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PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. That part of § 2.114 (e) (2) (i) which reads "and third, to qualified former Federal employees." is hereby revoked. Section 2.114 (c) is amended to read as follows:

§ 2.114 *Temporary appointment.* * * *

(c) *Job employment.* When there is work of a temporary character, at the completion of which the services of an additional employee will not be required, a temporary appointment may be made with the prior authority of the Commission for a period not to exceed 6 months. If such an appointment is made originally for a period of less than 6 months, it may be extended without further approval of the Commission for a period or periods not extending beyond 6 months from the date of original appointment. Such temporary appointment shall be made through certification from the Commission's eligible registers unless there are no available eligibles. Such temporary appointment may be extended beyond a total of 6 months only if there are no eligibles available for the additional period or after an adequate showing that such extension is necessary to complete the job of work for which the person was originally employed. The Commission may restrict certification for temporary job employment to eligibles that are immediately available because of residence or other conditions.

(R. S. 1753; sec. 2, 22 Stat, 403; 5 U. S. C. 631, 633)

2. Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Securities and Exchange Commission, the Commission has determined that the position of law clerk-trainee should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (23) is revised by amending subdivisions (ii) and (iii) and by adding subdivision (vi), as follows:

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

(23) *Securities and Exchange Commission.* * * *

- (ii) A General Counsel.
- (iii) Director, Division of Trading and Exchanges; Director, Division of Public Utilities; Director, Division of Corporate Finance.

(vi) NC/PD. Law clerk-trainee positions. Appointments under this subdivision shall be confined to graduates of recognized law schools or persons having

equivalent experience and shall be for periods not to exceed nine months pending admission to the bar.

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

3. The following subparagraphs of § 24.36 (a) are hereby revoked: § 24.36 (a) (14) *Aquatic Biologist*; § 24.36 (a) (15) *Biologist (Wildlife)*.

4. The following sections are hereby added:

§ 24.91 *Aquatic Biologist P-416-1—(a) Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree, including 30 semester hours in biology, at least 9 of which are in zoology and at least 6 of which are in aquatic studies such as limnology, fishery biology, fish culture, or aquatic ecology; or

(2) Courses in biology in an accredited college or university totaling 30-semester hours, at least 9 of which are in zoology and 6 in aquatic studies such as limnology, fishery biology, fish culture, or aquatic ecology; plus additional appropriate experience or education which, when combined with the 30 semester hours in biology, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Aquatic biologists assist in research or other scientific or professional work in the study of life history, habits, classification, and economic relations of aquatic organisms and fish, particularly those forms of importance to industry.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.36 (b), (c), (d), and (e) are applicable to this section.

§ 24.92 *Biologist (Wildlife) P-420-1—(a) Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree, including a minimum of 30 semester hours in biology of which 10 semester hours are in botany and 15 semester hours are in zoology; at least 6 of the 15 semester hours in zoology must be in such wildlife courses as mammology, ornithology, animal ecology, or wildlife management; or

(2) Courses in biology in an accredited college or university totaling 30 semester hours, of which 10 semester hours must be in botany and 15 semester hours in zoology; at least 6 of the 15 semester hours in zoology must be in such wildlife courses as mammology, ornithology, animal ecology, or wildlife management; plus additional appropriate experience or education which, when combined with the 30 semester hours in biology, will total 4 years of education or experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

the United States to observe October 24, 1948, as United Nations Day by exercises exemplifying our recognition of the achievements of the United Nations, our support of its aims, and our determination to strive for the realization of those aims.

And I call upon the officers of the Federal, State, and local governments, as well as upon civic, educational, and religious organizations and institutions, and also upon the agencies of the press, radio, and other media of information, to cooperate in programs designed to give public expression to our devotion to the United Nations and to make more effective our participation in the work of the United Nations; and I urge our citizens to participate actively in these programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of September in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8100; Filed, Sept. 9, 1948; 3:48 p. m.]

(b) *Duties.* Wildlife biologists assist in research or other scientific or professional work in the investigation of the distribution, habits, life history and classification of birds, mammals, and other animal life and their relation to agriculture and other interests.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of section 24.36 (b), (c), (d), and (e) are applicable to this section.

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-8161; Filed, Sept. 10, 1948; 8:49 a. m.]

TITLE 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS, AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS¹

REVISED REGULATIONS

On August 11, 1948, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-7230; 13 F. R. 4640) regarding proposed regulations in lieu of existing regulations applicable to fruits and vegetables (grading and inspection) (7 CFR, Supps. 52.1 to 52.67, both inclusive). After consideration of all relevant matters presented, including the proposed revised regulations set forth in the aforementioned notice, the following revised regulations covering processed fruits and vegetables, processed products thereof, and certain other processed food products, are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948).

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¹ Among such other processed food products are the following: Honey; molasses, except for stock feed; nuts and nut products, except oil; sugar (cane, beet and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

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AUTHORITY: §§ 52.1 to 52.58, inclusive, issued under Pub. Law 712, 80th Cong.

§ 52.1 *Administration of regulations.* The Administrator, Production and Marketing Administration, United States Department of Agriculture, is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Production and Marketing Administration of the Department, in his discretion.

DEFINITIONS

§ 52.2 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 52.3 *Terms defined.* For the purpose of the regulations in this part unless the context otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the following provisions of the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess.), or any future act of Congress conferring similar authority:

Market inspection of farm products: For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the services rendered.

And also:

Marketing farm products. For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world.

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

(d) "Administrator" means the Administrator of the Production and Marketing Administration of the Department.

(e) "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(f) "Interested party" means any person who has a financial interest in the commodity involved.

(g) "Applicant" means any interested party who requests inspection service hereunder.

(h) "Processed product" means any fruit, vegetable, or other food product covered under these regulations which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

(i) "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

(j) "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for condition of containers in a lot, and may, when authorized by the Administrator, perform related services under the act and the regulations in this part.

(k) "Inspection service" means:

(1) The sampling pursuant to the regulations in this part;

(2) The determination pursuant to the regulations in this part of:

(i) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(ii) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(3) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(4) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

(l) "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

(m) "Sample" means a single container, a single portion of a container, any number of containers, or a composite mixture of a single type, style or size of a single commodity, packed in a single size of container, to be used for inspection.

(n) "Class" means a grade or rank of quality.

(o) "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

(p) "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper storage or improper handling.

(q) "Case" means the number of containers (cased or uncased) which, by the

particular industry are ordinarily packed in a shipping container.

(r) "Lot" for the purpose of the regulations in this part means any number of containers of the same size and type containing a processed product of the same type or style offered for inspection by an interested party, except containers bearing an identification mark different from other containers and containing a lower grade quality than the containers bearing the other marks, may be considered as a separate lot.

(s) "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Administrator pursuant to the regulations in this part.

(t) "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or any other person not authorized by the Administrator pursuant to the regulations in this part.

(u) "Certificate of sampling" means a statement, either written or printed, issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

(v) "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

(w) "Certificate of loading" means a statement, either written or printed, pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof.

INSPECTION SERVICE

§ 52.4 *Where inspection service is offered.* Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 52.5 *Who may obtain inspection service.* An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 52.6 *How to make application.* An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place¹ where

¹ List of inspection offices:

Atlanta 3, Ga.: 449 West Peachtree St., NE.
Baltimore 2, Md.: 407 Appraisers Stores Bldg.
Boston 10, Mass.: 725 Appraisers Stores Bldg.
Cedar Rapids, Iowa: 201 Federal Bldg.
Chicago 7, Ill.: 915 U. S. Customs Bldg., 610 South Canal St.
Columbus 15, Ohio: 39 Old Federal Bldg

the service is desired. Satisfactory proof that the applicant is an interested party, and satisfactory proof of the authority of any person applying for inspection service, shall be furnished.

§ 52.7 *Information required in connection with application.* Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 52.8 *Filing of application.* An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 52.9 *Record of filing time.* A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 52.10 *When application may be rejected.* An application for inspection service may be rejected by the Admin-

Detroit 9, Mich.: Room 36, Detroit Union Produce Terminal, 7201 West Fort St.
Denver 2, Colo.: 553 U. S. Customhouse.
Easton, Md.: 32 East Dover St.
Fayetteville 5, Ark.: 320½ West Dickson St.
Fresno 3, Calif.: 1630 La Salle Ave.
Hammond, La.: Southeastern College Campus (P. O. Box 151).
Los Angeles 15, Calif.: Room 351, Bendix Bldg., 1206 Maple Ave.
Nashville 3, Tenn.: 326 11th Ave. N. (P. O. Box 1174).
New York 14, N. Y.: Room 654, 641 Washington St.
Philadelphia 6, Pa.: 601 U. S. Customhouse, 2d and Chestnut Sts.
Portland 3, Maine: Room 18, U. S. Customhouse Bldg.
Portland 5, Ore.: 312 U. S. Courthouse.
Richmond 19, Va.: 1030 State Office Bldg.
Ripon, Wis.: U. S. Post Office Bldg.
Rochester 4, N. Y.: 300 Terminal Bldg.
Salem, Ore.: 977 Edgewater St.
Salt Lake City 1, Utah: B-45 State Capitol Bldg.
San Francisco 3, Calif.: Room 942, 821 Market St.
San Jose 10, Calif.: 52 Locust St.
Seattle 1, Wash.: 1917 1st Ave., Alaska Trade Bldg.
Stockton 22, Calif.: 1238 East Harding Way.
Washington 25, D. C.: 224 12th St. SW. (2d floor).
Winter Haven, Fla.: Old Postal Arcade Bldg., 326 Ave. D.
Weslaco, Tex.: 245 Texas Blvd.
Yakima, Wash.: 212 Liberty Bldg.

istrator (a) for non-compliance by the applicant with the regulations in this part, or (b) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 52.11 *When application may be withdrawn.* An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided*, That, the applicant shall pay any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.12 *Disposition of inspected sample.* Any processed product sample that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 52.13 *Basis of inspection.* Inspection service shall be performed on the basis of the appropriate U. S. Standards for grades of processed products, Federal or Quartermaster Corps specifications, written buyer and seller contract specifications or any written specification by an applicant which is approved by the Administrator.

§ 52.14 *Order of inspection service.* Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 52.15 *Postponing inspection service.* If the inspector determines that it is not possible accurately to ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 52.16 *Financial interest of inspector.* No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 52.17 *Forms of certificates.* Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Administrator.

§ 52.18 *Issuance of certificates.* (a) An inspection certificate may be issued only by an inspector: *Provided*, That another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Administrator, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in

the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided*, That, another employee of the inspection service may sign such certificate of loading covering any processed product check loaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Administrator to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 52.19 *Issuance of corrected certificates.* A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 52.20 *Issuance of an inspection report in lieu of an inspection certificate.* A letter report in lieu of an inspection certificate, may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided*, That, the issuance of such report is approved by the Administrator.

§ 52.21 *Disposition of inspection certificates.* The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Administrator may designate. Additional copies of any such certificate may be supplied to any interested party as provided in § 52.50.

§ 52.22 *Report of inspection results prior to issuance of formal report.* Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

APPEAL INSPECTION

§ 52.23 *When appeal inspection may be requested.* An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within

thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Administrator the time within which an application for appeal inspection may be made may be extended.

§ 52.24 *Where to file for an appeal inspection and information required.* (a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 52.25 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That, the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if (a) the reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested; (c) the lot in question is not, or cannot be made accessible for the selection of officially drawn samples; (d) the lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or (e) there is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 52.27 *Who shall perform appeal inspection.* An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Administrator and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided*, That, the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 52.28 Appeal inspection certificate. After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

LICENSING OF SAMPLERS AND INSPECTORS

§ 52.29 Who may become licensed sampler. Any person possessing qualifications as determined by an examination for competency, given by the Administrator, may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to these regulations as directed by the Administrator.

§ 52.30 Application to become a licensed sampler. Application to become a licensed sampler shall be made to the Administrator on forms furnished for that purpose. Each such application shall be executed and signed by the applicant in his own handwriting, and the information contained therein shall be verified by him under oath or affirmation administered by a notary public, and the application shall contain or be accompanied by:

- (a) Satisfactory evidence that he has passed his twenty-first birthday;
- (b) A statement showing his present and previous occupations, together with names of all employers for whom he has worked with periods of service during the last ten years previous to the date of his application;
- (c) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;
- (d) A statement by the applicant that he agrees to comply with all terms and

conditions of the regulations in this part relating to duties of licensed samplers; and

(e) Such other information as may be required by the aforesaid Administrator.

§ 52.31 Inspectors. Inspections will ordinarily be performed by employees under the Administrator who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Administrator is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.32 Suspension or revocation of license of licensed sampler or licensed inspector. Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 52.33 Surrender of license. Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 52.34 How samples are drawn by inspectors or licensed samplers. An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Administrator, select samples of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure representative samples of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 52.35 Accessibility for sampling. Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 52.36 How officially drawn samples are to be identified. Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 52.37 How samples are to be shipped. Unless otherwise directed by the Administrator, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 52.38 Sampling rates for officially drawn samples. Unless otherwise directed by the Administrator, each inspector and each licensed sampler shall select from each lot not less than the number of samples indicated in the following applicable tables except as may be required otherwise by the provisions in § 52.34.

TABLE I—CANNED FRUITS AND VEGETABLES AND CANNED FRUIT AND VEGETABLE PRODUCTS AND OTHER CANNED PROCESSED PRODUCTS, SUCH AS PEANUT BUTTER, PICKLES, RELISHES, JAMS, JELLIES, MARMALADES, HONEY, MAPLE SIRUP AND CONCENTRATES

Size and type of container	Rate of sampling ¹
Any type of container not exceeding that of a No. 3 size can (404 x 414).	1 container for each 2,400 containers or fraction thereof.
Any type of container of a volume capacity exceeding that of a No. 8 size can (404 x 414) but not exceeding that of a No. 12 size can (603 x 812).	1 container for each 1,200 containers or fraction thereof.
Any type of container of a volume capacity exceeding that of a No. 12 size can (603 x 812).	One 8-ounce sample (approximate weight) for each 200 containers or fraction thereof.

¹ These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

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TABLE II—FROZEN FRUITS AND VEGETABLES

Size and type of container	Rate of sampling ¹
Any type of container of 1 pound or less net weight.	1 container for each 2,400 containers or fraction thereof.
Any type of container over 1 pound but less than 5 pounds, net weight.	1 container for each 1,600 containers or fraction thereof.
Any type of container of 5 pounds or more, but less than 10 pounds, net weight.	1 container for each 1,200 containers or fraction thereof.
Any type of container of 10 pounds or more, net weight.	One 2-pound sample (approximate weight) for each 4,000 pounds of the first 20,000 pounds, plus 1 additional 2-pound sample for each additional 8,000 pounds, or fraction thereof, in excess of 20,000 pounds.

¹ These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE III—DRIED FRUITS

Size and type of container	Rate of sampling ¹
Any type of container not exceeding 3 pounds, net weight.	1 container for each 2,400 containers or fraction thereof.
Larger than 3 pounds but less than 25 pounds.	1 container for each 1,200 containers or fraction thereof.
25 pounds and larger.	One 8-ounce sample (approximate weight) for each 3,000 pounds in the first 30,000 pounds, plus 1 additional similar sample for each additional 6,000 pounds or fraction thereof in excess of 30,000 pounds. In no case shall the total weight of the samples drawn be less than 100 ounces.

¹ These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE IV—DEHYDRATED FRUITS AND VEGETABLES

Size and type of container	Rate of sampling ¹
Any type of container of 5 pounds or less net weight.	1 container for each 2,400 containers or fraction thereof.
Any type of container in excess of 5 pounds, net weight.	One 20-ounce (approximate weight) sample for each 4,000 pounds or fraction thereof.

¹ These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE V—PROCESSED PRODUCTS NOT SPECIFICALLY LISTED IN ANY TABLE CONTAINED IN THIS SECTION

Size and type of container	Rate of sampling ¹
Any type of container irrespective of its size or volume capacity.	At a rate that will represent the lot as may be determined by the inspector.

