear oral argument will be limited to thirty minutes each. Parties desirous of securing additional time should communicate with the Commission in writing stating the amount of time they wish to take. The request of the American Broadcasting Company for an hour and a half for its argument is granted in part and the American Broadcasting Company will be assigned 45 minutes for its argument. Any other person or organization whose name does not appear on the above list and who wishes to appear at the oral argument should communicate this request in writing to the Commission by the close of business October 15, 1948.

Adopted: October 12, 1948.

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

[F. R. Doc. 48-9360; Filed, Oct. 22, 1948; 8:52 a. m.]

[Docket Nos. 9114, 9149]

WTVJ AND SOUTHERN RADIO AND TELEVISION EQUIPMENT CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of revocation of construction permit of television station WTVJ, Miami, Florida, Docket No. 9149, and application for consent to transfer of control of Southern Radio and Television Equipment Company, permittee of television station WTVJ, Miami, Florida, File No. BTC-636, Docket No. 9114.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on October 15, 1948;

The Commission having under consideration the above application for transfer of control of station WTVJ, Miami, Florida from Robert G. Venn, Edward N. Claughton and E. J. Nelson to Wolfson-Meyer Theater Enterprises, Inc., Mitchell Wolfson, Sidney Meyer, Frances Wolfson, Zenia Meyer and Robert Venn, together with a request by the parties thereto that the aforesaid application be designated in a consolidated proceeding with the hearing on the above revocation matter; and

It appearing, that the Commission on July 29, 1948, revoked the construction permit of the aforesaid station WTVJ, held by Southern Radio and Television Equipment Company as permittee; on September 8, 1948, granted the request of Southern Radio and Television Equipment Company for hearing in the matter; and, on October 4, 1948, ordered that such hearing be held in Miami, Florida on October 25, 1948; and

It further appearing, that a grant of the instant request would conduce to the efficient dispatch of the Commission's business and would serve the public interest,

It is ordered, That the aforesaid application for transfer of control of station WTVJ be, and it is hereby, designated for hearing in a consolidated proceeding with the hearing to be held on the above revocation matter, the said application for consent to transfer to be heard on the following issues:

1. To determine whether the proposed transferee is legally, financially, technically and otherwise qualified to own or control and to operate station WTVJ, Miami, Florida:

2. To determine the full contract arrangements or agreement of sale either presently made or to be made by the proposed transferor with the transferee, including the price and the manner of payment and the properties to be received therefor.

3. To secure full information as to the plans of the proposed transferee for staffing the station, its plans with respect to the station's programming, and all other plans or arrangements for the operation of the station.

4. To determine whether the construction permit for station WTVJ, granted to Southern Radio and Television Equipment Company, or the rights and responsibilities incident thereto, have been transferred, assigned, or disposed of, directly or indirectly, without the consent of the Commission to the proposed transferee herein, and in contravention of the provisions of the Communications Act of 1934, as amended, and more particularly sections 319 (b) thereof.

5. To determine whether all contracts, obligations, undertakings and agreements which have been entered into by the proposed transferor and by the proposed transferor with proposed transferee relative to the ownership, operation, financing and control of Southern

Radio and Television Equipment Company have been reported to the Commission as is required by its rules and regulations.

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

[F. R. Doc. 48-9359; Filed, Oct. 22, 1948,
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-999]

MISSISSIPPI RIVER FUEL CORP.
ORDER FIXING DATE OF HEARING

OCTOBER 19, 1948.

Upon consideration of the application filed February 11, 1948, by Mississippi River Fuel Corporation (Applicant) a Delaware corporation having its principal place of business at St. Louis, Missouri, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 27, 1948 (13 F. R. 1068).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 9, 1948, at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 19, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9334; Filed, Oct. 22, 1948;
8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5522]

HARTNETT-MORROW MFG. CO. ET AL.

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

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 18th day of October A. D. 1948.

