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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 8—PROMOTION, DEMOTION, REASSIGNMENT AND TRANSFER

MISCELLANEOUS AMENDMENTS

1. Under authority of § 6.1 (a) of Executive Order No. 9830, and at the request of the agency concerned, the Commission has determined that the positions listed below should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, paragraph (c) is added to § 6.114 as follows:

§ 6.114 *Executive Office of the President.* * * *

(c) *President's Committee on Religious and Moral Welfare and Character Guidance in the Armed Forces.* (1) Three positions of confidential principal assistant to the Committee.

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

2. Section 8.106 is amended to read as follows:

§ 8.106 *Promotion of substitutes in the postal service.* Substitutes shall be promoted to the first vacancies occurring in regular positions in the order of their original appointment, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by promotion, transfer, or reinstatement. Whenever two or more substitutes are appointed on the same day the order of promotion shall be the order in which their names appeared on the civil service register from which they were originally appointed. (Applies sec. 8, 58 Stat. 389; 5 U. S. C. 857.)

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 49-578; Filed, Jan. 25, 1949; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, chapter III, Title 6 of the Code of Federal Regulations, as reorganized and revised (13 F. R. 9376), are hereby superseded by the average values and investment limits set forth below for said counties.

State	County	Average value	Investment limit
Arkansas.....	Hempstead	\$7,423	\$7,500
Florida.....	Levy.....	8,000	8,000
New Mexico.....	Eddy.....	23,000	12,000

(Sec. 41 (1) 60 Stat. 1066; 7 U. S. C. 1015 (1) Applies Secs. 3 (a) 44 (b) 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 18th day of January 1949.

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

[F. R. Doc. 49-569; Filed, Jan. 25, 1949; 8:46 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Citrus Fruit Export Program (Fiscal Year 1949) Amdt. 1]

PART 517—FRUITS AND BERRIES, FRESH

RATES OF PAYMENT

A statement in the FEDERAL REGISTER of December 23, 1948 (13 F. R. 8248), has (Continued on p. 335)

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redesignated Part 507, Citrus Fruit Export Program (13 F. R. 7379) in Chapter V of Title 6 of the Code of Federal Regulations as "Subpart—Citrus Fruit Export Program (Fiscal Year 1949)" in "Part 517—Fruits and Berries, Fresh" in Chapter IV of such code. Sections 507.1 to 507.9 have been redesignated as §§ 517.1 to 517.9.

*1. Section 517.3, as so redesignated, is hereby amended to read as follows:

§ 517.3 *Rates of payment.* The rate of export payment by the Secretary for California and Arizona products exported from California ports, Texas products exported from Texas ports and Florida products exported from Florida

ports shall be one-fourth (¼) of the export gross sales price (computed before deduction of such payment) basis free along ship at such ports. The rate of export payment for products exported from United States ports other than those specified above shall be one-fifth (⅕) of the export gross sales price (computed before deduction of such payment), basis free along ship at such ports. The gross sales price shall not exceed the domestic market price of the product on the date of sale and at the port of exportation as determined by the Secretary, or his representative. The total amount invoiced the buyer and the Secretary shall not exceed the gross sales price as described herein.

2. Section 517.4 (b) (1) (i) as so redesignated, is hereby amended by deleting everything preceding the colon in the first sentence and substituting the following:

(1) *Grades.* (i) Florida or Texas fresh oranges, grapefruit, and tangerines shall meet the requirements for standard pack provided that such fruit shall be individually wrapped or packed in boxes lined with diphenyl paper, or blind packed, i. e., fruit on the top, bottom, and sides of the box shall be individually wrapped. When wrapped, each fruit shall be fairly well enclosed in its individual wrapper. The fruit shall also meet the requirements for U. S. No. 2 Grade or better, as defined in the latest respective "United States Standards" for these fruits, and shall also meet the following standards for export:

(Sec. 32, 49 Stat. 774, as amended; sec. 112 (f) Pub. Law 472, 80th Cong., 7 U. S. C. 612c)

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., January 31, 1949.

Dated this 19th day of January 1949.

[SEAL] RALPH S. TRIGG,
*Authorized Representative of
the Secretary of Agriculture.*

[F. R. Doc. 49-608; Filed, Jan. 25, 1949; 9:02 a. m.]

TITLE 7—AGRICULTURE

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

PART 201—FEDERAL SEED ACT REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of the Treasury and the Secretary of Agriculture by the Federal Seed Act (7 U. S. C. 1551-1610) the joint regulations of the Secretary of the Treasury and the Secretary of Agriculture under the Federal Seed Act (7 CFR, Cum. Supp. 201.201-201.231, as amended) are hereby amended as follows:

1. Wherever in §§ 201.201 through 201.231 the phrase "Assistant Administrator for Regulatory and Marketing Service work, Production and Marketing

Administration" appears, it is deleted and the phrase "Administrator of the Production and Marketing Administration" is substituted in lieu thereof.

2. Section 201.220 is amended by deleting the phrase "(Official Title)" and the comma immediately preceding it the first time such phrase appears in the form of "Certification of Origin by Foreign Official" in paragraph (a) of said section, and by deleting the word "(Name)" in the form of "Declaration of Origin by Shipper" in paragraph (b) of said section.

Effective date. The foregoing amendments shall be effective upon their publication in the FEDERAL REGISTER.

Since the foregoing amendments are merely formal, it is found upon good cause that notice and public procedure on such amendments under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) are impracticable and unnecessary and good cause is found under said section for issuance of such amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

(53 Stat. 1275, as amended; 7 U. S. C. 1551-1610)

Done at Washington, D. C., this 27th day of December 1948. Witness my hand and the seal of the United States Department of Agriculture.

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

Witness my and the seal of the United States Treasury Department.

JOHN S. GRAHALL,
Acting Secretary of the Treasury.

[F. R. Doc. 49-610; Filed, Jan. 25, 1949; 9:02 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine 53]

PART 301—DOMESTIC QUARANTINE NOTICES PUERTO RICAN FRUITS AND VEGETABLES; PRE-FLIGHT INSPECTION AND CERTIFICATION OF AIRCRAFT, CARGO, ETC.

On December 3, 1948, there was published in the FEDERAL REGISTER (13 F. R. 8014), a notice of a proposed amendment of the regulations supplemental to Quarantine No. 58 relating to Puerto Rican fruits and vegetables (7 CFR Cum. Supp. 301.58-1 through 301.58-14) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). After due consideration of all relevant matters presented, including the proposals set forth in the notice, and pursuant to said section 8 of the Plant Quarantine Act, said regulations are hereby amended by adding thereto a new section reading as follows:

§ 301.53-15 *Special provisions for pre-flight inspection in Puerto Rico of aircraft, cargo, etc.* Notwithstanding any other provisions in the regulations in this subpart, any aircraft proceeding from Puerto Rico to or through any other Territory, State, or District of the United

RULES AND REGULATIONS

States, and its cargo and stores, and the baggage and other personal belongings of its passengers and crew members, may at the discretion of an inspector, be inspected as provided in this section immediately prior to the departure of such aircraft from Puerto Rico, in lieu of inspection at port of debarkation, and the provisions of §§ 301.58-4 and 301.58-6 through 301.58-12 shall not apply to such aircraft, cargo, stores, baggage, and personal belongings which are so inspected. When such aircraft, cargo, stores, baggage, and personal belongings have been so inspected and found free of articles or insects, the movement of which is prohibited by § 301.58 and the regulations in this subpart, the inspector shall issue a certificate to that effect for delivery to the aircraft commander as evidence for later presentation at the port of debarkation that such inspection has been made. Any aircraft found upon such preflight inspection to contain or to be contaminated with any articles or injurious insects, the movement of which is prohibited by § 301.58 and the regulations in this subpart, shall be disinfected by the person in charge or in possession of such aircraft, under the supervision of an inspector and in manner prescribed by him, before it will qualify for such a certificate. When, for any other reason, in the judgment of the inspector a hazard of spread of injurious insects is presented in the movement of aircraft to be given preflight inspection, disinfection of such aircraft, by the inspector or, under his supervision, by the person in charge or possession of the aircraft, may be required by the inspector before the aircraft will qualify for such a certificate. Articles authorized movement in § 301.58-3 must be inspected and certified, or otherwise approved by the inspector for movement, before being taken aboard any aircraft as cargo, stores, baggage, or otherwise, when such aircraft is to be given preflight inspection, and must in other respects comply with the requirements of §§ 301.58-3 and 301.58-5 except insofar as contrary provision is made in this section.

This amendment shall be effective January 26, 1949.

