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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM THE COMPETITIVE SERVICE

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

MISCELLANEOUS AMENDMENTS

1. The second paragraph of § 21.10 is amended by the addition of a clause at the end of the first proviso, and the section now reads as follows:

§ 21.10 *Removal, suspension, furlough, or demotion of preference employees.* This section shall apply to permanent and indefinite employees entitled to five- or ten-point preference under the regulations in this part but shall not apply to (a) employees during their first year of current continuous Federal or District of Columbia service, or (b) employees appointed for periods specifically limited to one year or less.

Any employee subject to this section who is proposed for involuntary discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation, shall have at least thirty days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action. Such employee shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting. Such appeal shall be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided*, That such employee shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with rules and regulations of the Commission. After investigation and consideration of the evidence submitted, the Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of the same to the appellant or his designated representative, and if the findings and recommendations are favorable to the employee, it shall be mandatory for such administrative officer to take such corrective action as the Commission finally recommends: *Provided further*, That the Commission may declare any such employee who may have been dismissed or furloughed without pay to be eligible for entry of his name on the agency reemployment list established under § 21.6 (b). (Secs. 11 and 14, 58 Stat. 390, Pub. Law 325, 80th Cong., approved Aug. 4, 1947; 5 U. S. C. Sup. 860, 863)

2. Section 22.11, *Further appeals to the Commission*, is amended by the addition of the following paragraph:

(f) *Finality of recommendation of Commission.* It shall be mandatory for administrative officers of employing agencies to take such corrective action as the Commission finally recommends on appeals. If the employing agency does not submit a further appeal to the Comissioners within seven (7) days of the date of receipt of a finding and recommendation of the Chief Law Officer or Regional Office (and of the Commissioners in loyalty cases) that are favorable to the employee, the recommendation shall become immediately operative and must be put into effect.

(Secs. 11 and 14, 58 Stat. 390, Pub. Law 325, 80th Cong., approved Aug. 4, 1947; 5 U. S. C. Sup. 860, 863)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ARTHUR S. FLEMMING,
Acting President.

[F. R. Doc. 47-8508; Filed, Sept. 17, 1947; 8:49 a. m.]

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

HEARINGS: WHERE SCHEDULED

Effective upon publication in the FEDERAL REGISTER, § 22.9 (b) is amended to read as follows:

(Continued on p. 6247)

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FEDERAL REGISTER

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CODIFICATION GUIDE

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

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CODIFICATION GUIDE—Con.

§ 22.9 *Hearings.* * * *

(b) *Notice of hearings and where scheduled.* The hearing will be scheduled at Washington, D. C., or at any regional office or branch regional office and notifications thereof transmitted to the appellant or his designated representative and to the employing agency, advising the latter that it may participate, and informing both parties of a right to produce evidence and witnesses: *Provided, however,* That regional directors may, within the limits of their resources, because of distance involved hold local hearings outside regional or branch office cities whenever, in their discretion, this appears necessary in the light of all circumstances in a specific case; such as, distance from the regional or branch office, number of agency witnesses or other participants who would need to travel at government expense, or whether additional information or records may need to be developed or obtained locally during the course of the hearing.

(Secs. 11 and 14, 58 Stat. 390; Public Law 325, 80th Cong., approved Aug. 4, 1947; 5 U. S. C. Sup. 860, 863)

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] ARTHUR S. FLEMMING, *Acting President.*

[F. R. Doc. 47-8509; Filed, Sept. 17, 1947; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 5—SURPLUS PROPERTY DISPOSAL

MISCELLANEOUS AMENDMENTS

Part 5 is amended in the following respects:

1. Section 5.103–02 *Definitions, regulations of War Assets Administrator,* paragraph (h), is amended to read as follows:

(h) "Owner-operator" means a person who seeks to acquire land classified as agricultural and represents that he expects to cultivate and operate the land for a livelihood.

2. Section 5.103–02, paragraph (i), is amended to read as follows:

(i) "Priority" means the right, subject to stated conditions and limitations, to acquire surplus real property to the exclusion of others.

3. Section 5.103–02, paragraph (q), is amended to read as follows:

(q) "Small business" as used herein means an enterprise, or group of enterprises, under common ownership or control, which does not at the date of purchase or lease of surplus real property hereunder have more than five hundred (500) employees, or any such enterprise which, by reason of its relative size and position in its industry, is determined by the disposal agency to be a small business. The disposal agency may in its discretion apply either or both criteria in determining whether the applicant is a small business.

4. A new paragraph (r) is added to § 5.103–02 to read as follows:

(r) "Airport" or "airport property" means any area of land or water and the improvements, equipment, and facilities thereon suitable for and primarily used for or in connection with the landing and take-off or navigation of aircraft, and any area of land or water, improvements, equipment, and facilities, determined by the Administration to be suitable and necessary for the operation, expansion, or development of an airport.

5. A new paragraph (s) is added to § 5.103–02 to read as follows:

(s) "Harbor" means any body of water sheltered by nature or by breakwaters, jetties, or similar structures, which affords anchorage for ships or other craft used in water-borne commerce. It includes the land, jetties, and breakwaters which form the sheltered water area as well as the structures and equipment which are required to keep the harbor in operative condition.

6. A new paragraph (t) is added to § 5.103–02 to read as follows:

(t) "Improvements" means Government-owned structures, buildings, fixtures, facilities, utilities, and equipment attached to the realty.

7. A new paragraph (u) is added to § 5.103–02 to read as follows:

(u) "Readily severable" means capable of being removed without substantial damage to either the property being removed or the premises.

8. A new paragraph (v) is added to § 5.103–02 to read as follows:

(v) "Fair value" means the maximum price which a well-informed buyer, acting voluntarily and intelligently, would be warranted in paying if he were acquiring the property for long-time investment or for continued use with the intention of devoting such property to the best or most productive type of use to which the property is suitable or capable of being adapted.

9. Section 5.105–01 is amended to read as follows:

§ 5.105–01 *USDA as disposal agency.* WAA Regulation 1, section 2 (d), (32 CFR, Supps. 8301.2 (d)), designates the Department of Agriculture as the disposal agency for such surplus section 23 real property as the WAA shall classify as agricultural, forest, grazing, or mineral property.

10. Section 5.109–01 is amended to read as follows:

§ 5.109–01 *Purchase by officers, employees, or agents holding priorities.* No officer, employee, or agent of the Farm Credit Administration, the FFMC, or any institution under the supervision of the FCA shall, except in the exercise of a priority right pursuant to the act, purchase any surplus property assigned for disposal to the USDA as disposal agency for real property; and no sale of any such surplus property to any such officer, employee, or agent in the exercise of any such priority right shall be made except with the prior approval of the FCA.

11. Section 5.201–02 is amended to read as follows:

§ 5.201–02 *Federal Farm Mortgage Corporation.* The responsibility for disposal of surplus real property is that of the FFMC by delegation of authority from the Governor of the FCA. The Board of Directors of the Corporation has authorized the President of the Corporation to administer the program on behalf of the Corporation. Provision has been made for the use of the facilities of the FCA and the Federal land banks and, where desired, the national farm loan associations, in the performance of the necessary operations:

12. Section 5.202–01 (d) (1) is amended to read as follows:

§ 5.202–01 *Farm Credit Administration central office organization.* * * *

(d) *Service Units*—(1) *Legal.* Legal services to the FCA and FFMC in connection with the disposal of surplus real property will be rendered by the Office of the Solicitor.

13. Section 5.303–02 is amended to read as follows:

§ 5.303–02 *Repairs and improvements.* The disposal agency shall make repairs necessary for the preservation and maintenance of the property; no disbursement may be made for these purposes without the approval of the district office. Where necessary, in order best to attain the applicable objections of the act, consideration may be given to improvements or alterations which involve completing, converting or rehabilitation of the property. No commitments or disbursements may be made for any of these purposes without the approval of the central office. Where the contemplated repairs or alterations will exceed $100,000 no commitments or disbursements will be made without prior written approval of the Administrator.

14. Section 5.303–04 is amended to read as follows:

§ 5.303–04 *Insurance and taxes.* In accordance with the general policy of the Government not to incur expense for the insurance of public property, no insurance shall be obtained or renewed to cover improvements. However, insurance premiums and taxes for a certain pe-

riod which is partially prior and partially subsequent to the date on which the declaration of surplus is filed shall be prorated between the owning agency and the disposal agency as of the date of the filing of an acceptable declaration. The agency paying the insurance premiums and taxes for such period shall be reimbursed by the other agency for that portion of such disbursements properly allocable to the other agency under such proration. Rents or other income received for any such period shall be prorated in a like manner.

15. Section 5.307–02 is amended to read as follows:

§ 5.307–02 *Publication of notice.* Except where a transfer is requested by a Government agency, the disposal agency, upon receipt of a declaration of surplus real property, shall promptly and widely publicize the property, giving information adequate to inform interested persons of the general nature of the property and its possible uses. Such publicity shall be by public advertising and also may include press releases, display advertisements, and other appropriate means which it is customary to use in advertising public notices of sale. Public advertising shall consist of a sale notice containing substantially the matter set forth in exhibit 34, including a reservation of fissionable materials, as provided in § 5.601–05. Pursuant to authorization from War Assets Administration, reference to a cut-off date for the submission of nonpriority offers may be omitted from any advertisement of surplus real property whenever in the opinion of the disposal agency the circumstances justify such an omission. The priority chart set forth in exhibit 35 hereof may be used as a guide in preparing the notice for publication. Ordinarily it will not be necessary to include all the information in the chart in any one notice. For example, if the declaration indicates that all tracts within the project area were acquired by the Government on or before December 31, 1939, it will not be necessary in preparing the notice to call attention to the priorities applicable only to section 23 real property acquired after that date. Also, where a State or local government indicates its intention to acquire surplus real property, the published advertisement should state that the property is available for disposal only to State or local governments and specified higher priority holders but that any of the property not disposed of to the listed priority holders will be readvertised for disposal to holders of lower priorities and to nonpriority holders. This procedure will avoid needless expense and inconvenience to the disposal agency and holders of priorities lower than that of a State or local government.

16. Section 5.307–08 is amended to read as follows:

§ 5.307–08 *Notice by mail.* Where (a) a transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, its need being recognized as paramount, or (b) a transfer is requested by the National Housing Administrator pursuant to Public Law 292, 79th Congress, no notice to other Government agencies is required. In all other cases where a transfer is requested by a Government agency, the disposal agency shall send (not publish) a notice of availability by mail to all Government agencies listed in exhibit 36 of the regulations in this part. When publication is required, as provided by § 5.307–02, at the time of the first publication of the notice, the disposal agency shall send a copy of the notice by mail to all Government agencies listed in exhibit 36 hereof, to the State and the political subdivision in which the property is located, and in the case of harbor, port terminal, or airport property, to political subdivisions in the vicinity thereof. In addition, notice should be sent to any State or local government or to any nonprofit institution which has expressed an interest in the property. A similar notice shall be sent by registered mail to the last known address of the former owner with return receipt except in those cases where a State or local government has indicated its intention to exercise its priority to acquire the property. Where the former owner is outside the Continental United States, a copy of the notice to the former owner may be sent to the spouse at the last known address. Notices to the State governments shall be addressed to the Secretary of State, and those to political subdivisions of a State should be addressed to appropriate officers. In order to bring to the attention of the proper officials the special priority of State and local governments in reestablishing highways or streets, a covering letter to the Secretary of State should be sent with the notice of sale, advising him that no additional notice has been mailed to the other State officers and requesting that he bring this matter to the attention of the appropriate State officials who might be interested. Also a copy of the notice should be sent by registered mail to the county highway commissioners and other appropriate officials of incorporated cities or municipalities or other political subdivisions in which the property is located. Such notices should be accompanied by a covering letter, which may be a circular letter, calling attention to the special priorities provided by the act and regulations and quoting the pertinent portion of WAA regulation 5 (32 CFR, Supps., 8305). If there is any question as to the political subdivisions within a State, information should be requested from the Secretary of State prior to sending out notices.

17. Section 5.401–01 is amended to read as follows:

§ 5.401–01 *Application of established policies and standards.* The policies, standards, definitions, and basic methods for determining values as established and used in the regular appraisal work of the FCA shall be followed in appraising surplus agricultural, forest, and grazing property insofar as they are applicable to particular situations.

18. Section 5.401–03 is amended to read as follows:

§ 5.401–03 *Developing information.* The act establishes rights to be accorded various groups of priority holders, and the regulations provide that information regarding the appraised value of property, unit sizes in which the property will be sold to various classes of purchasers, and the maximum prices which may be charged different priority buyers shall be made available to anyone who requests it. Accordingly, in developing appraisal information the appraiser should refer to all available sources in order that the conclusions reached may be supported by valid evidence. It is particularly important that the appraiser give thorough consideration to the original appraisal data, the results of court action in case of condemnation proceedings, and to any available information furnished by the former owner, the former tenant, or others in the community, before fixing the "adjusted price."

19. Section 5.402–01 (a) is amended to read as follows:

§ 5.402–01 *Market price.* (a) Market price means the highest price the property will bring in terms of money if offered for sale in the open market with reasonable time to find a purchaser, buying with knowledge of the uses and purposes to which it is adapted and for which it is capable of being used. The appraiser should approach the problem from the viewpoint of the typical purchaser. Emphasis should be placed upon those factors affecting the sale price of the particular property, such as the productivity and earning power of the land, and proximity to towns and real estate developments. Consideration should be given to the highest and best use to which the property is reasonably adapted. Actual sales of similar properties in the community are the best evidence of market value. The appraiser should have intimate knowledge of recent sales and prices for which properties are offered for sale. When no recent transfers have been made, sales of more remote date may be used provided consideration is given to the trend of real estate values from the time of such sales to the date of appraisal. The sales information should be verified, the subject property inspected, and the conditions determined under which the transfers were made. It is believed that sales where the soil is of similar type and productivity can be used by making appropriate adjustments to compensate for differences such as the absence of community advantages, the lack of buildings, or the fact that the land may be somewhat out of condition. Comparative studies of such information should be helpful in estimating the value of the particular property and in substantiating the conclusions reached.

20. Section 5.402–02 is amended to read as follows:

§ 5.402–02 *Adjusted price.* (a) In cases of section 23 real property acquired by the Government after December 31, 1939, former owners, or the spouse and children of deceased former owners, and tenants of former owners at the time of acquirement are entitled to purchase substantially the identical tract which the Government acquired

from them, at the lower of (1) market price or (2) the price for which the property was acquired by the Government, adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States. In order to establish this price it is necessary to make a determination as to the effect on the value of the property, which was acquired by the Government and which has been assigned for disposal, of any improvement or damage resulting from action by the United States.