¹ These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

§ 52.39 *Issuance of certificate of sampling.* Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a sampling certificate. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Administrator.

§ 52.40 *Identification of lots sampled.* Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Administrator, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 52.41 *Payment of fees and charges.* Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part and, if so required by the person in charge of

the office of inspection serving the area where the services are to be performed, such fees and charges shall be paid in advance. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Administrator, in which latter event the contract provisions shall apply.

§ 52.42 *Schedule of fees.* (a) Unless otherwise provided for in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of three (3) dollars per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the ap-

plicable rates specified in this section as follows:²

(1) *Canned fruits and vegetables and canned fruit and vegetable products and other canned processed products, such as peanut butter, pickles, relishes, jams, jellies, marmalades, honey, maple sirup, and concentrates.*

Officially drawn samples¹

Each lot:

Minimum fee for 600 cases or less.	\$5.00
For each additional 200 cases, or fraction thereof, in excess of 600 cases.	1.40

Unofficially drawn samples

Minimum fee.	\$2.00
For more than 4 containers of any type of a volume capacity not in excess of that of a No. 3 size can (404 x 414), per container.	.50
For more than 2 containers of any type of a volume capacity exceeding that of a No. 3 size can (404 x 414) but not exceeding that of a No. 12 size (603 x 812), per container.	1.00

² Inspection of large quantities: When application is made for inspection of 20,000 cases or more of a single commodity of canned fruits and vegetables and canned fruit and vegetable products in containers of any type of a volume capacity not exceeding that of a No. 12 size (603 x 812) the fee shall be at the rate of \$1.20 for each 200 cases or fraction thereof: *Provided*, That, the commodity is available for inspection at any one place at any one time.

(2) *Frozen fruits and vegetables.**Officially drawn samples*

Each lot:

Minimum fee for 10,000 pounds or less.	\$5.00
For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds.	1.75

Unofficially drawn samples

Minimum fee for a single sample.	\$2.00
For each additional sample.	1.00

(3) *Dried fruits.**Officially drawn samples*

Each lot:

Minimum fee for 12,000 pounds or less.	\$5.00
For each additional 2,000 pounds, or fraction thereof in excess of 12,000 pounds.	.40

Unofficially drawn samples

Each sample. \$3.00

(4) *Dehydrated fruits and vegetables.**Officially drawn samples*

Each lot:

Minimum fee for 20,000 pounds or less.	\$15.00
For each additional 2,000 pounds, or fraction thereof in excess of 20,000 pounds.	1.50

² The fees specified herein are exclusive of charges for such micro, chemical and certain other special analyses, other than salt, acid, catalase, peroxidase, soluble solids (by refrac.) or total solids (by refrac.), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

Unofficially drawn samples

Each lot:
 Minimum fee for 3 samples or less... \$7.50
 For each additional sample in excess of 3 samples..... 2.50

(5) *Other processed products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3) and (4) of this paragraph shall be at the rate of \$3.00 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided, however,* That fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

§ 52.43 *Fees to be charged and collected for sampling when performed by a licensed sampler.* Such sampling fees as are specifically prescribed by the Administrator in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided,* That, if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 52.44 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 60 percent of the fee provided in this part applicable to the respective processed product: *Provided,* That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of three (3) dollars per hour prescribed in this part.

§ 52.45 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 60 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided,* That, if the fee charged is based on the hourly rate, the fee shall be at the rate of three (3) dollars per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

§ 52.46 *Fee for appeal inspection.* The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided,* That, if the result of any appeal inspection made for any applicant, other

than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 52.47 *Charges for micro, chemical and certain other special analyses.* The following charges shall be made for micro, chemical and certain other special analyses when not included in the fee for inspection for class, quality or condition:

Type of analysis	For first analysis	For each additional analysis
<i>Micro, chemical, and certain other special analyses</i>		
Mold count.....	\$1.50	\$1.50
Worm larvae and insect fragment count.....	3.00	3.00
Fly egg and maggot count.....	3.00	3.00
Alcohol insoluble solids.....	3.00	2.00
Alcohol.....	2.00	2.00
Ascorbic acid (vitamin C).....	6.00	2.00
Ash.....	2.00	2.00
Ash, salt free.....	4.00	4.00
Ash, acid insoluble.....	4.00	4.00
Ash, water insoluble.....	4.00	4.00
Catalase ¹	2.00	1.00
Crude fiber.....	10.00	5.00
Ether extract (crude fat).....	5.00	5.00
Fiber, green and wax bean.....	3.00	2.00
Iodine number.....	8.00	8.00
Moisture (air oven method).....	2.00	2.00
Moisture (vacuum oven method).....	2.00	2.00
Nitrogen.....	3.00	2.00
Non-volatile ether extract.....	6.00	6.00
Oil of lemon and orange extract (precipitation method).....	3.00	3.00
Oil of lemon extract with oil base (distillation method).....	4.00	4.00
Peroxidase ¹	2.00	1.00
Phosphorus pentoxide (P ₂ O ₅).....	8.00	8.00
Phosphorus pentoxide (P ₂ O ₅) and aluminum trioxide (Al ₂ O ₃).....	15.00	15.00
Recoverable oil.....	2.00	2.00
Reducing sugars.....	6.00	6.00
Titrations: citric, lactic, acetic, or fatty acids, sodium chloride ¹	1.00	1.00
Starch or carbohydrates (direct hydrolysis).....	12.00	10.00
Carbohydrates (by difference).....	12.00	10.00
Sulphur dioxide (direct titration).....	3.00	1.00
Soluble solids (by Refrac.) ¹	2.00	1.00
Total solids (by Refrac.) ¹	2.00	1.00
Total solids (by drying).....	3.00	2.00
Vanillin and coumarin.....	10.00	10.00
Volatile and non-volatile ether extract.....	8.00	8.00
Water extract.....	4.00	4.00
Water insoluble, inorganic residue, examination for adulteration, and particle count.....	8.50	6.00

¹ Included in the fee for inspection service when class, quality, or condition also determined.

§ 52.48 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of three (3) dollars per hour.

§ 52.49 *Fees for score sheets.* If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of fifty cents for each twelve samples, or fraction thereof, inspected and listed on such score sheets.

§ 52.50 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 52.21, may be supplied to any interested party upon payment of a fee of \$1.50 for each set of three (3) or fewer copies.

§ 52.51 *Travel and other expenses.* Charges may be made to cover cost of travel and other expenses incurred by the inspection service in connection with the performance of any inspection service, including travel and other expenses incurred in connection with any appeal inspection.

§ 52.52 *Charges for inspection service on a contract basis.* Irrespective of fees and charges prescribed in foregoing sections, the Administrator may enter into contracts with applicants to perform inspection service pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Production and Marketing Administration of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Administrator.

MISCELLANEOUS

§ 52.53 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fraudulent practice found to be made or committed by any person in connection with:-

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of Agriculture," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 52.54 *Political activity.* All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited.

This applies to all appointees or licensees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 52.55 *Interfering with an inspector or licensed sampler.* Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 52.56 *Compliance with other laws.* None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

§ 52.57 *Identification.* Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

§ 52.58 *Publication.* Publication under the act and in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

It is hereby found and determined that it is necessary in the public interest to make this order effective not later than 12:01 a. m., e. d. s. t., September 16, 1948, to permit the prompt charging of increased fees to cover increased operational expenses resulting from the recent increase in Federal Government salaries and other cost increases. Delay in making such increases effective promptly would result in an increasing deficit in proportion to the length of delay. The public has heretofore been notified of the proposed revised regulations by way of the aforementioned notice which was published in the FEDERAL REGISTER on August 11, 1948, and no further time for preparation for coverage under these revised regulations is needed by interested parties. In these circumstances, it is impractical, unnecessary and contrary to the public interest to delay the effective date of these revised regulations for thirty days after their publication in the FEDERAL REGISTER (see sec. 4 of the Administrative Procedure Act, 60 Stat. 237).

Issued at Washington, D. C., this 8th day of September 1948, to become effective on and after 12:01 a. m., e. d. s. t., September 16, 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8179; Filed, Sept. 10, 1948; 8:54 a. m.]

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES STANDARDS FOR ORANGES

Correction

In Federal Register Document 48-8043, appearing at page 5174 in the issue for Saturday, September 4, 1948, the following corrections should be made:

1. In the table on page 5176 under "Minimum" the second figure which reads "3 $\frac{3}{16}$ " should read "3 $\frac{3}{16}$."

2. In the third column on page 5176, in the second line of subparagraph (5) the first word should read "more."

3. In the second column of page 5177, the first word in subdivision (xiii) should read "Riciness".

4. In the first column of Table I on page 5178 the number immediately above "11.7" should read "11.6".

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

[Grapefruit Regulation 99]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.396 *Grapefruit Regulation 99—(a) Findings.*—(1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 13, 1948, and ending at 12:01 a. m., e. s. t., September 20, 1948, no handler shall ship:

(i) Any grapefruit, other than pink grapefruit, grown in the State of Florida

which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of September 1948.

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

[F. R. Doc. 48-8201; Filed, Sept. 10, 1948; 8:59 a. m.]

PART 979—IRISH POTATOES IN EASTERN SOUTH DAKOTA PRODUCTION AREA

LIMITATION OF SHIPMENTS

§ 979.301 *Regulation No. 1—(a) Findings.* (1) Pursuant to Marketing Agreement No. 103 and Order No. 79 (13 F. R. 1994), regulating the handling of potatoes grown in the Eastern South Dakota production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the South Dakota Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, (ii) shipments of potatoes from the production area have al-

ready begun, (iii) compliance with this regulation will not require any special preparation on the part of handlers which cannot be completed by the effective date hereof, and (iv) a reasonable time is permitted, under the circumstances, for preparation for such date.

(b) *Order.* (1) During the period beginning on September 15, 1948, and ending on June 30, 1949, both dates inclusive, no handler shall ship any potatoes unless such potatoes meet the requirements of the U. S. Commercial grade or any higher grade: *Provided*, That seed potatoes shipped for seed purposes shall not be subject to any limitation hereunder but shall be subject to the inspection and assessment requirements of the marketing agreement and order.

(2) As used in this section, the terms "handler," "ship," "production area," "potatoes," and "seed potatoes," shall have the same meaning as when used in said marketing agreement and order; and the term "U. S. Commercial" shall have the same meaning as when used in the U. S. Standards for Potatoes (12 F. R. 3651). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of September 1948.

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

[F. R. Doc. 48-8197; Filed, Sept. 10, 1948; 8:59 a. m.]

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Correction

In Federal Register Document 48-7890, appearing on page 5147 in the issue for Friday September 3, 1948, in the second line of paragraph (b) (2), insert the word "ship," immediately following the word "shipper,".

[Lemon Reg. 290, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to ef-

fectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

(b) *Order as amended.* The provisions in subparagraph (b) (1) of § 953.397 (Lemon Regulation 290, 13 F. R. 5179), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 5, 1948, and ending at 12:01 a. m., P. s. t., September 12, 1948, is hereby fixed as follows:

- (i) District 1: 400 carloads.
- (ii) District 2: Unlimited movement.

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

Done at Washington, D. C. this 9th day of September 1948.

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

[F. R. Doc. 48-8234; Filed, Sept. 10, 1948; 8:53 a. m.]

[Lemon Reg. 201]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.398 *Lemon Regulation 291—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this sec-

tion is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 12, 1948 and ending at 12:01 a. m., P. s. t., September 19, 1948 is hereby fixed as follows:

- (i) District 1: 300 carloads;
- (ii) District 2: Unlimited movement.

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

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

Done at Washington, D. C., this 9th day of September 1948.

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

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 12, 1948, to 12:01 a. m. Sept. 26, 1948]

District No. 1	
Handler	Prorate base (percent)
Total.....	100.000
American Fruit Growers, Inc., Corona.....	.124
American Fruit Growers, Inc., Fullerton.....	.239
American Fruit Growers, Inc., Upland.....	.133
Hazeltine Packing Company.....	.149
Ventura Coastal Lemon Company.....	3.062
Ventura Pacific Company.....	1.792
Total A. F. G.....	5.499
Klink Citrus Association.....	.000
Lemon Cove Association.....	.000
Glendora Lemon Growers Association.....	1.147
La Verne Lemon Association.....	.342
La Habra Citrus Association, The.....	.895
Yorba Linda Citrus Association, The.....	.770
Alta Loma Hts. Citrus Association.....	.479
Etiwanda Citrus Fruit Association.....	.241
Mountain View Fruit Association.....	.375
Old Baldy Citrus Association.....	.717
Upland Lemon Growers Association.....	4.310
Central Lemon Association.....	.556
Irvine Citrus Association, The.....	.816
Placentia Mutual Orange Association.....	.208
Corona Citrus Association.....	.120
Corona Foothill Lemon Company.....	2.093
Jameson Company.....	.671
Arlington Heights Citrus Co.....	.341
College Heights Orange & Lemon Association.....	2.623
Chula Vista Citrus Association.....	1.412
El Cajon Valley Citrus Association.....	.039
Escondido Lemon Association.....	1.678
Fallbrook Citrus Association.....	.984

PRORATE BASE SCHEDULE—Continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Lemon Grove Citrus Association.....	0.397
San Dimas Lemon Association.....	.832
Carpinteria Lemon Association.....	3.435
Carpinteria Mutual Citrus Association.....	
Goleta Lemon Association.....	3.798
Johnston Fruit Company.....	5.610
North Whittier Heights Citrus Association.....	9.322
San Fernando Heights Lemon Association.....	.328
San Fernando Lemon Association.....	.252
Sierra Madre-Lamanda Citrus Association.....	.118
Tulare Co. Lemon & Grapefruit Association.....	.918
Briggs Lemon Association.....	.000
Culbertson Investment Co.....	2.767
Culbertson Lemon Association.....	.897
Fillmore Lemon Association.....	1.816
Oxnard Citrus Association No. 1.....	1.255
Oxnard Citrus Association No. 2.....	6.591
Rancho Sespe.....	2.269
Santa Paula Citrus Fruit Association.....	.754
Saticoy Lemon Association.....	3.796
Seaboard Lemon Association.....	6.811
Somis Lemon Association.....	5.292
Ventura Citrus Association.....	3.640
Limoneira Co.....	2.186
Teague-McKevett Association.....	2.265
East Whittier Citrus Association.....	.802
Leffingwell Rancho Lemon Association.....	.417
Murphy Ranch Company.....	.422
Whittier Citrus Association.....	.892
Whittier Select Citrus Association.....	.176
Whittier Select Citrus Association.....	.163
Total C. F. G. E.....	89.048

Chula Vista Mutual Lemon Association.....	.747
Escondido Co-op. Citrus Association.....	.158
Highland Mutual Groves.....	.000
Index Mutual Association.....	.179
La Verne Co-op. Citrus Association.....	1.250
Orange Co-op. Citrus Association.....	.039
Ventura County Orange & Lemon Association.....	2.524
Whittier Mutual Orange & Lemon Association.....	.079
Total M. O. D.....	4.976

California Citrus Groves, Inc., Ltd.....	.000
Dewars, Pieter.....	.000
Evans Brothers Packing Co.....	.003
Flint, Arthur E.....	.000
Furr, N. C.....	.000
Harding & Leggett.....	.000
Isely, W. J.....	.000
Johnson, Fred.....	.000
Levinson, Sam.....	.000
Lorbeer, Carroll, W. C.....	.023
Manos, Gus & William.....	.000
Orange Belt Fruit Distributors.....	.407
Rooke, B. G., Packing Co.....	.000
San Antonio Orchard Co.....	.044
Segal, Joseph.....	.000
Torn Ranch.....	.000
Walshe, Jack M.....	.000
Zaninovich Bros., Inc.....	.000
Total Independents.....	.477

[F. R. Doc. 48-8233; Filed, Sept. 10, 1948; 8:53 a. m.]