The purpose of this amendment is to authorize the preflight inspection and certification at the port of embarkation in Puerto Rico of aircraft proceeding to other Territories, States, or Districts of the United States, and the cargo, etc. of such aircraft, and otherwise to facilitate compliance by operators of aircraft so inspected with the requirements of the regulations supplemental to quarantine No. 58 relating to Puerto Rican fruits and vegetables. At the present time, the regulations in this subpart permit inspection and clearance of aircraft only at the port of debarkation outside of Puerto Rico. The amendment is therefore a relieving of restrictions. As such it is within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at the city of Washington this 18th day of January 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-570; Filed, Jan. 25, 1949; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 17]

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

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 48-11310, appearing in the issue of Wednesday, December 29, 1948, at page 8604, make the following change:

In column 3, page 8605, subparagraph (145) change the word "including" in the tenth line to read "excluding"

TITLE 15—COMMERCE AND FOREIGN TRADE

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

[3d General Revision of Export Regs., Amdt. 38]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

EXPORT LICENSING GENERAL POLICY

Section 373.2 *Export licensing general policy* is amended in the following particulars:

Paragraph (b) *Evidence of accepted order* is amended to read as follows:

(b) *Accepted orders; evidence and certification in lieu thereof*—(1) *Accepted order* Exporters are required to hold, in connection with each license application for commodities set forth in paragraph (h) of this section, an accepted order covering the transaction between the applicant and the foreign buyer. Such transactions may, nevertheless, be conditioned upon satisfactory payment arrangements or upon the issuance of an export license, import permit, exchange permit or such other government document as may be required.

(2) *Evidence of accepted order* Evidence of an accepted order may take the form of an original or photostat copy of either the contract signed by both the exporter and importer, or of letters, telegrams, cables or other documents resulting in a contract between the applicant and the foreign buyer. Evidence of an accepted order, as provided herein, must be submitted with license applications for the following commodities:

(i) Surplus and reject iron and steel products having the processing code STEE.

(ii) Unrated tinplate of the following descriptions:

Schedule
B No.

For reimport to the United States as food containers..... 604100
Waste-waste strips, rings, and circles 601300 and 601400
Tinplate decorated, embossed or otherwise advanced, etc..... 620998
Idle and excess stock (mill accumulations)..... 604100

(iii) *Small orders.* Evidence of accepted orders, as provided for in this paragraph, need not be submitted where the amount of the transaction covered by the application is not more than \$100 in value or not more than twice the GLV value of the named commodity, whichever is higher. However, the exporter must keep such evidence available for inspection upon request by the Department of Commerce for three years from date of receipt of the application.

(3) *Certification as to accepted order*
(i) With respect to license applications covering Positive List commodities with the processing code symbol LUMB, diffusion pump oils (Schedule B No. 829980) and the commodities listed in paragraph (h) of this section, an applicant shall, in lieu of submitting evidence of an accepted order, certify in the following form that he does have an accepted order for the commodities covered in the application and that he will keep and make available to the Office of International Trade the relevant documents or records:

As a material representation in connection with this application _____
(Applicant's reference number)

I (we) certify that it represents a request to export commodities which, subject only to conditions beyond the control of either the applicant or named purchaser, the named purchaser has been contracted to buy from the applicant, and the applicant has contracted to sell to the named purchaser. This application accurately reflects the terms of this contract. The documents or records evidencing this contract will be kept by this applicant for three years from the date of receipt of the application and will be made available to the Office of International Trade upon demand.

The above certification must be set forth on the face or reverse side of the duplicate copy of the application or an attachment thereto. If the certification is made on an attachment to the license application, it must be signed by the applicant or an officer or a duly authorized agent of the applicant in the same manner as the application itself.

(ii) Where the transaction between the applicant and purchaser or ultimate consignee does not involve a normal purchase and sale contract in the customary form or where for other stated reasons the prescribed certification is inapplicable, the applicant should submit a full description of the nature of such transaction in writing to the Director, Commodities Division, Office of International Trade, Washington 25, D. C., with a request for permission to substitute a proposed certification to fit the particular situation.

(4) *Representations; changes in accepted orders.* The answers to all questions in the application shall be deemed to be continuing representations of the

existing facts or circumstances. Any material or substantive change in the terms of the contracts as reflected in the application or any certification made in connection therewith, whether a license has been granted or the application is still under consideration, shall be promptly reported to the Office of International Trade.

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

This amendment shall become effective as of December 24, 1948.

Dated: January 18, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-601; Filed, Jan. 25, 1949; 8:57 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,¹ Amdt. 61]

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

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

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

1. Schedule B, Item 37, is hereby revoked effective as of December 27, 1948: *Provided, however* That the increase in maximum rents heretofore made by said Item 37 for housing accommodations which are not included in the first paragraph of the new Item 37 incorporated in Schedule B by this Amendment 61, shall remain in effect for the period December 27, 1948, to January 25, 1949, both dates inclusive.

2. A new Item 37 is hereby incorporated in Schedule B, to read as follows:

37. Provisions relating to Jamestown Defense-Rental Area, State of New York:

Increase in maximum rents, based upon the recommendation of the Local Advisory Board and the order of the Emergency Court of Appeals. Effective as of December 27, 1948, an increase of 20 percent is hereby authorized in the maximum rents of those housing accommodations in the Jamestown, New York, Defense-Rental Area, for which (a) the maximum rent was first determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or (b) the maximum rent was fixed by an order entered prior to November 27, 1948 under the applicable rent

regulation fixing the maximum rent on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942: *Provided, however,* That where an adjustment was heretofore ordered on or after August 22, 1947 under § 825.85 (a) (9) the amount of such adjustment shall be excluded in determining the increased maximum rent: *And provided further,* That where housing accommodations are or were covered by a lease as described in section 204 (b) (2) or 204 (b) (3) of the Housing and Rent Act of 1947, as amended, (a) the increase hereby authorized shall apply only after such lease has terminated, (b) the amount of rent increase which was effected by the lease shall be excluded (in addition to any applicable exclusions under the first proviso clause hereof) in determining the increased maximum rent and (c) the increased maximum rent shall in no event exceed 115 percent of the maximum rent which would be in effect on March 30, 1948 in the absence of such a lease, plus or minus (as the case may be) the amount of all individual adjustments ordered after March 30, 1948.

Any maximum rent which is substantially lower than the rent generally prevailing in said defense-rental area for comparable housing accommodations on March 1, 1942 plus 20 percent shall be eligible for adjustment on the basis of such generally prevailing rent plus 20 percent, on the filing of an individual petition for adjustment under § 825.85 (a) (8)

All provisions of §§ 825.81 to 825.92 insofar as they are applicable to the Jamestown, New York, Defense-Rental Area are hereby amended to the extent necessary to carry these provisions into effect.

(Sec. 204 (d) 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1394 (d) Applies sec. 204 (e) 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1394 (e)

This amendment shall become effective as of December 27, 1948.

Issued this 19th day of January 1949.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 61 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

Effective November 27, 1948, Amendment No. 51 was issued granting a rent increase in the Jamestown, New York, Defense-Rental Area. This amendment was based upon a recommendation, made by the Local Advisory Board for said Defense Rental Area, for a rent increase of 20 percent applicable to current maximum rents for all housing accommodations in said Defense-Rental Area. Amendment 51 granted a rent increase of 8 percent which was made applicable to current maximum rents for all housing accommodations in said Defense-Rental Area.

After issuance of Amendment No. 51, the recommendation of the Local Advisory Board, together with other related documents, was filed with the Emergency Court of Appeals, pursuant to section 204 (e) (4) of the Housing and Rent Act of 1947, as amended. On December 27, 1948, the Emergency Court of Appeals

entered an order approving the recommendation of the Local Advisory Board to the extent of a rent increase of 20 percent, such rent increase to be applied to the current maximum rent for only certain classes of housing accommodations, and on January 17, 1949 the Court entered an amended order clarifying the provisions as to the classes of housing accommodations to which said rent increase shall apply.

Accordingly, this amendment is being issued, effective as of December 27, 1948, to effectuate the recommendation of the Local Advisory Board to the extent and in the manner approved by the Emergency Court of Appeals.

[F. R. Doc. 49-604; Filed, Jan. 25, 1949; 9:03 a. m.]

[Controlled Housing Rent Reg., Amdt. 63¹]

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

CONTROLLED HOUSING RENT REGULATION

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

1. Schedule B, Item 36, is hereby revoked effective as of December 27, 1948; *Provided, however,* That the increase in maximum rents heretofore made by said Item 36 for housing accommodations which are not included in the first paragraph of the new Item 36 incorporated in Schedule B by this Amendment 63, shall remain in effect for the period December 27, 1948 to January 25, 1949, both dates inclusive.