(b) The acquisition price shall be the basis for determining this adjusted price regardless of whether such acquisition price was based on the value in the acquisition appraisal report or was fixed by negotiations or by court action. The land, building, and unit values shown in the acquisition appraisal report will furnish evidence as to their relative value at the time of acquirement, which should prove helpful to the appraiser in the determination of adjusted value.

(c) In those cases where only a portion of the original tract acquired by the Government is being disposed of, the acquisition price of the portion to be sold will be determined by prorating the purchase price of the whole tract on the basis of the relative value of each portion at the time of acquisition. In most cases a study of the original acquisition appraisal report in conjunction with a field inspection will be required in order to properly determine the relative proportion of the acquisition price assignable to the part to be sold. This proportionate amount shall thereafter represent the acquisition price of the tract to be disposed of.

(d) In those cases where only a part of a farm was acquired by the Government, the acquisition price shall include any amount which may have been allowed for "severance damage." "Severance damage" may be defined as the amount paid by the Government over and above the value of the portion taken, representing payment for damages to the remainder caused by the taking. While the methods perhaps varied considerably, the general practice in connection with appraisals made at the time of acquisition by the Government, where the case involved a partial taking, consisted fundamentally of (1) appraising the value of the entire unit as it existed before the taking and (2) appraising the value of the portion remaining considered as a unit by itself. The difference between these two values constitutes the acquisition price in such cases.

(e) In many cases where the Government acquired land for war purposes the amount paid the owners for land purchased included a certain amount for damages to growing crops. If the amount paid for crop damage can be determined as a separate item, it should not be included in the "acquisition price" of the tract.

(f) In some cases the owners of the land reserved, in their sale to the Government, certain buildings or improvements which they removed from the land at their own expense. In some such instances the Government deducted an amount, representing the fixed or agreed salvage value of the improvements, from the actual purchase price of the farm and paid the owner the balance. If, in those cases, the amount so deducted can be determined, it should be included in establishing the "acquisition price" of the tract. The removal of the improvements, even though it was actually done by the owner, will be considered to be action of the Government and will be reflected in the "adjusted price." In other words, for all practical purposes the reservation of the improvements would be treated as a separate transaction representing a resale by the Government to the former owner.

(g) The direct effect of action by the United States ordinarily will relate to such factors as the removal of buildings, fences, or other types of improvements, the construction of ditches, or other changes that may affect the farm from the viewpoint of facility of farming operations. Also, appropriate consideration should be given to the indirect effect of actions such as the construction or elimination of roads and the removal of schools or other community facilities. Ordinarily, information should be available prior to appraisal as to the intention of the State or local government with reference to the replacement of public roads and perhaps other community facilities.

(h) In arriving at the adjusted price of the property substantially the same general procedure will be followed as is used to determine in the case of land bank loans the effect of a partial release on the value of property which, as outlined in paragraph (d) of this section, is also the usual procedure followed by the War Department in determining severance damage where only a portion of the farm is to be acquired. In applying this principle the acquisition price will be the value of the property before action by the United States and the adjusted price will reflect any changes resulting from the action of the United States. In effect, the adjusted price will be an estimate of what the value of the property would have been as of the date of acquisition if the damage or improvement caused by action of the United States such as removal or construction of buildings, destruction or building of roads, or other changes had occurred at that time. This estimate should be made on the basis of the same levels of value as are reflected in the acquisition price regardless of how such acquisition price was determined.

21. Section 5.402–03 is amended to read as follows:

§ 5.402–03 *Value to be used in disposals to veterans.* Veterans, or the spouse and children of a deceased veteran or the spouse and children of a deceased serviceman, are given the right to purchase surplus real property at a price fixed by the disposal agency after taking into consideration the character of the property and if income-producing, the estimated earning capacity thereof. This price is interpreted, for all practical purposes, as being equivalent to the "fair value" as defined by the War Assets Administration. (See § 5.402–04, following, for definition and determination of "fair value.") It should be clearly understood that the fair value as established in connection with appraisal report Form 1181a is the applicable price for use in sales to veterans as well as other priority purchasers, including: Government agencies, RFC for resale, State and local governments, owner-operators, and nonprofit institutions.

22. Section 5.402–04 is amended to read as follows:

§ 5.402–04 *Fair value*—(a) *Definition.* This value is defined as the maximum price a well-informed buyer, acting voluntarily and intelligently, would be warranted in paying if he were acquiring the property for long-time investment or for continued use with the intention of devoting such property to the best or most productive type of use to which the property is suitable or capable of being adapted.

(b) *Fair value of agricultural and grazing properties.* As in all farm appraisals there are, of course, many factors which affect the value but it is believed the returns to be expected from the property over an appropriate period of years in the future is a principal factor in establishing the fair value of agricultural and grazing properties. Obviously a purchaser would be justified in paying more for a property during a period of high commodity prices than during a normal period or a period of depression when commodity prices and current market prices of farms are below normal. The appraiser should bear in mind that individual farms within a project require varying expenditures of time and money to get them into production. For instance, the condition of the farm may be such that it could be returned to normal production without delay. Also, the farm may have laid idle for some time and above average yields or carrying capacities may be expected during the first few years of production while prices might continue to be high. In these instances it appears the fair value would be substantially above the normal agricultural value. It of course would never exceed the current market price. On the other hand, one might visualize an adjoining tract in such poor physical condition that it would require a considerable expenditure of time and money to return it to average production. If it appeared that the purchaser could expect to receive no more than the normal net earnings, the fair value might not exceed the normal agricultural value. During a period of depression when commodity prices and current market prices of farms are below normal the fair value would be expected to be less than the normal agricultural value.

(c) *Fair value of commercial timber properties.* (1) A method of approach to the fair value of a commercial timber property is outlined as follows:

(i) The appraiser would determine first the current market value of the timber that is ready for cutting in accordance with established forestry practices and those trees now salable but which would not be merchantable normally because of inferior type or quality.

(ii) The next step would be to determine the normal market value of the balance of the property consisting of land together with any timber not included in subdivision (i) of this subparagraph. (This value would ordinarily be approached from the standpoint of what the property would sell for normally within a reasonable time following the cutting of the mature timber, and would involve such factors as the size, kind, quality, and density of stand of young growth, rate of growth, prevalent protection practices, etc.)

(iii) The sum of the two values as determined in subdivisions (i) and (ii) of this subparagraph should represent approximately the "fair, value" as defined herein.

(2) The fair value of the property may be the same as the market price in an area where it is the common practice to cut a timber clean in one cutting, assuming the merchantable timber is easily accessible and is salable on the current market. On the other hand, in an area where it is the customary practice to cut systematically or periodically, e. g., every 5 years, it is believed the fair value would be somewhat below the market price. During a period when timber prices are high the fair value would ordinarily be above the normal market value, but during a period of depression when lumber prices and market prices of timber properties are below normal, the fair value, as in connection with strictly agricultural properties, would be expected to be less than the normal value.

23. Section 5.404–01 is amended to read as follows:

§ 5.404–01 *Developing basic information.* It is likely that each project will present special problems and in order to plan the work effectively the appraisal supervisor and the appraisers should (a) study the appraisal data and all other information furnished by the owning agency on each tract acquired by the Government, and the instructions under which the appraiser operated when the original appraisals were made; (b) make a general survey of the project noting (1) the type of community, (2) the condition of the land, (3) the changes since acquirement, such as removal of buildings and destruction of roads, and whether any buildings constructed by the owning agency can be utilized for farming operations, (4) possible uses that may be made of the land, (5) wells or other sources of water supply, and (6) conveniences, such as telephone, electric power lines, schools, churches, and roads that are or will be available; (c) establish tentative levels of value for the different grades of land in the project; (d) assemble where practicable recent sales data for use in supporting the market prices established, as outlined in § 5.402–01 (b); and (e) develop information as to the demand for land of the type in the particular project. Since it is important to have the standards used in establishing values consistent among projects, a member of the chief reviewing appraiser's staff should, if possible, assist in this preliminary survey.

24. Section 5.404–02 is amended to read as follows:

§ 5.404–02 *Appraising the individual tracts.* With respect to section 23 real property acquired by the Government after December 31, 1939, in making appraisals of the individual tracts arrangements should be made for the former owner to accompany the appraiser during his inspection of the property, if practicable. This will give him an opportunity to present to the appraiser any information he may have as to the changes in the property and the effect on the price for which he is entitled to repurchase his farm. The appraiser will assign the market price and the adjusted price for use in connection with disposals to the former owners or tenants. It will not be feasible, ordinarily, to establish the "fair value" until such time as the property becomes available for sale to veterans or lower priority purchasers, unless a Government agency, the Reconstruction Finance Corporation for resale to small business, or a State or local Government indicates an interest in purchasing. In the latter event the fair value will be established and furnished on one appraisal report covering the specific acreage or property they wish to acquire, which may be all or any part of a project. Unless unusual circumstances prevail, only one appraisal report should be necessary even though the acreage covers several tracts or farms. In the appraisal of a large block including several farms it is necessary to consider the acreage as a whole rather than as several smaller tracts. In other words, the value of the acreage as a whole may not equal necessarily the sum of the values of the individual smaller tracts.

25. Section 5.404–03 (a) is amended to read as follows:

§ 5.404–03 *Appraisal report.* (a) Since in most instances it will not be practicable to establish the "fair value" and the prices for the former owner at the same time, two appraisal report forms are provided, FCA 1181 SPD and FCA 1181a SPD. Where the price for all priority holders is established at the same time, however, it will not be necessary to duplicate any information in the second report that is included in the first. In such cases the second form will be in the nature of a supplemental report. In making appraisals, full information should be shown in the report to substantiate the conclusions reached. This will include reference to any sales data used in establishing the market price of the particular property and a clear statement of the consideration given to various factors relating to the estimate of the increase or decrease in value resulting from action by the United States.

26. Section 5.404–04 is amended to read as follows:

§ 5.404–04 *Appraisal report (Form FCA 1181 SPD).* (a) The "Market Price" and the "Adjusted Price" will be furnished on Form FCA 1181 SPD. However, since former owners or tenants of former owners do not have any priority to purchase property acquired by the Government on or before December 31, 1939, this form will not be used in any instance where the property was acquired on or prior to that date.

(b) The following should be observed in completing Form FCA 1181 SPD:

(1) *Sections A to D.* This page is designed to enable the appraiser to give in sections A and C a description of the immediate area and the property at the present time and to list in sections B and D the changes in both the area and property since acquirement. This information is necessary to substantiate the market price and to show the factors considered in determining the adjusted price. The information should be complete and the changes in the property described in some detail in order to show clearly the factors taken into consideration in establishing the price at which former owners and tenants are entitled to purchase the property.

(2) *Section E; acreage classification.* This space is provided to give the acreage breakdown by types and grades of land, a description of the various classifications, and information with respect to the present condition and changes since acquirement. The acre values and total land value will not be shown on the report when it is prepared in final form; however, the appraisal supervisor or chief reviewing appraiser may require value breakdowns on the field copy or on a work sheet to facilitate reviews and the correlation of values.

(3) *Section F; description of buildings.* Each building or improvement of a structural nature to be disposed of with the land should be described in this section of the report. It will not be necessary to show the individual building values or total value of buildings on the report when prepared in final form; however, they may be required for purpose of reviewing appraisals and correlating values. If the appraiser should find buildings or improvements which have relatively little or no "in-place" value he should so inform the project manager prior to completing his appraisal report. It will then be determined administratively whether the specific buildings or improvements are to be sold separate from the land and the appraiser will be so advised in writing. If it is determined the buildings or improvements are to be sold separate from the land, such buildings or improvements will not be included in section F of the report and, of course, will not be included in the farm values. However, section H (General Remarks) should include a list of such buildings or improvements together with a statement that they were not included in the values assigned. If the appraiser is called upon to appraise the buildings or improvements for off-site disposal the general procedure as outlined in § 5.405–01 of this chapter should be followed. On the other hand, if it should be determined, for administrative reasons, that such buildings or improvements should be sold with the land the appraiser should prepare his report accordingly. He should list all buildings or improve-

ments to be sold with the land in section F of the report, and in the remarks point out that the specific buildings enhanced the value very little or none, as the case may be. It is possible that cases may arise where certain buildings or improvements having no in-place value might enhance the market price of the farm to the extent of their salvage value on today's market whereas, on the other hand, the adjusted price may not be affected at all. Conceivably this situation could exist if such buildings would have had neither in-place value nor salvage value if they had been on the farm at the time of acquisition. In this connection the project manager, or whoever is administratively responsible for the disposal, should exercise very careful judgment in deciding whether such buildings or improvements should be disposed of with the land in order to avoid "giving away" property that actually has a recovery value. The project manager, of course, would have to consider the administrative cost involved in off-site sales and it is possible in rare instances that it would be advantageous to include such buildings or improvements with the land.

(4) *Section G; classification of property.* An agricultural property should be classified in its present condition on the basis of the definitions for classification of forms in sections A139 and A143 of the Manual for Land Bank Appraisers. If the property is not agricultural then the classification may be omitted; however, in such event the nature of the property should be indicated together with the appraiser's opinion as to its highest and best use.

(5) *Section H; general remarks.* It is important that a statement be included in each report showing any material assumptions or factors on which the values established are based, such as the reestablishment of roads, the availability of electricity and telephone, etc. Unless special circumstances make it necessary to take into account a prospective delay in delivering possession to a purchaser the appraisal should be based on the assumption that possession will be delivered immediately upon sale, and this assumption need not be expressed in the report. Cases of sales subject to unexpired leases will be handled as provided in § 5.610–05.

(6) *Plat of farm.* The plat is to be prepared in the regular manner using the standard legend except that land use will be designated by the words "crop," "pasture," etc., instead of by coloring. The plat should be prepared in all cases on the appraiser's copy of the report for use by the appraisal supervisor and the chief reviewing appraiser in checking and correlating the values established on the properties in the project. It is discretionary with the disposal agency whether the plat is furnished on the report when it is prepared in final form.

27. Section 5.404–05 is amended to read as follows:

§ 5.404–05 *Appraisal report (Form FCA 1181a SPD).* (a) The "fair value" will be furnished on form FCA 1181a SPD, which report should be prepared in accordance with the following instructions:

(1) *Sections A and B.* Sections A and B are the same as A and C in form FCA 1181.