[Orange Reg. 247]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.393 Orange Regulation 247—
(a) Findings. (1) Pursuant to the pro-

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) Order. (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 12, 1948 and ending at 12:01 a. m., P. s. t., September 19, 1948 is hereby fixed as follows:

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

(b) Prorate District No. 2: 1,500 carloads;

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

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

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

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

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

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of September 1948.

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

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 12, 1948, to 12:01 a. m. Sept. 19, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total.....	100.0000
A. F. G. Alta Loma.....	.0769
A. F. G. Corona.....	.1171
A. F. G. Fullerton.....	.7480
A. F. G. Orange.....	.4988
A. F. G. Riverside.....	.1144
A. F. G. San Juan Capistrano.....	1.0684
A. F. G. Santa Paula.....	.6321
Hazeltine Packing Co.....	.4330
Placentia Pioneer Valencia Growers Association.....	.6429
Signal Fruit Association.....	.1387
Azusa Citrus Association.....	.4010
Covina Valley Orange Co.....	.1042
Damerel-Allison Co.....	.8555
Glendora Mutual Orange Association.....	.4002
Irwindale Citrus Association.....	.3804
Puente Mutual Citrus Association.....	.2176
Valencia Heights Orchard Association.....	.4900
Covina Citrus Association.....	1.1341
Covina Orange Growers Association.....	.5992
Glendora Citrus Association.....	.3842
Glendora Heights Orange & Lemon Growers Association.....	.0597
Gold Buckle Association.....	.5711
La Verne Orange Association.....	.6908
Anaheim Citrus Fruit Association.....	1.2071
Anaheim Valencia Orange Association.....	.8208
Eadington Fruit Co., Inc.....	2.2837
Fullerton Mutual Orange Association.....	1.2948
La Habra Citrus Association.....	1.2839
Orange County Valencia Association.....	.6313
Orangethorpe Citrus Association.....	.8849
Placentia Cooperative Orange Association.....	.6447
Yorba Linda Citrus Association.....	.6635
Citrus Fruit Growers.....	.1474
Cucamonga Citrus Association.....	.2271
Etiwanda Citrus Fruit Association.....	.0562
Mountain View Fruit Association.....	.0193
Old Baldy Citrus Association.....	.1347
Rialto Heights Orange Growers.....	.0628
Upland Citrus Association.....	.4017
Upland Heights Orange Association.....	.1293
Consolidated Orange Growers.....	1.9526
Frances Citrus Association.....	1.5761
Garden Grove Citrus Association.....	1.4190
Goldenwest Citrus Association.....	
The.....	1.6414
Irvine Valencia Growers.....	2.8502
Olive Heights Citrus Association.....	2.0444
Santa Ana-Tustin Mutual Citrus Association.....	1.3185
Santiago Orange Growers Association.....	4.3091
Tustin Hills Citrus Association.....	2.6729
Villa Park Orchards Association, The.....	1.6580
Bradford Brothers, Inc.....	.7330
Placentia Mutual Orange Association.....	1.6119
Placentia Orange Growers Association.....	1.8838
Yorba Orange Growers Association.....	.6212
Call Ranch.....	.0762
Corona Citrus Association.....	.5624
Jameson Co.....	.0489
Orange Heights Orange Association.....	.5090
Crafton Orange Growers Association.....	.4376
East Highlands Citrus Association.....	.0825
Fontana Citrus Association.....	.1218
Highland Fruit Growers Association.....	.0000
Redlands Heights Groves.....	.3210
Redlands Orangedale Association.....	.3417
Break & Sons, Allen.....	.0646

PRORATE BASE SCHEDULE—Continued
Prorate District No. 2—Continued

Handler	Prorate base (percent)
Bryn Mawr Fruit Growers Association	0.2711
Krinard Packing Co.	.3076
Mission Citrus Association	.1668
Redlands Cooperative Fruit Association	.3756
Redlands Orange Growers Association	.2598
Redlands Select Groves	.3225
Rialto Citrus Association	.2095
Rialto Orange Co.	.2147
Southern Citrus Association	.2010
United Citrus Growers	.0920
Zillen Citrus Co.	.0742
Arlington Heights Citrus Co.	.1329
Brown Estate, L. V. W.	.1128
Gavilan Citrus Association	.1625
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0670
McDermont Fruit Co.	.1923
Monte Vista Citrus Association	.1961
National Orange Co.	.0030
Riverside Heights Orange Growers Association	.0636
Sierra Vista Packing Association	.0602
Victoria Avenue Citrus Association	.1904
Claremont Citrus Association	.1847
College Heights Orange & Lemon Association	.2857
El Camino Citrus Association	.0880
Indian Hill Citrus Association	.2053
Pomona Fruit Growers Exchange	.4240
Walnut Fruit Growers Association	.4361
West Ontario Citrus Association	.4148
El Cajon Valley Citrus Association	.2964
Escondido Orange Association	2.6300
San Dimas Orange Growers Association	.5000
Andrews Brothers of California	.1955
Bail & Tweedy Association	.5958
Canoga Citrus Association	1.1753
North Whittier Heights Citrus Association	.0978
San Fernando Fruit Growers Association	.4872
San Fernando Heights Orange Association	1.0253
Sierra Madre-Lamanda Citrus Association	.2969
Camarillo Citrus Association	1.8705
Fillmore Citrus Association	3.7472
Mupu Citrus Association	3.2053
Ojai Orange Association	1.0796
Piru Citrus Association	1.5671
Santa Paula Orange Association	1.2185
Tapo Citrus Association	1.2702
Ventura County Citrus Association	.0375
Limoneira Co.	.7084
East Whittier Citrus Association	.3999
El Ranchito Citrus Association	1.0566
Murphy Ranch Co.	.4735
Rivera Citrus Association	.4379
Whittier Citrus Association	.7080
Whittier Select Citrus Association	.4116
Anaheim Cooperative Orange Association	1.1423
Bryn Mawr Mutual Orange Association	.0410
Chula Vista Mutual Lemon Association	.1376
Escondido Cooperative Citrus Association	.4235
Euclid Avenue Orange Association	.5084
Foothill Citrus Union, Inc.	.0361
Fullerton Cooperative Orange Association	.3041
Garden Grove Orange Cooperative, Inc.	.6506
Golden Orange Groves, Inc.	.2754
Highland Mutual Groves	.0098
Index Mutual Association	.2450
La Verne Coop. Citrus Association	1.3619
Mentone Heights Association	.0729

PRORATE BASE SCHEDULE—Continued
Prorate District No. 2—Continued

Handler	Prorate base (percent)
Olive Hillside Groves	0.6622
Orange Coop. Citrus Association	1.0178
Redlands Foothill Groves	.6380
Redlands Mutual Orange Association	.1935
Riverside Citrus Association	.0566
Ventura County Orange and Lemon Association	1.0062
Whittier Mutual Orange and Lemon Association	.1351
Babijuce Corp. of Calif.	.3501
Banks Fruit Co.	.0000
Banks, L. M.	.2026
Borden Fruit Co.	1.0169
California Associated Growers	.0981
California Fruit Distributors	.0483
Cherokee Citrus Co., Inc.	.1417
Chess Co., Meyer W.	.3600
Escondido Avocado Growers	.0207
Evans Bros. Packing Co.	.1117
Furr, N. C.	.0189
Gold Banner Association	.2962
Granada Hills Packing Co.	.0404
Granada Packing House	1.3298
Hill, Fred A.	.0806
Inland Fruit Dealers, Inc.	.0706
Morris Brothers Fruit Co.	.0115
Orange Belt Fruit Distributors	1.8805
Panno Fruit Co., Carlo	.0212
Paramount Citrus Association	.3741
Piacentia Orchard Co.	.3748
San Antonio Orchard Co.	.3732
Snyder & Sons Co., W. A.	.4162
Stephens, T. F.	.2321
Torn Ranch	.0000
Wall, E. T.	.1261
Webb Packing Co.	.0000
Western Fruit Growers, Inc., Redlands	.6572

[F. R. Doc. 48-8245; Filed, Sept. 10, 1948; 11:26 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 501—GENERAL RULES OF PROCEDURE
FILING OF CLAIM AND EFFECT OF DISALLOWANCE

Part 501 is hereby amended by addition of § 501.61 and § 501.62, as set out below.

§ 501.61 *Filing of claim as condition precedent to suit.* The filing, heretofore or hereafter, of a claim under section 32 of the Trading with the Enemy Act shall constitute the filing of notice required by section 9 of the act as a condition precedent to the filing of a suit in equity for the return of property seized by, vested in, or transferred to the Alien Property Custodian, the Office of Alien Property Custodian, or the Attorney General.

§ 501.62 *Effect of disallowance of claim in determining period of limitations for filing suit.* The final disallowance under the rules of Part 504 of this chapter of any claim for the return of property filed under the Trading with the Enemy Act shall constitute a disallowance for the purpose of determining the period of limitations, prescribed in section 33 of the act, within which a suit pursuant to section 9 of the act may be instituted.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, Pub. Law 874, 80th Cong., 50 U. S. C., App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp.; E. O. 9567, June 3, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1945, 3 CFR, 1946 Supp.)

Executed at Washington, D. C., this 7th day of September 1948.

For the Attorney General.

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

[F. R. Doc. 48-8185; Filed Sept. 10, 1948; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 1]

PART 405—PROCEDURE OF CIVIL AERONAUTICS ADMINISTRATION

SUBPART E—RECORDATION OF CONVEYANCES

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4¹ of the Administrative Procedure Act, I hereby amend Part 405, Subpart E, to read as follows:

- Sec.
405.51 Recordation of aircraft ownership.
405.52 Recordation of encumbrances against specifically identified aircraft engines.
405.53 Recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers.

AUTHORITY: §§ 405.51 to 405.53, inclusive, issued under 52 Stat. 986, 1006; 54 Stat. 1233, 1235-1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 458, 521.

§ 405.51 *Recordation of aircraft ownership—(a) General.* All conveyances which affect the title to, or any interest in, any aircraft registered under the provisions of the Civil Aeronautics Act are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any document evidencing indebtedness will be furnished to the holder of such document.

(b) *Forms of conveyance.* The following forms have been prepared by the Administrator for use in recording of conveyances and are available upon request to the Civil Aeronautics Administration, Office of the Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

(1) *Form ACA 500: Part C, Bill of Sale.* (For further information concerning Form ACA 500, see § 405.31 (c).)

(2) *Form ACA 506: Release.* (This form appears on the back of a letter acknowledging receipt of a chattel mortgage, and should be in the possession of

¹In 13 F. R. 4199-4200, notice of intention to adopt this amendment was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented.

the mortgagee or his assignee to be used when the mortgage is cleared.)

(3) *Form ACA 818: Release Contract of Conditional Sale.* (This form appears on the back of a letter acknowledging receipt of a contract of conditional sale and should be in the possession of the seller or his assignee to be used when all conditions of the contract have been met.)

(4) *Form ACA 905: Aircraft Chattel Mortgage.*

(5) *Form ACA 906: Aircraft Conditional Sale Contract.*

(6) *Form ACA 909: Supplemental Affidavit to Application for Registration for All Types of Aircraft.* (To be filled in and submitted with Application for Registration (Form ACA 500, Part B) when the aircraft has been repossessed pursuant to the provisions of a chattel mortgage or contract of conditional sale and the person repossessing desires registration of the aircraft in his name.)

(e) *Application.* A conveyance may be recorded by submitting the original document, or a properly executed duplicate thereof, to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C. There is no fee (other than the \$4.00 registration fee) for recording a bill of sale. A fee of \$4.00 is charged for the recording of a lien covering one aircraft. If more than one aircraft is covered by such lien the fee shall be \$4.00 for each aircraft. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a lien covering an aircraft.

(d) *Requirements.* For further information with respect to the requirements and instructions for the recordation of aircraft conveyances, see Part 503 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

§ 405.52 *Recordation of encumbrances against specifically identified aircraft engines—*(a) *General.* All conveyances affecting the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any such conveyance will be furnished to the holder thereof.

(b) *Forms of conveyance.* The Civil Aeronautics Administration has not prepared any sample forms of conveyance for use in taking a security interest in aircraft engines. However, Form ACA-1990 has been designed to serve as a receipt for the recording of aircraft engine conveyances.

(c) *Recording fee.* A fee of \$2.00 is charged for the recording of an instrument executed for security purposes covering one engine. If more than one aircraft engine is covered by such in-

strument the fee shall be \$2.00 for each aircraft engine. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering an aircraft engine.

(d) *Requirements.* For further information with respect to the requirements and instructions for the recordation of encumbrances against specifically identified aircraft engines, see Part 504 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

§ 405.53 *Recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers—*

(a) *General.* All conveyances affecting the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended, for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instruments need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof, are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any such conveyance will be furnished to the holder thereof.

(b) *Forms of conveyance.* The Civil Aeronautics Administration has not prepared any sample forms of conveyance for use in taking a security interest in aircraft engines, propellers, appliances, or spare parts. However, Form ACA-1991 has been designed to serve as a receipt for the recording of such conveyances.

(c) *Recording fee.* A fee of \$2.00 is charged for the recording of an instrument executed for security purposes covering aircraft engines, propellers, appliances, or spare parts situated in one location. If the property covered by the instrument is situated in more than one location the fee shall be \$2.00 for each location. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering aircraft engines, propellers, appliances, or spare parts.

(d) *Requirements.* For further information with respect to the requirements and instructions for the recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers, see Part 505 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

This amendment shall become effective 30 days after it is published in the **FEDERAL REGISTER**.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8142; Filed, Sept. 10, 1948; 8:46 a. m.]

PART 503—RECORDATION OF AIRCRAFT OWNERSHIP

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4¹ of the Administrative Procedure Act, I hereby revise Part 503 to read as follows:

- Sec.
503.1 Basis and purpose.
503.2 Definitions.
503.3 Eligibility of conveyances.

AUTHORITY: §§ 503.1 to 503.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235-1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 401, 458, 523.

§ 503.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any aircraft registered under the provisions of section 501 of the Civil Aeronautics Act of 1938, as amended, and Part 501 or Part 502 of this chapter. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 503.2 *Definitions.* As used in this part, "conveyance" means:

(a) A bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, aircraft; and

(b) Any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument recorded under this part.

§ 503.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It is executed upon the form prescribed by the Administrator for such type of conveyance, or upon a form deemed by the Administrator to be its equivalent;

(b) It is accompanied by a duly executed application for registration and the required registration fee, and complies with the other provisions of either § 501.3 (a) or (b) of this chapter, whichever is applicable: *Provided*, That this paragraph shall not apply to conveyances affecting an interest in, but not title to, the aircraft;

(c) It affects an aircraft currently registered under the terms of the Civil Aeronautics Act of 1938, as amended;

¹ In 13 F. R. 4200, notice of intention to adopt this revision was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented.

(d) It is accompanied by the required recordation fee:² *Provided*, That this paragraph shall apply only to conveyances executed for security purposes, and not to any release, cancellation, discharge, or satisfaction thereof; and

(e) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

This revision shall become effective 30 days after it is published in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8143; Filed, Sept. 10, 1948; 8:46 a. m.]

PART 504—RECORDATION OF ENCUMBRANCES AGAINST SPECIFICALLY IDENTIFIED AIRCRAFT ENGINES

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4¹ of the Administrative Procedure Act, I hereby adopt Part 504 to read as follows:

- Sec.
- 504.1 Basis and purpose.
- 504.2 Definitions.
- 504.3 Eligibility of conveyances.

AUTHORITY: §§ 504.1 to 504.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235-1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 401, 458, 523.

§ 504.1 Basis and purpose. The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 504.2 Definitions. As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which instrument affects the

¹ In 13 F. R. 4200-4201, notice of intention to adopt this part was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented.