In the matter of John F. Hartnett and George Morrow, individually and trading as Hartnett-Morrow Manufacturing Company; John Henry Vaughn, individually and trading as John Henry & Company; Cramer Products, Inc., a corporation; General Commodities, Inc., a corporation; Harold W. Cramer, Carl Schiffke, and Roy A. Cramer, individually, and as officers of Cramer Products, Inc., a corporation; and John D. Armstrong, Ernest R. Beverly, and John W. Browers, individually and as officers of Cramer Products, Inc., a corporation, and General Commodities, Inc., a corporation.

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

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

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, October 27, 1948, at eleven o'clock in the forenoon of that day (central standard time), in Petit Jury Room 527, United States Court House, 811 Grand Avenue, Kansas City, Missouri.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-9358; Filed, Oct. 22, 1948;
8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Corrected S. O. 831]

UNLOADING OF LOGS ON ALAMEDA BELT LINE

At a session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D. C., on the 18th day of October A. D. 1948.

It appearing that 2 cars of logs at San Francisco, Calif., on the Alameda Belt Line, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, That:

(a) Logs at San Francisco, Calif., be unloaded. The Alameda Belt Line, its agents or employees, shall unload immediately SP 95444 and SP 56630, containing logs, now on hand at San Francisco, Calif., consigned Berry & McCarthy.

(b) Demurrage. No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., October 20, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) Provisions suspended. The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) Notice and expiration. Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

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

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9341; Filed, Oct. 22, 1948;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-1250, 59-85]

PENNSYLVANIA EDISON CO. ET AL.

ORDER APPROVING PLAN AND RESERVING
JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of October A. D. 1948.

In the matter of Pennsylvania Edison Company, Pennsylvania Electric Company, Associated Electric Company, File No. 70-1250; Pennsylvania Edison Com-

pany, Associated Electric Company, File No. 59-85.

Associated Electric Company, a registered holding company, and two of its public-utility subsidiaries, Pennsylvania Electric Company and Pennsylvania Edison Company, having jointly filed an application pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 for approval of a plan of liquidation of Pennsylvania Edison Company and applications-declarations, as amended, for the issuance of certain securities by Pennsylvania Electric Company and the acquisition of certain securities by Associated Electric Company; and

Said proceedings having been consolidated with proceedings instituted under section 11 (b) (2) :

The Commission having approved on June 19, 1946, certain portions of said plan, including the payment to the two series of preferred stock of Pennsylvania Edison Company of cash payments in the amount of their respective liquidation preferences, and having reserved jurisdiction with respect to what additional amounts, if any, should be paid to holders of said preferred stock and "to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan";

An escrow fund having been established to provide the amount in dispute and other portions of said plan having been duly consummated;

A public hearing having been held after appropriate notice on the reserved issue, the Commission having considered the record in the matter and having made and filed its supplemental findings and opinion herein;

On the basis of the findings set forth in said supplemental findings and opinion:

It is hereby ordered, That the said plan be and the same is hereby approved as providing for the payment to the holders of the \$5.00 series of preferred stock of \$5.00 per share plus compensation for delay in payment calculated at a rate equal to $6\frac{1}{4}\%$ per annum on \$5.00 from July 2, 1948, to the date payment is made available to such holders by the paying agent, and payment to the holders of the \$2.80 series of preferred stock of \$2.50 per share plus compensation for delay in payment calculated at a rate equal to $5\frac{1}{3}\%$ per annum on \$2.50 from July 2, 1946, to the date payment is made available to such holders by the paying agent, and payment of said sums is hereby ordered; and

It is further ordered, That approval of said plan is subject to the conditions specified in Rule U-24; and

It is further ordered, That jurisdiction be and hereby is reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan, the transactions incident thereto and the consummation thereof and, in the event the plan be not consummated, to enter such further orders as it may deem appropriate under sec-

tion 11 (b) (2) and the other applicable sections of the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9336; Filed, Oct. 22, 1948;
8:46 a. m.]