(2) *Section C; earning power of farm.* The term "fair value" as defined in the regulation where applied to agricultural, forest and grazing properties requires that consideration be given to the earning capacity, if any. The determination of the normal earning power of the farm, in fact, is a prerequisite to the establishment of the fair value. In connection with agricultural property the cropping program and estimated yields should be on the basis of the present condition of the farm, except that any improvement to the land or buildings which will require only a nominal amount of expenses may be anticipated. Full explanatory statements should be made in the event it is not possible to visualize a crop setup or income that may be expected because of the condition of the property.

(3) *Section D.* In the appraisal of agricultural, forest, and grazing property the classifications, descriptions, and valuations should be on the same basis as in regular farm appraisal work. In the appraisal of property not suitable for agriculture, forest, or grazing the acre values and total land values will not be shown.

(4) *Section E.* (i) In the appraisal of agricultural, forest, and grazing property the buildings will be described and the valuations established on the same basis as used in regular farm appraisal work. The normal agricultural value and normal market value will be established on the same basis as used in regular farm appraisals.

(ii) Where buildings are found which have relatively little or no "in-place" value they should be reported to the project manager and handled in the same manner as set forth in § 5.404–04 (b) (3). If it develops that buildings having no in-place value are to be sold with the land they should be included in section E of the report; however, instead of showing building values the appraiser should indicate in the column headed, "Condition, adaptability to probable use, etc.," that they are unadapted to the needs of the farm and have no in-place value.

(iii) In the appraisal of property not suitable for agricultural, forest, or grazing the buildings will be described, but neither individual building values nor total building values should be shown. The space provided for the "normal agricultural value" will not be used in the appraisal of property not suitable for agriculture, forest, or grazing.

(5) *Section F.* The same instructions will apply to this section as to section G of Form FCA 1181.

(6) *Section G.* Section G is the same as section H in Form FCA 1181.

(7) *Fair value.* In reporting the "fair value" for sale to Government agencies it will not be necessary to show the current market value on Form FCA 1181a.

28. Section 5.405–01 is amended to read as follows:

§ 5.405–01 ***Buildings and improvements to be sold separate from land.*** When buildings or improvements are to be sold separate from the land the project manager should request the kind of value required for the particular disposal, in accordance with the provisions of section IV of War Assets Administration, Real Property Letter No. 1, dated January 10, 1947. The appraisal of buildings or improvements for off-site disposal will be in accordance with the instructions outlined in subsections 401 to 404 and 406 to 412 of Real Property Letter No. 1, which read as follows:

401. *Scope.* This section prescribes the standards and procedures for valuations and other appraisal determinations required in the disposal of surplus property classified "05—War Housing and Other Structures for Use Off-Site." The methods and procedures described in this part apply to surplus property so classified regardless of whether located on surplus Government-owned land, on surplus land held by the Government under lease or other temporary right of occupancy, or on land which is not surplus.

402. *Definitions.* Terms not defined in this section have their commonly accepted meanings or are defined in the Surplus Property Act or in applicable regulations or orders of the War Assets Administration.

a. "Betterment" as the term is used in this part, means a building, structure, or other improvement which has been classified "05—War Housing and Other Structures for Use Off-site."

b. "Fair value and current market value" of a betterment shall be considered to be the highest price the property would bring if offered in the open market for sale for removal from the land at purchaser's expense, allowing a reasonable time to find a purchaser buying with knowledge of the uses and purposes for which it is suitable or capable of being adapted. Valuation shall be on the basis that the purchaser is not required to restore the site.

c. "Upset price" for a betterment shall be considered to be the estimated net proceeds which could be recovered by dismantling the betterment and selling the salvageable materials and usable components in the open market.

403. *Upset price not to be disclosed.* The upset price for a betterment is established solely for the purpose of providing a criterion for administrative use in determining the acceptability of offers to purchase. Accordingly, the upset price is for the official use of WAA employees only and is not to be disclosed to prospective purchasers or the public prior to the closing time for receipt of proposals.

404. *When appraisals required.* Promptly after classification, an appraisal will be made to determine the upset price. Appraisals to determine the fair value and current market value are required for each betterment claimed under a priority. Estimates of fair value and current market value are not required for betterments not so claimed. Since offers of priority holders will be made prior to establishment of the War Assets Administration valuations, offers may be made subject to the right of withdrawal if the valuation established by War Assets Administration is not acceptable to the purchaser. Promptly after the close of the priority period, an appraisal to determine the fair value and current market value of each betterment for which an offer has been received from a priority holder shall be made. Such valuations will be made within five days after close of the priority period.

406. *Valuation procedure.* By definition, the fair value and the current market value of a betterment classified "05—War Housing and Other Structures for Use Off-Site" are identical. The process of estimating the value of a betterment may be divided into four steps as follows:

a. Analysis of the betterment and possible off-site uses.

b. Selection of the best use.
c. Assemblage of valuation data.
d. Analysis of data and estimation of value.

407. *Analysis of possible uses.* Classification of a betterment as "05—War Housing and Other Structures for Use Off-site" is a determination that the best future use for the betterment is a use involving its removal from the site. The process of selecting the best future utilization for a betterment classified "05" requires consideration of all plausible off-site uses, the elimination of uses that are obviously lower than others, and the selection of the use or uses that will develop the highest valuation. The best use is dependent in part on the practicability of the various methods of removing the betterment and in part on the uses for which the betterment is suitable or adaptable after removal from the site.

a. *Methods of removal from site.* The appraiser examines the betterment to ascertain the practicability of:

(1) Removal of the betterment substantially intact for use at a different location.

(2) Removal of the betterment in sections for reerection in whole or in part at a different location.

(3) Dismantlement of the betterment and sale or use of the salvageable materials and usable components.

b. *Removal intact or in sections.* If removal from the property substantially intact or in sections is found to be practicable, the appraiser considers and analyzes such factors as:

(1) The possible uses for the betterment under such conditions.

(2) The demand for property for such uses in relation to the available supply.

(3) The remoteness or proximity of locations suitable for such uses.

(4) The value of the betterment or its usable portions after relocation.

(5) The expenses incidental to re-use off-site, such as cost of dismantling, moving to the new location, new foundations, repairs, and re-erection on the new site.

Although the best future use is often self-evident, the appraiser always will find such analyses useful in estimating value. Sometimes, analyses of these types are a prerequisite to a selection of a best program for use of a betterment.

c. *Removal by complete dismantlement.* If it is determined that the only practical method of removing a betterment from the site is by complete dismantlement for salvageable materials, or if it is determined that there is little or no demand for the property for use as a unit or in sections, the appraiser proceeds immediately to estimate the value of the property on the basis of a sale in which the purchaser acquires the property for recoverable materials.

408. *Selection of best use.* The selection by the appraiser of a best future use is a conclusion to the effect that no other use would produce a higher valuation.

a. *Valuation under alternative uses usually not required.* Separate valuations of a betterment under each of several possible future uses ordinarily are not required. Usually the best use can be selected by a qualitative analysis. Often it is obvious.

b. *Consideration of alternative uses.* The market price obtainable for a betterment will be affected not only by the utility of the property for the uses for which it is suitable but also by the relation of the available supply of such betterments to the demand for property for the use for which it is considered best adapted. Because informed buyers recognize the effect on prices of the relationship existing between supply and demand, it may be necessary to consider alternative uses which will develop a broader market.

c. *Use as basis for selection of valuation data.* The best future use and alternative uses considered by the appraiser determine the further investigations and data required for valuation purposes.

409. *Valuation data.* To estimate the price which the property will bring if offered in the open market for sale for removal from the premises at purchaser's expense, the appraiser assembles data and completes analyses as follows:

a. *Sales data.* Data pertaining to sales of similar properties, particularly sales of improvements by other Federal Agencies such as the War and Navy Departments are assembled. Such sales data will be most usable if reduced to prices per square foot of floor area. To make effective use of such data, care must be exercised in making comparisons to evaluate properly differences in type of construction, physical condition, location, factors affecting the uses for which the properties are suitable, and the motives and bargaining abilities of the buyers and sellers.

b. *Utility of the property.* Analysis is made of the selected best use of the betterment to estimate the maximum price which an informed purchaser would be warranted in paying for the property. If it is determined that removal intact or in sections is practicable, estimates are made of the probable value of the betterments after relocation and the probable cost of removal, transportation and reerection on a new site. On the other hand, valuation data may be limited to comparative sales and to data useful in estimating the net recovery by complete dismantlement in those cases in which it is determined that the best use for the betterment is the dismantling of the improvement and sale of the salvageable materials.

c. *Estimates of quantities and prices of salvageable materials.* Because of the requirement that an upset price be established, it is necessary in every case to assemble data and make estimates as follows:

(1) The quantity and quality of the recoverable materials in the betterment.

(2) The prices at which such materials could be sold in the open market.

(3) The estimated cost of dismantling the betterment and preparing the salvageable materials for disposal.

410. *Estimation of value.* Fair value and current market value are estimated by analyses of sales of similar properties and by consideration of the prices which buyers are warranted in paying in view of the uses for which the property is suitable or adaptable.

a. *Establishment of lower limit for valuations.* In all cases, the lower limit for the estimate of the fair value and the current market value of a betterment will be the estimated net amount which could be recovered by dismantling the betterment and selling the salvageable materials and usable components for the best price obtainable in the open market. The estimated net amount of money which could be recovered by a complete dismantlement is the estimate made for the purpose of establishing the "upset price".

b. *Valuations based on dismantling.* The lower limit for the valuations in any case and the estimate of fair value and current market value in those cases in which it is determined that the best future use for the betterment is to dismantle it for salvageable materials, are determined on the basis that a well-informed purchaser would dismantle and remove the betterment for its salvageable materials.

(1) When such use is ascertained to be the best use for the betterment, the appraiser compares the property being appraised with similar properties which have been sold in the recent past to purchasers who acquired them for recovery of salvageable materials.

(2) The appraiser also estimates the quantity and quality of recoverable materials in the betterment, the prices which such materials would bring if offered for sale in the open market, and the cost of dismantling the betterment and preparation of the recoverable materials for disposal. The foregoing estimate will have been made in establishing the upset price.

c. *Valuations based on removal intact or in sections.* When it is determined that a betterment may be moved substantially intact or in sections for use off-site, the valuation is based on estimates of the price obtainable in the open market under these circumstances and the prices which informed purchasers would be warranted in paying in view of the uses for which the property is suitable or adaptable.

(1) In cases involving properties which may be moved substantially intact or in sections, it may be found that there is no economic utilization involving the moving of property to a new location which will produce a higher valuation than that determined on the basis of dismantling the betterment for salvageable materials.

(2) In most cases, however, betterments which can be moved substantially intact or in sections will have higher valuations than those for which the only use is dismantlement for salvageable materials.

d. *Valuation process.* (1) The process of estimating the fair value and the current market value of a betterment requires analyses—

(a) To determine the methods of removal which are practicable.

(b) To determine the uses for which the property is most suitable.

(c) To determine on the basis of comparative sales, an estimate of the price which the property would bring if offered in the open market for sale for removal from the land at purchaser's expense, allowing a reasonable time to find a purchaser buying with knowledge of the uses and purposes for which it is suitable or capable of being adapted.

(2) The appraiser estimates the fair value and current market value of a betterment which can be moved either substantially intact or in sections by comparing the property with other properties which have been sold in the recent past and which have similar characteristics and similar utility for use off-site.

(3) As a test of the reasonableness of conclusions derived from comparisons of the betterment with sales of similar properties, the appraiser analyzes the selected best use and alternative uses for the betterment being appraised for the purpose of estimating the maximum price which a purchaser would be warranted in paying in view of the probable value of the betterment after relocation and the estimated cost of its removal, transportation, and re-erection on a new site.

e. *Final estimate of value.* (1) The valuation of a betterment will lie between

(a) Lower limit established on the basis of dismantling the betterment and selling the salvageable materials.

(b) Upper limit which represents the maximum price which a purchaser would be warranted in paying, under the best or most profitable future off-site utilization.

(2) The final estimate is derived by

(a) Analysis of demand and supply under the various uses for which the property is suitable.

(b) Analysis of recent sales of similar properties until the range of plausible valuations is reduced to the extent the valuation data permit.

(3) The final estimate is then fixed within this narrowed range at an amount which the appraiser considers reasonable under the circumstances.

DETERMINATION OF UPSET PRICE

411. *Objective.* The upset price is established for the purpose of fixing an appropriate minimum sales price below which

offers to purchase will be considered unacceptable. The upset price is the estimated net proceeds which could be recovered by dismantling the betterment and selling the salvageable materials and usable components in the open market.

412. *Process of estimating upset price.* An alternative to disposal by sale for removal at purchaser's expense is direct action by the Government to dismantle the betterment and sell the salvageable materials and usuable components at the best price obtainable in the open market. The upset price is the estimated net proceeds which could be recovered by disposal in this manner. The appraisal processes and data required for the making of an estimate of the net proceeds recoverable by disposal in this manner are set forth in the preceding section of this instruction. To derive the desired estimate, the appraiser:

a. Estimates the quantity and quality of the materials and components which can be obtained by dismantling the betterment in such a manner as to derive the greatest net return to the Government, the net return being the value of the materials and equipment when dismantled, less the cost of dismantling the betterments and removing and preparing the resulting materials and equipment for disposal.

b. Estimates the price obtainable for the recoverable materials and equipment. Prices f. o. b. the site will reflect current market conditions and the costs of loading, hauling and unloading.

c. Estimates the cost of dismantling the betterment and cleaning and sorting the salvageable materials and equipment on the basis of a contract let after taking competitive bids. Estimates are to be made on the assumption that the scope of the contract (1) Would include dismantling all of the betterments classified "05" in the particular project;

(2) Would not include removal of concrete or similar floors or foundations;

(3) Would not include other work which would not produce salvageable materials or equipment having a value exceeding the cost of dismantlement.

d. Makes final estimate of upset price. The estimate of the net proceeds which could be recovered is determined by subtracting the estimated cost of dismantling from the estimated price obtainable for the salvageable materials and useable components.

e. Use simplified method for derivation of estimates. In projects involving large numbers of buildings of generally similar character, the appraiser will make detailed estimates of upset price for typical buildings and reduce such estimates to prices per square foot. The square foot factors so derived may then be used in estimating the upset price of similar buildings and structures.

Inasmuch as some Farm Credit Administration appraisers may not be familiar with the type of appraisals provided for in the Real Property Letter as quoted above, the chief reviewing appraiser should consider very carefully whether appraisers assigned to the job are properly qualified by training and experience.