² Section 405.51 (c) of this chapter provides: "Application. A conveyance may be recorded by submitting the original document, or a properly executed duplicate thereof, to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C. There is no fee (other than the \$4.00 registration fee) for recording a bill of sale. A fee of \$4.00 is charged for the recording of a lien covering one aircraft. If more than one aircraft is covered by such lien the fee shall be \$4.00 for each aircraft. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a lien covering an aircraft."

title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower;

(b) Any assignment, amendment, or supplement of or to any of the instruments set forth in paragraph (a) of this section; and

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 504.3 Eligibility of conveyances. A conveyance shall be eligible for recordation only if:

(a) It affects an aircraft engine which is specifically identified by make, model, and by manufacturer's serial number;

(b) It affects an aircraft engine of seven hundred and fifty or more rated take-off horsepower or the equivalent of such horsepower;

(c) It is accompanied by the required recordation fee:² *Provided*, That this paragraph shall not apply to any release, cancellation, discharge, or satisfaction relating to any conveyance recorded under this part; and

(d) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

This part shall become effective 30 days after it is published in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8144; Filed, Sept. 10, 1948; 8:46 a. m.]

PART 505—RECORDATION OF ENCUMBRANCES AGAINST AIRCRAFT ENGINES, PROPELLERS, APPLIANCES, OR SPARE PARTS

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4¹ of the Administrative Procedure Act, I hereby adopt Part 505 to read as follows:

- Sec.
- 505.1 Basis and purpose.
- 505.2 Definitions.
- 505.3 Eligibility of conveyances.

AUTHORITY: §§ 505.1 to 505.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235-1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 401, 458, 523.

§ 505.1 Basis and purpose. The purpose of this part is to prescribe regula-

¹ Section 405.52 (c) of this chapter provides: "Recording fee. A fee of \$2.00 is charged for the recording of an instrument executed for security purposes covering one engine. If more than one aircraft engine is covered by such instrument the fee shall be \$2.00 for each aircraft engine. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering an aircraft engine."

tions for recordation of conveyances affecting the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended, for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 505.2 Definitions. As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which instrument affects the title to, or any interest in, any aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended;

(b) Any assignment, amendment, or supplement of or to any of the instruments set forth in paragraph (a) of this section; and

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 505.3 Eligibility of conveyances. A conveyance shall be eligible for recordation only if:

(a) It affects aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended;

(b) It specifically describes the location or locations of the aircraft engines, propellers, appliances, and spare parts covered thereby;

(c) It is accompanied by the required recordation fee:² *Provided*, That this paragraph shall not apply to any release, cancellation, discharge, or satisfaction relating to any conveyance recorded under this part; and

(d) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

² Section 405.53 (c) of this chapter provides: "Recording fee. A fee of \$2.00 is charged for the recording of an instrument executed for security purposes covering aircraft engines, propellers, appliances or spare parts situated in one location. If the property covered by the instrument is situated in more than one location the fee shall be \$2.00 for each location. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering aircraft engines, propellers, appliances or spare parts."

This part shall become effective 30 days after it is published in the **FEDERAL REGISTER**.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8145; Filed, Sept. 10, 1948;
8:46 a. m.]

[Amdt. 1]

**PART 609—STANDARD INSTRUMENT
APPROACH PROCEDURES**

Under sections 205, 308, and 601 of the Civil Aeronautics Act of 1938, as amended, and sections 42.341, 42.342, 42.37, 60.306, and 61.752 of the Civil Air Regulations the Administrator is authorized to prescribe standard instrument approach procedures, including landing and take-off minimums.

Acting pursuant to the foregoing authority, and in accordance with sections 3 and 4 of the Administrative Procedure Act, the following amendment to Part 609 is hereby adopted. This amendment relieves restrictions, clarifies existing regulations, and imposes no additional burdens upon interested persons. It is issued without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required.

1. Section 609.1 *Introduction*, paragraph (a) is amended to read:

(a) The following standard instrument approach procedures (including ceiling and visibility minimums for take-off and landing at particular airports) shall be identical for all users, with the following exceptions: The minimums for take-off and landing shall not apply to (1) military aircraft, or (2) users for whom the Administrator has specifically authorized lower minimums. The minimums for take-offs shall not apply to those users for whom the Administrator has not been authorized to prescribe take-off minimums.

2. Section 609.1 *Introduction*, paragraphs (c) and (d) are amended by substituting "visual contact" for "VFR" wherever the latter term appears.

3. Section 609.2 *Ceiling and visibility minimums*, paragraphs (a) and (b) are amended by substituting "landing" for "approach" wherever the latter term appears.

4. Section 609.2 *Ceiling and visibility minimums*, paragraph (e) is amended by eliminating "Procedure" and capitalizing "not."

(Secs. 205, 308, 601, 52 Stat. 984, 986, 1007; 54 Stat. 1231, 1233-1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 458, 551)

This amendment shall become effective upon publication in the **FEDERAL REGISTER**.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8141; Filed, Sept. 10, 1948;
8:46 a. m.]

RULES AND REGULATIONS

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 48-7906, appearing at page 5152 in the issue for Friday, September 3, 1948, in the third column, paragraph "(a)" should read paragraph "(d)"; on page 5153 in the first column, in subparagraph (2) (i), the comma following the word "batch" should be changed to a semicolon.

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 03—DELEGATIONS OF AUTHORITY

EXECUTION AND APPROVAL OF CONTRACTS

Under Subchapter A, Part 03, § 03.2 entitled "Execution and approval of contracts", paragraphs (b) and (c) are amended, and new paragraph (d) is added, all to read as follows:

§ 03.2 *Execution and approval of contracts.*

(b) To the Chief of the Administrative Division is delegated the power to make the final approval of all contracts in which the consideration to be paid by the Government is not more than \$10,000.00, except the following contracts: contracts for construction and cooperative agreements not on approved Bureau of Mines forms.

(c) To the Chief of the Petroleum and Natural Gas Branch is delegated the power to make the final approval of the following contracts: contracts for the sale of helium if there is no information or reason to believe that the helium is to be exported, used in airship flights to foreign countries, or used for novel industrial purposes.

(d) The power is reserved in the Director to make the final approval of the following contracts: contracts in which the consideration to be paid by the Government is more than \$10,000.00; contracts for construction; and cooperative agreements not on approved Bureau of Mines forms. Contracts for the sale of helium, if there is information or reason to believe that the helium is to be exported, used in airship flights to foreign countries, or used for novel industrial purposes, will ordinarily be referred to the Secretary for approval or execution pursuant to the provisions of 43 C. F. R., 1947 Supp. 4.355.

Dated: September 3, 1948.

THOS. H. MILLER,
Acting Director.

[F. R. Doc. 48-8150; Filed, Sept. 10, 1948;
8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 519]

ALASKA

WITHDRAWING PUBLIC LAND FOR THE USE OF THE BUREAU OF LAND MANAGEMENT, DE- PARTMENT OF THE INTERIOR, AS AN ADMIN- ISTRATIVE SITE

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

Subject to valid existing rights, the following-described tract of public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral leasing laws, and reserved for the use of the Bureau of Land Management, Department of the Interior, as an administrative site:

U. S. Survey No. 2721, at the junction of Steese Highway with the Circle-Hot Springs Road at Central House, in latitude 65°34' N., longitude 144° 49' W.

The area described contains 7.11 acres.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 30, 1948.

[F. R. Doc. 48-8146; Filed, Sept. 10, 1948;
8:47 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter D—Tank Vessels

[CGFR 48-45]

PART 35—OPERATION

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the inspection and navigation regulations was published in the **FEDERAL REGISTER** dated March 6, 1948 (13 F. R. 1237) and public hearings were held by the Merchant Marine Council on March 30 and 31, 1948, at Washington, D. C.

The purpose of the amendments to the regulations is to clarify their intent, establish additional safety requirements on the basis of experience obtained, and to permit certain practices to be employed by the industry in the operation of tank vessels.

By virtue of the authority vested in me by R. S. 4405, as amended, 46 U. S. C. 375, section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), R. S. 4417a, 46 U. S. C. 391a, section 5 (e), 55 Stat. 244, as amended, 50 U. S. C. 1275, the following amendments to the regulations are prescribed, which shall become effective 90 days after date of publication of this document in the **FEDERAL REGISTER**:

GENERAL

1. Section 35.1-3 is amended by designating the first paragraph as (a) and adding the following paragraph (b):

§ 35.1-3 *Illness, alcohol, drugs—TB/ALL.*

(b) When a member of the crew of a tank vessel which is loading bulk cargo of Grades A, B or C arrives at the gangway and is observed to be in an intoxicated condition, he shall not be permitted to board the ship without escort.

GENERAL SAFETY RULES

2. Section 35.4-2 is amended to read as follows:

§ 35.4-2 *Fires, matches, and smoking—TB/ALL.*

(a) *General.* In making the determinations required under paragraphs (b), (c) and (d) of this section the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall exercise his skill and experience with due regard to attendant conditions and circumstances, including consideration for location of shore side facilities, maintenance of mobility, provision for fire protection, state or change of winds, tides, sea, weather conditions, forces of nature and other circumstances generally beyond human control.

(b) *Boiler fires.* Boiler fires are normally permitted during cargo transfer operations: *Provided,* That prior to loading Grade A, B, and C cargoes, the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall make an inspection to determine whether in his judgment boiler fires may be maintained with reasonable safety during the loading operation.

(c) *Galley fires.* Galley fires are normally permitted during cargo transfer operations: *Provided,* That prior to loading Grade A, B and C cargoes the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the loading operation.

(d) *Smoking.* Smoking is prohibited on the weather decks of tank vessels when they are not gas free and are alongside docks. At other times and places the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall designate when and where the crew may smoke: *Provided,* That prior to loading Grade A, B and C cargoes the master or senior deck officer on duty shall make an inspection to determine if and where, in his judgment, smoking may be permitted with reasonable safety during the loading operation.

(e) *Matches.* The use of other than safety matches is forbidden aboard tank vessels at all times.

CARGO HANDLING

3. Section 35.5-5 is amended by adding the following paragraphs (h), (i) and (j):

§ 35.5-5 *Inspection prior to transfer of cargo—TB/ALL.*

No. 178—3

(h) In loading Grade A, B and C cargoes, that an inspection has been made to determine whether boiler fires can be maintained with reasonable safety.

(i) In loading Grade A, B and C cargoes, that an inspection has been made to determine whether galley fires can be maintained with reasonable safety.

(j) In loading Grade A, B and C cargoes, that an inspection has been made to determine whether smoking may be permitted with reasonable safety.

4. Section 35.5-6 is amended to read as follows:

§ 35.5-6 *Approval to start transfer of cargo—(a) TB/ALL.* When the senior deck officer on duty has assured himself that the requirements of § 35.5-5 have been met, he may give his approval to start operations.

(b) *T/ALL.* After completing the inspection required by § 35.5-5 and prior to giving his approval to start the cargo transfer operation, the master or senior deck officer on duty shall fill in the following Declaration of Inspection in duplicate. The original of the Declaration of Inspection shall be kept aboard for the information of authorized persons. The duplicate, where required, shall be handed to the terminal superintendent or his representative who shall on demand be given the opportunity to satisfy himself that the condition of the vessel is as stated in the Declaration of Inspection.

DECLARATION OF INSPECTION PRIOR TO BULK CARGO TRANSFER

Date _____
/S. _____ Port of _____

I, _____, being the master or senior deck officer in charge of the transfer of bulk inflammable and combustible cargo about to be undertaken do certify that I have personally inspected this vessel with reference to the following requirements set forth in § 35.5-5 and that opposite each of them I have indicated that the regulation has been complied with.

- (1) Are warnings displayed as required?
- (2) Is there any repair work in way of cargo spaces being carried on for which permission has not been given?
- (3) Is cargo hose of sufficient length properly connected and supported and are cargo valves properly set?
- (4) Have all cargo hose connections for loading Grade A, B and C cargoes been made to the vessel's pipe lines?
- (5) Are there any fires or open flames present on the deck or in any compartment which is located on, facing, open and adjacent to that part of the deck on which the cargo hose is connected?
- (6) Has the shore terminal or other tank vessel concerned reported itself in readiness for transfer of cargo?
- (7) Are sea valves connected to the cargo system closed?
- (8) If Grade A, B and C cargoes are to be loaded and boiler fires are lighted—has an inspection been made to determine that they may be operated with reasonable safety?
- (9) If Grade A, B and C cargoes are to be loaded and galley fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety?
- (10) If Grade A, B and C cargoes are to be loaded, has an inspection been made to determine whether smoking is to be permitted? If smoking is to be permitted, have spaces been designated for this purpose?

5. Section 35.5-8 (c) is amended to read as follows:

§ 35.5-8 *Conditions under which transfer operations shall not be commenced or if started shall be discontinued—TB/ALL.*

(c) If a self-propelled vessel comes directly alongside in way of cargo tanks of a tanker or tank barge which is loading Grade A, B or C cargo.

(R. S. 4405, as amended, R. S. 4417a, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 50 U. S. C. 1275; sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Dated: September 7, 1948.

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

[F. R. Doc. 48-8186; Filed, Sept. 10, 1948; 8:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 396, Amdt. 1]

PART 95—CAR SERVICE

PERISHABLES; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 396 (13 F. R. 3738), and good cause appearing therefor:

It is ordered, That: Revised Service Order No. 396, *Perishables; restrictions on reconsigning,* be, and it is hereby suspended until 7:00 a. m. September 22, 1948, unless otherwise modified.

It is further ordered, That this amendment shall become effective at 7:00 a. m., September 8, 1948, and it shall apply on all cars on hand for diversion or reconsignment on or after the effective date hereof.

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

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8186; Filed, Sept. 10, 1948; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 72]

PREVENTION OF SPLENETIC OR TICK FEVER IN CATTLE

NOTICE OF PROPOSED AMENDMENT OF REGULATIONS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture of the United States, pursuant to the Act of March 3, 1905 as amended and extended (21 U. S. C. 123-128) is considering revoking § 72.3 of the regulations for prevention of the spread of splenetic or tick fever in cattle (9 CFR and 1946 Supp. Part 72), and amending § 72.2 of said regulations to read as follows:

§ 72.2 *Splenetic or tick fever in cattle in described territory of Texas and Puerto Rico; prohibitions on movement of cattle.* Notice is hereby given that the contagious and infectious disease known as splenetic or tick fever exists in cattle in portions of the State of Texas and in the Territory of Puerto Rico. Therefore, in the portions of the State of Texas and the Territory of Puerto Rico described in §§ 72.4 and 72.5, the quarantine heretofore established is continued, and the movement of cattle therefrom to any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of Parts 71 and 72 of this chapter (9 CFR, Cum. Supp., and 1946 Supp., Parts 71 and 72; regulations 1 and 2, B. A. I. Order 309, as amended; B. A. I. Order 380, as amended, and B. A. I. Circular Letters 1369, 1750 and 1895, and Administrative Notice 1).

The other presently effective provisions of the regulations in Part 72 are to be continued in force.

The purpose of the proposed amendment is simply to release from the Federal quarantine imposed by the regulations in 9 CFR and 1946 Supp. Part 72, the area quarantined in Florida on account of splenetic or tick fever in cattle.

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of publication of this notice in the FEDERAL REGISTER.

Issued this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8177; Filed, Sept. 10, 1948; 8:54 a. m.]

Production and Marketing

Administration

PRODUCERS LIVESTOCK COMMISSION CO., INC.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the Producers Livestock Commission Co., Inc. of Abilene, Texas is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 3d day of September 1948.

[SEAL] PRESTON RICHARDS,
Acting Director, Livestock
Branch, Production and Marketing
Administration.

[F. R. Doc. 48-8163; Filed, Sept. 10, 1948; 8:50 a. m.]

RANCHERS AND FARMERS LIVESTOCK SALES CO.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the Ranchers and Farmers Livestock Sales Company at Clovis, New Mexico, is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 3d day of September 1948.

[SEAL] PRESTON RICHARDS,
Acting Director, Livestock
Branch, Production and Marketing
Administration.

[F. R. Doc. 48-8164; Filed, Sept. 10, 1948; 8:50 a. m.]

