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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9975

REGULATIONS GOVERNING THE ALLOWANCE OF TRAVEL EXPENSES OF CLAIMANTS AND BENEFICIARIES OF THE VETERANS' ADMINISTRATION AND THEIR ATTENDANTS

By virtue of and pursuant to the authority vested in me by section 1 of the act of March 14, 1940, 54 Stat. 49 (38 U. S. C. 76), as amended by the act of June 16, 1948 (Public Law 660, 80th Congress), I hereby prescribe the following regulations governing the allowance of travel expenses of claimants and beneficiaries of the Veterans' Administration and their attendants:

1. The Administrator of Veterans' Affairs may authorize the payment of actual necessary expenses of travel, including lodging and subsistence, of any claimant or beneficiary of the Veterans' Administration traveling under prior authorization to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or for the purpose of examination, treatment, or care, to the claimant or beneficiary, or, in his discretion, to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

2. The Administrator of Veterans' Affairs may authorize in lieu of actual expenses of travel, including lodging and subsistence, payment of an allowance of 3 cents a mile to any claimant or beneficiary of the Veterans' Administration traveling under prior authorization to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or for the purpose of examination, treatment, or care, or, in his discretion, to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence: *Provided*, that payment of mileage in connection with vocational rehabilitation or upon termination of examination, treatment, or care may be made prior to completion of such travel.

3. When any claimant or beneficiary requires an attendant other than an employee of the Veterans' Administration for the performance of such travel, such attendant may be allowed the expenses of travel upon a similar basis.

4. The Administrator of Veterans' Affairs may prescribe such rules and regulations not inconsistent herewith as may be necessary to effectuate the provisions of this order.

5. This order supersedes Executive Order No. 9446 of June 8, 1944, entitled "Regulations Governing the Allowance of Travel Expenses of Claimants and Beneficiaries of the Veterans' Administration and of Their Attendants."

HARRY S. TRUMAN

THE WHITE HOUSE,
July 7, 1948.

[F. R. Doc. 48-6181; Filed, July 8, 1948; 12:11 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

[Farm Credit Administration Order 482]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

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

Section 3.3 of Title 6 of the Code of Federal Regulations is hereby amended to read as follows:

§ 3.3 *Authority and designation of order of precedence of Deputy and Assistant Deputy Land Bank Commissioners and Chief of NFLA Section to act as Land Bank Commissioner.* J. M. Huston, Deputy Land Bank Commissioner, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event the Land Bank Commissioner is absent or unable to serve for any reason.

Ernest Diebel, Assistant Deputy Land Bank Commissioner, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Comissioner is authorized and empowered to execute or perform in the event the Land Bank Commissioner and Deputy Land

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Bank Commissioner Huston are absent or unable to serve for any reason.

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

Horace A. Lake, Chief of NFLA Section, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event the Land Bank Commissioner, Deputy Land Bank Commissioner Huston, and Assistant Deputy Land Bank Commissioners Diebel and Johnson are absent or unable to serve for any reason. (Secs. 39, 40, 48 Stat. 50, 51; 12 U. S. C. 637, 636; E. O. 6084, March 27, 1933, 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940)

[SEAL] R. L. FARRINGTON,
Acting Governor.

JULY 2, 1948.

[F. R. Doc. 48-6141; Filed, July 8, 1948; 9:00 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Tobacco 12, Part II (1948)]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

MARKETING QUOTA REGULATIONS; 1948–49 MARKETING YEAR

GENERAL

FARM MARKETING QUOTAS AND MARKETING CARDS

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

RECORDS AND REPORTS

AUTHORITY: §§ 726.855 to 726.886, inclusive, issued under 52 Stat. 47, 48, 65, 66, 204; 53 Stat. 1261, 1262; 54 Stat. 393, 394, 727, 728, 1209, 1210; 59 Stat. 506; 60 Stat. 21; 7 U. S. C. 1301 et seq.

GENERAL

§ 726.855 *Basis and purpose.* The regulations contained in §§ 726.855 to 726.886, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of fire-cured and dark air-cured tobacco during the 1948–49 marketing year. Prior to preparing the regulations in §§ 726.855 to 726.886, inclusive, public notice (13 F. R. 1456) of their formulation was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views and recommendations pertaining to the regulations in §§ 726.855 to 726.886, inclusive, which were submitted have been duly considered within the limits prescribed by the act.

§ 726.856 *Definitions.* As used in §§ 726.855 to 726.886, inclusive, and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

(c) "Dealer or buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(d) "Director" means Director or Acting Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

(e) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(f) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(g) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehousemen for sale. Floor sweepings shall not include tobacco defined as "pick-ups."

(h) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under the regulations in §§ 726.855 to 726.886, inclusive, relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(j) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(m) "Pick-ups" mean (1) any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or (2) any tobacco previously marketed at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman.

(n) "Producer" means a person who, as owner, landlord, tenant, share cropper or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds thereof.

(o) "Pound" means that amount of tobacco, which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(p) "Resale" means the disposition by sale, barter, exchange or gift inter vivos, of tobacco which has been marketed previously.

(q) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(r) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(s) "State Committee" means the group of persons designated as the State Committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(t) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(u) "Tobacco" means: (1) Type 21, known as Virginia fire-cured tobacco, (2) types 22, 23, and 24 collectively known as fire-cured tobacco, and (3) types 35 and 36 collectively known as dark air-cured tobacco as classified in Service and Regulatory Announcements No. 118 (7 CFR 30.4 and 30.5) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

"Virginia sun-cured tobacco" means type 37 known as Virginia sun-cured tobacco as classified in Service and Regulatory Announcements No. 118 (7 CFR 30.5).

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured or dark air-cured tobacco shall be considered fire-cured or dark air-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(v) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1948 and all tobacco produced on the farm prior to the calendar year 1948 and carried over to the 1948–49 marketing year, which is not disposed of in accordance with § 726.868.

(w) "Tobacco subject to marketing quotas" means: Any fire-cured or dark air-cured tobacco marketed during the period October 1, 1948 to September 30, 1949, inclusive, and any fire-cured or dark air-cured tobacco produced in the calendar year 1948 and marketed prior to October 1, 1948.

(x) "Trucker" means a person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(y) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse.

(z) "Warehouse sale" means a marketing by a sale at public auction through a warehouse in the regular course of business.

(aa) "Memorandum of sale" means form Tobacco 20 or 21, Fire-cured—48; Tobacco 20 or 21, Dark Air-cured—48; and in the case of type 21, fire-cured tobacco, a form which provides for information comparable to that appearing in completed form Tobacco 20 or Tobacco 21, as the case may be, and which is approved by the State committee for use by warehousemen in connection with warehouse bills.

(bb) "Bill of nonwarehouse sale" means the form appearing on the reverse side of forms Tobacco 20 and Tobacco 21, except that with respect to type 21, fire-cured tobacco, it shall mean form Tobacco 614, Bill of Nonwarehouse Sale.

(cc) "Marketing card" means form Tobacco 20, Within Quota Marketing Card, or Tobacco 21, Excess Marketing Card, except that with respect to type 21, fire-cured tobacco, it shall mean Tobacco 20X, Within Quota Marketing Card, or Tobacco 21X, Excess Marketing Card.

§ 726.857 *Instructions and forms.* The Director shall cause to be prepared and issued such instructions and forms as may be necessary for carrying out the regulations in §§ 726.855 to 726.886, inclusive.

§ 726.858 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1948 shall be expressed in tenths and fractions of less than one-tenth acre shall be dropped.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 726.859 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Tobacco 12, Part I, Fire-cured and Dark Air-cured Tobacco Marketing Quota Regulations, 1948–49 (12 F. R. 8401). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1948 times the farm acreage allotment. The excess tobacco on any farm shall be (a) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1948 times the number of acres harvested in excess of the farm acreage allotment, plus (b) any quantity of tobacco carried over from a prior marketing year which, if marketed during the 1947–48 marketing year, would have been subject to penalty when marketed. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm as provided in § 726.861, shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of other than by marketing.

§ 726.860 *No transfers.* There shall be no transfer of farm marketing quotas.

§ 726.861 *Issuance of marketing cards.* A marketing card shall be issued for every farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the

farm. A new marketing card of the same kind shall be issued to replace a card which has been reported to the county committee as having been lost, destroyed, or stolen.

(a) *Within quota marketing card.* A Within Quota Marketing Card (Tobacco 20 or 20X) authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1948 is not in excess of the farm acreage allotment and any excess tobacco carried over from any prior marketing year can be marketed without penalty under the provisions of § 726.867 (b).

(2) If excess tobacco produced on the farm is disposed of in accordance with § 726.868, or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly-owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided,* That such agreement is approved by the State committee to the issuance of a marketing card for the farm.

(b) *Excess marketing card.* An Excess Marketing Card (Tobacco 21 or 21X) showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except if the farm operator fails to disclose or otherwise furnish, or prevents the county committee from obtaining any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 726.871.

(c) *Marketing cards for Virginia sun-cured tobacco.* In those counties in which both type 21, Virginia fire-cured tobacco and type 37, Virginia sun-cured tobacco are produced, a within quota marketing card, Tobacco 20X, with the words "Fire-cured" deleted and the words "Virginia Sun-cured" stamped or printed thereon shall be issued for any farm having Virginia sun-cured tobacco available for marketing for use in identifying any marketing of Virginia sun-cured tobacco.

§ 726.862 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided,* That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 726.863 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 726.864 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 726.865 *Invalid cards.* A marketing card shall be invalid if:

(a) It is not issued or delivered in the form and manner prescribed;

(b) Entries are omitted or incorrect;

(c) It is lost, destroyed, stolen, or becomes illegible; or

(d) Any erasure or alteration has been made, and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the county office at which it was issued.

If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 726.866 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the State committee.

MARKETINGS OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 726.867 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no "carry-over" tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 726.868 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having "carry-over" tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of "carry-over" tobacco from the prior year by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over" acres by multiplying the "carry-over" acres (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the "carry-over" tobacco was produced.

(3) Determine the "total acres" of tobacco by adding the "carry-over" acres (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1948 allotment and the "within quota carry-over" acres (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) The burden of any penalty with respect to "carry-over" tobacco shall be borne by those persons having an interest in such tobacco.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraphs (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 726.868 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

(a) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1948 crop produced on the farm, and posting of a bond approved by the county committee and the State commitee in the penal sum of twice the amount of penalty which will become due upon the marketing of the excess tobacco.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed

§ 726.869 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1948 marketing card (Tobacco 20 or Tobacco 21) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales each marketing shall also be identified by an executed bill of nonewarehouse sale (reverse side of memorandum of sale).

(a) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed within four weeks after such sale day, the marketing shall be identified by Tobacco 28, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or Tobacco 28 shall be executed only by a field assistant with the following exceptions:

(1) A warehouseman, or his authorized representative, who has been authorized on Tobacco 23, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is

presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in § 726.878 and who has been authorized on Tobacco 23, Authorization to Issue Memoranda of Sale, may issue memoranda of sale covering tobacco delivered directly to such receiving point and marketed to such dealer.

The authorization on Tobacco 23 to issue memoranda of sale may be withdrawn by the State committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of the regulations in §§ 726.855 to 726.886, inclusive. The authorization shall terminate upon receipt of written notice setting forth the State committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

Each bill of nonwarehouse sale covering any marketing shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in Tobacco 25.

§ 726.870 *Identification of tobacco.* Any warehouseman upon whose floor both Virginia fire-cured tobacco and Virginia sun-cured tobacco are offered for sale at public auction shall display the Virginia fire-cured tobacco separately and shall make and keep records that will insure a separate accounting of all Virginia fire-cured tobacco sold at auction over the warehouse floor.