[File No. 70-1924]

SOUTHWESTERN GAS AND ELECTRIC CO.
ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of October A. D. 1948.

In the matter of Southwestern Gas and Electric Company, Arkansas Power & Light Company, the Arkklahoma Corporation, File No. 70-1924.

Notice is hereby given that Southwestern Gas and Electric Company ("Southwestern") and Arkansas Power & Light Company ("Arkansas"), each a subsidiary of a registered holding company, and the Arkklahoma Corporation ("Arkklahoma"), an affiliate of Southwestern and Arkansas, have jointly filed an application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, ("act"), designating section 9 (a) (1) and Rule U-43 promulgated under the act as being applicable to the proposed transactions:

Notice is further given that any interested person may, not later than October 28, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 28, 1948, said application-declaration, as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

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

Arkklahoma proposes to sell certain utility equipment, designated as nine capacitors, for a cash consideration of \$17,000 each or a total of \$153,000; and Arkansas proposes to acquire six of the said capacitors at an aggregate purchase price of \$102,000, and Southwestern proposes to acquire three of the said capacitors at a total price of \$51,000. The gross proceeds of \$153,000 to be derived from the proposed sale will be applied by Arkklahoma to retirement of a like prin-

cipal amount of its First Mortgage Bonds, pursuant to the Mortgage and Deed of Trust securing said bonds.

The application-declaration represents that no State commission has jurisdiction over the proposed transactions.

Applicants-declarants have requested that the Commission's order granting and permitting said application-declaration to become effective, be effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9337; Filed, Oct. 22, 1948;
8:46 a. m.]

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

UNITED LIGHT AND RAILWAYS CO. AND
AMERICAN LIGHT AND TRACTION CO.

SUPPLEMENTAL ORDER AUTHORIZING AND
APPROVING DISTRIBUTION AND TRANSFER
OF COMMON STOCK

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of October A. D. 1948.

The Commission by order dated December 30, 1947, having approved the plan, designated as Application No. 31, as amended, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), by the United Light and Railways Company ("Railways") and American Light & Traction Company ("American"), registered holding companies, which provided, inter alia, for the distribution and transfer by Railways, quarterly during 1948, to its common stockholders, as dividends in kind, of shares of the common stock of American Light of the par value of \$25 per share at the rate of one share of such common stock of American Light for each 50 shares of common stock of Railways owned (together with cash in lieu of fractional shares); and said order of December 30, 1947, having recited, among other things, that the distribution and transfer by Railways to its common stockholders, as dividends in kind of such common stock of American Light at the aforesaid rate are necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and the Commission having in said order reserved jurisdiction, inter alia, to take such further action and to enter such further orders as may be deemed appropriate in connection with the plan, the transactions incident thereto and the consummation thereof, and as may be necessary to secure full compliance with the act; and

The Board of Directors of Railways having declared a dividend on the outstanding common stock of the company, payable October 21, 1948 to stockholders of record at the close of business on September 28, 1948 in shares of common stock of the par value of \$25 per share of American Light, at the rate of one share of such common stock of American Light, for each 50 shares of the common stock of Railways outstanding on the record date (together with cash in lieu of fractional shares), such dividend having

been declared pursuant to said section 11 (e) plan and the Commission's order entered December 30, 1947 approving the same; and

Railways having requested the Commission to issue a supplemental order with respect to the said dividend distribution, conforming to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended; and the Commission deeming it appropriate to grant such request:

It is hereby ordered and recited, That the distribution and transfer by Railways on October 21, 1948 to its common stockholders, as a dividend in kind, of 61,216 shares of common stock of American Light of the par value of \$25 per share (out of Certificate No. NX 1480), all as contemplated by the amended plan and the Commission's order of December 30, 1947 approving said plan, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized and approved.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9338; Filed, Oct. 22, 1948;
8:46 a. m.]