29. Section 5.405–02 is rescinded.

30. Section 5.405–03 is rescinded.

31. Section 5.406–01 is amended to read as follows:

§ 5.406–01 *Appraisal of surplus easements.* For the purpose of appraisal for disposal, easements will be considered from the standpoint of their expected future usefulness. It is anticipated that in some instances surplus easements to be disposed of will be of such nature or so located that they will have a commercial or resale value. In the evaluation of such easements the appraiser ordinarily will follow the same approach as outlined in §§ 5.402–01 to 5.402–04, inclusive. On the other hand, there will be surplus easements which have no future use or commercial value as such. Ordinarily these easements will have only a "nuisance value" and will be disposed of to the owner of the land subject to the easement at a nominal consideration or without consideration. However, WAA Regulation 5 (32 CFR, Supps. Part 8305) requires that those easements originally acquired at a substantial consideration including those involving severance damages may be disposed of only at a consideration that is fair and reasonable under all the circumstances. In the determination of the consideration that is fair and reasonable the appraiser will consider any improvement in the utility value or enhancement in desirability or salability of the property subject to the easement, which may arise from the elimination of the easement. Unless otherwise designated the appraisal will be based on the assumption that no physical changes or improvment will be effected by the Government; however, consideration should be given to the fact that once the easement is eliminated the owner of the land can make such improvements as are prudent, though at his own expense. In effect, the appraiser will use a "before and after" approach in which the enhancement in value is measured by determining the difference between the value of the property subject to the easement (as the value before) and the value of the property with the easement eliminated (as the value after). In making this estimate of reasonable value the appraiser must bear in mind the fact that ordinarily the owner of the property subject to the easement is the only prospective purchaser. It is contemplated that all surplus easements should be assigned for appraisal regardless of the original cost of acquisition. The appraiser will prepare a memorandum report setting forth the conditions under which the property was acquired, such as the removal of trees or improvements, the nature of any severance damage, etc. He should also discuss possible future uses, if any, and furnish his best estimate of value. Of course, if he believes the easement has no value then he should report it as such without regard to the original cost of acquisition. The disposal may then be made with or without consideration in accordance with the regulations and policies as set forth in § 5.601–02.

32. Section 5.501–03 is amended to read as follows:

§ 5.501–03 *Time and method of exercise of priority by Government agencies.* Government agencies shall have a period of ten (10) days in which to exercise their priorities after the date notice of availability is first published, as provided in § 5.307–02, or the date on which notice of availability is mailed to them, as provided in § 5.307–08. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the priority holder files a written statement of its desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those that have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a Government agency shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay (or that a transfer without reimbursement or transfer of funds is authorized by law), the length of time, if any, needed to acquire funds to purchase the property, all pertinent facts pertaining to the needs of applicant for the property and that the property is being acquired for its own use and not for transfer or disposition. If the applicant shall require time to obtain funds, or authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such an application containing such a statement, the disposal agency will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude such purchase and will advise the applicant of such determination. During the time thus allowed, the property may not be disposed of except where the priority period has expired and applicant's price is less than the fair value and either a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

33. Section 5.502–03 is amended to read as follows:

§ 5.502–03 *Time and method of exercise of State and local government priorities.* State and local governments shall have a period of ten (10) days in which to exercise their priority after the date notice of availability is first published, as provided in § 5.307–02. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the State or local government files a written statement of its desire to acquire the property on one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those who have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a State or local government shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay for the property, and

the length of time, if any, needed to acquire funds to purchase the property. The application shall show in detail the contemplated use of the property and set forth that the property is being acquired to fulfill, in the public interest, its legitimate needs. If the applicant shall require time to obtain funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of such application containing such a statement the disposal agency will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude the purchase and will advise the applicant of such determination. During the time thus allowed, the property may not be disposed of except when the priority period has expired and applicant's price is less than the current market value and a higher price has been offered by another person or another priority holder has offered the maximum price which he may be charged.

34. Section 5.504–03 is amended to read as follows:

§ 5.504–03 *Time and method of exercise of priority by a tenant of a former owner.* The time for exercise of a tenant's priority shall be a period of ninety (90) days after the date notice of availability is first published, or any additional period granted by the Administrator. Within such period the tenant shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase accompanied by an appropriate deposit as determined by the district office. When, however, an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a tenant files a written statement of his desire to acquire the property. After the necessary information becomes available, a tenant who has filed such a statement shall be so advised in writing and be given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

35. Section 5.506–03 is amended to read as follows:

§ 5.506–03 *Time and method of exercise of veterans' priority.* The time for the exercise of a veteran's priority shall be a period of ten (10) days after the date given in the notice required by these regulations except where the former owner has a priority the time for the exercise of the veteran's priority shall be ninety (90) days after the date notice of availability is first published, or any extension thereof. Within the applicable period or any extension thereof the veteran or the spouse and children of a deceased serviceman shall file a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof, provided, that the disposal agency may in its discretion permit veterans, or the spouse and children of deceased servicemen, to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period as set forth in § 5.602–023. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract shall preserve the veterans' priority with respect to any and all tracts of the project. Where an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a veteran files a written statement of his desire to acquire the property. As soon as the necessary information becomes available, a veteran who has filed such an offer or statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

36. Section 5.507–04 is amended to read as follows:

§ 5.507–04 *Time and method of exercise of owner-operator's priority.* The time for the exercise of an owner-operator's priority shall be a period of ten (10) days after the date given in the notice required by these regulations except where the former owner has a priority the time for the exercise of the owner-operator's priority shall be ninety (90) days after the date notice of availability is first published, or any extension thereof. To exercise his priority the owner-operator shall file, within the applicable period, a written offer to purchase or statement of desire to acquire the property or an appropriate unit thereof; *Provided*, That the disposal agency may in its discretion permit owner-operators to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period as set forth in § 5.602–023. An offer or statement filed within the priority period, even if restricted by its terms to a specifically identified tract, shall preserve the owner-operator's priority with respect to any and all tracts of the project. Where an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if an owner-operator files a written statement of his desire to acquire the property. As soon as the necessary information becomes available, an owner-operator who has filed such an offer or statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period, whichever is longer, within which to make an offer.

37. Section 5.508–04 is amended to read as follows:

§ 5.508–04 *Time and method of exercise of nonprofit institutions' priority.* Nonprofit institutions shall have a period of ten (10) days after notice of availability is first published in which to exercise their priority except where the former owner has a priority the time for the exercise of a priority by a nonprofit institution shall be ninety (90) days after the date notice of availability is first published, or any extension thereof. Within the applicable period, a nonprofit institution shall file a written offer to purchase or statement of desire to acquire the property, accompanied by such deposit as the disposal agency may require. The written offer or statement shall show in detail the contemplated use of the property, and set forth that the property is being acquired to fulfill, in the public interest, the legitimate needs of the offerer. Such an offer or statement, even if restricted by its terms to a specifically identified tract, shall preserve the nonprofit institution's priority with respect to any and all tracts of the project. When an offer cannot be made because the disposal agency lacks the necessary information on the price, units, or other matters, it shall be sufficient if a nonprofit institution files a written statement of its desire to acquire the property. As soon as the necessary information becomes available, a nonprofit institution which has filed such a statement shall be notified in writing and given fifteen (15) days or the remainder of the priority period if that is longer, within which to make an offer.

38. Section 5.601–01 is amended to read as follows:

§ 5.601–01 *Terms of disposal.* Disposals generally shall be of the entire interest of the Government, except as indicated in 32 CFR, Supps. Part 8305, and shall be made upon such terms and conditions as may be necessary to protect the interests of the Government and carry out the requirements of the act. A priority may be exercised only for the entire interest which is offered: *Provided however*, That the disposal agency may, in its discretion, accept an offer for less than such entire interest. No credit shall be extended by the disposal agency in its capacity as such except in special cases and with the prior approval of the Central Office. The project manager should in no instance recommend any particular credit agency. Where sales are to be on a cash basis, the purchaser or successful bidder shall be allowed a reasonable period of time within which to consummate the transaction and the purchaser or successful bidder shall be notified of the period allowed.

39. Section 5.602–02 (b) is amended to read as follows:

§ 5.602–02 *Offers to purchase.* * * *

(b) Offers by Government agencies, and offers by State and local governments where funds are not available, shall be made as provided in § 5.501–03 and § 5.502–03. All other offers shall be made on the "Offer to Purchase" form accompanied by a reasonable earnest money deposit ordinarily not less than 10 percent of the purchase price, in the form of cash, certified check, or post office money order payable to the Treasurer of the United States. Submission of offers to purchase by anyone entitled to priority shall not preclude any other party from submitting an offer. Unless otherwise authorized by the Administrator a State or local government or nonprofit institution shall certify that it is acquiring the property for the uses and purposes set forth in its offer and that it is not acquiring the property for the purpose of resale and in no case will it resell the property within three years without first obtaining the written consent of the Administrator; or if a lessee, that it will not assign the lease or sublet all of the property, or a portion of the property without the prior written consent of the Administrator. Any deed, lease, or other instrument conveying

property subject to reservations, restrictions, or conditions as to the future use, maintenance or transfer of such property shall unless otherwise authorized by the Administrator recite all representations and agreements pertaining thereto.

40. Section 5.604–02 is amended to read as follows:

§ 5.604–02 *Obtaining formal offers from veterans.* During the period referred to in § 5.604–01, offers should be received from all veterans who have retained their priority rights by filing a statement during the appropriate priority period provided for in § 5.506–03. Offers should be made on the regular form for any or all tracts listed as available. Since a veteran can buy only one tract, only one satisfactory earnest money deposit shall be required from a veteran even though he may make an offer on more than one tract. The Property Record will be posted in the project office and a copy of the offer submitted to the district supervisor's office with the remittance and receipt. The same procedure will be followed in the district supervisor's office and in the district office upon receipt of these offers as was described for offers from others. The Index of Request card in the project office will be posted to show the amount offered and date.

41. Section 5.605–01 is amended to read as follows:

§ 5.605–01 *Obtaining offers.* In order to retain their priority rights owner-operators must either express their desire to purchase a particular tract or any of the tracts in a project in a written statement or submit a formal offer on tracts in which they are interested during the appropriate priority period provided for in § 5.507–04. However, no offer may be legally accepted from an owner-operator until the expiration of the period allowed for submitting offers. After all offers from veterans have been processed, a list of remaining salable tracts shall be prepared showing the current market value, and all offers and statements of desire to acquire property filed by owner-operators shall be reviewed at this time. The project manager shall notify in writing all such owner-operators and give them fifteen (15) days within which to make an offer. This notice shall generally describe the tracts remaining to be sold and the conditions upon which offers will be received at the project office during the time allowed.

42. Section 5.606–01 is amended to read as follows:

§ 5.606–01 *Obtaining offers.* In order to retain its priority rights, a nonprofit institution must either express its desire to purchase a particular tract or any of the tracts in a project in a written statement or submit a formal offer on tracts in which it is interested during the appropriate priority period provided for in § 5.508–04. However, no offer may be legally accepted from a nonprofit institution until the expiration of the period allowed for submitting offers. After all offers from owner-operators have been processed, a list of remaining salable tracts shall be prepared showing the current market value, and all offers and statements of desire to acquire property filed by nonprofit institutions shall be reviewed at this time. The project manager shall notify in writing all such nonprofit institutions and give them fifteen (15) days within which to make an offer. This notice should generally describe the tracts remaining to be sold and the conditions upon which offers will be received at the project office during the time allowed.

43. Section 5.607–01 is amended to read as follows:

§ 5.607–01 *Obtaining offers and acceptance of offers.* After all offers from priority holders have been processed, a list of remaining properties shall be prepared and sales negotiated by the project manager in the manner and upon the basis determined to be to the best interest of the Government. At the discretion of the district office additional notices may be published at this time in newspapers or such other publicity given to the availability of property as may be deemed advisable. Notice should be sent to individuals who have expressed a desire to purchase or who have submitted an offer at some period. Depending upon circumstances, sales may be made on the basis of sealed bids, auctions, or private negotiations. In any event offers must be accepted on the basis of the highest obtainable bid provided that no sale shall be made at a price which is less than 75 percent of the current market value as established by appraisal until such offer has been reviewed and approved by the WAA unless the price offered is the maximum price which may be charged the purchaser. At this time sales may be made to the general public, including any former priority holders. The offers to purchase will be processed and handled in the same manner as indicated in previous sections of the regulations in this part relating to offers from priority holders. Any information submitted, the disclosure of which might tend to subject the offerer to a competitive business disadvantage shall, upon request, be held in strict confidence by the disposal agency and by any other Government agency to which it is made available. If equal acceptable offers are received from two or more nonpriority offerors, the selection shall be determined by the disposal agency, unless otherwise directed by the Administration, by taking into consideration actual proposals received and the use of the property most desirable in the light of the applicable objectives of the act.

44. Section 5.610–01 is amended to read as follows:

§ 5.610–01 *Authority.* The disposal agency may lease or grant a permit on surplus property to place it in productive use pending disposition: *Provided,* That such lease shall be revocable on not to exceed thirty (30) days' notice by the Government agency having jurisdiction of the property: *And provided further,* That the use and occupation will not interfere with, delay, or retard the disposition of the property. In such cases, an immediate right of entry to such property may be granted pending execution of the formal lease or permit.

45. Section 5.610–015 is amended to read as follows:

§ 5.610–015 *Terms and form of lease.* Land shall be leased for a period of one crop year with a clause giving the disposal agency the right of revocation as provided in § 5.610–01, using the form of "Agricultural Lease" supplied for that purpose, and with a reservation of fissionable materials as provided in 32 CFR, Supps. 8305.24. Unless otherwise authorized by the Administration the lease or permit shall be for a consideration that is fair and reasonable under all the circumstances, with or without cash consideration, and shall be on such terms and conditions as are deemed appropriate properly to protect the interests of the United States. All leases made on a cash basis shall be payable in advance either annually or quarterly, depending upon the circumstances and the amounts involved. Leases may be revoked at any time during the period of the lease, using the form, "Notice of Revocation," provided for that purpose. When leases are revoked, compensation will be on the basis outlined in the lease agreement.

46. Section 5.702–01 is amended to read as follows:

§ 5.702–01 *Personalty.* Where it is determined that equipment or supplies or other personal property located in or on surplus real property is to be disposed of in conjunction with real property, it may be disposed of with the real property subject to applicable provisions of this part. The disposal agency shall hold such surplus personalty intact until such time as the disposal agency determines in writing that the retention of any part of the personalty will not facilitate the disposition of any or all of the surplus real property, at which time the personalty to be released shall be transferred to the jurisdiction of the agency designated in WAA Reg. 1 (32 CFR, Supps., 8301) to dispose of such property. In connection with the leasing of any surplus real property, the disposal agency may sell to the lessee any personal property determined to be necessary for the operation of the realty.