§ 726.871 *Rate of penalty.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be twelve (12) cents per pound in the case of fire-cured tobacco and ten (10) cents per pound in the case of dark air-cured tobacco.

With respect to tobacco marketed from farms having excess tobacco available for marketing the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the marketing quota for the farm is of the total amount of tobacco available for marketing from the farm.

§ 726.872 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse (nonwarehouse sale) shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 726.873 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco.

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale within four weeks following the date of marketing shall be identified by a Tobacco 28, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in Tobacco 25 within one week following the date of purchase, or if purchased prior to the opening of the local auction markets, is not identified by a valid memorandum of sale and recorded in Tobacco 25 within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales, as reported under the regulations in §§ 726.855 to 726.886, inclusive, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director, showing that such tobacco is not a marketing of excess tobacco. The penalty found to be due thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on Tobacco 25 shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director, showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under the regulations in §§ 726.855 to 726.886, inclusive, is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by the regulations in §§ 726.855 to 726.886, inclusive, shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the Director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1948 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

§ 726.874 *Payment of penalty.* Penalties shall become due at the time the tobacco is marketed and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

If the penalty due on any warehouse sale of tobacco by a producer as determined under the regulations in §§ 726.855 to 726.886, inclusive, is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (a) advances to producers, (b) charges for hauling, or (c) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

§ 726.875 *Request for return of penalty.* Any producer of tobacco, after the marketing of all tobacco available for marketing from the farm, and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under the regulations in §§ 726.855 to 726.886, inclusive, to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 726.876 *Producer's records and reports*—(a) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1948 shall return to the office of the county committee

each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise and the allotment next established for such farm shall be reduced.

(b) *Additional reports by producers.* In addition to any other reports which may be required under the regulations in §§ 726.855 to 726.886, inclusive, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 10 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced.

§ 726.877 *Warehouseman's records and reports*—(a) *Record of marketing.* Each warehouseman shall keep such records as will enable him to furnish the Director the following information with respect to each sale or resale of tobacco made at his warehouse:

(1) Name of seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced).

(2) Name of purchaser.

(3) Date of sale.

(4) Number of pounds sold.

(5) Gross sale price.

(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.

Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups, with respect to both subparagraphs (1) and (2) as defined in § 726.856 (m).

Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from a farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended," write thereon the serial number of the suspended sale, and record the bills on Tobacco 29, Field Assistant's Report: *Provided,* That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall enter on Tobacco 25 the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1948 the entry on Tobacco 25 shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on Tobacco 25, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

The county copy of each memorandum of sale issued to identify each purchase under subparagraph (1) of this paragraph shall accompany the report on which such purchase is recorded.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State committee not later than thirty (30) days following the last sale day of the marketing season a report on Tobacco 26, Auction Warehouse Report, showing for each dealer or buyer (1) the total pounds and gross price of tobacco purchased and resold on the warehouse floor during the 1948–49 marketing year and (2) the total pounds and gross price of tobacco purchased and resold by such warehouseman during the 1948–49 marketing year.

(h) *Report of penalties.* Each warehouseman shall make reports on Tobacco 27, Report of Penalties, showing the information required with respect to each sale subject to penalty. Tobacco 27 shall be prepared for each week and forwarded, together with remittance of the penalties due, as shown thereon, to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on Tobacco 32, Report of Resales, showing the information required with respect to each resale of tobacco at auction on the warehouse floor. Tobacco 32 shall be prepared for each sale day and forwarded to the State committee not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehouseman.* Each warehouseman shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the Director may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 726.855 to 726.886, inclusive.

§ 726.878 *Dealer's records and reports.* Each dealer, except as provided in § 726.879, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address, and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the State committee "Receipt for Dealer's Record" contained in Tobacco 25 which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on Tobacco 25, Dealer's Record, showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1948, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1948.

(c) *Report of penalties.* Each dealer shall make a report on Tobacco 27, Report of Penalties, showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonware-

house sale and a memorandum of sale from the 1948 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale, has been executed.

(e) *Additional records.* Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the Director the following information with respect to each lot of tobacco purchased or sold by him:

(1) Name of the seller, and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced.
(2) Name of the purchaser.
(3) Date of the transaction.
(4) Number of pounds sold.
(5) Gross purchase or sale price.
(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.
(7) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1948 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State committee not later than the end of the week following the calendar week covered by the reports.

§ 726.879 *Dealers exempt from regular records and reports.* Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 726.878; but each such dealer shall make such reports to the Director as he may find necessary to enforce the regulations in §§ 726.855 to 726.886, inclusive.

§ 726.880 *Records and reports of truckers and persons redrying, prizing, or stemming tobacco.* (a) Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Director a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

(b) Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Director as he may find necessary to enforce the regulations in §§ 726.855 to 726.886, inclusive.

§ 726.881 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any records or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 726.882 *Failure to keep records or make reports.* Any warehouseman, dealer, processor, or common carrier of tobacco, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under the regulations in §§ 726.855 to 726.886, inclusive, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Director.

§ 726.883 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing, or stemming tobacco for producers shall make available for examination upon written request by the State committee or Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State committee or Director has reason to believe are relevant and are within the control of such person.

§ 726.884 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person under the regulations in §§ 726.855 to 726.886, inclusive, for the 1948–49 marketing year shall be kept by him until September 30, 1951. Records shall be kept for such longer period of time as may be requested in writing by the Director.

§ 726.885 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 726.855 to 726.886, inclusive, shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of county committees and only such data so reported or acquired as the Assistant Administrator for Production, Production and Marketing Administration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 726.886 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 726.855 to 726.886, inclusive, may be redelegated by the State Committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 6th day of July 1948. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 48–6121; Filed, July 8, 1948; 8:47 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 212—INTERLOCKING BANK DIRECTORATES UNDER THE CLAYTON ACT

RELATIONSHIPS PERMITTED BY BOARD

Pursuant to section 8 of the Clayton Act, as amended, and for the purpose of permitting interlocking relationships in the case of certain institutions principally engaged in international or foreign banking, Part 212 is amended, effective July 1, 1948, by adding the following new paragraph (f) at the end of § 212.3 thereof:

§ 212.3 *Relationships permitted by Board.* * * *

(f) Any director, officer, or employee of a member bank of the Federal Reserve System may be at the same time a director, officer, or employee of not more than one bank which is principally engaged in international or foreign banking and which does not receive deposits or make loans in the United States except as may be incidental to its international or foreign business.

The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found, as stated in § 262.2 (e) of the Board's rules of procedure, and especially because in connection with this permissive amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 8, 38 Stat. 732 as amended by 39 Stat. 121, 41 Stat. 626, 45 Stat. 253, 45 Stat. 1536 and 49 Stat. 717, 718; 15 U. S. C. 19)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48–6112; Filed, July 8, 1948; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 9]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

AMBER CIVIL AIRWAY NO. 9

It appearing that (1) the increased volume of air traffic operating along Amber Civil Airway No. 9, between Charleston, South Carolina, and Norfolk, Virginia, necessitates, in the interest of safety in air commerce, the immediate establishment of control areas along such civil airway; (2) the establishment of the control areas referred to in (1) above, have been coordinated with the civil operators involved, the Air Force and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1001, 1003) would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 984–986; 54 Stat. 1231, 1233–1235; 49 U. S. C. 401, 425, 451, 452, 457, 458), and pursuant to section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

1. Section 601.4 (b) (9) is amended to read:

(9) *Amber civil airway No. 9 control areas (Charleston, S. C. to Norfolk, Va.).* All of Amber civil airway No. 9.

This amendment shall become effective 0001 e. s. t., July 6, 1948.

(52 Stat. 973, 984–986, 54 Stat. 1231, 1233–1235, 60 Stat. 238; 5 U. S. C. 1002, 49 U. S. C. 401, 425, 451, 452, 457, 458)

D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-6111; Filed, July 8, 1948; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Home Loan Bank Board

[No. 878]

PART 4—OPERATIONS OF THE BANKS

DEPOSITS FROM MEMBERS

Resolved, that pursuant to § 8.3 of the rules and regulations for the Federal Home Loan Bank System (24 CFR 8.3) paragraph (f) of § 4.1 of the rules and regulations for the Federal Home Loan Bank System (24 CFR 4.1 (f)) is hereby amended, effective July 22, 1948, to read as follows:

§ 4.1 *General powers.* * * *

(f) *Deposits from members.* (1) Banks may accept demand deposits from members, but no interest shall be paid thereon.

(2) Banks may accept time deposits from members but shall reserve the right to require, in writing, thirty days' notice of intention to withdraw such deposits or any part thereof. The rates of interest to be paid on such deposits as remain unwithdrawn for periods of thirty days or more may be established by the board of directors of each Bank, within the ranges established by the Board.

Resolved further that the aforesaid amendment is hereby found to be one of a minor, technical character of no particular interest to the public and one which relieves certain restrictions, thereby making unnecessary notice and public procedure thereon or deferment of the effective date beyond that herein recited.

(Secs. 11, 16, 17, 47 Stat. 733, 736; sec. 503, 48 Stat. 1261; 12 U. S. C. 1431, 1436, 1437; Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 48-6131; Filed, July 8, 1948; 8:58 a. m.]

Chapter VII—Housing and Home Finance Agency

PART 751—ESTABLISHING THE GENERAL RESPONSIBILITIES AND ORGANIZATION OF THE OFFICE OF THE ADMINISTRATOR, HOUSING AND HOME FINANCE AGENCY, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DELEGATION TO PUBLIC HOUSING COMMISSIONER TO EXECUTE CONVEYANCES AND RELINQUISH CERTAIN PROPERTY AND CONTRACTURAL RIGHTS

Section 751.12 (a) and (b), 12 F. R. 2088 (formerly identified as NHA General Order 21–31A, designated §§ 705.3 and 705.4, 11 F. R. 2587, and redesignated § 751.18, 11 F. R. 177A–860) is hereby amended and redesignated to read as follows:

§ 751.39 *Delegation to Public Housing Commissioner to execute conveyances and relinquish certain property and contractual rights.* (a) With regard to any war housing or the sites thereof acquired or held by the Housing and Home Finance Administrator or the Housing and Home Finance Agency (other than properties administered by the Federal Housing Administration or the Home Loan Bank Board) or any property which has been or may be transferred to this Agency as surplus property pursuant to law, there is hereby delegated to the Public Housing Commissioner authority to sell any or all of such properties and to execute the necessary instruments transferring title thereto. There is further delegated hereby to the Public Housing Commissioner authority to relinquish and transfer to any educational institution all contractual rights (including the right to revenues and other proceeds) and all property right, title, and interest of the United States in and with respect to any temporary housing located on land owned by such institution, or controlled by it and not held by the United States, as authorized by section 505 of Public Law 849, 76th Congress, as amended, and to execute the necessary instruments in connection therewith.

(b) The Public Housing Commissioner is hereby authorized to redelegate the authority delegated to him pursuant to paragraph (a) of this section to such officers and employees of the Public Housing Administration as he may select.

(c) Any instruments executed by the Public Housing Commissioner, or by any officer or employee to whom the authority has been redelegated (including instruments hitherto executed by Area Directors under authority of 24 CFR 602.3 (a) (4), 13 F. R. 2822, the execution of such instruments being hereby approved), purporting to relinquish or transfer any rights, title, or interest under the authority of this section shall be conclusive evidence of the authority of such Commissioner, officer, or employee to act for the Housing and Home Finance Administrator in executing such instruments. (54 Stat. 1125, as amended, 58 Stat. 765, as amended, 59 Stat. 613, 61 Stat. 954; 42 U. S. C. 1521, 50 U. S. C. 1611, 5 U. S. C. 133y, 5 U. S. C. 133y–16)

Issued this 9th day of July 1948.