[File No. 70-1974]

GEORGIA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 19th day of October 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1933 (the "act") by Georgia Power Company ("Georgia"), a public utility subsidiary of the Southern Company, a registered holding company and a wholly owned subsidiary of the Commonwealth & Southern Corporation, also a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than November 1, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. s. t., on November 1, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as

provided in Rule U-20 (a) and Rule U-100 thereof.

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

Georgia proposes to issue and sell \$12,000,000 principal amount of its First Mortgage Bonds, ----- % series, due 1978, to be issued under and secured by Georgia's present indenture dated as of March 1, 1941, as supplemented by indentures dated as of March 1, 1941, and December 1, 1947 and to be dated as of December 1, 1948. The bonds will be sold pursuant to the competitive bidding requirements of Rule U-50.

The filing states that Georgia has made and contemplates making expenditures of approximately \$83,600,000 during the years 1948, 1949 and 1950 for the construction or acquisition of property additions to its utility plant. In order to finance such construction program, the company will, to the extent available, use its cash on hand (including the proceeds of the new bonds) in excess of working capital and cash generated from operations. The company estimates that, based upon the present level of earnings and current expectations of the probable progress of its construction program, approximately \$20,000,000 of additional funds will have to be provided by other means before the end of 1950 in order to finance such construction program. To the extent necessary, it is proposed to issue additional securities of a type and in an amount not yet determined.

The filing indicates that Georgia has filed an application with the Georgia Public Service Commission, the State commission of the State in which Georgia is organized and doing business, for approval of the proposed transaction.

The applicant has requested that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9339; Filed, Oct. 22, 1948;
8:47 a. m.]

UNITED STATES TARIFF COMMISSION

ORGANIZATION AND FUNCTIONS

Sec.

1. Creation and authority.
2. Offices.
3. Organization.
4. Functions.
5. Availability of information.

SECTION 1. Creation and authority. The United States Tariff Commission was created by act of Congress approved September 8, 1916 (39 Stat. 795) for the purpose of supplying the Congress and the President with information regarding the position of United States industries in competition with imports, regarding the administration and operation of United States customs laws, and regarding commercial policies of foreign

countries. The Tariff Act of 1922 (42 Stat. 858) increased its functions by providing for investigation and report by the Tariff Commission before action by the President under the authority given him by that act to change duties when found necessary to equalize differences in costs of production in the United States and foreign countries and also before action by him embargoing imports pursuant to the provision declaring unfair methods of competition in the import trade to be unlawful. Title III, Part II, of the Tariff Act of 1930 (46 Stat. 696; 19 U. S. C. 1330-41) provided for a reorganization of the Tariff Commission and reenacted substantially all the previous provisions regarding its powers and duties. The Agricultural Adjustment Act (of 1933), as amended by section 3 of the Agricultural Act of 1948 (Pub. Law 897, 80th Cong.), designates the Tariff Commission as the agency to conduct investigations to determine whether imports are interfering with agricultural programs undertaken by the Department of Agriculture. The Philippine Trade Act of 1946 (Pub. Law 371, 79th Cong.) imposes upon the Tariff Commission the function of conducting investigations and reporting to the President in connection with the administration of the provisions of that act respecting quotas on imports of Philippine articles. Section 3 of the Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.) requires the Tariff Commission to conduct investigations regarding products on which the granting of tariff concessions will be considered in trade agreement negotiations, to determine the extent to which duties and other import restrictions may be modified without causing or threatening serious injury to domestic producers. Section 4 of the same act directs the Commission to furnish facts, statistics, and other information at its command to the trade-agreement-negotiation authorities. Part III of Executive Order 10004 (13 F. R. 5251) provides for investigation and report to the President by the Tariff Commission regarding injury to domestic producers resulting from trade-agreement concessions.