47. Section 5.704–04 is amended to read as follows:

§ 5.704–04 *Disposal of mineral interests separate from the land.* Where fee-owned mineral interests acquired by the Government separately from the land are not purchased by priority holders, the disposal agency may exercise its discretion as to whether to sell such interests separately or with the land.

(58 Stat. 765, 50 U. S. C. App. Sup. 1611 et seq.; War Assets Administration Regulation 1; War Assets Administration Regulation 5; Order of the Secretary of Agriculture, 10 F. R. 4647)

The foregoing amendments have been approved by the Secretary of Agriculture.

[SEAL] A. T. ESGATE,
Acting Governor.

Approved: September 8, 1947.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47–8519; Filed, Sept. 17, 1947; 8:45 a. m.]

Chapter III—Farmers Home Administration

Subchapter A—Administration

PART 300—GENERAL

DELEGATION OF AUTHORITY TO DISPOSE OF PROPERTY AT CASA GRANDE VALLEY FARMS AND ELEVEN MILE CORNER PROJECTS, ARIZONA

Part 300, "General," in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter A), is amended by adding §§ 300.21 as follows:

§ 300.21 *Delegation of authority to dispose of property at Casa Grande Valley Farms and Eleven Mile Corner projects, Arizona.* For the purpose of facilitating the expeditious liquidation of the Casa Grande Valley Farms and Eleven Mile Corner projects, Arizona, Mr. R. W. Hollenberg, State Director, San Francisco, California, is designated as Acting Special Assistant to the Administrator of the Farmers Home Administration, and in such capacity is authorized and directed to accomplish the liquidation of such project properties. In carrying out this authorization and direction he is hereby vested with all authorities now or hereafter conferred generally upon State Directors of the Farmers Home Administration with respect to the liquidation of other similar project properties under their jurisdiction. Any such actions heretofore taken by the said R. W. Hollenberg in his capacity as Regional Director, Acting Regional Director, or State Director of the Farmers Home Administration, or otherwise, with respect to the liquidation of the Casa Grande Valley Farms and Eleven Mile Corner project properties, are hereby ratified and confirmed. The exercise of this authority shall be subject to applicable policies and procedures governing the disposal of such properties.

This designation and delegation shall be effective as of August 13, 1947.

Done at Washington, D. C., this 12th day of September 1947.

(60 Stat. 1062; Order, Sec. Agric., Oct. 14, 1946, 11 F. R. 12520, 7 CFR, Supp. 1946, 524)

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

[F. R. Doc. 47-8494; Filed, Sept. 17, 1947; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[SECO 1, Amdt. 2]

PART 803—SUGAR EXPORTS

EXCEPTIONS

Pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947, Sugar Export Control Order 1 (12 F. R. 2647) § 803.1, *Sugar exports,* is hereby amended as follows:

1. By changing paragraph (d) (2) to read as follows:

(d) *Exceptions* * * *.

(2) Sugar, the net weight of which is 100 short tons (2,000 English pounds each) or less.

This revision shall become effective September 15, 1947.

(Pub. Law 30, 80th Cong., 1st Session)

Issued this 12th day of September 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8495; Filed, Sept. 17, 1947; 8:54 a. m.]

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

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

GENERAL CULL REGULATIONS

§ 960.301 *General cull regulation*—(a) *Findings.* (1) Pursuant to the provisions of § 960.4 of Marketing Order No. 60, regulating the handling of Irish Potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of information and recommendations submitted by the North Central Potato Committee, it is hereby found that the North Central Potato Committee, established pursuant to § 960.9 of Marketing Order No. 60, and respective State Committees, established pursuant to § 960.10 of Marketing Order No. 60, are prepared to exercise their powers and perform their duties as assigned by Marketing Order No. 60.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and 30 day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when the information upon which the proposed order is based became available and the time when this order must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) On and after, 12:01 a. m., c. s. t., September 22, 1947, and until suspended or modified pursuant to § 960.4 of Marketing Order No. 60, no handler shall, except as provided in this section, ship potatoes which do not meet the requirements of the U. S. No. 2 or better grade, as such grades are defined in said U. S. Standards for Potatoes (12 F. R. 3651), except that a mixture of varieties may be shipped; *Provided,* That no potatoes of the U. S. No. 2 Grade or better grades, as defined in said U. S. Standards for Potatoes, which are less than 1½ inches in diameter, may be shipped in addition to the tolerance by weight for undersize as specified for the respective grade in said U. S. Standards for Potatoes.

(2) As used in this section, the terms "handler," "ship," "shipped" and "handle" shall have the same meaning as when used in Marketing Order No. 60. (48 Stat. 31, as amended; 7 U. S. C. 601 et. seq.)

Done at Washington, D. C., this 16th day of September 1947.

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

[F. R. Doc. 47-8524; Filed, Sept. 17, 1947; 8:52 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

CLAIMS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES FOR PROPERTY DAMAGED, LOST, DESTROYED, CAPTURED, OR ABANDONED IN THE SERVICE

Amend § 306.27 as follows:

1. Rescind paragraph (b) (12) and substitute the following:

§ 306.27 *Claims of military personnel and civilian employees for property damaged, lost, destroyed, captured, or abandoned in the service* * * *

(b) *Classes of claims payable.* * * *

(12) *Negligence of the Government.* Where property is damaged, lost, destroyed, or abandoned incident to the service of the claimant and a proximate cause of such damage, loss, destruction, or abandonment was the negligent act or omission of agents or employees of the Government acting within the scope of their employment; provided, claims which are cognizable under the Federal Tort Claims Act of 2 August 1946 (Public Law 601—79th Cong.) are not payable under these regulations for the reason that the remedy provided by the Federal Tort Claims Act is exclusive with respect to claims within its purview. See AR 25-25, and § 306.12-306.23 of this part, AR 25-90, § 306.26 of this part, in cases where the provisions of these regulations are not applicable.

2. Add subparagraph (17) to § 306.27 (c) as follows:

(c) *Claims not payable.* * * *

(17) *Federal Tort Claims Act.* Claims cognizable under the provisions of the Federal Tort Claims Act of 2 August 1946 (Pub. Law 601, 79th Cong.). See § 306.-29, 10 CFR.

3. Amend § 306.27 (f) by adding the following sentence at the end of the paragraph:

(f) *Statute of limitations.* * * *. See § 306.29 of this part, for statute of limitations applicable to cases cognizable under the Federal Tort Claims Act of 2 August 1946 (Pub. Law 601, 79th Cong.).

4. Amend the first part of the text of the second sentence of § 306.27 (u) to read as follows:

(u) *Filing of claim.* * * *. Claims may also be submitted to the commanding general of any army or air materiel area within the United States, its * * *.

[AR 25-100, 29 May 1945 as amended by C 1, Aug. 2 1946] (59 Stat. 225, Title IV, 60 Stat. 842; 31 U. S. C. Sup. 222c)

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

[F. R. Doc. 47-8492; Filed, Sept. 17, 1947; 8:53 a. m.]

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

REVOCATION OF CERTAIN LAND WITHDRAWALS FOR WAR DEPARTMENT USE

CROSS REFERENCE: For orders affecting the tabulation contained in § 501.1, see Public Land Orders 405 and 407 under Title 43, *infra*, revoking the withdrawal of certain lands for use of the War Department.

Chapter VII—Personnel

PART 701—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

PART 709—PRESCRIBED SERVICE UNIFORM

MISCELLANEOUS AMENDMENTS

1. Rescind § 701.30 as follows:

§ 701.30 *Enlistments and reenlistments in the Regular Army pursuant to the act of June 1, 1945, as amended by the Armed Forces Voluntary Recruitment Act of 1945.* [Rescinded]

2. Rescind § 701.1 and substitute the following therefor:

§ 701.1 *Enlistments and reenlistments in the Regular Army*—(a) *Definition.* The term "enlistment" as used herein will, unless otherwise specified include:

(1) Reenlistment in the Regular Army of a member, or former member, of the Regular Army.

(2) Enlistment in the Regular Army of a member, or former member, of the Army of the United States or any component thereof.

(3) Original enlistment in the Regular Army.

(b) *Periods of enlistment.* (1) Enlistments are authorized for the following periods, at the option of the individual enlisting. ("Enlistments" as used in this subparagraph will mean enlistment in the Regular Army of any man who has not heretofore served in the Regular Army):

(i) Five years.
(ii) Four years.
(iii) Three years.
(iv) Two years.

(2) Reenlistments are authorized for the following periods, at the option of the individual reenlisting. ("Reenlistments" as used in this subparagraph will mean reenlistment in the Regular Army of any man who has previously served in the Regular Army, regardless of time previous service was performed):

(i) Five years.
(ii) Four years.
(iii) Three years.

[WD Cir. 31, Feb. 4, 1947, as amended by Cir. 209, Aug. 8, 1947] (41 Stat. 765; 10 U. S. C. 42)

3. Rescind § 709.29 as follows:

§ 709.29 *Insignia or trimmings, distinctive.* [Rescinded]

[AR 600-35, Mar. 31, 1944, as amended by Cir. 204, Aug. 2, 1947] (R. S. 1296; 10 U. S. C. 1391)

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

[F. R. Doc. 47-8506; Filed, Sept. 17, 1947; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5463]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MARGOOD PUBLISHING CORP. ET AL.

§ 3.6 (d 5) *Advertising falsely or misleadingly—Content:* § 3.6 (o) *Advertising falsely or misleadingly—Old, reclaimed or reused as new:* § 3.66 (a 9) *Misbranding or mislabeling—Content:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Content:* § 3.71 (a 7) *Neglecting, unfairly or deceptively, to make material disclosure—Content:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old, used, reclaimed or reused as unused or new:* § 3.96 (a) *Using misleading name—Goods—Identity:* § 3.96 (a) *Using misleading name—Goods—Old, secondhand, reconstructed or reused as new.* In connection with the offering for sale, sale, and distribution of books and other publications in commerce, (1) representing, directly or indirectly, that respondents' books or other publications contain original, complete, or unabridged novels, stories, or articles when such is not the fact; (2) failing to adequately inform dealers and the public of the condensation, abridgment, or alteration of the novels, stories, or articles contained in respondents' books or other publications; (3) changing the titles of said novels, stories, or articles without disclosing clearly and conspicuously that such changes have been made; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Margood Publishing Corporation et al., Docket 5463, August 8, 1947]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 8th day of August A. D. 1947.

In the Matter of Margood Publishing Corporation, Select Publications, Inc., Red Circle Magazines, Inc., Euclid Publishing Co., Inc., Zenith Publishing Corporation, Bard Publishing Coroation, Sphere Publications, Inc., Hercules Publishing Corporation, Gem Publications, Inc., Miss America Publishing Corporation, Cornell Publishing Corporation, London Publishing Corporation, Corporations, and Martin Goodman and Jean Goodman, Individually and as Officers of the Above-Named Corporations, and as Co-partners Trading as Magazine Management Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondents, in which answer respondents admit all of the material allegations of fact in the complaint, and respondents having waived all intervening procedure and further hearings, including the filing of briefs and the presentation of oral argument, and the Commission having made its findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Margood Publishing Corporation, Select Publications, Inc., Red Circle Magazines, Inc., Euclid Publishing Co., Inc., Zenith Publishing Corporation, Bard Publishing Corporation, Sphere Publications, Inc., Hercules Publishing Corporation, Gem Publications, Inc., Miss America Publishing Corporation, Cornell Publishing Corporation and London Publishing Corporation, corporations, and their officers, and Martin Goodman and Jean Goodman, individually and as officers of the above-named corporations, and as copartners trading as Magazine Management Company, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of books and other publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that respondents' books or other publications contain original, complete, or unabridged novels, stories, or articles when such is not the fact.

2. Failing to adequately inform dealers and the public of the condensation, abridgment, or alteration of the novels, stories, or articles contained in respondents' books or other publications.

3. Changing the titles of said novels, stories, or articles without disclosing clearly and conspicuously that such changes have been made.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-8497; Filed, Sept. 17, 1947; 8:54 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

CHUGACH NATIONAL FOREST

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see Public Land Order 405 under Title 43, *infra*, revoking the withdrawal of certain lands in the Chugach National Forest for use of the War Department for military purposes.

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 404]

CALIFORNIA

PARTIAL REVOCATION OF ORDER OF COMMISSIONER OF GENERAL LAND OFFICE OF FEBRUARY 10, 1902, ISSUED PURSUANT TO DEPARTMENTAL INSTRUCTION OF FEBRUARY 7, 1902, WITHDRAWING CERTAIN PUBLIC LANDS IN AID OF LEGISLATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (8 F. R. 5516), it is hereby ordered as follows:

The order of the Commissioner of the General Land Office of February 10, 1902, issued pursuant to departmental instruction of February 7, 1902, temporarily withdrawing all vacant, unappropriated public lands in Ts. 8 and 9 S., Rs. 3 and 4 W., M. D. M., California, pending legislation donating such lands to the State of California for park purposes, is hereby revoked as to the lands hereinafter described.

Applications for these lands, which are reported to be rough and mountainous, may be presented under any applicable public land law, as hereinafter provided. Each applicant must make a showing as to the character of the land and no nonmineral application will be allowed unless the land is first classified as suitable for the purpose sought.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on November 12, 1947. At that time 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 12, 1947 to February 11, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land 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 23, 1947 to November 12, 1947 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 12, 1947 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 11, 1948, 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 22, 1948, to February 11, 1948 inclusive, and all such applications, together with those presented at 10:00 a. m. on February 11, 1948 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 Sacramento, California, 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), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Sacramento, California.

The lands affected by this order are described as follows:

MT. DIABLO MERIDIAN

T. 8 S., R. 3 W.,
Sec. 23, NW¼NW¼;
T. 8 S., R. 4 W.,
Sec. 9, NE¼SW¼;
Sec. 10, N½NW¼;
Sec. 13, NE¼NW¼;
Sec. 21, NE¼, N½S½.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1947.

[F. R. Doc. 47-8475; Filed, Sept. 17, 1947; 8:45 a. m.]

[Public Land Order 405]

ALASKA

REVOKING IN PART PUBLIC LAND ORDER 68 OF DECEMBER 8, 1942, AS AMENDED, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943 (8 F. R. 5516), it is ordered as follows:

Public Land Order No. 68 of December 8, 1942, as amended by Public Land Order 284 of June 12, 1945, withdrawing public lands for the use of the War Department for military purposes, is hereby revoked so far as it affects the public lands in the hereinafter-described areas.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 68 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of the surveyed or unsurveyed public lands until 10:00 a. m. on November 13, 1947. At that time, subject to valid existing rights and the provisions of existing withdrawals, the unsurveyed lands shall become subject to settlement and other forms of appropriation in accordance with the applicable public land laws and regulations, and the surveyed lands shall become subject to settlement, application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from November 13, 1947, to February 12, 1948, 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 25, 1947, to November 13, 1947, 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 13, 1947 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 13, 1948, any of the lands remaining un-

appropriated shall become subject to such settlement 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 24, 1948, to February 13, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on February 13, 1948, 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 District Land Office, Anchorage, Alaska.