B. T. FITZPATRICK,
Acting Administrator.

[F. R. Doc. 48-6130; Filed, July 8, 1948; 8:57 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 693—MINIMUM WAGE RATE IN THE CIGAR AND CIGARETTE INDUSTRY IN PUERTO RICO

FINAL DECISION AND ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001), notice was published in the FEDERAL REGISTER on June 17, 1948 (13 F. R. 3278) of my decision to approve the minimum wage recommendation of Special Industry Committee No. 5 for Puerto Rico for the Cigar and Cigarette Industry in Puerto Rico, and the proposed wage order to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice. No exceptions have been filed, and the time for such filing has expired.

Accordingly, pursuant to authority vested in me by the Fair Labor Standards Act of 1938 (52 Stat. 1064; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective August 9, 1948, as provided therein.

Sec.
693.1 Approval of recommendation of Industry Committee.
693.2 Wage rate.
693.3 Notices of order.
693.4 Definition of the cigar and cigarette industry in Puerto Rico.

AUTHORITY: §§ 693.1 to 693.4, inclusive, issued under sec. 8, 52 Stat. 1064, sec. 3 (c), 54 Stat. 615; 29 U. S. C. 205 (e), 208.

§ 693.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.

§ 693.2 *Wage rate.* Wages at the rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the cigar and cigarette industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 693.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the cigar and cigarette industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 693.4 *Definition of the cigar and cigarette industry in Puerto Rico.* The cigar and cigarette industry in Puerto Rico, to which this order shall apply, is hereby defined as follows: The manufacture of cigarettes, cigars, cheroots and little cigars, including the stemming of cigar wrappers or binders by a cigar manufacturer.

Signed at Washington, D. C., this 6th day of July 1948.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 48-6128; Filed, July 8, 1948; 8:57 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 1,[1] Order 12]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

CESSATION OF DECLARATIONS OF REAL AND PERSONAL PROPERTY BY OWNING AGENCIES TO DISPOSAL AGENCIES

Public Law 862, 80th Congress, approved June 30, 1948, provides in part as follows:

The Surplus Property Act of 1944, as amended, shall not apply to property of the Government which has not been declared surplus under the terms of such Act as of the date of enactment hereof and any such property determined to be surplus shall be disposed of in accordance with the terms of other existing law.

Pursuant to the above, it is hereby ordered that:

§ 8301.62 *Cessation of declarations of real and personal property by owning agencies to disposal agencies.* On and after the effective date of this order, owning agencies shall make no further declarations to the War Assets Administrator or the disposal agencies designated under this regulation, and disposal agencies shall not accept declarations dated after June 30, 1948. (Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); Reorg. Plan 1 of 1947 (12 F. R. 4534); Pub. Law 862, 80th Cong.)

This order shall become effective June 30, 1948.

JESS LARSON,
Administrator.

JULY 2, 1948.

[F. R. Doc. 48-6178; Filed, July 8, 1948; 11:24 a. m.]

[1] 12 F. R. 6661, 7810; 13 F. R. 1647, 2203.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ENTRANCE TO BUZZARDS BAY, MASSACHUSETTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.8 is hereby prescribed to govern the use and navigation of waters of the Atlantic Ocean at the entrance to Buzzards Bay, Massachusetts, comprising bombing target areas of the Naval Air Bases, First Naval District, Quonset Point, Rhode Island, as follows:

§ 204.8 *Atlantic Ocean at entrance to Buzzards Bay, Mass.; bombing target areas, Naval Air Bases, First Naval District, Quonset Point, R. I.*—(a) *The danger zones.* (1) A circular area located on Hen and Chickens Reef, with a radius of 2,000 feet, having its center at latitude 41°28'12", longitude 71°01'42", which bears approximately 151° true, about 1,670 yards, from the southern end of Gooseberry Neck in the Town of Westport, Massachusetts.

(2) A circular area located on Sow and Pigs Reef, with a radius of 2,000 feet, having its center at latitude 41°24'12", longitude 70°57'48", which bears approximately 222° true, about 1,800 yards, from the Cuttyhunk Light at the west end of Cuttyhunk Island in the Town of Gosnold, Massachusetts.

(3) Vessels used as targets within these areas, whether anchored or grounded, will be properly secured and marked.

(b) *The regulations.* (1) No vessel shall enter or remain in the target area described in paragraph (a) (1) of this section at any time unless authorized to do so by the enforcing agency.

(2) During the period from November 10 to April 30, inclusive, no vessel shall enter or remain in the target area described in paragraph (a) (2) of this section unless authorized to do so by the enforcing agency.

(3) This section shall be enforced by the Commander, Naval Air Bases, First Naval District, Quonset Point, Rhode Island, and such agencies as he may designate. [Regs. June 16, 1948, 800.2121 (Buzzards Bay, Mass.)—ENGWR] (40 Stat. 266; 33 U. S. C. 1)

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

[F. R. Doc. 48-6126; Filed, July 8, 1948; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 25—MEDICAL

ALLOWANCE OF TRAVEL EXPENSES OF CLAIMANTS AND BENEFICIARIES OF THE VETERANS' ADMINISTRATION AND THEIR ATTENDANTS

CROSS REFERENCE: For order governing the allowance of travel expenses of claimants and beneficiaries of the Veterans' Administration and their attendants and superseding Executive Order 9446, which is noted in § 25.6100, see Executive Order 9975, *supra.*

TITLE 43—PUBLIC LANDS: INTERIOR

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

Subchapter A—Alaska

[Circular No. 1684]

PART 77—SHORE SPACE

SHORE-SPACE RESTRICTION, RESERVATION AND RESTORATION

SHORE-SPACE RESTRICTION AND RESERVATION

SHORE-SPACE RESTORATION

AUTHORITY: §§ 77.1 to 77.11, inclusive, issued under R. S. 453, 2478; 43 U. S. C. 2, 1201.

SHORE-SPACE RESTRICTION AND RESERVATION

§ 77.1 *Statutory authority.* Section 1 of the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371, 462), provides among other things, that no location or scrip, selection, or right along any navigable or other waters shall be made within the distance of 80 rods of any lands, along such waters, theretofore located by means of any such scrip or otherwise and that no entry shall be allowed extending more than 160 rods along the shore of any navigable water, and along such shore a space of at least 80 rods shall be reserved from entry between all such claims. However, under section 10 of the act of May 14, 1898 (30

Stat. 413, 48 U. S. C. 462) the Secretary of the Interior may grant the use of such shore space reserves for landings and wharves. See 43 CFR Part 68.

Section 10 of the act of May 14, 1898, as amended by the acts of March 3, 1927 (44 Stat. 1364) and May 26, 1934 (48 Stat. 809; 48 U. S. C. 462, 461, 411), provides among other things, that no entry shall be allowed for trade and manufacturing sites, homesites and headquarter sites, and rights of way for railroad terminals and junction points, on lands abutting on navigable waters for more than 80 rods.

§ 77.2 *Navigable or other waters defined.* The term "navigable waters" is defined in section 2 of the act of May 14, 1898 (30 Stat. 409; 48 U. S. C. 411), "to include all tidal waters up to the line of ordinary high tide and all nontidal waters navigable in fact up to the line of ordinary highwater mark." The words "or other waters" as used in section 1 of the act, are held to include all waters of sufficient magnitude to require meandering under the Manual of Surveying Instructions, or which are used as a passageway or for spawning purposes by salmon or other seagoing fish.

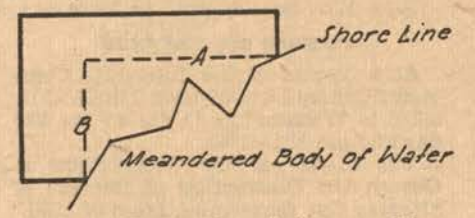
§ 77.3 *Entries and claims affected by shore-space reservations and restrictions.* Claims, including homestead settlements and entries, other than in national forests (see act of June 5, 1920, 41 Stat. 1059, 48 U. S. C. 372), allotments to Indians and Eskimos which are considered as homesteads, soldiers' additional entries, trade and manufacturing sites, homesites and headquarter sites under 43 CFR, Part 64, and school-indemnity selections, but not including mission sites (44 L. D. 83) or mining claims (43 L. D. 120), may not be made in Alaska, within a distance of 80 rods (one-quarter of a mile), of any such claim, entry, or selection theretofore located along any navigable waters. In addition, a soldier's additional entry or school-indemnity selection may not be made in Alaska within a distance of 80 rods of any lands along any navigable or other waters theretofore located as such entry, selection or otherwise.

Trade and manufacturing sites, and rights of way for terminals and junction points under the act of May 14, 1898, may not extend more than 80 rods along the shore of any navigable water, and homesites and headquarter sites under 43 CFR, Part 64, which must be reasonably compact in form, may not extend as much as 80 rods along such shore. All other claims subject to the restrictions of the preceding paragraph may not extend more than 160 rods along the shore of any navigable water.

§ 77.4 *Restriction as to length of claims; method of measuring length of shore space.* In the consideration of applications to enter lands shown upon plats of public surveys in Alaska, as abutting upon navigable waters, the restriction as to length of claims shall be determined as follows: The length of the water front of a subdivision will be considered as represented by the longest straight line distance between the shore corners of the tract, measured along lines parallel to the boundaries of the subdivision; and the sum of the distances of each subdivision of the application abutting on the water, so determined, shall be considered as the total shore length of the application. Where, so measured, the excess of shore length is greater than the deficiency would be if an end tract or tracts were eliminated, such tract or tracts shall be excluded, otherwise the application may be allowed if in other respects proper.

The same method of measuring shore space will be used in the case of special surveys, where legal subdivisions of the public lands are not involved.

The following sketch shows the method of measuring the length of shore space, the length of line "A" or line "B", whichever is the longer, representing the length of shore space which is chargeable to the tract:



§ 77.5 *Reservation between claims.* For the purpose of the regulations in this part, any claim which is so located as to approach within 80 rods of the actual shore line shall be considered as if it were actually on the shore line. Between all such claims or the constructive extension thereof, the reserved strip shall extend for a distance of 80 rods from the shore as well as 80 rods along the shore line. However, the land included within that constructive extension to the shore line shall not be included within the shore space reservation created by such claim, but shall be open and subject to appropriation under and in accordance with appropriate law.

§ 77.6 *Surveys involving shore-space.* The procedure which should be followed in connection with a petition for the survey of a homestead settlement claim, where a shore-space limitation is involved, is set forth in § 65.20 of this chapter. Surveys of other kinds of claims for lands subject to a shore-space limitation will not be made by the Bureau of Land Management unless and until the limitation on the land is removed.

SHORE-SPACE RESTORATION

§ 77.7 *Statutory authority.* The act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), provides that the Secretary of the Interior, in his discretion, may upon application to enter or otherwise, restore to entry and disposition the reserved shore spaces, or waive the restriction that no entry shall be allowed extending more than 160 rods along the shore of any navigable waters as to such lands as he shall determine are not necessary for harborage, landing and wharf purposes.

The act of June 5, 1920, does not authorize the waiver of the 80-rod restriction in the case of trade and manufacturing sites, homesites and headquarter sites, or in any way affect the reservation for roadway purposes along navigable waters, created by section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U. S. C. 462).