[7 CFR, Part 951]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supps. 900.1 et seq.), a public hearing was held at Lodi, California, beginning on April 15, 1948, pursuant to notice thereof which was published in the FEDERAL REGISTER (13 F. R. 1940), upon proposed amendments to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., Part 951), regulating the handling of Tokay Grapes grown in the State of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on July 9, 1948, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (13 F. R. 4020, 4199, 4324, 4428).

Exceptions to the recommended decision were filed on behalf of the Industry Committee, Tokay Marketing Agreement, 1515-9th Street, Sacramento, California. In arriving at the findings and conclusions decided upon in this decision each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions decided upon herein are at variance with the exceptions pertaining thereto, such exceptions are overruled.

The material issues, findings and conclusions, and the general findings of the aforesaid recommended decision (13 F. R. 4020, 4199, 4428) are hereby approved and adopted as the material issues, findings, and conclusions, and general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California" and "Order Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California," which have been decided upon as the appropriate and detailed means of effecting the foregoing

conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the annexed agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of said agreement amending the marketing agreement, as amended, are identical with those contained in the annexed order amending the order, as amended, which will be published with this decision.

This decision filed at Washington, D. C. this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California

§ 951.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.; 61 Stat. 208, 707), and the rules of practice and procedure effective thereunder (7 CFR and Supps., 900.1 et seq.), a public hearing was held at Lodi, California, beginning on April 15, 1948, upon proposed amendments to Marketing Agreement No. 93, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of Tokay grapes grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement and the proposed amendments thereto upon which hearings have been held; and

(3) There are no differences in the production and marketing of said grapes

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

grown in the production area covered by the said order, as amended and as hereby further amended, that make necessary different terms and provisions applicable to different parts of said area.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of Tokay grapes grown in the State of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and such order is hereby further amended as follows:

1. Insert the following immediately preceding the period in § 951.1 (b): "and further amended by Public Law 305, 80th Cong., approved August 1, 1947".

2. Delete § 951.1 (g) and insert, in lieu thereof, the following:

(g) "Handle" is synonymous with "ship" and means to sell, load in a conveyance for transportation, offer for transportation, transport, deliver to a refrigerated storage warehouse in the State of California, or, in any other way to place grapes in the current of commerce between the State of California and any point outside thereof, or so as directly to burden, obstruct, or affect such commerce.

3. Delete § 951.1 (k) (1) and insert, in lieu thereof, the following:

(1) "Lodi District" means the County of San Joaquin, and shall be divided into the following Election Districts: (i) "Acampo Election District" means the school district of Houston; (ii) "Woodbridge Election District" means the school district of Woods, and that portion of the Galt Joint Union School District situated in San Joaquin County; (iii) "Lafayette Election District" means the school districts of Lafayette, Henderson, Turner, Ray, Terminus and New Hope; (iv) "Victor Election District" means the school districts of Bruella, Victor, Lockeford, Oak View and Clements; (v) "Alpine Election District" means the school districts of Alpine and Lodi; (vi) "Live Oak Election District" means all of the school districts in the Lodi District, other than those included in the Acampo, Woodbridge, Lafayette, Victor, and Alpine Election Districts.

4. Delete the third sentence from § 951.2 (a).

5. Insert the following immediately preceding the semicolon in § 951.2 (m) (3): ", and to engage in such research and service activities relating to the handling of grapes as may be approved, from time to time, by the Secretary".

6. In §§ 951.2 (m) (13), 951.2 (m) (15), and 951.2 (p) (5), delete the terms "§§ 951.4 and 951.5" and insert, in lieu thereof, the words "the provisions."

7. Delete the first sentence in § 951.3 (a) and insert, in lieu thereof, the following: "The Industry Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the Industry Committee during the then current season for its maintenance and functioning and for such research and service activities relating to the handling of grapes as

the Secretary may determine to be appropriate."

8. In the first sentence in § 951.3 (b) delete the words after "will be" and insert, in lieu thereof, the following: "incur, as aforesaid, by the committee during such season."

9. In § 951.4 (b) delete subparagraph (2) and renumber subparagraph "(3)" as "(2)."

10. Delete the provisions of subparagraphs (1) through (5) of § 951.4 (c) *Exemptions*, renumber subparagraph (6) of § 951.4 (c) to read "(5)," and insert the following:

(1) The Industry Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(2) In the event the Secretary issues a regulation pursuant to this section, the Industry Committee shall determine for each district the percentage which the grapes produced in each such district, and permitted to be shipped under such regulation, is of the quantity of grapes produced in the respective district which would be shipped in the absence of such regulation. An exemption certificate shall thereafter be issued by the Industry Committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or having shipped a percentage of his crop of grapes equal to the percentage determined as aforesaid of all grapes permitted to be shipped from his district. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of grapes equal to the percentage determined as aforesaid.

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

(4) If any grower is dissatisfied with the action of the Industry Committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided*, That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee. The authority of the Secretary to supervise and control the

issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

11. Renumber §§ 951.5, 951.6, and 951.7 through 951.18 to read, respectively, §§ 951.7, 951.8, and §§ 951.10 through 951.21 in proper numerical sequence.

12. In § 951.4 (d) delete the words "this section" after the words "pursuant to," and insert, in lieu thereof, the terms "§§ 951.4 and 951.5." Redesignate paragraph (d) of § 951.4 to read § 951.6.

13. Add a new § 951.5, as follows:

§ 951.5 *Minimum standards of quality and maturity*—(a) *Recommendation*. Whenever the Industry Committee deems it advisable to establish and maintain in effect during any period minimum standards of quality or maturity, or both, governing the shipment of grapes pursuant to this section, it shall so recommend to the Secretary. Each such recommendation of the committee shall be in terms of (1) freedom of the grapes from material impairment of shipping quality; (2) freedom of the grapes from material impairment of edible quality; (3) freedom of the grapes from serious damage to appearance; (4) minimum maturity requirements; or (5) any combination of the foregoing. With each such recommendation, the committee shall submit to the Secretary the information and data on which such recommendation is predicated; and the committee shall also submit to the Secretary such other information as he may request. The committee shall give prompt notice to handlers and growers of any such recommendation.

(b) *Establishment*. Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or material, or both, for grapes and to limit the shipment of grapes during any period to those meeting the minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, designate such period, and so limit the shipment of such grapes. The Secretary shall immediately notify the Industry Committee of the issuance of such regulation, and said committee shall give such notice thereof as may be reasonably calculated to bring such regulation to the attention of the handlers and growers.

14. Add a new § 951.9 as follows:

§ 951.9 *Modification, suspension, or termination*. Whenever the Industry Committee deems it advisable to recommend to the Secretary the modification, suspension, or termination of any or all of the regulations established pursuant hereto, it shall so recommend to the Secretary. If the Secretary finds upon the basis of such recommendation or from other available information that to modify such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information that any

such regulations obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulations. The Secretary shall immediately notify the Industry Committee, and such committee shall promptly give adequate notice to handlers and growers, of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

[F. R. Doc. 48-8175; Filed, Sept. 10, 1948; 8:53 a. m.]

[7 CFR, Part 951]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF AGENTS TO CONDUCT THE REFERENDUM; DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.; 61 Stat. 208, 707), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1947, to March 31, 1948, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production of Tokay grapes for shipment in fresh form to determine whether such producers favor the issuance of an order amending Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in California, which amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.¹ J. H. Bryce and R. C. Beeman of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture, to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct the referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid producers to cast his ballot in the manner herein authorized, relative to the aforesaid order, on a copy of an appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing Tokay grapes grown in California or in rendering services for or advancing the interests of the producers of California Tokay grapes, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted; (ii) that any ballots may be

cast by mail; (iii) that all ballots so cast must be addressed to J. H. Bryce, Field Representative, Western Marketing Field Office, 100 Plaza Building, 921 Tenth Street, Sacramento 14, California; and (iv) of the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address is known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determines that voting may be conducted at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote.

(5) By giving ballots to producers at each such meeting, and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By forwarding to J. H. Bryce, 100 Plaza Building, 921 Tenth Street, Sacramento 14, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer and each cooperative association of producers to whom a ballot form was furnished;

(ii) A register containing the name and address of each producer and each cooperative association of producers from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(9) By appointing any county farm advisers in California, and any other persons deemed necessary or desirable, to assist the said referendum agents in per-

¹ See F. R. Doc. 48-8175, *supra*.

forming their duties hereunder. Each county farm adviser and other person so appointed shall serve without compensation, and may be authorized by the said referendum agents or any of them to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth.

(b) Upon receipt by J. H. Bryce of all ballots cast in accordance with the provisions hereof, and such other information and data as may be required pursuant hereto, he shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they or any of them deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reason therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof,

to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid amendments to the order, as amended, may be examined at the Office of the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or obtained from the Western Marketing Field Office, of the Fruit and Vegetable Branch, Production and Marketing Administration, at either 100 Plaza Building, 921 Tenth Street, Sacramento 14, California, or 2180 Milvia Street, Berkeley 1, California.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8176; Filed, Sept. 10, 1948;
8:54 a. m.]

[7 CFR, Part 951]

TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948-49 SEASON

Consideration is being given to the following proposals, submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, as the agency to administer the terms and provisions thereof;

(a) That the Secretary of Agriculture find that expenses not to exceed \$23,470.00 may necessarily be incurred during the season beginning April 1, 1948, and ending March 31, 1949, both dates inclusive, in order to enable said Industry Committee to perform its functions under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler, who is the first shipper thereof, shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at \$0.014 per hundred pounds, billing weight, of Tokay grapes shipped by such handler during said season.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, United States Department of Agriculture, Room 1846 South Building, Washington 25, D. C., not later than midnight of the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be submitted in quadruplicate.

As used herein, "handled," "shipped," and "season" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.3)

Issued this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8178; Filed Sept. 10, 1948;
8:54 a. m.]

[7 CFR, Part 987]

HANDLING OF IRISH POTATOES GROWN IN MAINE

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 48-7651, appearing at page 4958 in the issue for Thursday, August 26, 1948, the subparagraphs under § 987.0 should be designated (1), (2), and (3) instead of (a), (b), and (c).

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 519¹ WITHDRAWING PUBLIC LAND FOR THE USE OF THE BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, AS AN ADMINISTRATIVE SITE

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior.

¹ See F. R. Doc. 48-8146, Title 43, Chapter I, Appendix, *supra*.

Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be

given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 30, 1948.

[F. R. Doc. 48-8147; Filed, Sept. 10, 1948;
8:47 a. m.]

[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION ORDER 404

AUGUST 26, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C.

372), and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

The 80-rod shore space reserve created under 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), is hereby revoked as to the lands herein-after described.

At 10:00 a. m. on October 28, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 28, 1948, to January 27, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 9, 1948, to October 28, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 28, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 28, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from January 8, 1949, to January 28, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 28, 1949, shall be treated as simultaneously filed.

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

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations

contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

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

The lands affected by this order are described as follows:

TERRITORY OF ALASKA

A tract of land on Baranof Island, Thimbleberry Bay, identified as U. S. Survey No. 2581, containing approximately 5 acres (homesite application of C. J. Mills, Anchorage 09963).

A tract of land along Gastineau Channel, identified as U. S. Survey No. 2650, containing approximately 5 acres (homesite application of Beatrice J. Stoddard, Anchorage 010349).

A tract of land on the shore of Gastineau Channel, about 4½ miles from Juneau, Alaska, between U. S. Survey No. 2572 and U. S. Survey No. 2168, with a shore line of approximately 87 chains.

The areas above described are not used or needed by the public for landing places or for harborage purposes. Some of these lands are occupied as homesites and have been improved by the construction of habitable houses and cultivation of gardens.

MARION CLAWSON,
Director.

[F. R. Doc. 48-8148; Filed, Sept. 10, 1948;
8:47 a. m.]

[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION ORDER 406

SEPTEMBER 1, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

The 80-rod shore space reserve created under 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), is hereby revoked as to the lands herein-after described.

At 10:00 a. m. on November 3, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from November 3, 1948, to February 2, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World

War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 15, 1948, to November 3, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on November 3, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on February 3, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from January 15, 1949, to February 3, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on February 3, 1949, shall be treated as simultaneously filed.

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

Applications for these lands, which shall be filed in the District Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

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

The lands affected by this order are described as follows:

SEWARD MERIDIAN

T. 3 N., R. 12 W.,
Sec. 24, lot 4.
T. 1 S., R. 14 W.,
Sec. 14, lot 1;
Sec. 23, SE¼NE¼, lots 1 and 2.

T. 6 S., R. 14 W.,
 Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 23, lots 2 and 3.
 T. 8 S., R. 14 W.,
 Sec. 30, lot 1.

COPPER RIVER MERIDIAN

T. 58 S., R. 79 E.,
 Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$, lots 1, 2, 4, 5, 6, and 7.

The areas described aggregate 542.06 acres.

The lands above described are not needed or used for landing places or for harborage purposes. Some of these lands are embraced in pending settlement claims and homestead entries, and are occupied and have been improved by the applicants.

MARION CLAWSON,
 Director.

[F. R. Doc. 48-8149; Filed, Sept. 10, 1948;
 8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 946]

HYRUM CITY, UTAH

NOTICE OF ORDER GRANTING PARTIAL EXEMPTION FROM PAYMENT OF ANNUAL CHARGES

SEPTEMBER 7, 1948.

Notice is hereby given that, on September 2, 1948, the Federal Power Commission issued its order entered August 31, 1948, granting partial exemption from payment of annual charges for the year 1946, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
 Secretary.

[F. R. Doc. 48-8151; Filed, Sept. 10, 1948;
 8:47 a. m.]

[Docket Nos. ID-900, ID-1102]

JOHN A. PURCELL AND JOSEPH M. COSTELLO
 NOTICE OF AUTHORIZATION PURSUANT TO SECTION 305 (B) OF THE FEDERAL POWER ACT

SEPTEMBER 7, 1948.

Notice is hereby given that, on September 2, 1948, the Federal Power Commission issued its orders entered August 31, 1948, in the above-designated matters, authorizing Applicants to hold positions in certain companies pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
 Secretary.

[F. R. Doc. 48-8152; Filed, Sept. 10, 1948;
 8:47 a. m.]

[Docket No. E-6159]

CONNECTICUT RIVER POWER CO. AND NEW ENGLAND POWER CO.

ORDER INSTITUTING RATE INVESTIGATION

SEPTEMBER 2, 1948.

It appears to the Commission that:

(a) Connecticut River Power Company (Connecticut Company) and New England Power Company (NEPCO), subsidiaries of New England Electric Sys-

tem, own and operate facilities in the States of Vermont, New Hampshire, and Massachusetts, including hydroelectric projects licensed under Part 1 of the Federal Power Act and identified in the Commission's records as projects Nos. 1855, 1892 and 1904, for the generation, transmission, and sale of electric energy.

(b) The business of Connecticut Company and NEPCO is predominantly the sale of electric energy at wholesale in interstate commerce pursuant to rate schedules on file with this Commission.

(c) Connecticut Company, under rate schedules designated by the Commission as Connecticut Company's Rate Schedule FPC Nos. 1 and 6, sells all of the output of its generating plants, in excess of local load requirements, to NEPCO.

(d) Connecticut Company and NEPCO, as licensees, are subject to Parts I and III of the Federal Power Act and, as public utilities, by reason of the ownership or operation of facilities for the transmission or sale of electric energy at wholesale in interstate commerce, are subject to Parts II and III of the Federal Power Act.

(e) On the basis of data available to the Commission, the rates, charges, services, or classification for or in connection with the transmission or sale of electric energy at wholesale in interstate commerce by Connecticut Company and NEPCO may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that:

It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that an investigation be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by New England Power Company or Connecticut River Power Company, for or in connection with the transmission or sale of electric power and energy subject to the Commission's jurisdiction and any rule, regulation, practice, or contract affecting such rate, charge, service, or classification.

The Commission orders that:

An investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service, or classification demanded, observed, charged, or collected by New England Power Company or Connecticut River Power Company for or in connection with the transmission or sale of electric power and energy subject to the Commission's jurisdiction or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classification, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: September 3, 1948.