SEC. 2. Offices. The main offices of the United States Tariff Commission are located in the Tariff Commission Building, E Street between 7th and 8th Streets, N. W., Washington 25, D. C. Telephone: National 3947, Branch 2. The only field office of the Commission is located at the Customhouse, New York 4, N. Y. Telephone: Whitehall 4-4300.

SEC. 3. Organization.—(a) *The Commission.* The full Commission consists of six members, appointed by the President and confirmed by the Senate for terms of 6 years each, one term expiring each year. The law provides that not more than three commissioners may be of the same political party. The Chairman and Vice Chairman are designated by the President annually from the membership of the Commission.

(b) *The Planning and Reviewing Committee.* The Planning and Reviewing Committee, composed of senior officers of the Commission's staff, under the ac-

tive direction of the Commission, plans, supervises, and coordinates the work of the staff of the Commission. The permanent members of the Planning and Reviewing Committee are the Director of Investigation, who is Chairman of the Committee; the Chief of the Economics Division; the Chief Economist; the Chief of the Technical Service, who has general supervision over the work of the seven commodity divisions; the General Counsel; and the Special Industrial Adviser. In connection with special subjects in which they are particularly concerned, the Secretary or the Executive Officer and the chiefs of the commodity and other divisions participate in the meetings of the Planning and Reviewing Committee.

(c) *Senior staff officers and subsidiary organizational units.* The senior officers of the Commission's staff, together with the subsidiary organizational units under their general supervision, are as follows:

Secretary:
 Executive Officer.
 Docket and Public Information Service.
 Finance Section.
 Personnel Section.
 Stenographic Section.
 Mails and Files Section.
 Graphic Section.
 Messengers.
 Director of Investigation (also Chairman, Planning and Reviewing Committee).
 Chief Economist.
 Chief Economics Division:
 Economics Division.
 Statistical Division.
 Library.
 Editorial Section.
 Chief Technical Service:
 Agricultural Division.
 Ceramics Division.
 Chemical Division.
 Lumber-Paper Division.
 Metals Division.
 Sundries Division.
 Textile Division.
 Accounting Division.
 New York Office.
 General Counsel:
 Legal Division.
 Special Industrial Adviser.

SEC. 4. *Functions*—(a) *Investigations and reports under general powers.* Under its general powers (section 332, Tariff Act of 1930; 46 Stat. 698; 19 U. S. C. 1332) the Commission, on its own initiative, investigates and makes reports on the following matters:

(1) The administration and operation of the customs laws of the United States and the fiscal and industrial effects of those laws.

(2) The forms of duty (ad valorem, specific, and compound) and the relations between the rates of duty on raw materials and on finished or partly finished products.

(3) Competition between United States and foreign industries in the United States markets, including such matters as the ratio of imports to domestic production and consumption, the comparability of imported and domestic products, and the differences in prices and in costs of production here and abroad.

(4) The trade and trade policies of foreign countries, the organization of the economies of foreign countries, their

commercial treaties and agreements, and foreign trade controls.

(b) *Investigations requested by the President and Congress.* The Commission makes special investigations when requested by the President, by either or both Houses of Congress, or by Congressional Committees, particularly by the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. These investigations are conducted under the Commission's general powers.

(c) *Investigations under the flexible tariff provision.* Under section 336 of the Tariff Act of 1930 (46 Stat. 701; 19 U. S. C. 1336), the Commission investigates the differences in costs of production of foreign articles and of like or similar articles produced in the United States; it reports its findings to the President, who is authorized by law to increase or decrease statutory rates of duty in accordance with the Commission's findings by not more than 50 per centum.