§ 77.8 *Form of petition for restoration; preference right.* Any person who desires to secure such waiver or restoration should file a petition therefor, in duplicate, in the proper district land office. No special form of petition is required, but it should be in typewritten form or legible manuscript, and must be signed by the applicant and corroborated by the statements of two persons having knowledge of the facts.[1]

No preference right to enter the land will be secured by the applicant by reason of the filing of such a petition unless it is based on an equitable claim which is subject to allowance and confirmation. Restoration of the land to disposal under the homestead laws, under the small tract act of June 1, 1938 (52 Stat. 609), as amended by the act of July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), and under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461) for homesite or headquarters site purposes, will be subject to the provisions of section 4 of the act of September 27, 1944 (58 Stat. 748), as amended by the act of May 31, 1947 (61 Stat. 123, 43 U. S. C. 282) and the act of June 3, 1948 (Public Law 596, 80th Cong., 2d sess.), granting preference to veterans of World War II.

§ 77.9 *Description of land in petition.* If the land is surveyed, it should be described by legal subdivisions of the public land surveys. If unsurveyed, it should be described by approximate latitude and longitude and otherwise with as much certainty as possible without actual survey. The description should be tied to known monuments, towns, and natural objects whenever possible.

§ 77.10 *Showing required in petition.* The petition must contain a full statement as to all pending claims on each side of the tract bordering along the water in question and as to the availability of the land sought for harborage, landing and wharf purposes, and, if the land abuts a stream or lake, all facts must be stated as to the width, depth and navigability of the water and the use which is ordinarily made thereof, as well as whether or not such stream or lake is a runway or spawning ground for seagoing fish.

Where it is asserted that equities have accrued, and a preference right of entry based thereon is claimed, the petition should set forth the facts upon which the alleged claim is founded. If settlement is claimed and the land is unsurveyed, the petition should be accompanied by a certified copy of the location notice which was filed in the local recording office.

§ 77.11 *Application to make entry in conflict with shore-space reserve.* The Manager will reject any application to enter which conflicts with a shore space reservation or restriction, unless it is ac-

[1] Title 18 U. S. C. 80, makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matters within its jurisdiction.

companied by a petition for restoration or request for waiver of the restriction, based on an equitable claim warranting consideration. The Manager, in every case, will notify the applicant that consideration will be given to the restoration of the land from the shore-space reserve or to the waiver of the restriction.

NOTE: Sections 77.1 to 77.11, inclusive, supersede former §§ 77.1 to 77.17, inclusive, of Title 43 of the Code of Federal Regulations (Circ. No. 491, February 24, 1928).

MARION CLAWSON,
Director.

Approved: June 25, 1948.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 48-6006; Filed, July 6, 1948; 8:46 a. m.]

[Circular 1685]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SPECIAL LAND USE PERMITS

The following text is added to Part 115:

§ 115.150 *Applications, issuance of permits.* Applications for special land use permits for the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands, in Oregon, should be filed with the Regional Administrator, Region I, Portland, Oregon. The Regional Administrator may issue revocable land use permits for these lands, and act on assignments thereof, under the principles embodied in the regulations contained in §§ 258.1 to 258.16, inclusive, of this chapter. (R. S. 453, 50 Stat. 874; 43 U. S. C. 2, 43 CFR 258.1–258.16)

MARION CLAWSON,
Director.

Approved: June 30, 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48-6114; Filed, July 8, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 110—DESTRUCTION OF RECORDS

SLEEPING CAR COMPANIES

At a session of the Interstate Commerce Commission, division 1, held at its office in Washington, D. C., on the 23d day of June A. D. 1948.

The matter of the "Regulations to Govern the Destruction of Records of Sleeping Car Companies, Issue of 1920," being under consideration pursuant to the provisions of section 20 (7) (b) of the Interstate Commerce Act, as amended; and,

It appearing, that such regulations require the retention of certain agents' reservation diagrams for a period of three years although such diagrams duplicate a part of information otherwise retained in more available form and for that reason require an excessive amount of storage space; and,

It further appearing, that The Pullman Company, which is the only sleeping car company now subject to the provisions of such regulations, has declared itself to be in favor of a reduction in the period of retention prescribed for such agency diagrams, which declaration constitutes participation in rule making as required by section 4 of the Administrative Procedure Act, so that further notice or public procedure is unnecessary under the provisions of that section (34 Stat. 594, 35 Stat. 649, 54 Stat. 918; 49 U. S. C. 20);

It is ordered, that:

(1) *Regulation modified.* On and after the effective date hereof, the period of retention prescribed for the following records under § 110.49 shall be reduced from three years to six months:

32. Diagrams:
(b) Agents' reservation diagrams, showing space sold or engaged, and correspondence relating to the reservation of berths and seats.

(2) *Effective date.* The reduction in retention period so ordered shall become effective August 1, 1948.

(3) *Notice.* A copy of this order shall be served upon The Pullman Company and upon any sleeping car company which may in the future become subject to the provisions of the "Regulations to Govern the Destruction of Records of Sleeping Car Companies, Issue of 1920," and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by publishing it in the FEDERAL REGISTER.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-6124; Filed, July 8, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED GREEN BEANS AND CANNED WAX BEANS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948), that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of a revision of the United States Standards for Grades of Canned Green Beans and Canned Wax Beans (12 F. R. 5743). The aforesaid standards have been in effect since September 27, 1947. The proposed revision is necessary to bring the United States Standards into agreement with certain changes requested by the industry at a hearing to amend the Food and Drug Standards of identity and quality which have been published in the FEDERAL REGISTER as a notice of proposed rule making (13 F. R. 2592).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed revised standards are as follows:

§ 52.165 *Canned green beans and canned wax beans*—(a) *Identity.* (1) "Canned green beans" means canned green beans as defined in the definitions and standard of identity for canned green beans (21 CFR 51.10; 13 F. R. 2593), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) "Canned wax beans" means canned wax beans as defined in the definitions and standards of identity for canned wax beans (21 CFR 51.15; 13 F. R. 2593), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) "Canned beans" means canned green beans or canned wax beans.

(4) "Whole green beans" or "whole wax beans" means canned beans consisting of whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length.

(5) "Unit" means an individual green bean or wax bean, or portion of either, in canned beans.

(b) *Styles of canned beans.* (1) "Whole" means canned beans that are not arranged in any definite position in the container.

(2) "Whole vertical pack" means canned beans that are packed parallel to the sides of the container.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(3) "Whole asparagus style" means canned beans consisting of pods that are cut at both ends, are of substantially equal lengths, and are packed parallel to the sides of the container.

(4) "Sliced lengthwise" or "French style" means canned beans consisting of pods that are sliced lengthwise.

(5) "Cut" or "cuts" means canned beans consisting of pods that are cut transversely into pieces less than 2¾ inches, but not less than ¾ inch, in length, and may contain shorter end pieces which result from cutting.

(6) "Short cut" or "short cuts" means canned beans consisting of pieces of pods of which not less than 75 percent are less than ¾ inch in length and not more than 1 percent are more than 1¼ inches in length.

(c) *Grades of canned beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not materially affected in appearance by sloughing of the epidermis; are very young and tender; and are of such quality with respect to clearness of liquor, uniformity of color, and absence of defects as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not materially affected in appearance by sloughing of the epidermis; possess a reasonably uniform typical color; are young and reasonably tender; are reasonably free from defects; and are of such quality with respect to clearness of liquor as to score not less than 75 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not seriously affected in appearance by sloughing of the epidermis; possess a fairly uniform typical color; are nearly mature and fairly tender; possess a fairly good liquor; are fairly free from defects; and score not less than 60 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of canned beans that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(5) "U. S. Grade D—Below standard in quality, good food—not high grade" or "Substandard—Below standard in quality, good food—not high grade" or "U. S. Grade D—Below standard in quality, excessive number very short pieces" or "Substandard—Below standard in quality, excessive number very short pieces," or "U. S. Grade D—Below Standard in quality, excessive number blemished units," or "Substandard—Below standard in quality, excessive number blemished units" or "U. S. Grade D—Below standard in quality, excessive number unstemmed units" or "Substandard—Below standard in quality, excessive number unstemmed units" or "U. S. Grade D—Below standard in quality, excessive foreign material" or "Substandard—Below standard in quality, excessive foreign material," is the quality of canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11; 13 F. R. 2594) or the standard of quality of canned wax beans (21 CFR 51.16; 13 F. R. 2596), as the case may be.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned beans be filled with green beans or wax beans, as the case may be, as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(e) *Recommended drained weight.* The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of green beans or wax beans, as the case may be, is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can.

TABLE No. I—RECOMMENDED DRAINED WEIGHTS, IN OUNCES, OF GREEN BEANS AND WAX BEANS

Container size or designation	Styles of canned beans			
	Whole	Whole vertical pack or whole asparagus style	Short cuts; cuts; French style	
			Short cuts and cuts less than 1½ inches	French style and cuts 1½ inches and longer
No. 1 E	6¼	----------	6⅜	----------
No. 1 Tall	9⅜	----------	9¾	----------
No. 300	8½	----------	8⅞	----------
No. 303	9½	----------	9⅞	----------
No. 2	11½	12½	12	11½
No. 2½	16¾	18	17½	16¾
No. 10	61	----------	65	63

(f) *Types of canned beans.* The type of canned beans is not incorporated in the grades of the finished product, since the type of canned beans is not a factor of quality for the purpose of these grades. The type of canned beans is dependent upon the type of beans packed in the container and is described as round type or flat type.

(1) "Round type canned green beans" are canned beans consisting of round type green beans having a width not greater than 1½ times the thickness of the bean. "Round type canned wax beans" are canned beans consisting of round type wax beans having a width not greater than 1½ times the thickness of the bean.

(2) "Flat type canned green beans" are canned beans consisting of flat type green beans having a width greater than 1½ times the thickness of the bean. "Flat type canned wax beans" are canned beans consisting of flat type wax beans having a width greater than 1½ times the thickness of the bean.

(g) *Sizes of green beans or wax beans in canned beans.* The size of green beans or wax beans is not a factor of quality of canned beans for the purpose of these grades. The size of a green bean or wax bean is determined by measuring the shorter diameter of the bean transversely to the long axis at the thickest portion of the pod. The designations of the various sizes of round type and flat type green beans or wax beans packed as canned beans are shown in Table No. II of this section.

TABLE No. II—SIZES OF GREEN BEANS AND WAX BEANS IN CANNED BEANS

Size of beans (inches in thickness)	Round type beans in various styles of canned beans			Flat type beans in whole, cut, or short cut beans	
	Number designation	Whole beans—word designation	Cut or short cut beans—word designation	Number designation	Word designation
Less than 14/64 inch in thickness.	Size 1	Tiny	Small	Size 2	Small.
14/64 inch to, but not including 18/64 inch in thickness.	Size 2	Small	do	Size 3	Medium.
18/64 inch to, but not including 21/64 inch in thickness.	Size 3	Medium	do	Size 4	Medium large.
21/64 inch to, but not including, 24/64 inch in thickness.	Size 4	Medium large	Medium	Size 5	Large.
24/64 inch to, but not including, 27/64 inch in thickness.	Size 5	Large	Large	Size 6	Extra large.
27/64 inch or more in thickness	Size 6	Extra large	Extra large	Size 6	Do.

(h) *Ascertaining the grade.* (1) The grade of canned beans may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Clearness of liquor, color, absence of defects, and maturity. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

	Points
(i) Clearance of liquor	10
(ii) Color	15
(iii) Absence of defects	35
(iv) Naturity	40
Total Score	100

(2) "Normal flavor and normal odor" means that the canned beans are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "32 to 35 points" means 32, 33, 34, or 35 points).

(1) *Clearness of liquor.* (i) Canned beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means that the liquor may possess a slight tint of yellow-green to green color and that not more than a trace of suspended material and sediment is present.

(ii) If the canned beans possess a reasonably clear liquor, a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be cloudy or contain a small quantity of sediment.