The lands affected by this order are the public lands in the following-described areas:

SEWARD MERIDIAN

T. 1 N., R. 1 E., partly unsurveyed,
Sec. 5, W½;
Secs. 6, and 7;
Sec. 8, W½;
Sec. 18;
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, W½.
T. 1 N., R. 1 W.,
Sec. 1, lots 1, 5, and 6, and SE¼NE¼;
Sec. 12, lots 4 to 8, inclusive, W½NW¼NE¼; W½SW¼NE¼, SE¼SW¼, W½W½NW¼SE¼, and S½SE¼;
Sec. 13, E½ and E½W½;
Secs. 24 and 25;
Sec. 34, lot 5;
Sec. 35, lots 2, 4, 5, and SE¼;
Sec. 36.
T. 1 S., R. 1 W., partly unsurveyed,
Secs. 1 and 2;
Sec. 3, lot 1;
Sec. 12;
Sec. 13, that part north of South Fork of Fourth of July Creek.
T. 1 S., R. 1 E., unsurveyed,
Sec. 6, W½;
Sec. 7, W½;
Sec. 18, that part of W½ north of South Fork of Fourth of July Creek.

The areas described, including both public and non-public lands, aggregate approximately 8,000 acres.

With the exception of the public lands in the areas described above in secs. 34, 35, and 36, T. 1 N., R. 1 W., and in secs. 1, 2, 3, 12, and 13, T. 1 S., R. 1 W., the lands are within the Chugach National Forest pursuant to Proclamations No. 852 of February 23, 1909, and No. 1741 of May 29, 1925. Lot 3, sec. 2, T. 1 S., R. 1 W., is withdrawn by Executive Order No. 2533 of February 20, 1917.

Most of the land adjacent to Resurrection Bay is level to gently rolling, supporting little timber. The northern portion of the area contains little level land and is in general rough and broken.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1947.

[F. R. Doc. 47-8476; Filed, Sept. 17, 1947; 8:45 a. m.]

[Public Land Order 406]

ALASKA

REVOKING EXECUTIVE ORDER 2259 OF OCTOBER 14, 1915, WITHDRAWING CERTAIN PUBLIC LANDS IN ALASKA AND RESERVING THEM FOR USE OF ALASKAN ROAD COMMISSION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943 (8 F. R. 5516), it is ordered as follows:

Executive Order No. 2259 of October 14, 1915, withdrawing the following-described lands in Alaska for the use of the Alaskan Road Commission, now the Alaska Road Commission, in the construction, operation, and maintenance of the Valdez-Fairbanks Military Road, is hereby revoked:

A tract of land one mile wide on each side of the Valdez-Fairbanks Military Road, and extending from mile post No. 3, from Valdez, to mile post No. 12, from Valdez.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on November 13, 1947. At that time the lands, which are all unsurveyed, shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to settlement and other forms of appropriation in accordance with applicable public-land laws and regulations.

The above withdrawal covers a tract of land one mile wide on each side of the Richardson Highway, extending from mile post 3 to mile post 12 from Valdez, Alaska. The land north of the road is in general rough and mountainous. The Lowe River lies south of and adjacent to the road and most of the land is river flats, supporting little vegetation.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1947.

[F. R. Doc. 47-8477; Filed, Sept. 17, 1947; 8:51 a. m.]

[Public Land Order 407]

VIRGIN ISLANDS

REVOKING PUBLIC LAND ORDER 170 OF SEPTEMBER 24, 1943, RESERVING LAND FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (8 F. R. 5516), it is ordered as follows:

Public Land Order No. 170 of September 24, 1943, transferring jurisdiction over certain land owned by the United States on the Island of Saint Croix, Virgin Islands, from the Department of the Interior to the War Department, and reserving the land for military purposes, is hereby revoked.

The jurisdiction over and use of such land granted to the War Department by Public Land Order No. 170 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such land shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1947.

[F. R. Doc. 47-8478; Filed, Sept. 17, 1947; 8:51 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 394]

PART 95—CAR SERVICE

FREE TIME REDUCED ON REFRIGERATOR CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of September A. D. 1947.

It appearing, that there is a shortage of refrigerator cars and that free time published in tariffs for loading and unloading such cars at ports aggravates the shortage thereof; in the opinion of the Commission an emergency exists requiring immediate action at all ports: it is ordered, that no common carrier by railroad, subject to the Interstate Commerce Act, shall:

§ 95.394 *Free time on refrigerator cars*—(a) *Free time reduced.* Allow, grant or permit more than 5 days free time (computed in accordance with applicable tariff provisions) on refrigerator cars held for loading or unloading in coastwise, intercoastal or foreign commerce at the point of transshipment from car to vessel or vessel to car or when held short of such transfer point. The provisions of this paragraph shall not be construed to require or permit the increase of the free time published in tariff lawfully on file with this Commission.

(b) *Definition of refrigerator car.* The term "refrigerator car" as used in this section means freight equipment described under the caption Class "R"—Refrigerator Car Type in the Official Railway Equipment Register.

(c) *Effective date.* This section shall become effective at 7:00 a. m., September 22, 1947.

(d) *Expiration date.* This section shall expire at 7:00 a. m., February 5, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Announcement of suspension.* Each railroad, or its agent shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth in this section.

It is further ordered, that this order shall vacate and supersede Service Order No. 394, as amended, on the effective date hereof; a copy of this order and direction shall be served upon each State Commission 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. 47-8503; Filed, Sept. 17, 1947, 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

AHTANUM, TOPPENISH-SIMCOE, AND WAPATO INDIAN IRRIGATION PROJECTS, WASHINGTON; OPERATION AND MAINTENANCE CHARGES

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 9, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385, 39 Stat. 154, and 45 Stat. 210, 25 U. S. C. 387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned, District Director, District No. III, Portland, Oregon, September 14, 1946 (11 F. R. 10267; 25 CFR 02.8), notice is hereby given of intention to modify §§ 130.1, 130.73 and 130.86 of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against irrigable lands of the Ahtanum Indian Irrigation Project, Toppenish-Simcoe Indian Irrigation Project, and Wapato Indian Irrigation Project, all of the Yakima Indian Reservation, Washington, as follows:

Ahtanum Indian Irrigation Project (§ 130.1): By increasing the annual operation and maintenance charge per acre from $1.00 to $1.50 for each irrigable acre of land to which water can be delivered from the project works.

Toppenish-Simcoe Indian Irrigation Project (§ 130.73): By increasing the annual operation and maintenance charge per acre from $0.75 to $1.00 for each acre of land for which application for water is made and approved by the Project Engineer.

Wapato Indian Irrigation Project (§ 130.86): (1) By increasing the annual "Flat Rate" for each assessable acre upon all farm units or tracts from $2.00 to $2.50, and (2) By increasing the annual storage operation and maintenance charges for all lands with a storage water right, known as "B" lands from $0.20 per acre to $0.30 per acre, in addition to other charges per acre.

The foregoing proposed changes are to become effective for the irrigation season 1948 and continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to E. Morgan Pryse, District Director, U. S. Indian Service, Building 34, Swan Island, Portland 18, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

E. MORGAN PRYSE, *District Director.*

[F. R. Doc. 47-8474; Filed, Sept. 17, 1947, 8:45 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-46]

APPROVALS AND TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489), and section 101 of the Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authority cited with each class of equipment, the following approvals and termination of approval are prescribed:

FIRE INDICATING AND ALARM SYSTEMS

Fire alarm station, manual, Dwg. No. 55-111, Alt. O; and fire alarm station, test, Dwg. No. 55-112, Alt. O; for use with Henschel Corp. 55-100 series fire alarm annunciators; manufactured by Henschel Corp., Amesbury, Mass.

BOILERS, HEATING

Approval No. 162.003/36/0, Erie City Iron Works, #1210, 42 inch diameter welded vertical fire tube heating boiler, heating surface 284 square feet, maximum pressure 30 p. s. i., Dwg. No. 81293, dated 30 August 1947, manufactured by Erie City Iron Works, Erie, Pa.

FIRE EXTINGUISHERS, HAND, PORTABLE CARBON-DIOXIDE TYPE

Approval No. 162.005/15/0, Kidde Model 10T, 10 lb. carbon dioxide hand portable fire extinguisher, Assembly Dwg. No. 82507, Rev. A, dated 27 September 1945, name plate Dwg. No. 82508, Rev. A, dated 4 October 1945, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville, N. J.

Approval No. 162.005/16/0, Kidde Model 15T, 15 lb. carbon dioxide hand portable fire extinguisher, Assembly Dwg. No. 82088, Rev. B, dated 29 August 1945, name plate Dwg. No. 82307, Rev. A, dated 19 September 1945, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville, N. J.

TERMINATION OF APPROVAL OF KAPOK LIFE PRESERVER

The following approval of a kapok life preserver is terminated because it is no longer being manufactured; termination of approval No. 160.002/19/0, Model 2, Adult kapok life preserver, USCG Specification 160.002, manufactured by C. A. Reed Furniture Co., 4424 East 49th Street, Los Angeles 11, Calif. (Approval published in FEDERAL REGISTER 31 July 1947, 12 F. R. 5186.)

CONDITIONS OF APPROVALS AND TERMINATION OF APPROVAL

The above approvals shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority.

The termination of approval made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used so long as it is in good and serviceable condition.

Dated: September 12, 1947.

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

[F. R. Doc. 47-8507; Filed, Sept. 17, 1947; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[D. C. Sign Order 7]

DISTRICT OF COLUMBIA

ADOPTION AND DESIGNATION OF OFFICIAL SIGNS

SEPTEMBER 15, 1947.

Pursuant to the National Capital Parks Regulations (36 CFR 3.4 (f) 3.33) issued by the Secretary of the Interior, effective September 15, 1945, the lists of official signs adopted and designated by Sign Order No. 6 are hereby made a part of this order and amended and supplemented as follows:

Substitute under the heading "White Lot" the attached pages 1, 2, 3 and 4[1] in lieu of pages 1, 2 and 3 attached to Sign Order No. 6.

The signs contained and described on the attached lists[1] are hereby adopted and designated as official signs.

This order shall become effective as of September 18, 1947.

HARRY T. THOMPSON,
Acting Superintendent.

[F. R. Doc. 47-8520; Filed, Sept. 17, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7097, 7699, 7877]

HOMER RODEHEAVER ET AL.

ORDER SETTING MATTER FOR ORAL ARGUMENT

In re applications of Homer Rodeheaver, Fort Wayne, Indiana, Docket No. 7097, File No. BP-4305; Community Broadcasting Corporation, Fort Wayne, Indiana, Docket No. 7699, File No. BP-4993; Radio Fort Wayne, Incorporated, Fort Wayne, Indiana, Docket No. 7877, File No. BP-5282; for construction permits.

Whereas, on July 28, 1947, the Commission adopted a decision granting the above-entitled application of Radio Fort Wayne, Inc., for a construction permit for a new standard broadcast station to operate on the frequency 1450 kc, with 250 watts power, unlimited time, at Fort Wayne, Indiana, and denying the above-entitled applications of Homer Rodeheaver and Community Broadcasting Corporation, each requesting the same facilities at Fort Wayne, Indiana; and

Whereas, on August 20, 1947, Community Broadcasting Corporation filed a petition for rehearing, alleging, among other matters, that said Decision was not made by a majority of the Commissioners present at the oral argument and requesting that the Commission: (1) Set aside its decision in the above-entitled matter and grant the application of petitioner, or (2) set aside its said decision and issue a supplemental proposed decision to which petitioner may except and request oral argument en banc, or (3) grant such other relief as may be appropriate; and on September 2, 1947, Radio Fort Wayne, Incorporated filed an opposition to said petition; and

Whereas, the Commission considers that it would be administratively desirable to hear reargument in this matter before the Commission en banc;

Now therefore: *It is ordered*, This 5th day of September 1947, that the petition for rehearing of Community Broadcasting Corporation, be, and hereby is, granted insofar as it requests that the Commission's decision of July 28, 1947, in the above-entitled matter be set aside, and that said Decision be, and it is hereby set aside and vacated; and

It is further ordered, That the Commission's proposed decision, adopted April 29, 1947, in the above-entitled matter and the exceptions thereto be, and they are hereby set for oral argument before the Commission on October 6, 1947, at its offices in Washington, D. C.

Released: September 10, 1947.

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

[F. R. Doc. 47-8510; Filed, Sept. 17, 1947; 9:03 a. m.]

[Docket No. 7876]

ROCHESTER BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Rochester Broadcasting Company, Rochester, Minnesota, Docket No. 7876, File No. BP-5080, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September 1947;

The Commission having under consideration a petition for reconsideration filed May 9, 1947, by WDAY, Inc., licensee of station WDAY, Fargo, North Dakota, directed against the action of the Commission, published April 30, 1947, in granting without hearing the above-entitled application of Rochester Broadcasting Company for a permit to construct a new standard broadcast station to operate on 970 kc, with 1 kw power, unlimited time, using a directional antenna in Rochester, Minnesota; and also having under consideration a petition for reconsideration filed May 20, 1947, by the State of Wisconsin and the University of Wisconsin, licensee of station WHA, Madison, Wisconsin, directed against the same action of the Commission;

It appearing, that the operation of the proposed station at Rochester, Minnesota, would not cause objectionable interference within the normally protected contours of either station WDAY or station WHA, but that petitioners allege interference to their respective present interference free service areas, such interference areas being beyond the normally protected contours;

It further appearing, that because of said interference substantial numbers of persons would be deprived of primary service from stations WDAY and WHA;

It further appearing, that with respect to station WDAY, although primary service from stations in Grand Forks, North Dakota, is available in a minor portion of said interference area, the greater portion of said interference area would be deprived of all broadcast service except for secondary service from clear channel stations;

It further appearing, that with respect to station WHA, although no part of its interference area would be left without a primary service or services, there is a question as to whether the other available services constitute the same general program service as rendered by station WHA, which question might well be heard in the same proceeding with questions concerning station WDAY;

It is ordered, That the petitions for reconsideration of WDAY, Inc., and of the State of Wisconsin and the University of Wisconsin be, and they are hereby, granted; that the grant to Rochester Broadcasting Company of April 29, 1947, be, and it is hereby, set aside; and that the said application of Rochester Broadcasting Company be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the

[1] Filed as part of the original document.

availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine the extent of the present interference free service areas of stations WDAY, Fargo, North Dakota, and WHA, Madison, Wisconsin, the nature and extent of the primary interference free service that they render beyond their normally protected contours; the character of their program services to those areas; the populations involved and the character of other broadcast services available thereto; and whether and to what extent such services of stations WDAY and WHA should receive protection.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WDAY, Inc., licensee of station WDAY, and the State of Wisconsin and the University of Wisconsin, licensee of station WHA, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8511; Filed, Sept. 17, 1947; 9:03 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-876]

PANHANDLE EASTERN PIPE LINE CO.