NOTE: The provisions of section 336 of the Tariff Act of 1930 may not be applied to any article with respect to the importation of which into the United States a foreign trade agreement has been concluded under the Trade Agreements Act of 1934, as amended. (Sec. 2 (a), 48 Stat. 944; 19 U. S. C. 1352 (a))

(d) *Unfair practices in import trade.* Under section 337 of the Tariff Act of 1930 (46 Stat. 703, 54 Stat. 724; 19 U. S. C. 1337, 1337a) the Commission investigates allegations of unfair methods of competition and unfair acts in the importation into or in the sale of imported articles in the United States, and reports its findings to the President, who may order the exclusion of the articles from entry into the United States if the existence of unfair practices is established.

(e) *Discrimination by foreign countries against American commerce.* It is the duty of the Commission to ascertain, and at all times to be informed regarding discriminations by foreign countries against the commerce of the United States, and to bring such practices to the attention of the President, who may take specified actions in such cases (46 Stat. 704; 19 U. S. C. 1338).

(f) *Foreign trade agreements*—(1) *Technical assistance to trade-agreement negotiation authorities.* Under section 4 of the Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.) and Part II of Executive Order 10004 (13 F. R. 5851), the Commission furnishes facts, statistics, and other information at its command to officers and employees of the United States preparing for or participating in the negotiation of any foreign trade agreement. With respect to each import article which is under consideration for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in a trade agreement, the Commission makes an analysis of the facts relative to production, trade, consumption, or other competitive factors affecting the article involved, or bearing on the probable effect of granting a concession thereon. These anal-

yses are submitted in digest form to the Trade Agreements Committee.

(2) *Investigations preceding trade agreements.* Under section 3 of the Trade Agreements Extension Act of 1948, the Tariff Commission investigates and reports to the President findings with respect to products on which the granting of tariff concessions by the United States will be considered in a particular trade-agreement negotiation. The purpose of these investigations is to determine the limits to which tariff concessions may be granted without causing or threatening serious injury to the domestic industry, and, in cases where increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry, the minimum increases in duties or additional import restrictions so required.

(3) *Investigations subsequent to trade agreements.* Under Part III of Executive Order 10004 (13 F. R. 5851), the Commission investigates to determine whether the domestic industry producing any given article is being seriously injured or is threatened with serious injury as a result of the granting of a trade-agreement concession on the article. It reports its findings to the President for his consideration in connection with the right reserved in trade agreements to withdraw or modify any concession in cases where serious injury or threat of injury to a domestic industry is found to result from it.

(4) *Annual report on operation of trade-agreements program.* Part III of Executive Order 10004 (13 F. R. 5851) requires the Tariff Commission to keep informed concerning the operation and effect of trade-agreement provisions, and, at least once a year, to submit to the President and to the Congress a factual report on the operation of the trade-agreements program.

(g) *Action to safeguard agricultural programs.* When directed by the President, the Commission investigates whether articles are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render ineffective or to interfere materially with Government agricultural programs. If, on the basis of the Commission's investigation and report, the President finds the existence of such facts, he may impose, within certain restrictions, fees or quantitative limitations on the importation of articles under consideration (Agricultural Act of 1948, sec. 3, Pub. Law 897, 80th Cong.)

(h) *Import quotas on Philippine articles.* Section 504 of the Philippine Trade Act of 1946 (60 Stat. 156) designates the Tariff Commission as the agency to investigate the effect of competition between imports of Philippine articles (not subject to quota restriction under Part 2 of Title II of the Act) and like domestic articles; the Commission reports to the President regarding the necessity under the Act for the imposition by him of import quotas on such Philippine articles.

(i) *Cooperation with other Government agencies.* Under section 334 of the Tariff Act of 1930 (46 Stat. 700; 19 U. S. C. 1334), the Commission is required to co-

operate with other Government agencies. Under this provision assistance is rendered insofar as practicable, to those Government agencies requesting it.

(j) *Analysis of import invoices.* To carry on properly its work of acquiring basic factual information on the import trade, the Commission makes extensive studies of invoices and other import records, and primarily in connection with this work maintains an office at the Customhouse in New York City.