2. A new Item 36 is hereby incorporated in Schedule B, to read as follows:

36. Provisions relating to Jamestown Defense-Rental Area, State of New York:

Increase in maximum rents based upon the recommendation of the Local Advisory Board and the order of the Emergency Court of Appeals. Effective as of December 27, 1948, an increase of 20 percent is hereby authorized in the maximum rents of those housing accommodations in the Jamestown, New York, Defense-Rental Area, for which (a) the maximum rent was first determined under section 4 (a) or 4 (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or (b) the maximum rent was fixed by an order entered prior to November 27, 1948 under the applicable rent regulation fixing the maximum rent on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942: *Provided, however,* That where any adjustment was heretofore ordered on or after August 22, 1947 under § 825.5 (a) (12) or § 825.5 (a) (10) the amount of such adjustment shall be excluded in determining the increased maximum rent: *And provided further,* That where housing accommodations are or were covered by a lease as described in section 204 (b) (2) or 204 (b) (3) of the Housing and Rent Act of 1947, as amended, (a) the increase hereby authorized shall apply only after such lease has terminated, (b) the amount of rent increase which was effected by the lease shall be excluded (in addition

¹ 13 F. R. 5750, 5789, 5975, 5937, 5938, 6247, 6253, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328, 8338; 14 F. R. 18.

¹ 13 F. R. 5766, 5763, 5977, 5937, 6245, 6213, 6411, 6556, 6931, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8330; 14 F. R. 17, 83.

RULES AND REGULATIONS

to any applicable exclusions under the first proviso clause hereof) in determining the increased maximum rent and (c) the increased maximum rent shall in no event exceed 115 percent of the maximum rent which would be in effect on March 30, 1948 in the absence of such a lease, plus or minus (as the case may be) the amount of all individual adjustments ordered after March 30, 1948.

Any maximum rent which is substantially lower than the rent generally prevailing in said defense-rental area for comparable housing accommodations on March 1, 1942 plus 20 percent shall be eligible for adjustment on the basis of such generally prevailing rent plus 20 percent, on the filing of an individual petition for adjustment under § 825.5 (a) (11)

All provisions of §§ 825.1 to 825.12 insofar as they are applicable to the Jamestown, New York, Defense-Rental Area are hereby amended to the extent necessary to carry these provisions into effect.

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

This amendment shall become effective as of December 27, 1948.

Issued this 19th day of January 1949.

TIGHE E. WOODS,
Housing Expediter

Statement To Accompany Amendment 63 to the Controlled Housing Rent Regulation

Effective November 27, 1948, Amendment No. 51 was issued granting a rent increase in the Jamestown, New York, Defense-Rental Area. This amendment was based upon a recommendation made by the Local Advisory Board for said Defense-Rental Area, for a rent increase of 20 percent applicable to current maximum rents for all housing accommodations in said Defense-Rental Area. Amendment No. 51 granted a rent increase of 8 percent which was made applicable to current maximum rents for all housing accommodations in said Defense-Rental Area.

After issuance of Amendment No. 51, the recommendation of the Local Advisory Board, together with other related documents, was filed with the Emergency Court of Appeals, pursuant to section 204 (e) (4) of the Housing and Rent Act of 1947, as amended. On December 27, 1948, the Emergency Court of Appeals entered an order approving the recommendation of the Local Advisory Board to the extent of a rent increase of 20 percent, such rent increase to be applied to the current maximum rents for only certain classes of housing accommodations, and on January 17, 1949 the Court entered an amended order clarifying the provision as to the classes of housing accommodations to which said rent increase shall apply.

Accordingly, this amendment is being issued, effective as of December 27, 1948, to effectuate the recommendation of the Local Advisory Board to the extent and

in the manner approved by the Emergency Court of Appeals.

[F. R. Doc. 49-605; Filed, Jan. 25, 1949; 9:01 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. In § 21.207, paragraphs (a) (b) and (c) are amended as follows:

§ 21.207 *Repetition of a course.* (a) A veteran having completed a course under Part VII, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12) according to the standards and practices of the institution is not entitled to enroll in and pursue again at the expense of the Government the course which he has already completed, except in the unusual case, where, to accomplish rehabilitation, the necessity to repeat the course or a particular part or parts of it is imperative.

(b) An eligible veteran who has completed a course of training under Part VII may pursue a review course under that part provided the review course is a separate and distinct course specifically organized and established as a review course, and, therefore, does not constitute a repetition of a course which the trainee has already completed.

(c) Inasmuch as the purpose of the course of vocational rehabilitation is to restore employability, a Part VII trainee may be authorized not only to pursue a review course but even to repeat such a course or a particular part or parts of it where, to accomplish rehabilitation, such a repetition is imperatively necessary.

2. Sections 21.252, 21.286, 21.288, and 21.289 are amended to read as follows:

§ 21.252 *Change of employment objective.* A change of employment objective will not be approved where a veteran's disability rating has been reduced to less than a compensable degree.

§ 21.286 *Re-entrance after rehabilitation.* When, subsequent to an official declaration of rehabilitation, a veteran requests further training under Part VII, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12) due consideration will be given to the facts in the individual case, and if the facts warrant, the veteran may be re-entered into training: *Provided*, That the veteran's disability rating has not been reduced to less than a compensable degree and following that determination, need for vocational rehabilitation is re-established.

§ 21.288 *Re-entrance after discontinuance.* When a veteran, whose training was discontinued under one of the conditions set forth in § 21.283, applies for re-entrance into training under Part VII, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12) due consideration will be given to the facts in the individual case, and if the facts warrant, the veteran may be re-entered into training.

Provided, That the veteran's disability rating has not been reduced to less than a compensable degree and following that determination, need for vocational rehabilitation is re-established.

§ 21.289 *Right of appeal.* When an application for reentrance into training is denied for any reason the veteran shall be advised of his right of appeal to the board of veterans appeals and of the time limit in which an appeal must be filed. (See par. III, Part II, Vet. Reg. 2 (a) as amended by Vet. Reg. 2 (c) (38 U. S. C. ch. 12))

(Secs. 1, 2, 46 Stat., 1016, 57 Stat. 43, secs. 300, 1500, 1501, 1502, 1503, Title II, 58 Stat. 286, 287, 291, 300, 301, secs. 5, 6, 7, 10, 11 (a) 59 Stat. 542, 624, 626, 631, secs. 1, 2, 3, 60 Stat. 124, 934, 38 U. S. C. 11, 11a, 693g, 697, 697a, b, c, f, g, 701, ch. 12 notes, secs. 1, 2, 3, Pub. Laws 115, 239, 338, 377, 411, 512, 80th Cong.)

[SEAL] O. W. CLARK,
Executive Assistant Administrator

[F. R. Doc. 49-572; Filed, Jan. 25, 1949; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 6—SUPPLY CONTRACTS: SERVICE PROPERTY TELEGRAMS

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 37—FREE MATTER IN THE MAILS

MISCELLANEOUS AMENDMENTS

1. In § 6.12 *Postmaster General to contract for envelopes for all Government departments* (13 F. R. 8855) delete the last paragraph of paragraph (b) reading "This act shall take effect July 1, 1944. (Sec. 1 and 8, 58 Stat. 394, 395; 39 U. S. C. 321c)" and substitute in lieu thereof "(Sec. 301, 62 Stat. 1048; 39 U. S. C. 321i)"

2. In § 34.65 *Third-class matter* (13 F. R. 8897) delete paragraph (d), and redesignate paragraph (e) as paragraph (d)

3. In § 37.16 *Mailing by Government departments under penalty privilege; quarterly reports thereof to Postmaster General* (13 F. R. 8925) amend paragraph (a) by deleting the citation "(Sec. 6, 53 Stat. 683, as amended; 39 U. S. C. 321b) and by substituting in lieu thereof "(Sec. 306, 62 Stat. 1049; 39 U. S. C. 321n)"

(Secs. 301, 306, 62 Stat. 1048, 1049, sec. 204, 62 Stat. 1260; 39 U. S. C. 202a, 321i, 321n)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-561; Filed, Jan. 25, 1949; 8:45 a. m.]