(iii) If the canned beans possess a fairly good liquor, a score of 5 to 6 points may be given. "Fairly good liquor" means that the liquor may be dull in color, but not off color; may be cloudy; or may possess a noticeable accumulation of sediment.

(iv) Canned beans that possess a liquor that is definitely off-color for any reason, is excessively cloudy, or contains a seriously objectionable quantity of sediment may be given a score of 0 to 4 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color.* (i) Canned beans that possess a practically uniform bright typical color may be given a score of 14 to 15 points. "Practically uniform bright typical color" means that the canned beans possess a color that is bright and typical of very young and tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 5 percent, by count, which vary markedly from this color.

(ii) If the canned beans possess a reasonably uniform typical color, a score of 12 to 13 points may be given. "Reasonably uniform typical color" means that the canned beans possess a color that is typical of young and reasonably tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 10 percent by count, which vary markedly from this color.

(iii) Canned beans that possess a fairly uniform typical color may be given a score of 10 to 11 points. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the project (this is a limiting rule). "Fairly uniform typical color" means that the canned beans possess a color that is typical of nearly mature and fairly tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 15 percent, by count, which vary markedly from this color.

(iv) Canned beans that are definitely off-color or fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 9 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, loose seed and pieces of seed, unstemmed units, ragged-cut units, split units, small pieces of pods, units damaged by mechanical injury, and units blemished by scars, pathological injury, insect injury, or blemished by other means.

(*a*) "Blemished unit" means any unit in which the aggregate area affected exceeds the area of a circle ⅛ inch in diameter.

(*b*) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(*c*) "Extraneous vegetable matter" means leaves, detached stems, and other similar vegetable matter.

(*d*) "Ragged-cut units" means sections of pods that have very ragged edges, or are partially cut.

(*e*) "Practically intact" means that not more than 5 percent, by weight, of the units in a container are split into two parts.

(*f*) "Small pieces of pods" means pieces of pods less than ½ inch in length.

(*g*) "Damaged by mechanical injury" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(ii) Canned beans that are practically free from defects may be given a score of 32 to 35 points. "Practically free from defects" has the following meanings with respect to the following styles of packs of canned green beans or canned wax beans:

(*a*) *Whole or cut.* "Practically free from defects means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 5 ragged-cut units or 5 units damaged by mechanical injury; and

Not more than 40 small pieces of pods in cut style, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent by count of the total units are less than ½ inch long.

(*b*) *Sliced lengthwise or french style.* "Practically free from defects" means that the pods are well sliced; and the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units, and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems; and

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished.

(*c*) *Short cuts.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 5 units damaged by mechanical injury; and

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished.

(iii) If the canned beans are reasonably free from defects, a score of 27 to 31 points may be given. "Reasonably free from defects" has the following meanings with respect to the following styles of canned beans:

(*a*) *Whole or cut.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 10 ragged-cut units or 10 units damaged by mechanical injury; and

Not more than 60 small pieces of pods in cut style, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(*b*) Sliced lengthwise or french style. "Reasonably free from defects" means that the pods are reasonably well sliced; and the combined weight of all other defects and defective units does not ex-

ceed 15 percent of the drained weight of the units, and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems, and

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished.

(c) *Short cuts.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 10 units damaged by mechanical injury; and

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished.

(iv) If the canned beans are fairly free from defects, a score of 22 to 26 points may be given. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the followings styles of canned beans:

(a) *Whole or cut.* "Fairly free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units; [2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units; [2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units; [2]

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished.

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long in cut style, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(b) *Sliced lengthwise or French style.* "Fairly free from defects" means that the pods are fairly well sliced and the combined weight of all other defects and defective units does not exceed 20 percent, drained weight, of the units and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units; [2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units; [2] and

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than ½ thereof may consist of units that are seriously blemished.

(c) *Short cuts.* "Fairly free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 5 percent, drained weight, of the units; [2] the combined weight of all other defects and defective units does not exceed 20 percent, drained weight, of the units and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units; [2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units; [2] and

There are not more than 8 percent, by count, of blemished units [2] and of such 8 percent not more than ½ thereof may consist of units that are seriously blemished.

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11; 13 F. R. 2594) or the standard of quality of canned wax beans (21 CFR 51.16; 13 F. R. 2596), as the case may be, shall not be graded above U. S. Grade D—Below standard in quality, good food—not high grade, or Substandard—Below standard in quality, good food—not high grade, or U. S. Grade D—Below standard in quality, excessive number very short pieces, or Substandard—Below standard in quality, excessive number very short pieces, or U. S. Grade D—Below standard in quality, excessive number blemished units, or Substandard—Below standard in quality, excessive number blemished units, or U. S. Grade D—Below standard in quality, excessive number unstemmed units, or Substandard—Below standard in quality, excessive number unstemmed units, or U. S. Grade D—Below standard in quality, excessive foreign material, or Substandard—Below standard in quality, excessive foreign material, as the case may be, regardless of the total score for the product (this is a limiting rule).

(4) *Maturity.* (i) The factor of maturity refers to the degree of development of pods and seeds and the tenderness of the pods.

(a) "Trimmed pod" means any pod from which there has been trimmed off as far as the end of the space formerly occupied by seed, any portion of the pod from which seed have become separated.

(b) "Tough strings" means strings or pieces of string at least ½ inch in length which will support a ½ pound weight for not less than 5 seconds.

(c) "Fibrous material" means the properly prepared, dried cellulose material obtained from deseeded pods, including strings broken or unbroken.

(ii) Canned beans that are very young and tender may be given a score of 35 to 40 points. "Very young and tender" means that the units are full-fleshed for the variety, tender and not fibrous; the seeds are in the early stages of maturity; and not more than 2 percent, by count, of the units possess tough strings.

(iii) If the canned beans are young and reasonably tender, a score of 29 to 34 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Young and reasonably tender" means that the units may, to some extent, have lost their fleshy structure; the seeds may have passed the early stages of maturity and have not reached the late stages of maturity; are not fibrous; and not more than 5 percent by count of the units may possess tough strings.

(iv) If the canned beans are nearly mature and fairly tender, a score of 23 to 28 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature and fairly tender" means that the units may have lost, to a considerable extent, their fleshy structure, and that:

The trimmed pods contain not more than 25 percent by weight, of seed and pieces of seed; [2]

The deseeded pods contain not more than 0.15 percent, by weight, of fibrous material; [2]

Not more than 10 percent, by count, of the units may possess tough strings except that in case there are present units at least 27/64 inch or more in diameter, there are not more than 12 strings or pieces of strings in 12 ounces, drained weight, which will support a ½ pound weight for not less than 5 seconds,[2]

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 22 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11; 13 F. R. 2594) or the standard of quality of canned wax beans (21 CFR 51.16; 13 F. R. 2596), as the case may be, shall not be graded above U. S. Grade D—Below standard in quality good food—not high grade, or Substandard—Below standard in quality

[2] Determined as outlined in the standards of quality of canned green beans (21 CFR 51.11; 13 F. R. 2594) and canned wax beans (21 CFR 51.16; 13 F. R. 2596), promulgated under the Federal Food, Drug, and Cosmetic Act.

good food—not high grade, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerance for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of canned green beans or canned wax beans, the grade for such lot will be determined by averaging the total score of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned green beans or canned wax beans.* The following score sheet may be used to summarize the factors determining the various grades:

Container size			
Container code or marking			
Label			
Net weight (in ounces)			
Vacuum (in inches)			
Drained weight (in ounces)			
Type (Round or Flat)			
Variety (Green or Wax)			
Style			
Size of green beans or wax beans			
Factors	**Score points**		
I. Clearness of liquor	10	(A) 9–10 (B) 7–8 (C) 5–6 (D) 0–4 [1]	
II. Color	15	(A) 14–15 (B) 12–13 (C) 10–11 [1] (D) 0–9 [1]	
III. Absence of defects	35	(A) 32–35 (B) 27–31 (C) 22–26 [1] (D) 0–21 [1]	
IV. Maturity	40	(A) 35–40 (B) 29–34 [1] (C) 23–28 [1] (D) 0–22 [1]	
Total score	100		
Grade			
Normal flavor and odor			

[1] Indicates limiting rule within classification.

Issued this 2d day of July 1948.

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

[F. R. Doc. 48–6122; Filed, July 8, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Parts 153, 154, 155, 250]

[Docket No. R–107]

FORM, COMPOSITION, FILING AND POSTING OF RATE SCHEDULES AND TARIFFS FOR TRANSPORTATION OR SALE OF NATURAL GAS

NOTICE FIXING DATE OF HEARING ON PROPOSED RULE MAKING AND EXTENDING TIME FOR FILING NOTICES OF INTENTION TO APPEAR AT HEARING

JULY 2, 1948.

1. Under authority of provisions of the Natural Gas Act, as amended, particularly sections 4, 15 and 16 thereof (52 Stat. 822, 829, 830; 15 U. S. C. 717c, 717n, 717o), the Federal Power Commission caused to be published in the FEDERAL REGISTER June 22, 1948 (13 F. R. 3343, 3344) notice of hearing on proposed rule making in the above-entitled matter.

2. Said notice of hearing provided, among other things, that a public hearing be held in the above-entitled matter at a time and place to be designated subsequently by the Federal Power Commission upon notice to be published in the FEDERAL REGISTER not less than 15 days prior to the date that might be fixed for the commencement of said hearing. Said notice also provided that any interested person might appear at said hearing to offer evidence *Provided*, That not later than July 15, 1948, such person should file with the Commission a notice of intention to appear containing the information specified in paragraph 4 (c) of the said notice of hearing.

3. The Commission has been requested to extend the time allowed for filing notices of intention provided for by paragraph 4 (c) of Commission's notice of hearing. It appears appropriate in the circumstances to grant an extension of time and also to fix the time and place of hearing as hereinafter provided.

4. Now, therefore, under the statutory authority hereinbefore cited and in accordance with the aforesaid notice of hearing published June 22, 1948, notice is hereby given that:

(a) A public hearing will be held the 20th day of September, 1948, at 10 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the proposed rule making in the above-entitled matter.

(b) Any interested person may appear at said hearing to offer evidence and present data, views or arguments, provided that not later than August 4, 1948, such person shall file with the Federal Power Commission, Washington 25, D. C., a notice of intention to appear containing the information specified in paragraph 4 (c) of the aforesaid notice of hearing published June 22, 1948.

By the direction of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–6110; Filed, July 8, 1948; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1828360]

UTAH

NOTICE OF FILING PLATS OF DEPENDENT RESURVEY AND EXTENSION SURVEY

JUNE 23, 1948.

Notice is given that plats accepted June 27, 1947, of (1) dependent resurvey of T. 38 S., R. 5 W., S. L. M., delineating a retracement and reestablishment of the lines of the original survey as shown on the original plat and extension survey including lands hereinafter described and (2) survey of T. 38 S., R. 4½ W., S. L. M., including lands hereinafter described, will be officially filed in the District Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on August 25, 1948.

The lands affected by this notice are described as follows:

SALT LAKE MERIDIAN

T. 38 S., R. 4½ W.,
Secs. 1 to 5;
Secs. 8 to 17;
Secs. 20 to 29;
Secs. 32 to 36;
T. 38 S., R. 5 W.,
Sec. 1;
Sec. 11, lots 1 to 8;
Secs. 12 and 13;
Sec. 14, lots 1 to 8;
Sec. 23, lots 1 to 8;
Secs. 24 and 25;
Sec. 26, lots 1 to 8;
Sec. 35, lots 1 to 4;
Sec. 26, lots 1 to 8.

The areas described aggregate 22,931.14 acres.