SEC. 5. Availability of information—
(a) *In general.* Information concerning the activities, reports, and publications of the Tariff Commission is available to the public upon application, in writing or in person, to the Secretary of the Commission, Washington 25, D. C. Similar information of current nature is available to the public at the Commission's New York office on application to the Officer in Charge, Customhouse, New York City.

Printed reports, surveys, studies, and other publications of the Tariff Commission are available to the public on application to the Superintendent of Documents, Government Printing Office, Washington 25, D. C., or to the Secretary of the Commission.

Mimeographed, multilithed, and other publications produced within the office of the Tariff Commission are available to the public by application to the Secretary.

(b) *Mailing lists.* Mailing lists by various categories are maintained by the Commission for the purpose of sending notices to interested parties when new publications are ready for issue. Interested parties may apply to the Secretary for inclusion in such lists by a statement showing their interest and desire to receive such notices.

(c) *Public announcements.* Through the medium of statements to the public press the Commission announces new activities, formal investigations, the issuance of reports, and other matters of official character of interest to the public. These appear generally in the various trade journals. Mailing lists are also maintained for such notices and interested persons may apply for inclusion in these lists by showing their interest and desire to receive such notices.

(d) *Formal notices.* In connection with various activities of the Commission, it issues formal notices. Copies of these notices are sent to persons known to the Commission to have an interest in the subject matter, and to individuals and organizations who have requested notification in connection with the subject matter of such notices. Formal notices are also posted on the bulletin boards of the Tariff Commission at its main office in Washington, D. C., and on those of its field office at the Customhouse, New York City. All formal notices of the Commission are printed in the **FEDERAL REGISTER** and in Treasury Decisions. Formal notices are likewise made available to the public press and to trade publications.

[SEAL] OSCAR B. RYDER,
Chairman,
United States Tariff Commission.

[F. R. Doc. 48-9394; Filed, Oct. 22, 1948;
9:01 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 12121]

OTTO DOEHRINGER

In re: Estate of Otto Doehringer, deceased. File No. D-28-12386; E. T. sec. 16603.

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 Emma Steinert, nee Maria Emma Doehringer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That such property is in the process of administration by William F. Crosby, as Administrator, acting under the judicial supervision of the Superior Court of the State of California in and for the County of San Mateo, Redwood City, California;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9368; Filed, Oct. 22, 1948;
8:54 a. m.]

[Vesting Order 12180]

AMELIA GRUMM

In re: Estate of Amelia Grumm, deceased. File No. D-28-10880; E. T. sec. 15343.

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 Eduard (Edward) Grumm (brother of Amelia Grumm, deceased), Frau Lena Rauch (also known as Frau Lina Rauch), Frau Fanny Anetzberger (also known as Frau Fanny Amtzberger), Theodore Grumm, George Grumm, Karl Grumm, Frau Maria Haring, Frau Kristine Detzer, also known as Frau Kreszenz Detzer), Eduard Grumm (nephew of Amelia Grumm, deceased), Paul Walter Grumm (also known as Walter Grumm), and Karl Oswald Grumm, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Amelia Grumm, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Oneida County, as Depositary, acting under the judicial supervision of the Surrogate's Court of Oneida County, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9369; Filed, Oct. 22, 1948;
8:54 a. m.]

[Vesting Order 12183]

MARTHA NIMITZ ET AL.

In re: Martha Nimitz, plaintiff, vs. Fred A. Nimitz, et al., defendants. File No. D-28-12397; E. T. sec. 16617.

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 Eduard Kunde, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Eduard Kunde, 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 in and to proceeds of the sale of real estate deposited with the Treasurer of Chemung County, Chemung County, New York, pursuant to court order in an action entitled "Martha Nimitz, Plaintiff vs. Fred A. Nimitz, et al., Defendants" 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 County Treasurer for the County of Chemung, Elmira, New York, as Depository, acting under the judicial supervision of the County Court, County of Chemung, State of New York;

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Eduard Kunde 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 October 11, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9370; Filed, Oct. 22, 1948;
8:54 a. m.]