PART 34—CLASSIFICATION AND RATES OF POSTAGE

RATES OF POSTAGE ON OTHER BOOKS; INCLOSURES

In § 34.84 *Rates of postage on other books* (13 F. R. 8902) amend paragraph (g) (2) to read as follows:

(g) *Inclosures.* * * *

(2) *Loose inclosures.* Since the law provides that books mailed at the special pound rate may contain incidental announcements of books, such announcements, whether appearing in the books themselves or in the form of loose circular inclosures not weighing in excess of one and one-third ounces, will be permissible in addition to the inclosures described in the preceding paragraph, without affecting the postage chargeable at that rate, such postage, of course, to be computed on the full weight of each parcel. However, loose inclosures of this kind weighing in excess of one and one-third ounces and other circulars or printed matter such as folders, pamphlets, calendars, catalogs, etc., which would not otherwise be permissible, may be inclosed in parcels of books, provided a permit is obtained and postage on such inclosures is paid at the third-class rate of 2 cents for the first two ounces or fraction thereof plus 1 cent for each additional ounce or fraction thereof up to and including eight ounces in weight in addition to the regular postage on the books themselves. In authorizing these inclosures, it is contemplated that they shall be merely incidental, in no case exceeding eight ounces. The wrapper of the parcel in such cases should bear a printed or hand stamped indorsement in the following form:

Additional Postage at the
Third-Class Rate
Paid for Inclosures
New York, N. Y., Permit No. 1

(Secs. 202, 204 (d) 62 Stat. 1260; 39 U. S. C. 290a, 292a)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-558; Filed, Jan. 25, 1949; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE:
POSTAGE RATES, SERVICE AVAILABLE, AND
INSTRUCTIONS FOR MAILING

SPECIAL DELIVERY SERVICE

In § 127.19 *Special delivery (Expres) service* (13 F. R. 9080) amend paragraph (a) by inserting "Israel (State of)" between "Ireland" and "Kenya and Uganda" in the alphabetical list in said paragraph.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-565; Filed, Jan. 25, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE:
POSTAGE RATES, SERVICE AVAILABLE, AND
INSTRUCTIONS FOR MAILING

GERMANY; REGULAR MAILS

In § 127.264 *Germany* of Subpart (d) (13 F. R. 9155) make the following changes:

1. In subparagraph (7) of paragraph (a), delete subdivision (iv) and subdivisions (a) and (b) of said subdivision, and insert in lieu thereof the following as subdivision (iv):

- (a) *Regular mails.* * * *
- (7) *Observations.* * * *

(iv) Printed matter for the French Zone may not include any pamphlets, tracts or manifestos containing political propaganda.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-563; Filed, Jan. 25, 1949; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE:
POSTAGE RATES, SERVICE AVAILABLE AND
INSTRUCTIONS FOR MAILING

GERMANY; REGULAR MAILS

In § 127.264 *Germany* (13 F. R. 9155) make the following change:

In paragraph (a) (8) amend subdivision (xi) to read as follows:

- (a) *Regular mails.* * * *
- (8) *Prohibitions.* * * *

(xi) Commercial or business correspondence of a contractual nature relating to transactions contrary to the regulations of the Allied Control Authority or of the military governments, or to German laws currently in force. Correspondence regarding German external assets, confined to communications of an informational or fact-finding nature, is permitted to the American, British and French Zones only.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-562; Filed, Jan. 25, 1949; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE:
POSTAGE RATES, SERVICE AVAILABLE AND
INSTRUCTIONS FOR MAILING

ISRAEL (STATE OF) REGULAR MAILS

In § 127.232 *Israel (State of)* (13 F. R. 9173) make the following changes:

1. Amend paragraph (a) (4) to read:

- (a) *Regular mails.* * * *
- (4) *Special delivery.* Fee, 20 cents. (See § 127.19.)

2. Amend paragraph (a) (7) by inserting "Nazareth" between "Nasr ed Din" and "Negba" in the alphabetical list of localities in the State of Israel in said paragraph.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-564; Filed, Jan. 25, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE:
POSTAGE RATES, SERVICE AVAILABLE AND
INSTRUCTIONS FOR MAILING

COINS AND BANK NOTES PROHIBITED TO
MEXICO

The Mexican Postal Administration has advised that its regulations prohibit the enclosure of coins or bank notes in articles mailed to that country. Accordingly, *It is hereby ordered*, That § 127.334 *Mexico* (13 F. R. 9155) be amended as follows:

1. In paragraph (a) (13) amend subdivision (i) to read as follows:

- (a) *Regular mails.* * * *
- (13) *Prohibitions.* (i) Coins and bank notes.

2. Amend paragraph (b) (9) (ii) (d) (2) to read as follows:

- (b) *Parcel post.* * * *
- (9) *Prohibitions.* * * *
- (ii) * * *
- (d) *For other reasons.* * * *

(2) Bank notes, coins of all lands, and values payable to bearer. As an exception, the Bank of Mexico and the banks associated therewith are authorized to import bank notes exclusively for the purpose of exchange.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-560; Filed, Jan. 25, 1949; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE:
POSTAGE RATES, SERVICE AVAILABLE AND
INSTRUCTIONS FOR MAILING

U. S. A. GIFT PARCELS, FRANCE; TABLE OF
RATES

In § 127.252 *France (including Monaco)* (13 F. R. 9149) amend paragraph (c) (1) to read as follows:

- (c) *U. S. A. gift parcels.* (France.)
- (1) *Table of rates.* (Surface only.)

Pounds:	Rate	Pounds:	Rate
1	03.63	12	09.52
2	.12	13	.73
3	.18	14	.81
4	.21	15	.89
5	.23	16	.93
6	.25	17	1.03
7	.27	18	1.03
8	.28	19	1.14
9	.29	20	1.23
10	.30	21	1.33
11	.35	22	1.32

* Note: The weight limit and other tabulated information following the postage rates in paragraph (b) (1) of this section are also applicable to "U. S. A. Gift Parcels."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-559; Filed, Jan. 25, 1949; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946
[Gen. Order 60, Supp. 2, Amdt. 3]

PART 299 — RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

WORKING CAPITAL

Section 299.1 *Definitions* is amended by revising paragraph (n) *Working capital* to read as follows:

(n) *Working capital*. "Working capital" means the excess of "total current working assets" over "total current working liabilities" determined in accordance with the instructions and balance sheet embodied in the form of "General Financial Statement" prescribed by the Commission (Budget Bureau approval No. 62-R010-42) ¹ *Provided*, That (1) in determining the amount of working capital, unpaid tenders of "just compensation" made by the Maritime Commission (or made by the War Shipping Administration to the extent approved by the Commission) for title to, or use (to the extent accrued) of, vessels (irrespective of whether or not such tenders have been accepted by the owners) may be included, (2) an amount equivalent to the excess (if any) of 50% of the amount of "Un-terminated Voyage Revenue" over the amount of "Un-terminated Voyage Expense" reflected in the balance sheet shall be deducted from the amount of working capital determined in accordance with the preceding provisions of this paragraph, and (3) the amount of working capital thus determined shall in no event be in excess of the sum of (i) unrestricted cash and readily marketable securities included in total current working assets, and (ii) acceptable and verified current receivables including verified current receivables against the Maritime Commission and other Departments of the Government and unpaid tenders of "just compensation" made by the Maritime Commission (or made by the War Shipping Administration to the extent approved by the Commission) for title to or use of vessels, less the amount of all current payables to such debtors. For the purposes of this subdivision the term "acceptable and verified current receivables" shall be deemed to mean those with respect to which there is submitted to the Commission a specific and unqualified certification by a recognized firm of public accountants to the effect that the current collectibility of receivables and the adequacy of the accrual of current liabilities, as reflected on the balance sheet involved, have been verified, or, in the absence of such certification, those which may be verified by the Commission's auditors as having been collected subsequent to the date of the balance sheet involved.

¹ Copies of the "General Financial Statement" will be furnished by the Maritime Commission on request.

This Amendment 3 of Supplement 2 of General Order 60 shall be effective with respect to determinations made by or on behalf of the Commission from the date of its publication in the FEDERAL REGISTER.

(60 Stat. 41, 50 U. S. C. App. 1735 et seq.)

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

JANUARY 11, 1949.

[F. R. Doc. 49-585; Filed, Jan. 25, 1949;
8:51 a. m.]

Subchapter I—Philippine Rehabilitation

[Gen. Order 68, Amdt. 1]

PART 311—CHARTERS UNDER PHILIPPINE REHABILITATION ACT OF 1946

WORKING CAPITAL

Section 311.1 *Definitions* is amended by revising paragraph (a) *Working capital* to read as follows:

(a) *Working capital*. "Working capital" means the excess of "total current working assets" over "total current working liabilities" determined in accordance with the instructions and balance sheet embodied in the form of "General Financial Statement" prescribed by the Commission (Budget Bureau Approval No. 62-R010-42) ¹ *Provided*, That (1) in determining the amount of working capital, unpaid tenders of "just compensation" made by the Maritime Commission (or made by the War Shipping Administration to the extent approved by the Commission) for title to or use (to the extent accrued) of vessels (irrespective of whether or not such tenders have been accepted by the owners) may be included, (2) an amount equivalent to the excess (if any) of 50% of the amount of un-terminated Voyage Revenue over the amount of un-terminated Voyage Expense reflected in the balance sheet shall be deducted from the amount of working capital determined in accordance with the preceding provisions of this paragraph, and (3) the amount of working capital thus determined shall in no event be in excess of the sum of (i) unrestricted cash and readily marketable securities included in total current working assets, and (ii) acceptable and verified current receivables including verified current receivables against the Maritime Commission and other Departments of the Government and unpaid tenders of "just compensation" made by the Maritime Commission (or made by the War Shipping Administration to the extent approved by the Commission) for title to or use of vessels, less the amount of all current payables to such debtors. For the purposes of this subdivision the term "acceptable and verified current receivables" shall be deemed to mean those with respect to which there is submitted to the Commission a specific and unqualified certification by a firm of public accountants to the effect that the current collect-

ibility of receivables and the adequacy of the accrual of current liabilities, as reflected on the balance sheet involved, have been verified.