By the Commission.

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

[F. R. Doc. 48-8153; Filed, Sept. 10, 1948;
 8:48 a. m.]

[Docket No. G-1115]

CANADIAN RIVER GAS CO. AND COLORADO INTERSTATE GAS CO.

ORDER INSTITUTING RATE INVESTIGATION

SEPTEMBER 2, 1948.

It appearing to the Commission that:

(a) Canadian River Gas Company (Canadian River) owns and operates a natural-gas transmission pipeline system extending from the Panhandle gas field in Texas to a point near Clayton, New Mexico, and is engaged in the transportation and sale of natural gas for resale in interstate commerce and is a "natural-gas company" within the meaning of the Natural Gas Act, as amended, as heretofore found by the commission in its order of March 18, 1942, in Docket Nos. G-118, G-121 and G-124 (3 FPC 66-68);

(b) Colorado Interstate Gas Company (Colorado Interstate) owns and operates a natural-gas transmission pipeline system extending from a point near Clayton, New Mexico, to Denver, Colorado, Colorado Interstate purchases natural gas from Canadian River at sold point of commencement of its main pipeline and also at a point near Gray, Oklahoma, purchases additional natural gas from producers in the Kansas-Hugoton field, and transports and sells said natural gas for resale in interstate commerce, and is therefore a "natural-gas company" within the meaning of the Natural Gas Act, as amended, as heretofore found by the Commission in its order of March 18, 1942, in Docket Nos. G-118, G-121 and G-124 (3 FPC 69-71);

(c) On the basis of data available to the Commission, the rates, charges, services or classifications for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission by Canadian River and Colorado Interstate may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that:

It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by Canadian River Gas Company and Colorado Interstate Gas Company, for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rule, regulation, practice, or contract affecting such rate, charge, service or classification.

The Commission, on its own motion, orders that:

An investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service, or classification demanded, observed, charged or collected by Canadian River Gas Company and Colorado Interstate Gas Company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: September 3, 1948.
By the Commission.

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

[F. R. Doc. 48-8154; Filed, Sept. 10, 1948; 8:48 a. m.]

[Docket No. G-1116]

PANHANDLE EASTERN PIPE LINE CO.
ORDER INSTITUTING RATE INVESTIGATION
SEPTEMBER 2, 1948.

It appears to the Commission that:

(a) Panhandle Eastern Pipe Line Company (Panhandle) owns and operates a natural-gas transmission pipeline system located in the States of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio and Michigan, and by such operations is engaged in the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of September 23, 1942, in Docket Nos. G-200 and G-207 (3 FPC 296).

(b) By letter of June 4, 1947, the Commission advised Panhandle as follows:

The Commission has directed that an informal investigation be made of the interstate wholesale rates (including rate structure), the accounts, and the operations of Panhandle Eastern Pipe Line Company. This action is in accordance with the policy of the Commission to make a field examination, from time to time, of the rates, subject to its jurisdiction, of natural gas companies as defined in the Natural Gas Act.

(c) By telegram of August 22, 1947, the Commission advised Panhandle that the informal investigation would commence on September 2, 1947. The informal investigation did commence on September 2, 1947, and since then has been continuously in progress.

(d) On the basis of data presently available to the Commission as a result of such informal investigation, the rates, charges, services or classifications for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission by Panhandle

may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that:

It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that a formal investigation now be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by Panhandle Eastern Pipe Line Company, for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rule, regulation, practice or contract affecting such rate, charge, service or classification.

The Commission, on its own motion, orders that:

A formal investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service or classification demanded, observed, charged or collected by Panhandle Eastern Pipe Line Company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

Tentative designation	Rate schedules proposed to be superseded	Purchaser
Supp. No. 3 to FPC No. 11.....	Supp. No. 2, as amended, to FPC No. 11.	Village of Ludlow, Vt.
Supp. No. 2 to FPC No. 17.....	Supp. No. 1, as amended, to FPC No. 17.	Woodstock Electric Co.
Supp. No. 3 to FPC No. 20.....	Supp. No. 2, to FPC No. 20.....	Allied Power & Light Co.
Supp. No. 1 to FPC No. 34.....	Rochester Electric Light & Power Co.

providing for changes in the rates and charges to the above named purchasers of electric energy supplied by Central Vermont resulting generally in increased charges for such service.

(b) Central Vermont has requested that the proposed supplemental rate schedules be allowed to take effect with meter readings on and after July 7, 1948.

(c) Unless suspended by order of the Commission, the rate schedules of Central Vermont with the tentative designations referred to in paragraph (a), above, will become effective as of September 5, 1948, pursuant to the provisions of the Federal Power Act and the general rules and regulations promulgated thereunder.

(d) The change in rates or charges provided by the supplemental rate schedules, identified by the tentative designations, referred to in paragraph (a) above, may result in excessive rates or charges to the purchasers enumerated in said paragraph (a); may place an undue burden upon ultimate consumers of such electric energy; may be discriminatory; and may result in increased rates or charges which have not been shown to be justified.

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed rates or charges and that said proposed rates or charges be suspended pending such hearing and the decision thereon.

The Commission orders that:

(B) If, after hearing, it shall find that any of such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: September 3, 1948.

By the Commission.

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

[F. R. Doc. 48-8155; Filed, Sept. 10, 1948; 8:48 a. m.]

[DOCKET NO. E-6160]

CENTRAL VERMONT PUBLIC SERVICE CORP.
ORDER SUSPENDING RATE SCHEDULES
SEPTEMBER 2, 1948.

It appears to the Commission that:

(a) Central Vermont Public Service Corporation (Central Vermont) submitted for filing on August 5, 1948, the following supplemental rate schedules:

(A) A public hearing be held commencing November 1, 1948, at 10:00 a. m. (E. S. T.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges provided for in Central Vermont Public Service Corporation supplemental rate schedules identified in paragraph (a) above.

(B) Pending such hearing and decision thereon, the supplemental rate schedules referred to in paragraph (a) above, be and the same are hereby suspended and the use of such rates or charges deferred until February 5, 1949, and thereafter such rate schedules shall go into effect in the manner prescribed by the Commission in accordance with the Federal Power Act.

(C) During the period of suspension the rates or charges heretofore in effect under the rate schedules on file with the Commission for service to the purchasers by Central Vermont, enumerated in paragraph (a) above, shall remain and continue in effect.

(D) At such hearing, the burden of proof to show that the proposed rates or charges are just and reasonable shall be upon Central Vermont Public Service Corporation.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Date of issuance: September 3, 1948.

By the Commission.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-8156; Filed, Sept. 10, 1948;
8:48 a. m.]

[Docket No. G-1099]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 2, 1948.

Upon consideration of the application filed August 9, 1948, by Lone Star Gas Company (Applicant), a Texas Corporation with its principal place of business at Dallas, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and continued operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 20, 1948 (13 F. R. 4841).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on September 21, 1948, at 9:30 a. m. (EDST), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 3, 1948.

By the Commission.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-8157; Filed, Sept. 10, 1948;
8:49 a. m.]

No. 178—4

[Docket No. G-1105]

PIEDMONT NATURAL GAS CORP.

NOTICE OF APPLICATION

SEPTEMBER 7, 1948.

Notice is hereby given that on August 24, 1948, an application was filed with the Federal Power Commission by the Piedmont Natural Gas Corporation (Applicant), a Delaware corporation with its principal place of business at Spartanburg, South Carolina, 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 a natural gas pipeline.

The application recites that such pipeline will be approximately 990 miles in length originating in the upper Gulf Coast gas fields of Texas, and southwest Louisiana, and extending through the States of Mississippi, Alabama, Georgia, South Carolina, North Carolina, terminating in the vicinity of Danville, Virginia. The proposed project includes the installation of 12 compressor stations having a total of 87,000 horsepower, with a line capacity of approximately 215,000 Mcf per day.

The estimated cost of the proposed pipeline with compressor stations, river crossings and appurtenant facilities is \$75,444,000, including an allowance for working capital. The financing of the line will be through the issuance of bonds, preferred stock, bank loans and additional common stock.

Applicant proposes to operate its transmission pipeline for the transportation of natural gas for resale to distributing companies in the States of South Carolina, North Carolina, and Virginia.

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 (18 CFR 1.37) 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 reasons for such request.

The application of Piedmont Natural Gas Corporation is on file with the Commission and 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 (18 CFR 1.8 or 1.10).

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8167; Filed Sept. 10, 1948;
8:50 a. m.]

[Project No. 2002]

LINOMA POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 7, 1948.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Linoma Power Company, of Lincoln, Nebraska, has filed application for preliminary permit for proposed water-power Project No. 2002 to be located on the Platte River in Sarpy, Cass, and Saunders Counties, Nebraska, and consisting of a dam near South Bend, Nebraska, forming a reservoir extending upstream to the vicinity of Ashland, Nebraska, a powerhouse integral with the dam, and appurtenant facilities. The head created by the dam would be about 25 feet.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before October 15, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8168; Filed, Sept. 10, 1948;
8:50 a. m.]

[Docket No. G-1110]

WAYNESBORO GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 7, 1948.

Notice is hereby given that on August 27, 1948, an application was filed with the Federal Power Commission by the Waynesboro Gas Company (Applicant), a Pennsylvania corporation located in Waynesboro, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, as amended, directing the Manufacturers Light and Heat Company to establish a physical connection of its transportation facilities with proposed facilities of Applicant and sell and deliver natural gas to Applicant for distribution in the Borough of Waynesboro, Franklin County, Pennsylvania.

The application recites that the present gas manufacturing plant being operated by the Waynesboro Gas Company was constructed in 1910 and due to the increased cost of light oil, coal and labor, together with increased demand for gas service, its gas plant operating costs have increased to a point where it is impossible to maintain economical operation.

Applicant asserts that it entered into a contract with the Manufacturers Light and Heat Company on January 7, 1946, whereby Manufacturers Light and Heat Company agreed to supply certain quantities of natural gas.

It is further submitted by Applicant that it has taken all reasonable steps for the purpose of obtaining deliveries of gas in accordance with its contract with

the Manufacturers Light and Heat Company but that it has been unable to obtain deliveries in accordance with its agreement.

The estimated sales and send-out of 1100 B. t. u. natural gas for the years 1949, 1950, 1951 and 1952, submitted by the Company are respectively 39,806 Mef, 43,829 Mef, 50,393 Mef and 60,835 Mef. The peak day estimates for the aforementioned years are estimated by the Applicant to be 166 Mef, 183 Mef, 210 Mef and 253 Mef.

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 (18 CFR 1.37) 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 reasons for such request.

The application of Waynesboro Gas Company is on file with the Commission and 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 (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8169; Filed, Sept. 10, 1948;
8:51 a. m.]

[Docket No. G-1111]

GULFOAST NORTHERN GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 7, 1948.

Notice is hereby given that on August 27, 1948, Gulfoast Northern Gas Company (Applicant), a Delaware corporation with its principal place of business at Tulsa, Oklahoma, filed an application 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:

1. Approximately 1,184 miles of 26-inch O. D. natural-gas transmission pipe line commencing at a point at or near the La Gloria-Seeligson Gas Fields in Brooks, Jim Wells, and Kleberg Counties, Texas, and extending in a northerly direction to a crossing of the Mississippi River near Cape Girardeau; Missouri, and thence northerly to its terminus at or near Compressor Station No. 10 of the Natural Gas Pipeline Company of America, near Genesso, Henry County, Illinois.

2. Approximately 83 miles of lateral lines, as follows:

(a) 57 miles of 18-inch O. D. to the Feazel Gas Field.

(b) 26 miles of 10 $\frac{3}{4}$ -inch O. D. to the Logansport Gas Field.

3. Twelve (12) compressor stations having a combined capacity of 115,200 installed horsepower.

4. Gas dehydration plants, metering and regulating stations, and other facilities appurtenant to the above-mentioned facilities.

Applicant proposes to obtain its supplies of natural gas from reserves in the La Gloria and Seeligson Fields in Brooks, Jim Wells, and Kleberg Counties, Texas, and in gas fields in De Soto, Lincoln, Webster, Bossier, and Claiborne Parishes, Louisiana. Applicant states that it does not propose to engage in the production or gathering of natural gas, but will purchase its supplies from owners of reserves in these fields totaling between five and six trillion cubic feet of natural gas. It is stated that such owners are willing to dedicate such reserves to this project for a period of at least twenty (20) years. According to the application, additional reserves will be obtained from other sources located along the route of the proposed line.

Applicant proposes to use the above-described facilities for the supply of natural gas to the Natural Gas Pipeline Company, which in turn supplies gas directly or indirectly to Chicago District Pipe Line Company, The Peoples Gas Light and Coke Company, Public Service Company of Northern Illinois, Western United Gas and Electric Company, and Public Service Company of Northern Indiana, in the Chicago area, and to its other utility customers in the areas served by it. The application states that the major companies presently serving the Chicago area now need in excess of 245,000 Mcf of natural gas per day to supplement their present supply of gas, and that, within approximately one year after the line is constructed, they will need in excess of 350,000 Mcf of additional gas per day.

The proposed facilities, according to Applicant, are designed to deliver initially at the northern terminus approximately 245,000 Mcf per day, and 350,000 Mcf per day ultimately.

Applicant estimates that the total overall capital cost will be \$119,000,000. This is proposed to be financed by the issuance of the following securities:

Bonds, 3.5 percent, 20-year-----	\$89,250,000
Preferred stock, 5 percent-----	17,850,000
Common stock-----	11,900,000

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 (18 CFR 1.37), 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 reasons for such request.

The application of the Gulfoast Northern 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 and 1.10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8170; Filed, Sept. 10, 1948;
8:51 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5562]

BETHANY COLLEGE AND DIVINITY SCHOOL
ET AL.

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

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

In the matter of Bethany College and Divinity School, a corporation, Carl M. Kilmer and Lulu M. Kilmer, individually, and as officers of said corporation, and William Potter, Grace Sereomb, Ted Victor Vorhees, J. Frederiek Doering, William Morgan Keller, Carl M. Kilmer, Jesse J. Coody, Richard H. Crowder, Merle F. Estabrooks, Edith C. Sheetz, and John W. Oliver, individually and as officers and members of the Board of Governors of said corporation.

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

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

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, September 20, 1948, at ten o'clock in the forenoon of that day (eastern standard time), in Room 204, Post Office Building, Flint, Michigan.

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

which shall become a part of the record in said proceeding.

By the Commission.

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

[F. R. Doc. 48-8172; Filed, Sept. 10, 1948;
8:53 a. m.]

**INTERSTATE COMMERCE
COMMISSION**

[No. 29721; No. 29722]

**ALL-RAIL COMMODITY RATES BETWEEN
CALIFORNIA, OREGON, AND WASHINGTON,
AND PACIFIC COASTWISE WATER RATES**

SPECIAL RULES OF PROCEDURE

SEPTEMBER 2, 1948.

These proceedings are assigned for hearing at the Assembly Room, Public Library, Civic Center, San Francisco, Calif., October 18, 1948, 10 o'clock a. m., United States standard Pacific time, before Commissioner Clyde B. Aitchison.

As this is an investigation on the Commission's own motion, petitions of intervention are unnecessary, but the parties should be prepared to comply with the requirements of Rule 73 of the general rules of practice.

In order to save time and expense it is strongly urged that persons having common interests endeavor, so far as possible, to consolidate their presentation of testimony and arrange for cross-examination by a limited number of counsel.

In the preparation of exhibits Rules 81 to 84 of the general rules of practice should be observed. If possible, all documentary evidence to be introduced by

each witness should be suitably bound together in a single exhibit with pages consecutively numbered. At least 50 copies of each exhibit should be available. So far as possible exhibits should be self-explanatory to minimize the time required for oral testimony.

Witnesses who prepare their testimony in writing should comply with Rule 77 of the general rules of practice. They should have a sufficient number of copies to supply opposing counsel, the official reporter, and the presiding officer. To save time it is suggested that such written statements be prepared with a view to their being copied into the record by agreement without being read by the witness or that they be submitted as verified statements, as stated in the next paragraph.

Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will be received in the absence of objection. Parties offering such statements should provide 50 copies thereof as early as possible in the hearings. Verified statements may be mailed, addressed to Commissioner Aitchison, % Bureau of Motor Carriers, Interstate Commerce Commission, Room 166, Federal Office Building, Fulton and Leavenworth Streets, Zone 2, San Francisco, so as to reach him on or prior to the date of the hearing. Notice of objection to the receipt of any such statements should be given promptly to the Commission, and to the party offering the statement. If no such notice is given, it will be assumed that objection is waived, subject to the right of any person in any appropriate manner to raise questions as to the weight of such verified statements. Such statements

should conform to the general rules of practice with respect to style, mimeographing, printing, etc. They should be limited strictly to matters of fact and contain no argument; if not so limited, they may be excluded. The Commission on its own motion or objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions involved in these proceedings, (b) is obviously incompetent, or (c) is argumentative. All verified statements received in evidence will be part of the record upon which the Commission will base its decision.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8165; Filed, Sept. 10, 1948;
8:50 a. m.]

**PHILIPPINE ALIEN PROPERTY
ADMINISTRATION**

[Bar Order 9]

MUTO MIYA 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 9816, and Executive Order 9876, November 30, 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 27th day of August 1948.

WESTLEY W. SILVIAN,
Acting Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order	Name of debtor	Nationality	Last known address	Vesting order
Muto Miya.....	Japanese.....	Davao City.....	P-401	D. Toyama and T. Toyama.....	Japanese.....	Claveria St., Davao City.....	P-422
Saburo Yoda.....	do.....	do.....	P-402	Kazuo Takaziwa.....	do.....	P. O. Box 90, Davao, Davao, Dagupan, Pangasinan.....	P-423
Tajo Sangyo Kabushiki Kaisha.....	Corporation organized and existing under the laws of and having its principal office in Japan.....	Cebu City.....	P-403	Yutaka Nakashima.....	do.....	Dagupan, Pangasinan.....	P-424
Unknown Japanese.....	Japanese.....	Unknown.....	P-404	Imperial Japanese Navy Lasang Plantation Co., Inc.....	Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals.....	Davao.....	P-425
Karl Friedrich Muller.....	German.....	Schillerstrass 83, Eningen b/Revelingerr, French Zone 14 b, Germany.....	P-405	R. Honda.....	Japanese.....	Davao City.....	P-427
Apo Canning Corp.....	Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals.....	Talome, Davao City.....	P-406	Imperial Japanese Army. Heiji Muroaki.....	do.....	Legaspi, Albay.....	P-428
Matsuzo Kiyao.....	Japanese.....	266 Sociego (Int.), Quezon City.....	P-407	Hikoichi Watari.....	do.....	Davao City.....	P-429
Manko Kanashiro and others.....	do.....	Cebu City.....	P-408	Imperial Japanese Army. Tabei Yoko.....	do.....	452-56 Juan Luna, Manila.....	P-431
Yoshio Kubo.....	do.....	875 Cordillera, Station Mesa, Manila.....	P-410	Imperial Japanese Army. Fukimo Hatakayama.....	do.....	Silay, Occidental Negros.....	P-432
Hisato Kubota.....	do.....	Magarao, Camarines Sur.....	P-411	National Commodities Procurement & Distribution Corp. (NADISCO).....	An instrumentality and/or agency of the puppet "Republic of the Philippines".....	Manila.....	P-433
Alfred Gabler-Gumbert. Sumimoto Shoten, Ltd.....	German.....	Ossa, Germany.....	P-412	Soichi Yamamoto.....	Japanese.....	C/o Honoda Hotel, Zamboanga City.....	P-434
Imperial Japanese Government. Takiyama (FNU).....	Japanese.....	Tondo, Manila.....	P-413	Naogiro Aihara.....	do.....	Manila.....	P-435
Imperial Japanese Government.....	do.....	Do.....	P-414	Imperial Japanese Navy. J. Kawahara and Y. Mishimoto.....	do.....	San Juan del Monte.....	P-436
Yutaka Nakashima.....	do.....	Do.....	P-415	Imperial Japanese Army. Kanjiro Koyama (Aurora Photo Co.).....	do.....	Manila.....	P-437
Imperial Japanese Army.....	do.....	Dagupan, Pangasinan.....	P-416	Tatunosuke Kato.....	do.....	Malibog, Leyte.....	P-438
Imperial Japanese Government.....	do.....	Do.....	P-417	Mori Hattori.....	do.....	Unknown.....	P-439
Hanzo Harano.....	do.....	Davao City.....	P-418	C. Reumer and Dolores Riteher.....	German.....	Treskowitzstrasse 18, Bremen, Germany, and Wilhelmstrasse, 6-11 Erfurt, Germany.....	P-440
Dresdner Bank.....	A banking corporation organized and existing under the laws of and having its place of business in Germany.....	Coblenz, Germany.....	P-419	Totaro Enta.....	Japanese.....	Manila.....	P-441
			P-420	Imperial Japanese Government.....	do.....		P-442
			P-421				

APPENDIX A—Continued

Name of debtor	Nationality	Last known address	Vest-ing order	Name of debtor	Nationality	Last known address	Vest-ing order
Imperial Japanese Army.	Japanese		P-447	Y. Kurisu, also known	Japanese	751-53 Rizal Ave.	P-382
Kame Oshiro	do.	Davao City	P-448	as Yozo Kurisu.			
Tsuruo Koike	do.	do.	P-449	Yonezo Kajita and Eda	do.	246 Gral. Solano	P-23
Nagawa Kogoh	do.	do.	P-450	Kajita.			

¹Supplement.

[F. R. Doc. 48-8190; Filed, Sept. 10, 1948; 8:56 a. m.]

[Bar Order 6]

CARL BECKER 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, November 30, 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 27th day of August 1948.

WESTLEY W. SILVIAN,
Acting Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vest-ing order	Name of debtor	Nationality	Last known address	Vest-ing order
Carl Becker and others	German	Myers Bldg., Port Area, Manila.	P-251	Riverside Plantation Co.	Corporation organized under the laws of the Philippines but controlled by Japanese nationals.	Talomo, Davao City	P-278
C. Andre & Co.	A business enterprise organized under the laws of and having its principal place of business in Hamburg, Germany.	327 National City Bank Bldg., Manila.	P-252	J. Konrad and/or wife	Germans	City of Baguio	P-279
C. T. Struckmann and and Waage.	do.	5th Floor Soriano Bldg., Manila.	P-253	Kureha Boseki Kaisha	Corporation organized under the laws of and having its principal place of business in Japan.	Koronadal, Cotabato	P-280
Yoshizo Furukawa and Tokuko Furukawa.	Japanese	Davao City	P-254	Subjects of Japan (Klmura, Matsumora, Nehel, Oshita, Takano and Yushida).	Japanese	La Trinidad, Benuet, Mt. Province.	P-281
Kurashiki Boseki Kaisha.	Corporation organized under the laws of and having its principal place of business in Japan.	Tarlac, Tarlac	P-255	Yeikichi Imamura a/k/a Enrique Imamura.	do.	Julugan, Tanza, Cavite.	P-282
Kumizo Kumiyama	Japanese	City of Baguio	P-256	Imperial Japanese Government.	do.		P-283
Imperial Japanese Army.	do.	Bacolod City	P-257	Davao Nicht-Niehl	Corporation owned and controlled by subjects of Japan and having its principal place of business in Davao City.	Davao City, Philippines.	P-284
Yauemon Ohyabu	do.	Cotabato, Cotabato	P-258	Imperial Japanese Government.	Japanese	Negros Occidental, Philippines.	P-285
Tanzo Yamasaki	do.	Tarlac, Tarlac	P-259	Maximilian Joseph Hoffmeister.	German	Sandstrasse 20, Muechen, Germany.	P-286
Unknown Japanese	do.	Justo Lukban St., Daet, Camarines Norte.	P-260	Takeichi Sakamoto	Japanese	Baliwag, Bulacan	P-287
Japanese Government or unknown Japanese national.	do.	Manila	P-261	Tomio Matsuo and Kotako Matsuo.	do.	Pagsanjan, Mulanay, Tayabas (Quezon).	P-288
Nord-Deutsche Versicherungs Gesellschaft a/k/a North German Insurance Co.	A corporation organized under the laws of and having its principal place of business in Hamburg, Germany.	Hamburg, Germany.	P-262	Kane Akanini.	do.	1484 G. Tuazon, Sampaloc, Manila.	P-289
Celed Corasigue	Japanese	Los Baños, Laguna.	P-263	Yutaka Nakashima	do.	Dagupan, Pangasinan.	P-290
Do.	do.	do.	P-263	Toyo Cotton Mills, Inc.	Corporation organized and existing under the laws of Japan, having its place of business in the Philippines.	Gen. Trias, Cavite	P-291
E. Murata	do.	Mambaling, City of Cebu.	P-264	Hayashi (FNU)	Japanese	Araneta St., Bacolod City.	P-292
Shinichi Nikl	do.	Cebu City, Philippines.	P-265	Imperial Japanese Army.	do.	Cebu Philippines	P-293
Imperial Japanese Government.	do.	Baler, Tayabas (Quezon).	P-266	K. Abe and others	do.	Baguio City, Philippines.	P-294
Government of Germany.	German	Dagupan, Pangasinan.	P-267	Mitsui Bussan Kaisha	Corporation organized under the laws of and having its principal place of business in Japan.	Manila	P-295
Pangasinan Nippi Unya Kabushiki Kaisha.	Corporation organized and existing under the laws of the Philippines, 52 percent of its outstanding capital stock is registered in the names of Japanese nationals.		P-268	Imperial Japanese Navy.	Japanese	Davao City, Philippines.	P-296
Arima	Japanese	Trinidad, Mt. Province.	P-269	Imperial Japanese Army.	do.	Iloilo City, Philippines.	P-297
Imperial Japanese Government.	do.	Sta. Ana, Davao City.	P-270	Domingo Uy de Tadakuma.	do.	City of Davao, Philippines.	P-298
Do.	do.	Talsay, Negros Occ.	P-271	Tokio Seiko Kabushiki Kaisha.	Corporation organized under the laws of and having its principal place of business in Japan.		P-298
Feiji Uyehara	do.	Daet, Camarines Norte.	P-272	Do.	do.		P-298
Japanese Imperial Government.	do.	Legaspi St., Daet, Camarines Norte.	P-273	Imperial Japanese Government.	Japanese	Marikina, Rizal	P-299
Do.	do.	Gindulman, Bohol.	P-274	Noritsugu Katashima	do.	Hang, Davao City	P-300
Japanese Civilian Association of Bacolod City.	do.	City of Bacolod	P-275	Sugahel Matsuo and Yuku Matsuo.	do.	Davao City	P-31
M. Adachi and Masai Adachi.	do.	Bontoc, Mt. Province.	P-276				
Arata Tsutsul	do.	Manila	P-277				

¹ Amendment.² As further amended.³ Supplemental.

[F. R. Doc. 48-8187; Filed, Sept. 10, 1948; 8:56 a. m.]

[Bar Order 7]

KIYO TAKESUYE 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, November 30, 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 27th day of August 1948.

WESTLEY W. SILVIAN,
Acting Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vest-ing order	Name of debtor	Nationality	Last known address	Vest-ing order
Kiyo Takesuye.....	Japanese.....	Zamboanga, Zambo- anga.	P-301	Nankosulan Kabushiki Kaisha.	Corporation organized and existing under the laws of Japan and permitted to do business and oper- ate in the Philippines.	Davao City, Davao...	P-331
Yoritsuma Kutsuna and Take Kutsuna.....	do.....	2015 Luna St., Pasay (now Rizal City), Rizal.	P-302	Do.....	do.....	do.....	P-331
Shigeru Nakashima.....	do.....	411 Reina Regente, Manila.	P-303	Yukuji Nakamura and Chitosi Nakamura.	Japanese.....	San Nicolas, Manila.....	P-332
Yochiro Yamane.....	do.....	Bacolod, Negros Oec- idental.	P-304	Mazaichi Nozawa and others.	do.....	Manila.....	P-333
Arajiro Danjo and others.	do.....	Iloilo, Iloilo.....	P-305	Imperial Japanese Gov- ernment.	do.....	Bacolod City, Negros Occidental.	P-334
Kiyoshi Tadakuina.....	do.....	Davao City, Davao.....	P-306	Do.....	do.....	Quezon City.....	P-336
Unknown Japanese.....	do.....	Manila.....	P-307	Imperial Japanese Army.	do.....	Cebu City.....	P-337
Imperial Japanese Army.	do.....	Talisay, Negros Oec- idental.	P-308	S. Higuchi and other Japanese nationals.	do.....	Trinidad, Mt. Prov- ince.	P-338
Imperial Japanese Gov- ernment.	do.....	Sasa, Davao City.....	P-309	Imperial Japanese Army and Navy.	do.....	Davao City.....	P-339
K. Toogi.....	do.....	Taft and Leeson Sts., Bacolod City, Negros Oec.	P-310	Mitsubishi Shoji Kaisha, Ltd.	Corporation organized under the laws of and having its head office in Tokyo, Japan.	National City Bank Building, Manila.	P-340
Murakami.....	do.....	Bacolod City, Negros Oec.	P-311	Ritsuo Terachi and others (trading under the name of Cotabato Industrial Co., Inc.)	Japanese.....	Cotabato, Cotabato...	P-341
T. Torohiro.....	do.....	Bontoc, Mt. Province.	P-312	Do.....	do.....	do.....	P-342
Uyahara Kameckes.....	do.....	Bacolod City, Negros Oec.	P-313	Taisho Marine & Fire Insurance Co., Ltd.	Corporation organized under the laws of and having its principal place of business in Tokyo, Japan.	Tokyo, Japan.....	P-342
Tameo Yamashita.....	do.....	Pangil, Laguna.....	P-314	M. Mori.....	Japanese.....	Manila.....	P-343
Yalehi Shigihara.....	do.....	Sariaya, Quezon.....	P-315	Imperial Japanese Gov- ernment.	do.....	Opon, Cebu.....	P-344
Yamamoto & Co.....	do.....	Baguio, Mt. Province.	P-316	Yonezo Kajita.....	do.....	Sariaya, Tayabas (now Quezon).	P-345
Sadaji Iwaasa and Tsu- yako Iwaasa.	do.....	Davao City, Davao.....	P-317	Masing Cuños.....	do.....	Caloocan, Rizal.....	P-346
Imperial Japanese Navy.	do.....	Tondo, Manila.....	P-318	Imperial Japanese Army.	do.....	Guinobatan, Albay.....	P-349
Unknown Japanese.....	do.....	Unknown.....	P-319	S. Kakiage.....	do.....	Germany.....	P-350
M. Alhara.....	do.....	Bontoc, Mt. Province.	P-320	Ikichi Ihara.....	do.....	do.....	P-347
M. Nakatani.....	do.....	Manila.....	P-321	Estate of Edward Weber- Duran a/k/a George Bernard Edward Dur- an; Edward Eugen George Weber and Eduardo Weber.	German.....	do.....	P-348
Shigeaki Yoshikawa and Sawa Yoshikawa.	do.....	1028 Oroquieta St., Manila.	P-322	Asaichi Kagawa.....	Japanese.....	Manila.....	P-349
Do.....	do.....	do.....	P-322	Do.....	do.....	do.....	P-17
Imperial Japanese Gov- ernment.	do.....	Davao City, Davao.....	P-323	Do.....	do.....	do.....	P-17
Zamboanga Develop- ment Co., Inc.	Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals.	Malong, Lamitan, Zamboanga.	P-324				
Imperial Japanese Gov- ernment.	Japanese.....	Manila.....	P-325				
Tsuneshiro Mishima and Bui Mishima.	do.....	Tugbok, Gulanga, Davao.	P-326				
Kahuro Sugioka.....	do.....	Legaspi, Albay.....	P-327				
Yoshimosa Fujiwara.....	do.....	928-930 Washington St., Manila.	P-328				
Katsujiro Nakashima.....	do.....	Davao City, Davao.....	P-329				
Nangoku Kiyo Kabush- iki Kaisha, Ltd.	Corporation organized under the laws of Japan and a business enter- prise within the Philip- pines.	Nasipit, Agusan.....	P-330				

¹ Amendment. ² Supplement. ³ Amendment to supplemental.