ORDER POSTPONING HEARING

Upon consideration of the request filed September 11, 1947, by Panhandle Eastern Pipe Line Company for a postponement of the hearing herein now set to commence on September 15, 1947, in which request it is stated that Applicant will not be fully prepared to go forward with the presentation of testimony and evidence in support of its application until after the expiration of sixty days from September 11, 1947;

The Commission orders that:

The hearing herein now set to commence on September 15, 1947, be and the same is hereby postponed to November 12, 1947, at 10:00 a. m., (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: September 12, 1947.

By the Commission.

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

[F. R. Doc. 47-8480; Filed, Sept. 17, 1947; 8:51 a. m.]

[Docket No. G-896]

UNITED GAS PIPE LINE CO.

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

SEPTEMBER 12, 1947.

Notice is hereby given that, on September 11, 1947, the Federal Power Commission issued its findings and order entered September 11, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

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

[F. R. Doc. 47-8479; Filed, Sept. 17, 1947; 8:51 a. m.]

[Docket No. G-939]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 12, 1947.

Notice is hereby given that on August 25, 1947, an application was filed with the Federal Power Commission by El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipe line facilities, subject to the jurisdiction of the Commission, which are described as follows:

(a) Approximately 470 miles of 26-inch pipeline running from a point near the Colorado-New Mexico border line in San Juan County, New Mexico, thence southerly thence westerly to a point on the border line between Arizona and California near Needles, California.

(b) Feeder and gathering lines running from the beginning point above described to the gas producing fields or wells of the San Juan Basin of northwestern New Mexico, southwestern Colorado and southeastern Utah.

(c) To construct and operate a gas purification and dehydration plant with a capacity of 100,000,000 cubic feet of gas per day at or near the beginning of the 26-inch line in San Juan County, New Mexico.

(d) To construct field housing units at or adjacent to the northern end of the 26-inch line for the purpose of housing employees engaged in the operation of the proposed purification and dehydration plant above described.

The estimated over-all capital cost of the above described proposed facilities is $26,730,000.

The applicant also is applying for authorization to construct and operate other natural gas transportation facilities not connected with those above described. They are described generally as follows:

(a) 438 miles of 26-inch transmission loop pipeline, which parallels portions of the 26-inch pipeline now under construction (described in FPC Docket No. G-655) running from Lea County, New Mexico, to the Colorado River in Arizona near Blythe, California.

(b) Additional compressor units in 7 of its compressor stations located at various places along the pipeline system above referred to totaling 15,000 horsepower, together with necessary structures and equipment for the housing and operation of the same.

The applicant estimates that the overall capital cost of the proposed 26-inch loop pipeline paralleling portions of its transmission pipeline now under construction, and the additions to main line compressor stations proposed to be constructed in connection with it is $23,530,000.

The applicant also proposes to construct and operate field compression, treating and dehydration plants together with gathering lines for increased takings of residue gas in the Permian Basin in west Texas, as follows:

(a) A compressor station with 10,800 horse power units together with necessary structures and equipment for handling 43,200,000 cubic feet of gas per day from the Seminole Field in Gaines County, Texas. A purification and dehydration plant near the compressor station with the same capacity (43,200,000 cubic feet) daily. Approximately 16 miles of 10¾-inch pipe line extending from the compressor station westerly to a point of intersection with applicant's 24-inch pipeline near Dumas, Texas.

(b) Compressor units aggregating 7,000 horse power to be added to the applicant's Fullerton Compressor Station in Andrews County, Texas, together with necessary structures and equipment, to handle 41,200,000 cubic feet of gas per day from the Fullerton Field in Andrews County, Texas.

(c) An addition to the purification and dehydration plant at applicant's Fullerton plant with a capacity of 41,600,000 cu. ft. of gas per day.

(d) Approximately 30.5 miles of 14-inch pipe line running from the said Fullerton plant to applicant's Eunice plant located near Eunice, New Mexico.

The estimated capital cost of the additional field compression, gas treating and dehydration plants, and the gathering lines for taking residue gas from the Permian Basin area in west Texas is $5,135,340.

The applicant states that the proposed 26-inch pipeline from San Juan County, New Mexico, to the California-Arizona border near Needles will have an initial delivery capacity of 100,000,000 cubic feet of natural gas per day and that the balance of the construction will increase the delivery capacity of the facilities heretofore authorized by 100,000,000 cubic feet of natural gas per day. The applicant further states that the facilities proposed will be operated at a load factor of not less than 91 percent throughout the year.

The contemplated market for the gas to be transported and sold is in the State of California where it is estimated that there will be a shortage of natural gas available to distributing companies by 1952 of approximately 100,000,000 cubic feet of gas per day which will increase to 200,000,000 cubic feet per day during 1953. Contracts are now being negotiated for supplying distributing companies now serving gas in California,

including San Francisco, Oakland, Berkeley and other cities and towns in that State.

The total estimated over-all capital costs of all the facilities described in the application is $55,395,340. The applicant further states that it proposes to finance the construction of the facilities by the issuance and sale of its bonds and, possibly, shares of its common stock and by a bank loan, the exact plan of financing to be submitted later to the Commission prior to the hearing.

The proposed rates for sale of the gas to be sold to distributing companies in California are the same as those now provided in Docket No. G–655 plus an amount sufficient to yield a return of 6 percent upon the cost of the properties constructed.

The applicant further states that natural gas it proposes to furnish from the Permian Basin and which amounts to 100,000,000 cubic feet per day is now being wasted and flared in connection with crude oil and gasoline production in the area where the gas is produced and is to be taken.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 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 El Paso Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

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

[F. R. Doc. 47–8498; Filed, Sept. 17, 1947; 8:54 a. m.]

[Docket No. G–940]

LONE STAR CAS CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1947.

Notice is hereby given that on August 26, 1947, an application was filed with the Federal Power Commission by Lone Star Gas Company (Applicant), a Texas corporation with its principal place of business at Dallas, Texas, and authorized to do business in the States of Texas and Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the Applicant to construct and operate a loop line consisting of 3.7 miles of 6-inch pipe and 5.6 miles of 8-inch pipe, commencing at a point on Applicant's line A–1 near Davidson, Tillman County, Oklahoma and extending in a northeasterly direction paralleling line A–1 to a point near Frederick, Oklahoma.

Applicant states that in the past it has experienced difficulty meeting the demands for gas made by its customers in the cities of Frederick, Tipton, Manitou, Snyder and Mountain Park, Oklahoma; that the proposed loop line will enable it to meet the increased demands of such customers; and that without such loop line it believes it will be impossible to meet the peak demands thereof.

Applicant estimates the total over-all capital cost of the proposed facilities described herein to be $100,000, which Applicant proposes to finance out of current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 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 Lone Star 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 Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended June 16, 1947) (18 CFR 1.8 or 1.10).

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

[F. R. Doc. 47–8499; Filed, Sept. 17, 1947; 8:54 a. m.]

[Docket No. G–942]

LONE STAR GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1947.

Notice is hereby given that on August 26, 1947, an application was filed with Federal Power Commission by Lone Star Gas Company (Applicant), a Texas corporation with its principal place of business at Dallas, Texas, and authorized to do business in the States of Texas and Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the Applicant to construct and operate a 6-inch pipeline commencing at a point on Applicant's line E–22, immediately west of Fulbright, Texas, and extending in a southeasterly direction approximately 5.7 miles to the town of Bogata, Texas, together with a measuring and regulating station located at the end thereof at Bogata.

Applicant states that Bogata has not been previously served with gas by it or any other company; that the proposed pipeline is necessary and adequate to serve the demands thereof; and that the town of Bogata has granted Applicant a franchise to furnish and supply gas therein.

Applicant estimates the total over-all capital cost of all the proposed facilities described herein to be $40,545, which Applicant proposes to finance out of its current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 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 Lone Star 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 Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended June 16, 1947) (18 CFR 1.8 or 1.10).

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

[F. R. Doc. 47–8500; Filed, Sept. 17, 1947; 8:55 a. m.]

[Docket No. G–943]

LONE STAR GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1947.

Notice is hereby given that on August 26, 1947, an application was filed with the Federal Power Commission by Lone Star Gas Company (Applicant), a Texas corporation with its principal place of business at Dallas, Texas, and authorized to do business in the States of Texas and Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the Applicant to construct and operate a 10-inch loop line approximately 3900 feet long extending in a northerly direction from the north end of a 12-inch section of Applicant's Line H north of the Red River in Cotton County, Oklahoma, and paralleling an 8-inch section of said Line H.

Applicant states that the proposed loop line will enable it to make use of the full line capacity of its 12-inch Line H, which capacity has been curtailed due to the fact it was necessary to replace with 8-inch line a portion thereof which washed away; and that the proposed loop line is

necessary to handle properly the increased demands for deliveries of gas from the Chickasha Field in Oklahoma, which is transported through said Line H into its general system supplying cities and towns in North Texas.

Applicant estimates the total over-all capital cost of the proposed facilities described herein to be $10,702, which Applicant proposes to finance out of current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 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 Lone Star 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 Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

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

[F. R. Doc. 47-8501; Filed, Sept. 17, 1947; 8:55 a. m.]

[Docket No. G-944]

LONE STAR GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1947.

Notice is hereby given that on August 26, 1947, an application was filed with the Federal Power Commission by Lone Star Gas Company (Applicant), a Texas corporation with its principal place of business at Dallas, Texas, and authorized to do business in the States of Texas and Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the Applicant to construct and operate a 3-inch pipeline[1] commencing at a point on Applicant's line E-23 in Grayson County, Texas, and extending in a northerly direction approximately 3.4 miles to the town of Pottsboro, Grayson County, Texas, together with a measuring and regulating station located at the northern end thereof.

Applicant states that Pottsboro does not presently have the benefits of natural gas service; that the operation of the facilities proposed herein will enable Applicant to extend its service to the consumers thereof; and that the town of Pottsboro has granted Applicant a franchise to furnish gas therein.

Applicant estimates the total over-all capital cost of the proposed facilities described herein to be $18,250,[2] which Applicant proposes to finance out of current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 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 Lone Star 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 Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

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

[F. R. Doc. 47-8502; Filed, Sept. 17, 1947; 8:55 a. m.]

[Docket No. IT-6074]

DUKE POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

SEPTEMBER 12, 1947.

Notice is hereby given that, on September 12, 1947, the Federal Power Commission issued its order entered September 12, 1947, authorizing issuance of securities in the above-designated matter.

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

[F. R. Doc. 47-8489; Filed, Sept. 17, 1947; 8:53 a. m.]

[Docket No. IT-6075]

DUKE POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

SEPTEMBER 12, 1947.

Notice is hereby given that, on September 12, 1947, the Federal Power Commission issued its order entered September 12, 1947, authorizing issuance of bonds in the above-designated matter.

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

[F. R. Doc. 47-8490; Filed, Sept. 17, 1947; 8:53 a. m.]

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[1] Letter filed September 9, 1947.

[2] Letter filed September 4, 1947.

[Docket No. IT-6076]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF PROMISSORY NOTES

SEPTEMBER 12, 1947.

Notice is hereby given that, on September 11, 1947, the Federal Power Commission issued its order entered September 11, 1947, authorizing and approving issuance of promissory notes in the above-designated matter.

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

[F. R. Doc. 47-8482; Filed, Sept. 17, 1947; 8:52 a. m.]

[Project No. 67]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

SEPTEMBER 12, 1947.

Notice is hereby given that, on September 12, 1947, the Federal Power Commission issued its order entered September 11, 1947, authorizing amendment of license (major) in the above-designated matter.

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

[F. R. Doc. 47-8483; Filed, Sept. 17, 1947; 8:52 a. m.]

[Project No. 120]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

SEPTEMBER 12, 1947.

Notice is hereby given that, on September 12, 1947, the Federal Power Commission issued its order entered September 11, 1947, authorizing amendment of license (major) in the above-designated matter.

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

[F. R. Doc. 47-8484; Filed, Sept. 17, 1947; 8:52 a. m.]

[Project No. 382]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

SEPTEMBER 12, 1947.

Notice is hereby given that, on September 12, 1947, the Federal Power Commission issued its order entered September 11, 1947, authorizing amendment of license (major) in the above-designated matter.

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

[F. R. Doc. 47-8485; Filed, Sept. 17, 1947; 8:52 a. m.]

[Project No. 1759]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF ORDER MODIFYING ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR) AND APPROVING EXHIBITS

SEPTEMBER 12, 1947.

Notice is hereby given that, on September 11, 1947, the Federal Power Commission issued its order entered September 9, 1947, modifying June 25, 1946 order authorizing issuance of license (major) and approving exhibits in the above-designated matter.

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

[F. R. Doc. 47-8481; Filed, Sept. 17, 1947; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5507]

R. K. ARMSTRONG

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 11th day of September A. D. 1947.

In the matter of Bob Armstrong, an individual trading as R. K. Armstrong.

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 William L. Pack, 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 Tuesday, October 7, 1947, at ten o'clock in the forenoon of that day (eastern standard time), Hearing Room, County Court House, Albany, Georgia.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. 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 material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-8496; Filed, Sept. 17, 1947; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 498-A]

REROUTING TRAFFIC ON SOUTHERN PACIFIC COMPANY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of September A. D. 1947.

Upon further consideration of Service Order No. 498 (11 F. R. 5078), as amended (11 F. R. 9707; 12 F. R. 339, 4009), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 498 be and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a. m., September 15, 1947; that copies of this order and direction be served upon the Southern Pacific Company, 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. 47-8504; Filed, Sept. 17, 1947; 8:55 a. m.]

[S. O. 771]

UNLOADING OF BOILER TUBES AT BALTIMORE, MD.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of September A. D. 1947.

It appearing, that 1 car containing boiler tubes at Baltimore, Maryland, on the Western Maryland Railway Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Boiler tubes at Baltimore, Maryland, be unloaded.* The Western Maryland Railway Company, its agents or employees, shall unload immediately NYC 751506 containing boiler tubes now on hand at Baltimore, Maryland, for transfer to a vessel.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., September 14, 1947, and continuing until the actual unloading of said car or cars is completed.