This Amendment 1 of General Order 68 shall be effective with respect to determinations made by or on behalf of the Commission from the date of its publication in the FEDERAL REGISTER.

(60 Stat. 137; 50 U. S. C. App. 1786 (a))

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

JANUARY 11, 1949.

[F. R. Doc. 49-586; Filed, Jan. 25, 1949;
8:52 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAY ANNUAL REPORT FORM C

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 10th day of January A. D. 1949.

The matter of Annual Reports from Steam Railways of Class III being under consideration:

It is ordered, That the order of November 24, 1947, in the Matter of Annual Reports from Steam Railway Companies of Class III (49 CFR, 120.12) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1948, and subsequent years, as follows:

§ 120.12 *Form prescribed for small steam railways*. All steam railway companies of Class III excluding switching and terminal companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1948, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Roads) ¹ which is hereby approved and made a part of this order. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates. (24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916, 49 U. S. C. 20 (1)-(8))

NOTE: Budget Bureau No. 60-R090.5.

By the Commission, Division 1.

[SEAL] W P BARTEL
Secretary.

[F. R. Doc. 49-575; Filed, Jan. 25, 1949;
8:48 a. m.]

¹ Filed as a part of the original document.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR, Part 16]

FEDERAL RESERVE BANK OF NORTH CHINA
YUAN

CONVERSION OF CURRENCY

Notice is hereby given that, pursuant to section 251 of the Revised Statutes and sections 522 and 624 of the Tariff Act of 1930 (19 U. S. C. 66, 31 U. S. C. 372, 19 U. S. C. 1624), it is proposed to issue instructions for the conversion of the Federal Reserve Bank of North China yuan for the purpose of the assessment of duties on merchandise imported into the United States, the terms of which proposed instructions, in tentative form, are as follows:

To Collectors of Customs and Others Concerned:

Reference is made to cases in which appraisement has been withheld or liquidation has been suspended pending the determination of the proper rate or rates for the Federal Reserve Bank of North China yuan, hereinafter referred to as the Chinese FRB yuan, for customs purposes.

The Federal Reserve Bank of New York has certified two rates for the Chinese FRB yuan, one designated the "Official" rate and the other the "Free" rate, for the period from July 17, 1939, to December 7, 1941, for dates for which the Customs Information Exchange requested certification for that currency by the Bank; but no rate or rates for that currency have been certified for dates after December 7, 1941. No values for the Chinese FRB yuan have been estimated and proclaimed pursuant to section 522 (a) of the Tariff Act of 1930.

The Treasury Department is informed that in March 1938, the "provisional government" of North China established the Federal Reserve Bank and proclaimed that its notes, the FRB yuan, would be the sole legal tender within North China, at an exchange value equal to that of the rate fixed for the Japanese yen. However, for a considerable period of time after the inauguration of this system commercial exchange transactions involving conversion of the FRB yuan were regularly and systematically subject to substantial discounts from the fixed rate for that currency.

It is understood that effective on July 17, 1939, export control measures were instituted by the "provisional government" of North China under which exports from North China (except to certain areas or countries not here relevant) were required to yield foreign exchange (in the case of exports to the United States this would mean United States dollars). The export control measures provided that the exchange obtained from exports was required to be sold to the Federal Reserve Bank of North China through the Yokohama Specie Bank at the fixed "Official" rate of exchange for the FRB yuan. The shipment of exports from North China gave rise to the right to import, a relationship designated as "linking." Under these export control regulations, upon the surrender of the foreign exchange obtained in payment for his exports the exporter acquired the right to repurchase 90 per cent of the foreign exchange he had surrendered, and at approximately the same rate. The original seller could use the exchange so repurchased for the purpose of paying for authorized importations, or he could transfer his right of repurchase to a third party for the same purpose. Upon transfer of the right to repurchase, the origi-

nal holder (seller) of the exchange realized a rate of exchange more favorable than the "Official" rate. Thus, the export control regulations, in effect, required that 10 percent of the foreign currency proceeds of exports (in the case of exports to the United States this would mean United States dollars) be permanently surrendered at the "Official" rate, and permitted the remaining 90 percent to be used by the importer or recold by him at the "Free" rate.

Information available to the Treasury Department indicates that these export control regulations were not universally applied. For example, it appears that provision was made under the export control measures for exportation of merchandise without surrendering at the "Official" rate of any of the foreign currency proceeds, provided the merchandise was covered by bona fide orders registered with the control authorities on or before July 6, 1939; and there is no available information that any limitation was placed upon the time within which shipment was required to be made of merchandise covered by bona fide orders so registered. There is also evidence that as to certain classes of commodities, possibly including embroideries, lace, wool knitted gloves, and certain related commodities, the effective date when shipments from some areas of North China became subject to the requirement of surrendering foreign exchange proceeds at the "Official" rate may have been deferred at least until January 1, 1940.

Available information also indicates that in some areas of North China there were irregularities in the administration of the above-mentioned provision regarding the registration of orders received prior to July 6, 1939, such as the registration of purported orders that were not bona fide orders and the registration of orders not received until after July 6, 1939, as having been received prior to that date.

Since the exceptions and special treatment referred to above, whether authorized under the export control measures or practiced despite these measures, by which shipment could be made free from the requirement of surrendering foreign exchange at the "Official" rate are not known to have been uniformly applied to exportations of any particular types of merchandise during any ascertainable periods of time, it is not possible for the Treasury Department to issue instructions directing disposition different from the disposition authorized by the instructions set forth below.

In the case of any importation of merchandise exported from North China between July 17, 1939, and December 7, 1941, in which appraisement has been withheld or liquidation suspended pending determination of a proper rate or rates for the Chinese FRB yuan for use for customs purposes, the appraiser and collector shall proceed, respectively, with the appraisement and liquidation according to the following procedure, subject to the requirements and conditions outlined below:

1. No rate of exchange shall be used for customs purposes under these instructions except a rate or rates certified by the Federal Reserve Bank of New York for the date of exportation of the merchandise.

2. Where the appraisement is to be made in North China FRB currency, the appraiser shall designate in his report to the collector the class or classes of currency in which appraisement is made by using the terms applied to the currency of North China by the Federal Reserve Bank of New York, namely, "Official" FRB yuan or "Free" FRB yuan. If both classes are used on a percentage basis, the percentage of each shall be indicated clearly.

3. For all purposes of appraisement and assessment of duties, the amount of any value established in Chinese FRB yuan shall be considered to consist of "Official" FRB yuan to the extent of 10 percent of such amount and "Free" FRB yuan to the extent of the remaining 90 percent, and the "Official" rate shall be used for the 10 percent and the "Free" rate for the remaining 90 percent; except that if the appraiser or collector has credible information

(a) That a rate or combination of rates other than that proportion of 10 percent at the "Official" rate and 90 percent at the "Free" rate was actually used uniformly during any period in connection with the payment for the particular merchandise on which duty is being assessed, and for all other merchandise of the same type, or

(b) That there was used in connection with the payment for the merchandise on which duty is being assessed a rate or combination of rates the use of which would result in a greater amount of duty than the use of the proportion of 10 percent at the "Official" rate and 90 percent at the "Free" rate,

appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved during the period involved, and a detailed report shall be transmitted immediately to the Bureau of Customs.

It is understood that in addition to the certifications above mentioned the Federal Reserve Bank has certified the "Official" rate and the "Free" rate for at least one date prior to July 17, 1939, and that it will certify upon request such "Official" and "Free" rates for dates as early as March 11, 1939. However, the Treasury Department does not have definite information as to the use of the two rates for dates prior to July 17, 1939. In the case of any importation of merchandise exported from North China prior to July 17, 1939, which involves the conversion of the Chinese FRB yuan, appraisement shall be withheld and liquidation suspended and a detailed report shall be transmitted immediately to the Bureau of Customs.

The rates for the Chinese FRB yuan, certified by the Federal Reserve Bank during this period, were certified only upon request made through the Customs Information Exchange. The rates so certified will be circularized in a C. I. E. circular to be issued in the near future.

Acting Commissioner of Customs.

Approved: _____

Secretary of the Treasury.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Prior to the issuance of the proposed instructions, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL]

FRANK DOW,

Acting Commissioner of Customs.

Approved: January 17, 1949.

JOHN S. GRAHAM,

Acting Secretary of the Treasury.