[Vesting Order 12194]

GUS WOLF

In re: Estate of Gustav Wolf, a/k/a Gus Wolf, deceased. File D-6-1269; E. T. sec. 14928.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9738, and pursuant to

law, after investigation, it is hereby found:

1. That Hans Wolf, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That such property is in the process of administration by Bank of America National Trust & Savings Association, as executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9371; Filed, Oct. 22, 1948;
8:54 a. m.]

[Vesting Order 12213]

IRMGARD FRICKE

In re: Interest in real property and property insurance policies owned by Irmgard Fricke, also known as Irmgard Soetbeer.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9738, and pursuant to law, after investigation, it is hereby found:

1. That Irmgard Fricke, also known as Irmgard Soetbeer, whose last known address is 41 Wortherstrasse 23, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half (1/2) interest in real property situated in the Borough and County of Queens, City and State of New York, particularly described in Ex-

hibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of Irmgard Fricke, also known as Irmgard Soetbeer, in and to the following insurance policies:

Fire and Extended Coverage Insurance Policy No. 75562, issued by Great Eastern Fire Insurance Company, White Plains, New York, in the amount of \$5,000, which policy expires November 25, 1950, and insures the property described in subparagraph 2-a hereof.

Fire and Extended Coverage Insurance Policy No. 5429, issued by Commerce Insurance Company, Glens Falls, New York, in the amount of \$2,000, which policy expired June 25, 1948, and insured the property described in subparagraph 2-a hereof, together with any and all extensions and renewals thereof, and

Schedule Personal Liability Policy No. 64055 issued by United States Fidelity and Guaranty Company, Baltimore, Maryland, expiring February 17, 1949, and insuring the property described in subparagraph 2-a hereof,

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

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof.

All such property so vested 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 October 18, 1948.

For the Attorney General.

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

EXHIBIT A

All that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Fourth Ward, Borough and County of Queens, City and State of New York, shown and designated as Lots Numbers Five Hundred and Forty-five (545) and Five Hundred and Forty-six (546) in Block Number Twenty (20) on a certain map entitled "Briarwood, Borough of Queens, New York City, surveyed April 1924 by Erlandson and Crowell, C. E. and C. S.," and filed in the Office of the Clerk of the County of Queens May 29th, 1924 as Map No. 4502 D 12.

[F. R. Doc. 48-9372; Filed, Oct. 22, 1948; 8:54 a. m.]

[Vesting Order 12214]

WILHELMINA KOHLSAAT

In re: Interests in a bond and mortgage, a property insurance policy, and claim owned by Wilhelmina Kohlsaat, also known as Wilhemenia Kohlsaat, Karl Blume and Anna Kuch.

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 Wilhelmina Kohlsaat, also known as Wilhemenia Kohlsaat, Karl Blume and Anna Kuch, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided five-ninths (5/9ths) interest in a mortgage executed on December 30, 1930, by Sartorius Realty Corporation to Frederick Blume, Louis Blume and Wilhelmina Kohlsaat, and recorded in the Office of the Register of the City of New York, Bronx County, New York, New York, on January 3, 1931, in Liber 1532 of Mortgages, at Page 246, and in and to any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to Fire Insurance Policy No. 177362, issued by Glens Falls Insurance Company, 80 Maiden Lane, New York, New York, in the amount of \$20,400.00, which policy expires December 20, 1948, and insures the property subject to the mortgage described in subparagraph 2-a hereof, and

c. All those certain debts or other obligations, owing to the persons named in subparagraph 1 hereof, by United States Trust Company, 45 Wall Street, New York 5, New York, arising out of interest payments heretofore collected on account of the mortgage described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a to 2-c hereof, inclusive,

All such property so vested 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 October 18, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9373; Filed, Oct. 22, 1948; 8:54 a. m.]