All of the lands involved are within the limits of the Dixie National Forest pursuant to proclamations of January 17, 1906, and December 23, 1910; Executive Order No. 3635 of February 14, 1922, and Public Land Order No. 260 of January 19, 1945.

Anyone having a valid settlement or other right to any of these lands initiated prior to the date of the withdrawal of the lands should assert the same within three months from the date on which the plats are officially filed by filing an application under appropriate public land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Salt Lake City, Utah.

ROSCOE E. BELL,
Assistant Director.

[F. R. Doc. 48–6113; Filed, July 8, 1948; 8:46 a. m.]

[1133872–2139666]

FLORIDA

MODIFYING SMALL TRACT CLASSIFICATION NO. 132 FLORIDA NO. 7

JULY 2, 1948.

Pursuant to the authority contained in 43 CFR 4.275 (b) (3) (Order No. 2325, May 24, 1947, 12 F. R. 3566), I hereby modify Small Tract Classification No. 132 Florida No. 7, of June 9, 1948, which classified certain lands as chiefly valuable for lease or sale under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended by the act of July 14, 1945 (59 Stat. 467; U. S. C. title 43 sec. 682a), as home or cabin sites, to exclude from the classification the following described lots:

TALLAHASSEE MERIDIAN

T. 2 S., R. 17 W.,
Sec. 32, lot 40.
T. 3 S., R. 18 W.,
Sec. 36, lots 193 to 200, inclusive, and lots 225 to 233, inclusive.

The area described aggregates 22.62 acres.

The purpose of this exclusion is to reserve the designated areas for public use.

Each lease and patent for lands classified by the said classification order, as modified herein, may in the discretion of the Director, be issued subject to a right-of-way, not to exceed 33 feet in width, for public roads along the sides of the tract.

ROSCOE E. BELL,
Assistant Director.

[F. R. Doc. 48–6115; Filed, July 8, 1948; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Regulations, Part 522—Regulations Applicable to the Employment of Learners.

Caribe Diamond Works, Inc., Plant No. 2, San Lorenzo, Puerto Rico; ten (10) learners in the occupation of scouring at not less than 25 cents an hour for the first 520 hours and not less than 35 cents an hour for the second 520 hours. This certificate is effective May 26, 1948 and expires November 25, 1948.

Ultimax Co., Vega Alta, Puerto Rico; to employ seventy-five (75) learners, as follows: twenty (20) learners in the occupations of belt sanding, grinding and polishing drafting instruments; thirty (30) learners in the occupation of machining parts of drafting instruments; fifteen (15) learners in the occupation of assembly and inspection of instruments; and ten (10) learners in the occupation of machining small machine parts at not less than 22 cents an hour for the first 520 hours, not less than 27 cents an hour for the second 520 hours, not less than 33 cents an hour for the third 520 hours, and not less than 38 cents an hour for the fourth 520 hours. This certificate is effective June 14, 1948 and expires December 13, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, order and/or regulations cited above. These Certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 29th day of June 1948.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 48–6129; Filed, July 8, 1948; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1065]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 2, 1948.

Notice is hereby given that on June 30, 1948, an application was filed with the Federal Power Commission by East Tennessee Natural Gas Company (Applicant), a Tennessee corporation, with its principal office at Chattanooga, Tennessee, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities:

(1) *Oak Ridge Line.* Approximately 164 miles of 22-inch pipeline commencing at a point of interconnection with the existing pipeline of Tennessee Gas Transmission Company, between that Company's compressor stations Nos. 10 and 11, and extending generally eastwardly to Oak Ridge, all in the State of Tennessee.

(2) *Oak Ridge-Kingsport Line.* Approximately 117 miles of 16-inch pipeline extending northeastwardly from Oak Ridge to Kingsport, Tennessee.

(3) *Kingsport-Bristol Line.* Approximately 20 miles of 6⅝-inch pipeline extending northeastwardly from Kingsport to Bristol, Tennessee.

(4) *Johnson City Lateral.* Approximately 10 miles of 8⅝-inch line extending from a point of interconnection with the Oak Ridge-Kingsport line southeastwardly to Johnson City, Tennessee.

The facilities proposed, according to the Applicant, will increase the delivery capacity of Applicant's previously authorized pipeline system by 100,000 Mcf per day. Of this amount, 60,000 Mcf per day is proposed to be made available to the Atomic Energy Commission at Oak Ridge, Tennessee. The balance is proposed to be made available to serve towns and industrial customers along the proposed pipeline in middle and eastern Tennessee.

The cost of the proposed facilities is estimated by Applicant at $14,220,200, which is proposed to be financed through the sale of securities and through bank loans. Applicant estimates its gross revenues will approximate $6,517,400 in the first year, increasing to $7,765,700 by the fifth year. It estimates its operating costs and fixed charges including depreciation, but exclusive of interest and other non-operating expenses, will approximate $5,976,900 in the first year and $6,904,200 in the fifth year. According to Applicant, gross income expected for the first and fifth years approximates $540,500 and $861,500, respectively. Applicant estimates that its annual sales from the proposed facilities will be approximately 20,810,000 Mcf the first year, and 28,424,000 Mcf the fifth year.

Applicant asserts there is an impelling necessity for the natural gas service proposed to be rendered by the facilities for which certificate is sought. Applicant also asserts that particularly there is a necessity for natural gas service as proposed to the Atomic Energy Commission at Oak Ridge, Tennessee. In this connection, Applicant states that it has entered into a definitive contract to supply natural gas to the Atomic Energy Commission for use in the Oak Ridge area, which contract provides for a maximum volume of 60,000 Mcf per day, and in said contract it is certified by the Atomic Energy Commission that the obtaining of such natural gas service is necessary in the interest of the common defense and security. Applicant further states that said contract was negotiated by the parties on the basic assumption that Applicant would construct and operate the additional facilities included in this application.

Applicant proposes to establish an interconnection of the facilities applied for with the existing facilities of the Tennessee Gas Transmission Company and to obtain a supply of natural gas from that Company through such interconnection. Applicant states that it has commitments from Tennessee Gas Transmission Company for the purchase of an adequate natural gas supply to enable Applicant to provide adequate service to the markets and areas pro-

posed to be served and that it is expected that such commitments will be satisfactorily reduced to definitive contract form prior to a hearing on its application.

Applicant requests that the Commission issue a temporary certificate pending a hearing and determination of its application. In the event such temporary authority is not granted, Applicant requests that its application be granted under the shortened procedure provided under § 1.32 of the Commission's rules of practice and procedure.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of East Tennessee Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-6109; Filed, July 8, 1948; 8:45 a. m.]

PHILIPPINE ALIEN PROPERTY ADMINISTRATION

[Bar Order 1]

YOKOHAMA SPECIE BANK, LTD. (MANILA BRANCH) ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, August 9, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 23d day of June 1948.

[SEAL] JAMES McI. HENDERSON,
Philippine Alien Property Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Yokohama Specie Bank, Ltd.	Japanese	Manila	P-1
Furukawa Plantation Co.	Corporation organized under the laws of P. I., but controlled by Japanese.	Davao	P-2
Ohta Development Co.	do	do	P-3
Bank of Taiwan	Japanese	Manila	P-4
Imperial Japanese Government.			P-5
Naoyuki Fujihara	Japanese	834 R. Hidalgo, Manila.	P-6
Teizo Mori and Masako Sato.	do	713-715 Rizal Avenue, Manila.	P-7
Balintawak Beer Brewery Co., Inc.	Corporation organized under the laws of P. I., but controlled by Japanese.	Manila	P-8
Bitulok Saw Mills, Inc.	Corporation organized under the laws of P. I., 33⅓% of shares registered in the names of Japanese.	Bongabong, Nueva Ecija.	P-9
Dingalan Lumber Co.	do	Dingalan, Tayabas	P-10
Giichi Yasugami and Sakae Yasugami.	Japanese	338-A Bautista, Sta. Ana, Manila.	P-11
Lepanto Consolidated Mining Co.	Corporation organized under the laws of P. I.	Manila	P-12
Baguio Japanese Association.	Corporation organized under the laws of P. I. but controlled by Japanese nationals.	Baguio	P-13
Japanese Association of Manila, Inc.	do	Manila	P-14
Masao Matsumoto and Kyo Matsumoto.	Japanese	1067 Arlegui St., Quiapo, Manila.	P-15
Haya Misufune	do	Baguio City	P-16
Asaichi Kagawa	do	Manila	P-17
Federated Investments Co.	Organized under the laws of P. I., 66.66% of the shares are registered in the names of Mitsui Bussan Kaisha and Onoda Cement Co.	do	P-18
Nippon Club	Organized under the laws of P. I., but controlled by Japanese nationals.	do	P-19
Philippine Kihaku Kabushiki Kaisha.	Organized under the laws of P. I., 50% of the shares are registered in the names of Japanese nationals.	Meycauayan, Bulacan	P-20
The Shoko Shimpo Sha, Inc.	Organized under the laws of P. I. but controlled by Japanese.	Manila	P-21
Gui Hing Plantation Co.	Japanese	Davao	P-22
Yonezo Kajita and Eda Kajita.	do	246 Gen. Solano, Manila.	P-23
Nisshin Boseki Kabushiki Kaisha.	do	Crystal Arcade, Escolta Manila.	P-24
Shigeru Kakashima and Natsu Nakashima.	do	411 Reina Regente, Manila.	P-25
O'Racca Confectionery Co.	Corporation organized under the laws of P. I., controlled by Japanese nationals.	Manila	P-26
Imperial Japanese Government, Mitsui Bussan Kaisha, and unknown Japanese.	Japanese	Manila	P-27
Imperial Japanese Government.	do	do	P-28
Sukekasu Okasaki and Haru Okasaki.	do	do	P-29
Taiwan Tekkosho	do	Japan	P-30
Sugahei Matsuo and Yaku Matsuo.	do	Davao City	P-31
Sta. Clara Lumber Co.	Corporation organized under the laws of P. I., 52% of its capital stock is registered in the names of Japanese nationals.	Ramon Roces Bldg., 715-21 Calero St., Manila.	P-32
Imperial Japanese Government.	Japanese	Manila	P-33
Tenchiko Nakajima and Itsaku Nakajima.	do	1118 San Andres, Singalong, Manila.	P-34
Nippon Mokuzai Kabushiki Kaisha.	do	Japan	P-35
Kunitichi Nonada and Suo Nonoda.	do	2202 Juan Luna, Tondo, Manila.	P-36
Okura & Company	do	Vigan, Ilocos Sur	P-37
Onoda Cement Co.	do	3rd Floor, Ayala Bldg.	P-38
Oriental Industrial Co.	Corporation organized under the laws of P. I., controlled by Japanese nationals.	Manila	P-39
Yoshimi Takahashi and Fumiko Takahashi.	Japanese	do	P-40
Genzo Kobayashi and Tome Kobayashi.	do	Quezon City	P-41
The Davao Commercial Co.	Corporation organized under the laws of P. I., controlled by Japanese nationals.	Davao	P-42
Hito Kopura Toosei Komiai.	do	174 Juan Luna, Manila	P-43
Ginzaburo Tamada and Toyo Tamada.	Japanese	8 Colon, Ermita	P-44
Tokyo Seiko Kabushiki Kaisha.	do	Manila	P-45
Gingoog Logging Corp.	do	Ramon Roces Bldg., 715-21 Calero St., Manila.	P-46
Yamasaburo Ogawa and Hideko Ogawa.	do	Davao	P-47
Harnichi Oye and Ume Oye.	do	Davao City	P-48
The Hito Unkobu	Corporation organized under the laws of P. I., controlled by Japanese nationals.	21 Plaza Moraga, Manila.	P-49
Lunao Timber Exportation Co.	do	Ramon Roces Bldg., 715-21 Calero St. Manila.	P-50
Unknown Japanese or German nationals.	Japanese or German	Iloilo City	P-51

[F. R. Doc. 48-6127; Filed, July 8, 1948; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 30015]

ALABAMA INTRASTATE FARES

ORDER INSTITUTING INVESTIGATION

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 30th day of June A. D. 1948.