[F. R. Doc. 43-613; Filed, Jan. 25, 1949; 9:02 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 981]

IRISH POTATOES GROWN IN SOUTHEASTERN
STATES PRODUCTION AREANOTICE OF PROPOSED BUDGET AND RATE OF
ASSESSMENT

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment hereinafter set forth which were recommended by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 81 (13 F. R. 2709) regulating the handling of Irish potatoes grown in the Southeastern States production area, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

Consideration will be given to any data, views, or arguments pertaining thereto and mailed in triplicate to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., so as to be received by him not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 981.202 *Budget of expenses and rate of assessment.* The expenses necessary to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 81, to enable such committee to perform its functions pursuant to provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder during the fiscal period ending October 31, 1949, will amount to \$47,250. The rate of assessment to be paid by each handler who first ships potatoes shall be three-fourths of one cent for each hundredweight of potatoes shipped by him as the first shipper thereof during the fiscal period ending October 31, 1949, and such rate is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and Order No. 81. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of January 1949.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 49-609; Filed, Jan. 25, 1949;
9:02 a. m.]

[7 CFR, Part 985]

[Docket No. AO-193]

HANDLING OF EMPEROR GRAPES GROWN IN
CALIFORNIADECISION WITH RESPECT TO PROPOSED MAR-
KETING AGREEMENT AND ORDER

Pursuant to the Agricultural Market-
ing Agreement Act of 1937, as amended

(7 U. S. C., 601 et seq., 61 Stat. 208, 707) and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 13 F. R. 8585) a public hearing was held at Exeter, California, on May 10 to 12, 1948, both dates inclusive, after the issuance of a notice (13 F. R. 2224) thereof on April 21, 1948, upon a proposed marketing agreement and a proposed marketing order for regulating the handling of Emperor grapes grown in the State of California.

Upon the basis of the evidence adduced at the aforementioned hearing, and the record thereof, the Acting Assistant Administrator of the Production and Marketing Administration, United States Department of Agriculture, on August 16, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, affording opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER issue (13 F. R. 4821) of August 20, 1948, and the time limit for the filing of such written exceptions was subsequently extended (13 F. R. 5059) to not later than the close of business on September 19, 1948.

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of (a) the proponents of the proposed program, (b) the Committee Opposing an Emperor Marketing Agreement, (c) W. Todd Doffmeyer, (d) A. Devorak, and (e) Francis C. Huebner. All of the exceptions have been considered carefully and fully in conjunction with the record evidence pertaining thereto in arriving at the findings and conclusions set forth in this decision. Rulings on certain of the exceptions are hereinafter set forth in connection with the findings and conclusions to which the exceptions refer. To the extent that the findings and conclusions of this decision are at variance with the exceptions not otherwise specifically ruled upon, such exceptions are overruled.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (F. R. Doc. 48-7514; 13 F. R. 4821) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except as they are modified by the additional findings and conclusions hereinafter set forth:

(a) Exception was taken to the proposed findings and conclusions and to the provision of the recommended marketing agreement and order that the term "cold storage" should be defined to mean "the storage of grapes under refrigeration in a storage warehouse in the State of California." It was alleged in the exception that (1) a considerable quantity of Emperor grapes are placed in cold storage outside the State of California, (2) some cold storage grapes become affected by mold and decay and (3) one of the causes of the sharp decline in the price of Emperor grapes in the 1947 season was the condition of the grapes shipped to markets from cold storage. It was contended, therefore, that "cold storage" should be defined to include the storage

of grapes "anywhere in the continental United States" so that it could be required that Emperor grapes, whether stored in California or elsewhere in the United States, be inspected and certified at the time of withdrawal from storage. Evidence adduced at the hearing shows that it would be impracticable to regulate the handling of Emperor grapes after they have been shipped outside of the State of California. The proposed program is designed to regulate such handling of Emperor grapes as is in the current of commerce between the State of California and any point outside the State of California. The record is clear that it is intended to regulate only such movement of Emperor grapes. Accordingly, this exception is denied.

Exception was taken to the finding that the Secretary may, upon the recommendation of the Industry Committee or on the basis of other available information, require each handler, prior to making each shipment of grapes from a cold storage warehouse, to cause such grapes, if they have already been inspected and certified, to be inspected for condition with respect to decay. It was asserted in support of this exception that the provision is permissive, whereas the institution of such requirement should be mandatory. A mandatory requirement of this nature would not afford the flexibility necessary in provisions of programs designed to regulate shipments of any fruits or vegetables, including Emperor grapes. The Industry Committee and the Secretary should be left free to take such action, in this connection, at any particular time as warranted by the marketing conditions at such time. This exception is therefore denied.

(b) Exception was taken to the proposed provision of the recommended marketing agreement and order authorizing the Industry Committee to investigate and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to "grapes." It was suggested that there be specified "Emperor grapes" in order to limit such activities to Emperor grapes. Since the proposed marketing agreement and order define the word "grapes" as used therein, to mean all Emperor grapes grown in the area, further specification of the variety is not deemed necessary in the subsequent provisions. Limitations on the proposed research and service activities, as contended for in this exception, are clearly set forth in the recommended decision. The exception, therefore, is denied.

(c) Exceptions were taken to the proposed findings and conclusions and to the effectuating provisions of the recommended marketing agreement and order pertaining to the limitation, by grades, of shipments of grapes. It was asserted in support of these exceptions that evidence in the record shows that Emperor grapes produced in certain districts do not have as high color as those produced in other districts; that such less-colored grapes have an equal sugar content, and in some instances a higher sugar content, than that of grapes of higher color and that such less-colored grapes are in demand on the New York auction and sometimes sell at premium prices. It was recommended, therefore,

that there be inserted in the marketing agreement and order provisions which would prohibit any limitation on the shipment of grapes "which meet all the requirements of U. S. grade No. 1 except for color." It was further asserted that in some of the southern States there is available to the purchasers (assumed to refer to handlers) of Emperor grapes a substantial market, at a reasonable price, for grapes of what is known as the unclassified grade, and that provision should be made for the shipment of unclassified grapes. It is not possible to foretell the conditions which the Emperor grape industry may encounter in future marketing seasons. Maximum flexibility should be provided, therefore, particularly in the matter of the establishment of grade regulations, so as to permit ample latitude for the Industry Committee to function in the best interests of the entire Emperor grape industry. Adequate safeguards are provided, however, to assure that regulations may be established only after thorough consideration.

The Industry Committee, which submits its recommendations for regulations to the Secretary, consists of nine members nominated by the growers of Emperor grapes and selected by the Secretary. A committee of nine shippers is established to advise and counsel with submitted by the Industry Committee. If the Secretary finds, from the recommendation and supporting information submitted by the Industry Committee, or from other available information, that to establish such regulations will tend to effectuate the declared policy of the act, he shall establish such regulations. It is apparent from the findings in this decision that it is contemplated to limit the shipment of grapes to such grades as may be marketed readily and which will bring a fair and reasonable return to the growers. Such findings, furthermore, recognize the possibility that some vineyards may, at times, produce grapes which would not meet the grade requirements established and provision is made in the proposed marketing agreement and order for the issuance of exemption certificates whereby the grower may market a percentage of his crop equal to the average percentage of the grapes that may be shipped by all growers within the area. The Committee is authorized to issue such an exemption certificate upon submission of proof by the grower that his failure to produce grapes meeting the requirements of the existing regulatory order was due to reasons beyond his control. These exceptions, accordingly, are denied.

(d) Exception was taken to the proposed findings and conclusions pertaining to the qualifications of growers selected to serve as members of the Industry Committee. It was asserted that, in view of the responsibilities assigned to the Industry Committee, membership on such committee should be restricted to growers having at least 25 years' experience in the growing of Emperor grapes and to employees or agents of organizations which had produced grapes for such period of time. The terms of the recommended marketing agreement and order provide that members and alternate

members of the Industry Committee shall be selected by the Secretary from eligible nominees elected by growers in each district or from other qualified persons. Eligibility to serve as members or alternate members of the Industry Committee is confined to growers who produced, during the season immediately preceding their selection as members of alternate members of such committee, at least 51 percent of the grapes shipped by them during such season; and to officers or employees of organizations meeting the same conditions. Also, each such member and alternate member must be an individual grower who, or an officer or employee of an organization which, produced grapes, during such season, in the district which he is selected to represent. Selection of the members and alternate members of the Industry Committee on the basis prescribed should assure that only qualified persons would attain membership thereon. To further require that such committee be composed only of growers, or officers or employees of organizations, engaged for at least twenty-five years in the growing of grapes, would appear to serve little useful purpose, inasmuch as such a requirement might preclude the selection for membership on such committee of many growers eminently qualified to serve thereon. In any event, sufficient evidence to support the inclusion of such a requirement was not adduced at the hearing. This exception, therefore, is denied.