[Bar Order 8]

MAGOZO FURUYAMA 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, November 30, 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 27th day of August 1948.

WESTLEY W. SILVIAN,
Acting Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order	Name of debtor	Nationality	Last known address	Vesting order
Nagozo Furuyama.....	Japanese.....	San Fernando, Pampanga.	P-351	Germann & Co., Ltd....	Corporation organized and existing under the laws of and with principal place of business at Hamburg, Germany, and a branch office in the Philippines.	156 Juan Luna St., Manila.	P-379
Yosheo Suizaki under the trade name "Japanese Drug Store."	do.....	612 R. Hidalgo St., Manila.	P-353	E. F. Von Hunolstein....	German.....	Unknown.....	P-380
Y. Kameoku and others.	do.....	415 Samanillo Bldg., Escolta, Manila Offices of Consolidated Mines, Inc.	P-354	Imperial Japanese Government.	Japanese.....	Cebu City, Philippines.	P-381
Macaria Hara.....	do.....	Trinidad, Mt. Province.	P-355	Yozo Kurisu and/or Star Bicycle Store.	do.....	751-53 Rizal Ave., Manila.	P-382
A. Pistor.....	German.....	Wangon, Guianga, Davao City.	P-356	S. Tamura.....	do.....	Cebu City.....	P-383
Tagankjan Industrial Association.	Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals.		P-357	Christian Albert Ludwig Boyson and Minna E. Boyson.	Germans.....	Luzon Stevedoring Co., Port Area, Manila.	P-384
S. Isobe and others.	Japanese.....	Iloilo, Iloilo.	P-358	Imperial Japanese Government.	Japanese.....	Bacolod City, Negros Occidental.	P-385
Estate of Georg E. Weber.	German.....	Tondo, Manila.	P-359	Do.....	do.....	San Fernando, La Union.	P-386
Manila Shoyu Jozo Kabushiki Kaisha.	Corporation organized and existing under the laws of the Philippines.		P-360	Taiwan Seito Kaisha....	Corporation organized and existing under the laws of Japan and doing business in the Philippines.	Manapla, Negros Occidental.	P-387
Yokohama Fire and Marine Insurance Co., Ltd.	Corporation organized and existing under the laws of and having its principal place of business in Yokohama, Japan.	Yokohama, Japan.....	P-361	Imperial Japanese Army.	Japanese.....	Silay, Negros Occidental.	P-388
Do.....	do.....	do.....	P-361	Do.....	do.....	Pangasinan, Catanduanes.	P-389
Imperial Japanese Government.	Japanese.....	Cadiz, Negros Occidental.	P-362	K. Matsukawa.....	do.....	307 Wilson Bldg., Juan Luna, Manila.	P-390
Do.....	do.....	North Harbor, Manila	P-363	Asafugi Nagaya and others.	do.....	Davao City, Davao.	P-391
Isanu Sakamoto.....	do.....	815 R. Hidalgo St., Manila.	P-364	Imperial Japanese Navy.	do.....	do.....	P-392
Imperial Japanese Air Force.	do.....	4 Lacson St., Bacolod City.	P-365	Imperial Japanese Government.	do.....	Manila.....	P-393
Atsuhiko Hoshii.....	do.....	Davao City, Davao.	P-366	Estate of Antonina Bautista, Catalina Teraoka, and Edward Teraoka owned by Carlos Teraoka and Marie Dolores Teraoka.	do.....	13 Ferguson Rd., Baguio City.	P-394
Mintal Plantation Co....	Corporation organized and existing under the laws of the Philippines, 98% of its capital stock is registered in the name of Japanese nationals.	Mintal, Davao City...	P-367	K. Kasuragui.....	do.....	Del Monte Ave., Queson City.	P-395
Tadakuma (FNU).....	Japanese.....	Dalao, Davao City...	P-368	Nippon Yusen Kaisha....	Corporation organized and existing under the laws of Japan and doing business in the Philippines.	Tokyo, Japan.....	P-396
Imperial Japanese Government.	do.....		P-369	Seizu Iiga.....	Japanese.....	Washington St., Davao City.	P-397
Nanyo Plantation Co....	Corporation organized and existing under the laws of the Philippines, but controlled by Japanese nationals.	Davao.....	P-370	Imperial Japanese Army.	do.....	Baguio City, Philippines.	P-398
T. Kamikawa.....	Japanese.....	Dingras, Hocos Norte 507 Claveria St., Davao City.	P-371	Imperial Japanese Government.	do.....	La Castellana, Negros Occidental.	P-399
Hisato Kiyomoto.....	do.....	Mindoro	P-372	I. Yamamura and others.	do.....	Zamboanga, Zamboanga.	P-400
Y. Imamura.....	do.....	411-13 Rizal Ave., Manila.	P-373	Taiwan Tekkosho.....	do.....	Japan.....	P-30
Hashiro Kawahara under the trade-name "The Ideal Bazaar."	do.....		P-374	Masao Matsumoto and Kyo Matsumoto.	do.....	1067 Arlegui St., Quiapo, Manila.	P-15
Tokiji Karasawa and Kiyono Karasawa.	do.....	Talomo, Davao City..	P-375				
Imperial Japanese Government.	do.....	Baguio City.....	P-376				
Do.....	do.....	Silay, Occidental Negros.	P-377				
Do.....	do.....		P-378				

¹ Supplement. ² Amendment.

[F. R. Doc. 48-8189; Filed, Sept. 10, 1948; 8:56 a. m.]

[Bar Order 10]

JUNICHI YAMABE 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, November 30, 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 27th day of August 1948.

WESTLEY W. SILVIAN,
Acting Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order	Name of debtor	Nationality	Last known address	Vesting order
Junichi Yamabe and Cenon Francisco Yamabe.	Japanese	San Juan del Monte, Rizal.	P-451	Imperial Japanese Navy. Yamato Sanabuco.	Japanese	Bocana, Davao City.	P-479
Mrs. K. Takara.	do	Davao City.	P-452	do.	do	do.	P-480
Seizo Tamura and Toshiko Tamura.	do	Manila.	P-453	Japanese Nationals (Yasuhiro, et al.).	do	do.	P-481
Kana Tamahaba.	do	Davao City.	P-454	Ludwig Groll.	German	10 Franestein St., Frankfurt-Main, Germany.	P-482
Jinjo.	do	do.	P-455	Taitaku.	A business enterprise organized and existing under the laws of and having its principal place of business in Japan.	Ibaan, Batangas.	P-483
Kobayashi.	do	do.	P-456	Imperial Japanese Navy.	Japanese	do.	P-484
Unknown Japanese subjects.	do	do.	P-457	Imperial Japanese Government.	do	do.	P-485
Imperial Japanese Navy.	do	do.	P-458	Unknown Japanese.	do	do.	P-486
Do.	do	do.	P-459	E. Lange.	German	Not known.	P-487
Unknown Japanese.	do	do.	P-460	W. Zolienkop.	do	do.	P-488
Theodor Hasehe.	German	Hamburg, Germany.	P-461	Imperial Japanese Navy.	Japanese	do.	P-489
Otsuka (FNU).	Japanese	do.	P-462	Imperial Japanese Army.	do	do.	P-490
Sakamatu Yamamoto and Hiro Hiyama.	do	Cebu City.	P-463	Otto Bretting.	German	Hotel Beur Avenue Lac, Zurich, Switzerland.	P-491
Kushiro Fujimoto.	do	319 P. Gomez, Station, Cruz, Manila.	P-464	Kkhiemon Masaki and Kiyu Masaki.	Japanese	Talomo Beach, Davao City.	P-492
Captain Hanamura.	do	Iloilo City.	P-465	Imperial Japanese Army.	do	do.	P-493
Imperial Japanese Army.	do	do.	P-466	Y. Imagawa.	do	Cotabato, Cotabato.	P-494
Uiehi Alba.	do	Calle Real, Tabaco, Albay.	P-467	Iloilo Japanese Society.	An association exclusively of Japanese subjects.	Iloilo City, Iloilo.	P-495
Imperial Japanese Air Force.	do	do.	P-468	Imperial Japanese Army.	Japanese	do.	P-496
Imperial Japanese Government.	do	do.	P-469	Shoza Takahashi.	do	P. O. Box 2777, Manila.	P-497
Akitaro (Jose) Usul.	do	Pililla, Rizal.	P-470	Hana Wida.	do	Parang, Cotabato.	P-498
Fukami.	do	Toril, Davao City.	P-471	Imperial Japanese Army.	do	do.	P-499
Unknown Japanese.	do	do.	P-472	Imperial Japanese Navy.	do	do.	P-500
Philippine Sugar Association.	An agency and/or instrumentality of the puppet "Republic of the Philippines."	Bacolod City, Philippines.	P-473	Imperial Japanese Government and unknown Japanese citizens.	do	do.	do.
Toyo Takusyoku Kaisha, Ltd.	A corporation duly organized and existing under the laws of the Japanese Empire and licensed to do business in the Philippines.	Rosario, Batangas.	P-474	Imperial Japanese Government.	do	Davao City, Davao.	P-323
Isidro Nakamura.	Japanese	124 Coral, Tendo.	P-475	Taiwan Tekkoshu.	do	Japan.	P-30
Imperial Japanese Army.	do	do.	P-476				
Nagamine.	do	Ponelano Reyes, Davao City.	P-477				
Japanese Ishikawa.	do	Plapi, Bocana, Davao City.	P-478				

¹Supplement.

[F. R. Doc. 48-8191; Filed, Sept. 10, 1948; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-564]

AMERICAN GENERAL CORP. ET AL.

NOTICE OF APPLICATION

In the matter of American General Corporation, The Morris Plan Corporation of America, National Industrial Credit Corporation, Collateral Discount Corporation and George M. Greene, File No. 812-564.

Notice is hereby given that National Industrial Credit Corporation (National), 103 Park Avenue, New York, N. Y., has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of the act, the proposed sale by National to George M. Greene, 32-33 81st Street, Jackson Heights, Long Island, New York, of 250 shares of capital stock, comprising all the stock outstanding of Collateral Discount Corporation (Collateral), 103 Park Avenue, New York, N. Y., for a cash purchase price of \$25,000.

George M. Greene is president and a director of Collateral.

Section 17 (a) (2) of the act makes it unlawful for an affiliated person of an affiliated person of a registered investment company, acting as principal, knowingly to purchase from any company controlled by such registered investment company, any security or other property, except securities of which the seller is the issuer.

American General Corporation, 420 Lexington Avenue, New York, N. Y., is a closed-end, non-diversified, management investment company registered under the act. American General Corporation owns approximately 61% of the common stock of the Morris Plan Corporation of America, 103 Park Avenue, New York, N. Y., the only class of stock of such company entitled to vote. The Morris Plan Corporation of America owns all the issued and outstanding shares of the capital stock of National. National, in turn, owns all the issued and outstanding shares of the capital stock of Collateral. Since George M. Greene is an officer and director of Collateral, the proposed purchase by him from

National of capital stock of Collateral involves the purchase by an affiliated person of an affiliated person, of a registered investment company, from a company controlled by such registered investment company, of a security of which the seller is not the issuer. The application therefore requests an order exempting the proposed transaction from the provisions of section 17 (a) (2) of the act.

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

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after September 24, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 22, 1948, at 5:30 p. m., submit to the Commission in writ-

ing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N.W., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8158; Filed, Sept. 10, 1948;
8:49 a. m.]

[File Nos. 70-1910, 70-1920, 68-106]

**METROPOLITAN EDISON CO. AND GENERAL
PUBLIC UTILITIES CORP.**

**ORDER GRANTING APPLICATION AND PERMIT-
TING DECLARATIONS 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 3d day of September 1948.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration and its subsidiary, Metropolitan Edison Company ("Met Ed"), having filed a declaration and an application - declaration, and amendments thereto, pursuant to the provisions of sections 6 (b), 12 (b) and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-45, U-50, U-62 and U-65 promulgated hereunder regarding the following transactions:

1. GPU will make a cash capital contribution to Met Ed of \$1,500,000. Met Ed will increase the stated capital of its no par value common stock by the \$1,500,000.

2. Met Ed will issue and sell, at competitive bidding, \$3,500,000 principal amount of first mortgage bonds, ----% series, due 1978, and 40,000 shares of ----% \$100 par value cumulative preferred stock.

3. Met Ed will make cash capital contributions, from time to time during the period ending September 30, 1949, to its subsidiary, Edison Light and Power Company, of \$1,500,000.

4. Met Ed will solicit the requisite consent of its preferred and common shareholders to (a) issue the 40,000 shares of ----% \$100 par value cumulative preferred stock, and (b) increase the stated value applicable to its no par value common stock by \$1,500,000.

5. Met Ed will amend its charter so as to restrict the payment of dividends upon its common stock.

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is hereby ordered, Pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, that the aforesaid declaration filed by GPU and the aforesaid declaration and application-declaration, as amended, filed by Met Ed be, and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 of the general rules and regulations under the act and to the further condition that the proposed issue and sale of said bonds and preferred stock shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved with respect to the imposition thereof in connection with the proposed transactions.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of the fees and expenses of all counsel.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8159; Filed, Sept. 10, 1948;
8:49 a. m.]

[File No. 70-1935]

PUBLIC SERVICE ELECTRIC AND GAS CO.

ORDER GRANTING APPLICATION

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

Public Service Electric and Gas Company ("PEG"), an electric utility subsidiary of the United Corporation, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following proposed transaction:

PEG proposes to borrow from time to time, on or before September 15, 1948, and not later than April 15, 1949, not more than \$50,000,000 from nine commercial banks, such loans to be represented by unsecured notes maturing not later than September 15, 1950. Such notes are not to be acquired by said banks for resale to the public. The commercial banks by whom the loans are to be made and the maximum amount of the loan from each bank are as follows:

The Chase National Bank of the City of New York.....	\$14,000,000
The First National Bank of the City of New York.....	6,000,000
Fidelity Union Trust Co., Newark, N. J.....	2,000,000
J. P. Morgan & Co., Inc., New York.....	2,000,000
Guaranty Trust Co. of New York.....	7,000,000
The National City Bank of New York.....	5,000,000

Central Hanover Bank & Trust Co., New York.....	\$5,000,000
Chemical Bank & Trust Co., New York.....	5,000,000
Manufacturers Trust Co., New York.....	4,000,000

Pursuant to the terms of the bank credit agreement, the notes will bear interest at the rate of 2% per annum to September 15, 1949, and thereafter at the rate of 2¼% per annum, such interest to be payable on December 15, 1948, and quarter-annually thereafter. PEG has the right to pay, in whole or in part, at any time prior to maturity thereof, without premium, the loans made under the credit agreement. PEG will pay to the respective banks a stand-by charge at the rate of ½ of 1% per annum on the average daily unused balance under the several commitments of the banks.

PEG states that any portion of the proceeds from the proposed loans not used for property additions and improvements will be used to pay the outstanding \$18,000,000 principal amount of notes of PEG due March 15, 1949, or to pay at maturity certain prior lien bonds of PEG which mature within the next ten months.

PEG states that the proposed transaction is subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, in which state the company is organized and doing business, and that a copy of such Commission's order approving the proposed borrowing of \$50,000,000 will be supplied by amendment.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted, and deeming it appropriate to grant the request of applicant that the order become effective as soon as possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed borrowing shall not be consummated until the same has been approved by the Board of Public Utility Commissioners of the State of New Jersey.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8160; Filed, Sept. 10, 1948;
8:49 a. m.]