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

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

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-8505; Filed, Sept. 17, 1947; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-991]

PEPSI-COLA CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of September A. D. 1947.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the 33⅓¢ Par Value Common Stock of Pepsi-Cola Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange with respect to this security traded on the San Francisco Stock Exchange is Southern California and Arizona; that out of a total of 5,751,000 shares outstanding, 68,009 shares are owned by 692 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 1,108 transactions involving 92,037 shares from April 1, 1946 to March 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges

thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the 33⅓¢ Par Value Common Stock of Pepsi-Cola Company be, and the same is, hereby granted.

By the Commission.

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

[F. R. Doc. 47-8487; Filed, Sept. 17, 1947; 8:52 a. m.]

[File No. 811-171]

LIBERTY THRIFT FOUNDATION

NOTICE OF APPLICATION; STATEMENT OF ISSUES; ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of September A. D. 1947.

Notice is hereby given that Liberty Thrift Foundation has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company by reason of section 3 (c) (1) of the act.

The application states that Liberty Thrift Foundation is a unit investment trust which issued periodic payment plan certificates and is registered under the act. It is further stated that the outstanding securities of the applicant as of July 31, 1947 were owned by 63 persons, that the applicant is not now offering any of its securities, and that the applicant has no intention of ever making a further public offering of its securities. Section 3 (c) (1) of the act provides that any issuer whose outstanding securities (other than short-term paper) are owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the act. For the purposes of this provision, beneficial ownership by a company is deemed to be beneficial ownership by one person; except that, if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership is deemed to be that of the holders of such company's outstanding securities (other than short-term paper).

All interested persons are referred to said application, which is on file at the Philadelphia, Pennsylvania offices of this Commission, for a more detailed statement of the matters of fact and law therein asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby, without prejudice to the specification of additional issues upon further examination:

(1) Whether the applicant's outstanding securities are beneficially owned by not more than one hundred persons within the meaning of section 3 (c) (1) of the act;

(2) Whether the applicant is not making and does not propose to make a public offering of its securities;

(3) Whether the applicant contemplates engaging in transactions or operations which are prohibited by the Act, and by sections 11, 17, 26, and 27 thereof, in particular; and

(4) Whether, if an order is issued, it is necessary for the protection of investors to make such order subject to conditions.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the first day of October, 1947 at 10:00 a. m., Eastern Standard Time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Liberty Thrift Foundation, Liberty Thrift Foundation, Inc., The Pennsylvania Company for Banking and Trusts, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceedings should file with the Secretary of the Commission, on or before September 29, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

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

[F. R. Doc. 47-8488; Filed, Sept. 17, 1947; 8:53 a. m.]

[File No. 7-992]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of September A. D. 1947.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Consolidated Edison Company of New York, Inc.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange with respect to this security traded on the San Francisco Stock Exchange is Southern California and Arizona; that out of a total of 11,477,000 shares outstanding, 189,646 shares are owned by 2,456 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 1,200 transactions involving 90,000 shares from April 1, 1946, to March 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Consolidated Edison Company of New York, Inc. be, and the same is, hereby granted.

By the Commission.

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

[F. R. Doc. 47-8486; Filed, Sept. 17, 1947; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

BABETTE BREHM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Babette Brehm, Berks County, Pa.	4854	$167.60 in the Treasury of the United States. A one-ninth distributive share in real property described as follows: "The West One-half (W½) of Section Ten (10), and the Southeast One-quarter (SE¼) of Section Ten (10), and the North One-half (N½) of Section Fifteen (15), all in Township Two (2), South Range Thirty Eight (38) West of the Sixth Principal Meridian, in Cheyenne County, Kansas;"

Executed at Washington, D. C., on September 11, 1947.

For the Attorney General.

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

[F. R. Doc. 47-8516; Filed, Sept. 17, 1947; 9:02 a. m.]

[Vesting Order 9693]

DEUTSCHE BANK

In re: Bank accounts, bonds, stock and arrears certificates owned by Deutsche Bank. F-28-852-A-1, F-28-852-A-2, F-28-852-D-1, F-28-852-E-31, F-28-852-E-32, F-28-852-E-33, F-28-852-E-34.

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

1. That Deutsche Bank, the last known address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Deutsche Bank, by Sterling National Bank & Trust Company of New York, 1410 Broadway, New York 18, New York, arising out of a current account, entitled Deutsche Bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Deutsche Bank, by The Royal Bank of Canada, New York Agency, 68 William Street, New York 5, New York, arising out of an account, entitled Deutsche Bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Deutsche Bank, by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Deutsche Bank, and any and all rights to demand, enforce and collect the same,

d. Those certain bearer and registered bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of the persons set forth in Exhibit A, together with any and all rights thereunder and thereto,

e. Six (6) arrears certificates issued by the Province of Buenos Aires, Argentina, for the balance of interest due on coupons numbered 6B for $13.02, 7B for $6.98, 8B for $5.10, 9B for $6.96, 10B for $7.52 and 11B for $8.02, said coupons being detached from a Province of Buenos Aires External 6½% Bond of February 1, 1930, due August 1, 1961, bearing the number M447, and said certificates being presently in the custody of The First National Bank of Boston, 67 Milk Street, Boston, Massachusetts, together with any and all rights thereunder and thereto,

f. That certain debt or other obligation owing to Deutsche Bank, by American Trust Company, 464 California Street, San Francisco, California, arising out of a demand deposit, entitled Deutsche Bank, and any and all rights to demand, enforce and collect the same, and

g. Two thousand eight hundred and seventy-one (2,871) shares of $100.00 par value common capital stock of The Baltimore and Ohio Railroad Company, Baltimore and Charles Streets, Baltimore 1, Maryland, a corporation organized under the laws of the States of Maryland and Virginia, evidenced by the certificates listed on Exhibit B, attached hereto and made a part hereof, in the amounts appearing opposite each certificate number on the afore-mentioned Exhibit B and registered in the name of the Deutsche Bank, together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

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

EXHIBIT A

Name of issuer	Type of bond	Certificate No.	Face value	Registered owner	Name of custodian
Kingdom of Yugoslavia	Yugoslavia funding 5 percent, due Nov. 1, 1956.	C7161	$100.00	Bearer	Banque Belge Pour L'Etranger (Overseas) Limited, New York Agency.
		C13276	100.00	do	Do.
		C3849	100.00	do	Do.
		E2078	18.00	do	Do.
		F1937	1.50	do	Do.
	Yugoslavia 5 percent funding bonds (second series), due Nov. 1, 1956.	C7454	100.00	do	Do.
		H3637	32.00	do	Do.
Germany (Deutsches Reich)	German Consolidated Municipal Loan of German Savings Banks and Clearing Association Sinking Fund Gold Bond 6 percent, due June 1, 1947.	11248	1,000.00	Deutsche Bank	The First National Bank of Boston.
	International 5½-percent loan, 1930 gold bond, due June 1, 1965.	C55099	1,000.00	Bearer	Do.
Erie Railroad Co	Erie R. R. Refunding and Improvement 5s of 1930, due Apr. 1, 1947.	24647	1,000.00	Deutsche Bank	Do.

EXHIBIT B

Certificate No. and Number of Shares

A 515842	1	A 12604	5	A 13341	5
A 12208	5	A 12630/2 for 5 shares each	15	A 13378	5
A 12223	5	A 12637	5	A 13434	5
A 12265	5	A 12668	5	A 13460	5
A 12278	5	A 12695	5	A 13737	5
A 12293/4 for 5 shares each	10	A 12799	5	A 13739	5
A 12312	5	A 13161	5	A 13777	5
A 12534	5	A 13200	5	A 13899	5
A 12558	5	A 13326	5	A 13901	5
				A 13933	5

EXHIBIT B—Continued

Certificate No. and Number of Shares

A 13947	5	A 14796	5	A 17997	5
A 14147	5	A 14809	5	A 18005	5
A 14151	5	A 14845	5	A 18027	5
A 14171	5	A 14866	5	A 18037	5
A 14200	5	A 17700	5	A 18076	5
A 14393	5	A 17722	5	A 18095	5
A 14422	5	A 17738	5	A 18643	5
A 14634	5	A 17784	5	A 18648	5
A 14714	5	A 17795	5	A 19123	5
A 14787	5	A 17959	5	A 19157	5

EXHIBIT B—Continued

Certificate No. and Number of Shares

A 19161	5	A 50781	5
A 19199	5	A 50807	5
A 21218	5	A 50815	5
A 21287	5	A 51025	5
A 21349	5	A 51089	5
A 21452	5	A 51144	5
A 21464	5	A 51163	5
A 21472	5	A 51171	5
A 21481	5	A 51243	5
A 21483	5	A 51327	5
A 21516	5	A 51487	5
A 21518/9 for 5 shares each	10	A 51520	5
A 21532	5	A 51525	5
A 23546	5	A 51592	5
A 23638	5	A 51599	5
A 23656	5	A 51605	5
A 23676	5	A 51621	5
A 23684	5	A 51654	5
A 23725	5	A 51665	5
A 23741	5	A 51670	5
A 23747	5	A 51674	5
A 23749	5	A 51702	5
A 23757	5	A 51751	5
A 23778	5	A 51783	5
A 23832	5	A 51798	5
A 23842	5	A 51824	5
A 23858	5	A 51851	5
A 23892	5	A 51855	5
A 23894	5	A 51874	5
A 24001	5	A 51982	5
A 24147	5	A 51986	5
A 24161	5	A 51992	5
A 24165	5	A 52072	5
A 24170	5	A 52229	5
A 24190	5	A 53297	5
A 24324	5	A 53365	5
A 24341	5	A 53375	5
A 24368	5	A 53575	5
A 24399	5	A 53801	5
A 24919	5	A 53934	5
A 24927	5	A 53964	5
A 24937	5	A 515828/841 for 5 shares each	70
A 35498	5	A 515843/845 for 5 shares each	15
A 36446	5	D 37792	10
A 36640	5	D 37885	10
A 37822	5	D 38003	10
A 37872	5	D 38008	10
A 37898	5	D 38031	10
A 37913	5	D 38090	10
A 37945	5	D 38329	10
A 37953	5	D 38337	10
A 37959	5	D 38462	10
A 38425	5	D 38580	10
A 38434	5	D 38716	10
A 38461	5	D 38835	10
A 38512	5	D 39062	10
A 38524	5	D 39151	10
A 38590	5	D 39488	10
A 38624	5	D 39524	10
A 38628	5	D 39545	10
A 38677	5	D 39854	10
A 39639	5	D 39920	10
A 39695	5	D 39971	10
A 39725	5	D 40047	10
A 39845	5	D 40169	10
A 39877	5	D 40291	10
A 39880	5	D 40357	10
A 39890	5	D 40392	10
A 39909	5	D 40395	10
A 39982	5	D 40515	10
A 40000	5	D 40571	10
A 49657	5	D 40633	10
A 50291	5		

EXHIBIT B—Continued

Certificate No. and Number of Shares

D 40796	10	D 58099	10
D 40959	10	D 58115	10
D 41100	10	D 58253	10
D 41445	10	D 58420	10
D 41534	10	D 58462	10
D 41658	10	D 58981	10
D 41693	10	D 59122	10
D 42247	10	D 59315	10
D 42296	10	D 59423	10
D 42304	10	D 62013	10
D 42427	10	D 62445	10
D 42499	10	D 62578	10
D 42641	10	D 62706	10
D 42647	10	D 63448	10
D 42663	10	D 63752	10
D 42733	10	D 64447	10
D 42767	10	D 66659	10
D 42922	10	D 66723	10
D 43512	10	D 66748	10
D 43668	10	D 66856	10
D 43694	10	D 66957	10
D 43943	10	D 66958	10
D 44090	10	D 67134	10
D 44565	10	D 67229	10
D 44568	10	D 67266	10
D 45214	10	D 67273	10
D 45478	10	D 67408	10
D 47331	10	D 67492	10
D 47939	10	D 69072	10
D 48500	10	D 69110	10
D 52281	10	D 69112	10
D 52579	10	D 72090	10
D 52762	10	D 73536	10
D 52905	10	D 73537	10
D 52929	10	D 73917	10
D 53031	10	D 74154	10
D 54228	10	D 74366	10
D 54700	10	D 74390	10
D 54751	10	D 74850	10
D 54800	10	D 74924	10
D 55139	10	D 75508	10
D 56831	10	D 75677	10
D 56865	10	D 75725	10
D 56877/8 for 10 shares each	20	D 75771	10
D 56919	10	D 75789	10
D 57014	10	D 76363	10
D 57463	10	D 76392	10
D 57676	10	D 76467	10
D 57742	10	D 76933	10
D 58002	10	D 77678	10
		D 77806	10

EXHIBIT B—Continued

Certificate No. and Number of Shares

D 77935	10	D 98672	10
D 78121	10	D 98887	10
D 81399	10	D 99309	10
D 82086	10	D 99418	10
D 82563	10	D 100041	10
D 82589	10	D 100106	10
D 82675	10	D 100123	10
D 83297	10	D 100175	10
D 83352	10	D 100637	10
D 83388	10	D 100714	10
D 83391	10	D 100940	10
D 83393	10	D 101059	10
D 83402	10	D 101090	10
D 83435	10	D 101101/2 for 10 shares each	20
D 83447	10	D 101110	10
D 83717	10	D 102102	10
D 83751	10	D 102128	10
D 84050	10	D 103870	10
D 84365	10	D 103875	10
D 85726	10	D 192742/751 for 10 shares each	100
D 86070	10	D 303939/941 for 10 shares each	30
D 86169	10		
D 97786	10		
D 97804	10		
D 98405	10		
D 98420	10		
D 98544	10		

[F. R. Doc. 47-8445; Filed, Sept. 15, 1947; 8:51 a. m.]

ALFRED EDOUARD LAMARTHE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for breach of the agreements included therein, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Alfred Edouard Lamarthe, Paris, France.	6397	All interests and rights created in Alfred Edouard Lamarthe (to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 4000, 9 F. R. 10653, August 31, 1944) by virtue of an agreement, dated August 13, 1938, between Alfred Edouard Lamarthe and Koret, Inc., relating among other things to United States Letters Patent No. 2,112,904, including supplements to such agreement and modifications thereof (including agreements between Alfred Edouard Lamarthe and Fa-Cile Fastener Corporation, dated August 7, 1939 and March 8, 1940) and royalties accrued thereunder in the amount of $4,138.98.

Executed at Washington, D. C., on September 11, 1947.

For the Attorney General.

[SEAL]

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

[F. R. Doc. 47-8517; Filed, Sept. 17, 1947; 9:03 a. m.]