(e) Exception was taken to the proposed conclusion that the U. S. No. 1 grade for table grapes "closely approximates the standards which should be required to be met in order to deliver to the principal markets grapes of at least the minimum quality and maturity which are acceptable to consumers" and that the tolerances permitted for serious defects, as set forth in the U. S. No. 1 grade for table grapes, under the proposed minimum standards "should not exceed twice the amount allowed under the aforesaid grade." It is asserted that such proposed conclusion (1) would limit the Industry Committee recommendations, with respect to proposed regulations to establish minimum standards of quality and maturity of grapes, to prescribing that such regulations specify that grapes shipped be not lower than the U. S. No. 1 grade for table grapes with an additional tolerance of 6 percent for serious defects, (2) would similarly limit the Secretary in establishing such regulations, (3) is contrary to, and not supported by evidence in the hearing record and the findings in the recommended decision that stress the necessity of complete flexibility in the establishment of regulations by grade and by minimum standards of quality and maturity.

The findings and conclusions herein make more explicit that which is implicit in the findings and conclusions in the recommended decision to which such exception was taken. A review of the evidence in the hearing record reveals adequate support of the findings and conclusions in this decision pertaining to the bases of recommendations for, and the establishment of, regulations prescribing the minimum standards of quality and

maturity of grapes which may be shipped in interstate commerce. Such findings provide a general guide for recommendations for, and the establishment of, such regulations but they do not establish specified limits within which particular recommendations or regulations, should be confined. It is apparent from the findings in this decision that there is a wide variation from season to season in defects causing serious impairment of the shipping and edible quality of the grapes. Such defects also vary from season to season, and sometimes within a season, in the rapidity of their further development in transit or in storage. It is impracticable, therefore, because of the varying climate and other conditions which affect the quality of grapes, to set forth in detail the exact specifications for minimum standards of quality and maturity. Any such regulation should be designed so as to exclude from the market grapes which would be generally unacceptable to consumers, bearing in mind the particular conditions existent during the period of such regulations. To the extent that the findings and conclusions herein modify the findings and conclusions of the Acting Assistant Administrator, this exception is granted. Accordingly, the following paragraph in 3 (f) of the recommended decision has not been made a part of this decision.

Nearly all of the defects causing serious impairment of the shipping or table quality of grapes are classed as serious defects in the aforementioned United States Standards for table grapes, and are limited with respect to the U. S. No. 1 grade, to a total tolerance of 3 percent, by weight, including not more than one half of 1 percent of such grapes which may be affected by decay. In view of the serious nature of these defects and the excessive deterioration which normally develops from them in transit, the tolerance permitted for them under the proposed minimum standards should not exceed twice the amount allowed under the aforesaid grade.

(f) Exception was taken to the proposed findings and conclusions that each handler should be required to report to the committee, in connection with each shipment of grapes, certain information with respect thereto, namely: the name of the shipper; the car number, truck license number, or boat identification, as the case may be; the number of packages of grapes or the billing weight thereof, and the grade or grades; the name of the grower for whom the grapes are shipped; the place where the shipment originated; the destination, routing and any diversions. It was pointed out that all of such information will not be needed in all instances, and therefore, the requiring of such information should be made subject to the discretion of the committee with the approval of the Secretary. The correctness of such a contention is evident, and the exception is granted. Accordingly, the words "Each such report should include" at the beginning of the third sentence of paragraph 3 (g) of the recommended decision are changed in this decision to read "Each such report may include." A conforming change has also been made in the proposed marketing agreement and order.

(g) At the time the Acting Assistant Administrator issued his recommended

decision with respect to this proceeding, it was anticipated that the recommended marketing agreement and order would become effective early in the 1948 marketing season for Emperor grapes. The proposed findings and conclusions and the effectuating provisions of the recommended marketing agreement and order therefore set forth references and provisions relating to operations during the initial fiscal period which would have been necessary if the program had been made operative prior to or during the current season. The harvesting of the 1948 crop of Emperor grapes has been completed, however, and marketings thereof during the remainder of the current season will be made from grapes held in storages. Since such grapes were placed in storages without specific knowledge that the movement of such grapes would be regulated, no regulations shall be issued with respect to Emperor grapes of the 1948 crop. All references to the initial period which are set forth with respect to issue No. 3 in the findings and conclusions of the recommended decision have, therefore, been changed as follows:

(1) Delete the third paragraph in (b)
 (2) Delete the words "successors to the initial" in the first sentence in the fourth paragraph in (b)
 (3) In the second sentence in the fourth paragraph in (b) change the period at the end to a comma, and add, immediately thereafter, the words "except that the designations of such meetings in connection with nominations of initial members and alternates shall be made by the Secretary."

(4) In the first sentence of the ninth paragraph in (b) delete "1949" and insert, in lieu thereof, "1950" and

(5) Delete the phrase "except that with respect to the initial fiscal period such submission should be as soon as practicable after August 15" in the second sentence in the fourteenth paragraph in (b)

Conforming changes have also been made in the proposed marketing agreement and order.

The aforementioned findings and conclusions are supplemented by the following general findings:

General findings. (1) The proposed marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The proposed marketing agreement and order will be applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of said commodity in the production area covered by the proposed marketing agreement and order which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in the proposed marketing agreement and order, is the smallest regional production area which is practicable consistently with carrying out the declared policy of the act; and

(5) It is hereby found and proclaimed that the purchasing power of Emperor

grapes grown in the State of California during the period August 1909-July 1914 cannot be determined satisfactorily from available statistics of the United States Department of Agriculture, but the purchasing power of such grapes can be determined satisfactorily from available statistics of the United States Department of Agriculture for the period August 1919-July 1929, and the period last referred to is the base period to be used in connection with the determination of the purchasing power of grapes under the proposed marketing agreement and order.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Emperor Grapes Grown in the State of California" and "Order Regulating the Handling of Emperor Grapes Grown in the State of California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 990.14 of the aforesaid rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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

This decision filed at Washington, D. C., this 18th day of January 1949.

[SEAL]

CHARLES F BRANNAN,
 Secretary of Agriculture.

Order¹ Regulating the Handling of Emperor Grapes Grown in the State of California

Sec.	Findings and determinations.
985.0	Findings and determinations.
985.1	Definitions.
985.2	Industry Committee.
985.3	Expenses and assessments.
985.4	Marketing policy.
985.5	Regulation.
985.6	Reports.
985.7	Grapes not subject to regulation.
985.8	Compliance.
985.9	Right of the Secretary.
985.10	Effective time; suspension; and termination.
985.11	Duration of immunities.
985.12	Agents.
985.13	Derogation.
985.14	Personal liability.
985.15	Separability.
985.16	Amendments.
985.17	Effect of termination or amendment.

AUTHORITY: §§ 985.0 to 985.17 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 208, 707; 7 U. S. C. 601 et seq.

§ 985.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agri-

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

cultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 208, 707) and in accordance with the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 13 F. R. 8585) a public hearing was held at Exeter, California, May 10 to 12, 1948, upon a proposed marketing agreement and order regulating the handling of Emperor grapes grown in the State of California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order is applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of Emperor grapes in the production area covered by this order which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in this order, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and

(5) It is hereby found and proclaimed that the purchasing power of Emperor grapes grown in the State of California during the period August 1909-July 1914 cannot be determined satisfactorily from available statistics of the United States Department of Agriculture, but the purchasing power of such grapes can be determined satisfactorily from available statistics of the United States Department of Agriculture for the period August 1919-July 1929, and the period last referred to is the base period used in connection with the determination of the purchasing power of grapes under this order.

Order relative to handling. It is, therefore, hereby ordered, that the handling of Emperor grapes grown in the State of California as is in the current of interstate or foreign commerce shall, from the effective time hereof, be in conformity to and in compliance with the terms and conditions of the following order:

§ 985.1 *Definitions.* As used in this part, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 208, 707)

(c) "Person" means an individual, partnership, corporation, association, or any other business unit.

(d) "Grapes" means and includes all Emperor grapes grown in the area.

(e) "Area" means the State of California.

(f) "Grower" is synonymous with "producer" and means any person engaged in the production of grapes for market, or who, as the owner of the vineyard or as a tenant thereon, has a financial interest in the crop from such vineyard. As used in § 985.5 the term "grower" shall also mean the purchaser of a crop of grapes on the vines.

(g) "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of, or an operator of a cold storage warehouse for, grapes owned by another person) who, as owner, agent, or otherwise, handles grapes, or causes grapes to be handled by rail, truck, boat, or any other means whatsoever.

(h) "Handle" is synonymous with "ship" and means to buy, sell, consign, transport, or offer for transportation, or in any other way to place grapes in the current of commerce between the State of California and any point outside of the State of California: *Provided*, That this term shall not apply to persons engaged in the shipping operations (such as common or contract carriers), and operators of cold storage warehouses for others who perform their respective functions in the matter on the basis of service rates or charges and who do not have any proprietary interest in the grapes being moved.