It appearing, that a petition has been filed by The Alabama Great Southern Railroad Company and other common carriers by railroad operating in the State of Alabama, averring that in No. 29785, *Increased Passenger Fares, Southern Railroads*, and No. 29796, *Increased Coach Fares, Southern Railroads*, decided October 6, 1947, 269 I. C. C. 240; No. 29862, *Increased Passenger Fares, Western Railroads*, decided December 4, 1947, 269 I. C. C. 281; and No. 29897, *Increased Coach Fares on Western Railroads*, and No. 29894, *Increased Coach Fares, Southern Railroads (II)*, decided February 10, 1948, 269 I. C. C. 632, the Commission, among other things, found just and reasonable proposed increased fares for the transportation of passengers in the South, which increased fares were established by petitioners; and that the Alabama Public Service Commission, by orders dated March 25, 1948, and April 2, 1948, refused to authorize or permit said petitioners to apply to the transportation of passengers traveling intrastate in the State of Alabama, increased fares, corresponding to those established and maintained by petitioners for interstate application pursuant to the proceedings above cited;

It further appearing, that said petitioners allege that the intrastate fares required to be maintained by petitioners, in the State of Alabama as a result of such refusal of the Alabama Public Service Commission cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate commerce;

And it further appearing, that the said petition brings in issue fares made or imposed by authority of the State of Alabama:

It is ordered, That in response to said petition an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from said petitioners and any other persons interested to determine whether the fares of petitioners between points in Alabama required to be maintained as a result of said refusal of the Alabama Public Service Commission cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what fares, if any, or what maximum or minimum or maximum and minimum fares shall be prescribed to remove the unlawful advantage, preference, or discrimination, if any, as may be found to exist.

It is further ordered, That all common carriers by railroad operating within the State of Alabama subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Alabama be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of said State and to the Alabama Public Service Commission at Montgomery, Alabama.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing July 21, 1948, 9:30 a. m., U. S. Standard Time (or 9:30 a. m. local Daylight Saving Time, if that time is observed), at the rooms of the Alabama Public Service Commission, Montgomery, Ala., before Examiner Howard Hosmer.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 48-6123; Filed, July 8, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1633]

PHILADELPHIA CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June 1948.

In the matter of Philadelphia Company, Pittsburgh and West Virginia Gas Company, Equitable Gas Company, Finleyville Oil and Gas Company, File No. 70-1633.

Philadelphia Company, a registered public utility holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, and certain of the subsidiaries of Philadelphia Company, to wit, Pittsburgh and West Virginia Gas Company ("Pittsburgh and West Virginia"), Equitable Gas Company ("Equitable"), and Finleyville Oil and Gas Company ("Finleyville"), having filed a joint application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, particularly sections 6, 7, 9, 10, 12 (b), 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43, U-44, U-46, and U-50 (a) (3), wherein is proposed the reorganization of the Pennsylvania gas properties in the Philadelphia Company holding company system, the recapitalization of and issuance of securities by Equitable, the dissolution of Finleyville, and the retirement of certain senior securities by Philadelphia Company; and

Public hearings having been held on said application-declaration, as amended, after appropriate notice, and the Commission having considered the record and having entered its findings and opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the amended application and permit the declaration, as amended, to become effective, subject to certain reservations and conditions, hereinafter stated, and to grant a request of the applicants-declarants that the Commission's order be effective upon issuance:

It is ordered, That the said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject further to the following additional terms and conditions:

1. The proposed acquisitions by Philadelphia Company of securities of Equitable from Pittsburgh and West Virginia, and of Common Stock of Monongahela Street Railway Company from Finleyville are authorized and permitted subject to the condition that such securities shall be held by Philadelphia Company subject to the provisions of the Commission's Order of June 1, 1948 (Holding Company Act Release No. 8242), requesting the divestment of such securities, among others, by Philadelphia Company, as fully set forth in said Order of June 1, 1948.

2. The sum of $14,000,000 proposed to be paid to Philadelphia Company out of the proceeds of the sale of First Mortgage Bonds by Equitable shall be applied by Philadelphia Company solely to the reduction of its presently outstanding debt in an appropriate manner not in contravention of the provisions of the act, or the rules, regulations, or orders thereunder, jurisdiction to pass upon such application of proceeds being hereby specifically reserved.

3. The proposed issue and sale of First Mortgage Bonds by Equitable shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings, and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purposes.

4. The proposed accounting entries on the books of Philadelphia Company with respect to the transfer of $3,334,604 from depreciation reserve to surplus accounts are permitted, subject to the condition that surplus in the amount thus created shall not be available for any purpose except pursuant to the further order of this Commission.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to all fees and expenses proposed to be paid in connection with the proposed transactions.

It is further ordered, That jurisdiction be, and hereby is, reserved to require other and different treatment from that proposed with respect to the following accounting entries on the books of Philadelphia Company:

(1) The proposed carrying value of the investment of Philadelphia Company in the common stock of Equitable;

(2) The proposed credit to surplus prior to January 1, 1940 of claimed excess depreciation applicable to such period;

(3) The proposed charge to surplus prior to January 1, 1940 to reflect the net loss upon elimination of manufactured gas property from its books; and

(4) The proposed charge to surplus prior to January 1, 1940 to reflect the liquidation of Finleyville.

It is further ordered, That the period required by subparagraph (b) of Rule U-50 for the invitation of bids may be reduced to a minimum of six days.

By the Commission.

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

[F. R. Doc. 48-6117; Filed, July 8, 1948; 8:47 a. m.]

[File No. 70-1857]

COMMONWEALTH & SOUTHERN CORP. 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 30th day of June 1948.

In the matter of The Commonwealth & Southern Corporation (Delaware), The Southern Company, Georgia Power Company, File No. 70-1857.

The Commission having on August 1, 1947, issued an order pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("act") directing, among other things, that The Commonwealth & Southern Corporation (of Delaware), hereinafter referred to as "Commonwealth," a registered holding company, and The Southern Company ("Southern"), a subsidiary of Commonwealth and also a registered holding company, shall cease to own, operate, control, or have any interest, direct or indirect, in the gas properties and business of Georgia Power Company ("Georgia"), a direct public utility subsidiary of Southern.

Notice is hereby given that Commonwealth, Southern and Georgia have filed with this Commission a joint declaration pursuant to section 12 (d) and Rule U-44 (a) thereunder with respect to the proposed sale by Georgia of all of its gas properties and business.

Notice is further given that any interested person may, not later than July 16, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders 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 July 16, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

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

Georgia proposes to sell all of its gas distribution properties and business in the municipalities of Columbus and Americus, Georgia, and surrounding territory (comprising all of Georgia's gas properties and business), in accordance with the terms and conditions contained in a contract entered into between Georgia and Charles Frank Williams and associates dated as of the 19th of May, 1948. The base price to be paid for the properties is $2,300,000 in cash, subject to closing adjustments.

The filing states that the contract with Williams and associates was entered into after submitting the properties to competitive bidding, in accordance with the terms of an invitation for bids which had been sent to all known interested persons. Five sealed bids were received and the company determined that Williams and associates had submitted the highest acceptable bid. The Williams bid was the second highest of the several bids received by the company, being lower than a bid submitted by the firm of Andrews & Nall of Atlanta, Georgia, on behalf of one A. P. Ashner of St. Louis, Missouri, and his associates. The company states that, in the exercise of sound business judgment, it felt compelled to reject the Andrews & Nall bid and to accept the Williams bid, in view of, among other things, the failure of the Andrews & Nall group to supply sufficient information as to the identity of the members of their group and their failure to present satisfactory evidence of their ability to complete the purchase or their ability to secure franchises to operate the property.

Notice of this filing shall be given by mailing a copy of this notice by registered mail to: W. E. Mitchell, 402 Palmer Building, Atlanta 3, Georgia (Agent for Charles Frank Williams and his associates); Andrews & Nall, 404 The 22 Marietta Street Building, Atlanta, Georgia (Representatives of A. P. Ashner and his associates); Muscogee Natural Gas Company, % Julian E. Adler, 1402 First National Building, Birmingham, Alagama; the Robinson-Humphrey Company, 1901 Rhodes-Haverty Building, Atlanta, Georgia; and Baron and Steinmetz, 981 Ashby Street NW,. Atlanta, Georgia (being all of the persons who submitted bids for the gas properties and business of Georgia in response to the aforementioned invitation); the Public Service Commission of Georgia, The Federal Power Commission, the Mayor of Columbus, Georgia and the Mayor of Americus, Georgia.

Notice shall also be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act; and further notice shall be given to all persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 48-6116; Filed, July 8, 1948; 8:46 a. m.]

[File No. 70-1878]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of July 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Columbia Gas System, Inc., formerly Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its subsidiary, Cumberland and Allegheny Gas Company ("Cumberland"). Applicants-declarants have designated sections 6, 7, 9 and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than July 16, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 16, 1948 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

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

Cumberland, all of whose outstanding securities are owned by Columbia, proposes to issue and sell to the latter $400,000 principal amount of 3¼% Installment Promissory Notes. Such notes are to be unsecured and are to be paid in equal annual installments on August 15 of each of the years from 1950 to 1974, inclusive. It is stated that the proceeds to be obtained through the issue and sale of said notes will be utilized by Cumberland in connection with its construction program.

Cumberland has filed an application with the Public Service Commission of West Virginia with respect to the issue and sale of the 3¼% notes and a copy of the order to be issued by said commission will be supplied by amendment.

It is requested that the Commission's order granting and permitting the joint application-declaration to become effective be issued as soon as possible and that it shall be effective forthwith.

By the Commission.

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

[F. R. Doc. 48-6118; Filed, July 8, 1948; 8:47 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 11445]

BANNOSKE YOSHIMURA

In re: Stock and bank account owned by and debt owing to Bannoske Yoshimura. F-39-4298-A-1, F-39-4298-D-1.

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

1. That Bannoske Yoshimura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Eighty (80) shares of no par value common capital stock of American Woolen Company, 225 Fourth Avenue, New York, New York, a corporation organized under the laws of the State of Massachusetts, evidenced by certificates numbered N159239 for forty (40) shares, registered in the name of Bannoske Yoshimura, and N172107 for ten (10) shares and N167361 for thirty (30) shares, registered in the name of Francis I. du Pont & Co., and presently in the custody of Francis I. du Pont & Co., One Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation owing to Bannoske Yoshimura, by Francis I. duPont & Co., One Wall Street, New York 5, New York, arising out of a Cash Custodian Account, entitled Bannoske Yoshimura, maintained at the aforesaid company, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Bannoske Yoshimura, by Union Dime Savings Bank, 6th Avenue and 40th Street, New York 18, New York, arising out of a Savings Account, account number 1145963, entitled Bannoske Yoshimura, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 10, 1948.

For the Attorney General.

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

[F. R. Doc. 48-6132; Filed, July 8, 1948; 8:58 a. m.]

[Vesting Order 11462]

GEORGE DIENER

In re: Stock owned by George Diener. F-28-29001-D-1, F-28-29001-D-2.

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

1. That George Diener, whose last known address is Neukirchen bei Malente-Gremsmulken Kreis Eutin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of $2.00 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered SFG 89781, registered in the name of George Diener, presently in the custody of Bank of America National Trust and Savings Association (Stock Transfer Department), San Francisco, California, together with all declared and unpaid dividends thereon, and

b. One (1) share of $12.50 par value common capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered J 28135, registered in the name of George Diener, presently in the custody of said Bank of America National Trust and Savings Association (Stock Transfer Department), together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

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

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

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

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

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

Executed at Washington, D. C., on June 21, 1948.

For the Attorney General.

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

[F. R. Doc. 48-6133; Filed, July 8, 1948; 8:58 a. m.]

[Vesting Order CE 450]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK, PENNSYLVANIA, MICHIGAN, MISSOURI, AND INDIANA COURTS

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

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

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

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Louis Abrahamowitz	Czechoslovakia	Estate of David Abrams, deceased, Surrogate's Court, Bronx County, N. Y. Index No. 625 A-1943.	$67.83	Treasurer of the City of New York, Municipal Bldg., Chambers St., New York, N. Y.	$10.00
		Item 2			
Adolph Abrahamowitz	Hungary	Same	67.83	do	10.00
		Item 3			
Mauritz Abrahamowitz	do	Same	67.83	do	10.00
		Item 4			
Fritz Eugene Hirsh and his personal representation, heirs, next of kin, legatees and distributees.	Germany	Estate of Max Bamberger, deceased, Orphans' Court, Philadelphia County, Pa., No. 284, October Term, 1912.	29,756.47	Fidelity-Philadelphia Trust Co., 135 South Broad St., Philadelphia 9, Pa., administrator of the estate of Fritz Eugene Hirsh.	149.00
		Item 5			
Caroline Henderina Sherphuis	Netherlands	Estate of Rudolph Luurs, deceased, Probate Court, Kalamazoo County, State of Michigan No. 31,588.	4,455.63	County Treasurer of Kalamazoo County, Mich.	90.00
		Item 6			
Anna Kossi	Yugoslavia	Estate of Gertrude Toman, deceased, St. Louis Probate Court, St. Louis, Mo.	362.60	Anton Toman executor, c/o Louis F. Yeckel, Esquire, 300-302 Grand-Gravois Bldg. St. Louis 18, Mo.	35.00
		Item 7			
Antal Komarnitzki	Hungary	Estate of Malvina Timkovich, deceased, Superior Court, Lake County, Ind.	1,218.34	Miss Mary Meszar, administratrix, c/o Joseph Wasko, 813 West Chicago Ave., East Chicago, Ind.	101.00

[F. R. Doc. 48-6137; Filed, July 8, 1948; 8:59 a. m.]

[Vesting Order 11464]

ANNY ERDENBERGER

In re: Stock owned by Anny Erdenberger. F-28-28993-D-1.

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

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

2. That the property described as follows: Ten (10) shares of $1.00 par value common capital stock of The Adams Express Company, 40 Wall Street, New York 5, New York, a joint stock association organized under the laws of the State of New York, evidenced by a certificate numbered 17448, registered in the name of Anny Erdenberger, together with all declared and unpaid dividends thereon, and all rights in and under all outstanding and unpaid dividend checks thereon,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 21, 1948.

For the Attorney General.

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

[F. R. Doc. 48-6134; Filed, July 8, 1948; 8:58 a. m.]

[Vesting Order CE 451]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA, MINNESOTA, NEW YORK, AND OHIO COURTS

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

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

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

Now, therefore, there is hereby vested in the Attorney General of the United

States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

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

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Pierre Lagurrigue	France	In the matter of the estate of Eugene Lagurrigue, also called E. Lagurrigue, deceased. In the Superior Court of the State of California, in and for the city and county of San Francisco.	$12.00
		Item 2	
Auguste Lagurrigue	do	Same	12.00
		Item 3	
Leon Lagurrigue	do	Same	12.00
		Item 4	
Germain Lagurrigue	do	Same	12.00
		Item 5	
Natalia Fraysse	do	Same	12.00
		Item 6	
Fernande Foucrause	do	Same	12.00
		Item 7	
Herscu Leiba Dranicer or his children.	Rumania	Estate of Nathan Shindler, deceased. Probate Court, Ramsey County, Minn., No. 72925.	27.00
		Item 8	
Seima Dranicer or her children.	do	Same	27.00
		Item 9	
Surviving children of Yankel Dranicer.	Rumania	Estate of Nathan Shindler, deceased. Probate Court, Ramsey County, Minn., No. 72925.	$27.00
		Item 10	
Surviving children of Hava Katz.	do	Same	27.00
		Item 11	
Fishel Teitelbaum	do	Estate of Max Milstein, deceased. Surrogate's Court, New York County, N. Y., Index No. P-97/1945.	72.00
		Item 12	
Chova Teitelbaum	do	Same	79.00
		Item 13	
Angyel Kartik	Hungary	Estate of Martin Kartik, also known as Martin Kartek, also known as Martin Kartak, deceased. Probate Court, Summit County, Ohio, No. 44207.	51.00
		Item 14	
Emerentia Kartik Medve.	do	Same	34.00
		Item 15	
Martin Kartik	do	Same	34.00
		Item 16	
John Kartik	do	Same	34.00

[F. R. Doc. 48-6138; Filed, July 8, 1948; 8:59 a. m.]

[Vesting Order 11472]

ALFRED ROHDE

In re: Stock owned by Alfred Rohde. F-28-29018-A-1.

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

1. That Alfred Rohde, whose last known address is Fuerholzerhof, Wackersberg, Post Bad Toelz, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of no par value common capital stock of Republic Steel Corporation, Republic Building, Cleveland, Ohio, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered N. Y. C. 162289, registered in the name of L. D. Pickering & Co., and presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, N. Y., in Custodian depot of the N. V. Maatschappij voor Beheer en Belegging, Amsterdam, Holland, together with all declared and unpaid dividends thereon,

b. One hundred (100) shares of $10 par value common capital stock of Tidewater Associated Oil Company, 17 Battery Place, New York 4, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered N. C. 15901, registered in the name of L. D. Pickering & Co., and presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, N. Y., in Custodian depot of the N. V. Maatschappij voor Beheer en Belegging, Amsterdam, Holland, together with all declared and unpaid dividends thereon,

c. One hundred (100) shares of $50 par value common capital stock of Anaconda Copper Mining Company, 25 Broadway, New York 4, N. Y., a corporation organized under the laws of the State of Montana, evidenced by certificates numbered 808730/1 for 50 shares each, registered in the name of L. D. Pickering & Co. and presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, N. Y., in Custodian depot of the N. V. Maatschappij voor Beheer en Belegging, Amsterdam, Holland, together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 21, 1948.

For the Attorney General.

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

[F. R. Doc. 48-6135; Filed, July 8, 1948; 8:59 a. m.]

[Vesting Order 11478]

KIROKU TAKEMOTO

In re: Interest in real property, property insurance policy, claim and woodworking tools owned by Kiroku Takemoto.

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 Kiroku Takemoto, whose last known address is 701 Ohye-machi, Kumamoto Shi, Kumamoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-half interest in real property situated in Mokauea, Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, and an undivided one-half interest in real property situated in Kapahulu, Waikiki, Honolulu, City and County of Honolulu, Territory of Hawaii, both of which are particularly described in Exhibit 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.

b. All right, title and interest of Kiroku Takemoto, in and to Fire and Extended Coverage Insurance Policy No. 298810, issued by the Pennsylvania Fire Insurance Company, Pacific Coast Department, 315 Montgomery Street, San Francisco 4, California, in the amount of $4,000.00, which policy expires March 2, 1949 and insures the property described as Parcel No. 1 in Exhibit A, attached hereto and by reference made a part hereof,

c. That certain debt or other obligation owing to Kiroku Takemoto by Bertrand M. Takemoto, 2966–A Waialae Avenue, Honolulu 36, Territory of Hawaii, arising out of rents collected on the property described in subparagraph 2–a hereof, and any and all rights to demand, enforce and collect the same, and

d. All that personal property consisting of woodworking tools, particularly described in Exhibit B, attached hereto and by reference made a part hereof, in the custody of Bertrand M. Takemoto, 2966–A Waialae Avenue, Honolulu, Territory of Hawaii.

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 (Japan);

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described 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 subparagraphs 2–b to 2–d 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 June 25, 1948.

For the Attorney General.

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

EXHIBIT A

Parcel No. 1. All of that certain parcel of land situate, lying and being at Mokauea, Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being lot number sixteen (16) in block number seventeen (17) of the tract of land known as the "Kapiolani Tract," as shown on the Map thereof recorded in the Office of the Registrar of Conveyances at Honolulu in Liber 245, Page 409, and thus bounded and described:

Beginning at the N. E. corner of this lot, from which point the S. W. corner of Kalihi Road and 40 feet road along Railway right-of-way bears S. 42° 30′ E. 300.12 feet and run by true bearings:

S. 42° 20′ W., 119.0 feet along Lot 18; thence
N. 47° 40′ W., 50.0 feet along Lot 17; thence
N. 42° 20′ E., 123.0 feet along Lot 14; thence
S. 42° 30′ E., 50.2 feet along 40 foot road to place of commencement.

Containing an area of 6,050 square feet, or thereabouts.

Parcel No. 2. All of that certain parcel of land situate, lying and being at Kapahulu, Waikiki, Honolulu, City and County of Honolulu, Territory of Hawaii, comprising lots numbers nine (9) and ten (10), in Block "F," of the tract of land known as the "Kapiolani Park Addition, as shown on the Map thereof, filed in the Office of the Registrar of Conveyances at Honolulu as Registered Map Number One Hundred Fifty-one (151), and thus bounded and described:

Beginning at a point which is by true azimuth 264° 39′ and distant 200.0 feet from the North corner of Kapua Street and Trousseau Avenue, as shown on said Map of Kapiolani Park Addition, and running as follows:

1. 171° 35′, 200 feet along Lots 7 and 8;
2. 264° 39′, 50 feet along Edna Street;
3. 351° 35′, 200 feet along lots 12 and 11;
4. 84° 39′, 50 feet along Kapua Street to the point of beginning.

Containing an area of 9,986.0 square feet, or thereabouts.

EXHIBIT B

Article	*Size*
1 auger bit	13/16
1 nail set	
1 nail set	#123
1 rule	
1 bevel square	25–10″
1 spray outfit, Binks	⅓ h. p.
2 spray outfits	
spare diaphram	
1 spray regulator	
1 shut-off valve	
1 brass nipple	
1 bit gage	#95
1 hammer	V–3
1 marking gage	#90
1 plane	#131
1 stone	LB–8
1 wrench	916
1 wrench	9110
1 set steel figures	3/16″
1 socket set	
1 nail puller	
1 plane	14″ craftsman
1 diagonal pliers	
1 line-up punch	5/8–12″
1 bolt cutter	
1 pipe wrench	6″
3 screwdriver, phil	#1, 2, 3
3 screwdriver, slot	
1 star drill	5/16″
1 skilsaw	
1 sander	
2 extension cords	
1 set drill bits	
1 sander, P. C	

[F. R. Doc. 48–6136; Filed, July 8, 1948; 8:59 a. m.]

[Return Order 146]

LORE KAHN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

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

Lore Kahn nee Laura Hoeflich, Albuquerque, N. Mex., and Chicago, Ill., Claim No. 6851, May 21, 1948 (13 F. R. 2764); all right, title, interest and claim of any kind or character whatsoever of Dina (Diana) Hoeflich (Hoeflech) in and to the estate of Ernestine Hexter, deceased; $1,220.98 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

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

For the Attorney General.

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

[F. R. Doc. 48–6139; Filed, July 8, 1948; 8:59 a. m.]

[1] Filed as part of the original document.