(i) "Standard package" means the size(s) and type(s) of package or packages designated by the Industry Committee and approved by the Secretary.

(j) "Fiscal period" is synonymous with "marketing season" and means the twelve-month period beginning on the first day of June of each year, and ending on the last day of May of the following year, both dates inclusive, except that the initial fiscal period shall begin at the effective time of this order and shall end on the last day of May of the following year.

(k) "Cold storage" means the storage of grapes, under refrigeration, in a storage warehouse in the State of California.

(l) "District" means each of the following: Tulare District, Fresno District, and Kern District.

(m) "Tulare District" means that portion of Tulare County, California, which is bounded and described as follows:

Beginning at the northwest corner of Township 17 South, Range 23 E. M. D., being the intersection of the county line between Tulare County and Kings County, California, with the Fourth Standard Parallel, South; running thence south along said county line to the southwest corner of Section 30, Township 23 South, Range 23 E. M. D., thence easterly following the northerly line of the south tier of sections in Township 23 South, Ranges 24 to 36, both inclusive, E. M. D., part of the distance being along the so-called Earlhart-Ducor Highway, in Range 27 E. M. D., thence south along the west line of Section 30, Township 23 South, Range 37 E. M. D., to the southwest corner thereof; thence easterly along the south lines of Sections 30, 29, 28, and 27, Township 23 South, Range 37, E. M. D., to the county line between Tulare County and Inyo County, California; thence northerly along such county line to the Fourth Standard Parallel South; and thence westerly along the Fourth Standard Parallel South, part of the distance being

along what is commonly known as the Yettem Highway, to the point of beginning.

(n) "Fresno District" means the counties of Fresno, Madera, Merced, Stanislaus, San Joaquin, Contra Costa, Sacramento, and Placer, and that part of Tulare County north of, the Fourth Standard Parallel, South.

(o) "Kern District" means all of the State of California, other than those portions of said State included in the Tulare and Fresno Districts.

§ 985.2 *Industry Committee—(a) Establishment and membership.* There is hereby established an Industry Committee consisting of nine (9) grower members; five (5) to represent the Tulare District; three (3) to represent the Fresno District; and one (1) to represent the Kern District. There shall be an alternate for each member of the committee.

(b) *Nomination of members.* The members and their respective alternates for each district shall be selected by the Secretary from the nominees elected by the growers of such district or from other qualified persons. Nominations for such members and alternate members shall, after reasonable notice to growers in each district, be made at meetings of growers held on or before May 1 of each season at such times and places as the Industry Committee shall designate, except that designations of such meetings in connection with the nominations of initial members and alternates shall be made by the Secretary. At each such meeting, the growers eligible to participate therein shall select a chairman and a secretary. After nominations have been made, the chairman or the secretary of such meeting shall transmit to the Secretary his certificate, showing the name of each person for whom votes have been cast, whether as member or as alternate for a member, and the number of votes received by each such person.

(2) In voting for nominees, each grower shall be entitled to cast only one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives; and only growers personally present at such meeting shall be entitled to vote. Each grower shall be entitled to vote only in the district or districts in which he produces grapes, and only for as many nominees as are to be selected from such district or districts.

(c) *Eligibility for membership.* Each person selected to serve as a member or as an alternate member of the Industry Committee for any particular season shall be an individual grower who produced, during the season immediately prior to the season for which the grower has been so nominated or selected, at least fifty-one (51) percent of the grapes shipped by him during such prior season; or such person shall be an officer, employee, or agent of an organization which produced, during such prior season, at least fifty-one (51) percent of the grapes shipped by such organization during such prior season; and any such person shall be an individual grower who, or an officer, employee, or agent of an organization which produced grapes during such prior season in that particular district for which he was nominated or selected

as a member or as an alternate member of such committee.

(d) *Failure to nominate.* In the event nominations for a member or alternate member of the Industry Committee are not made pursuant to paragraph (b) of this section, and communicated to the Secretary, on or before June 1 of the season for which such nominations should have been made, the Secretary may select the members and alternate members for such season without regard to nominations, but such selection shall be on the basis of the representations set forth in paragraph (a) of this section.

(e) *Qualification.* Each person selected as a member or as an alternate member of the Industry Committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance thereof before performing any of his duties hereunder.

(f) *Term of office.* Members and alternate members shall serve during the marketing season for which they have been selected, and until their successors are selected and have qualified.

(g) *Alternate members.* An alternate for a member of the Industry Committee shall act in the place and stead of such member (1) during his absence, and (2) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and qualified.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member, of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such member's unexpired term shall be nominated and selected in the manner set forth in this section. If nominations to fill any such vacancy are not made within twenty (20) days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations but on the basis of the representations set forth in paragraph (a) of this section.

(i) *Compensation and reimbursement for expenses.* Each member of the Industry Committee, and each alternate member when acting for a member or when designated by the committee to attend, may receive compensation in an amount not in excess of five dollars (\$5.00) per day (1) for attending meetings of the committee; and (2) while attending to such committee business as may be authorized by the committee. In addition to said compensation, each of the aforesaid members and alternate members may be reimbursed for all reasonable expenses necessarily incurred in attending each such meeting, or while attending to such committee business.

(j) *Powers.* The Industry Committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

(k) *Duties.* The Industry Committee shall have, among other things, the following duties:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and other records which will clearly reflect all of the acts and transactions of the committee, and such minutes, books, and other records shall be subject to examination at any time by the Secretary;

(3) To select, from among its members, a chairman and other officers, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(4) To appoint or employ such persons as it may deem necessary, and to determine the salaries and define the duties of each such person;

(5) At the beginning of each fiscal period, and not later than the fifteenth day of August thereof, to submit to the Secretary a budget of its expenses and proposed assessments for such fiscal period, together with a report thereon;

(6) To cause the books of the committee to be audited by one or more certified public accountants, at least once each fiscal period, and at such other times as the committee may deem necessary or as the Secretary may request; and the report of each such audit shall show, among other things, the receipt and expenditure of funds pursuant hereto. At least two (2) copies of each such audit report shall be submitted to the Secretary;

(7) To prepare monthly statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available for inspection by producers and handlers at the office of the committee;

(8) To investigate compliance with respect to the regulation of shipments pursuant hereto;

(9) With the approval of the Secretary, to redefine the districts into which the State of California has been divided herein, or change the representation from any district on the Industry Committee: *Provided*, That, if any such changes are made, representation on such committee from the various districts shall be based, so far as practicable, upon the proportionate acreage of grapes in the respective districts during the season immediately preceding the season during which such changes were made;

(10) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to grapes; and to engage in such research and service activities with respect to matters which are reasonably incidental to the other functions and duties of the committee, if the prior approval of the Secretary has been obtained;

(11) To submit to the Secretary such available information as he may request; and

(12) To give to the Secretary the same notice of meetings of the Industry Committee as is given to the members thereof.

(l) *Procedure.* (1) Six (6) members, including alternate members when acting for members of the Industry Committee,

shall constitute a quorum. For any decision of the committee to be valid, at least five (5) concurring votes thereon shall be necessary. *Provided*, That, for any decision of the committee with respect to § 985.5 to be valid, at least six (6) concurring votes thereon shall be necessary.

(2) The committee may provide for the members thereof to vote by mail, or in any other manner: *Provided*, That no member may vote other than in person at an assembled meeting of the committee or with respect to any decision under §§ 985.4 or 985.5. Voting other than in person shall be confirmed promptly in writing by the respective members so voting.

(m) *Obligation.* Upon the removal, resignation, disqualification, or expiration of the term of office of any member, or alternate member, of the Industry Committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary, all property (including, but not limited to, all books and other records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member, shall be vested in his successor, or, until such successor is selected and has qualified, in the committee.

(n) *Shippers' Advisory Council.* (1) There is hereby established a Shippers' Advisory Council (hereinafter called the "council") consisting of nine (9) members selected by the handlers in accordance with the provisions hereof. The purpose of such a council is to act as an advisory body to the Industry Committee. The duties of the council shall consist of submitting recommendations to the Industry Committee with respect to whatever regulations or quality standards may be deemed advisable, either initially, or when such regulations or standards have been proposed for consideration by the committee or by the Secretary. Members of the council shall hold office for a one-year term beginning on July 1 of the corresponding marketing season. There shall be an alternate for each member of such council. The alternate member shall possess the same qualifications as the member and shall be selected in the same manner as provided herein for the selection of members. An alternate member shall, in the event of such member's absence from a meeting of the council, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(2) Eight (8) members of the council shall be elected by handlers at a general meeting of all handlers, at which each

handler shall have one vote. The ninth member of such council shall be elected jointly by the other eight members of the council and the members of the Industry Committee.

(3) Any individual person, except one who is a member or an alternate member of the Industry Committee, shall be eligible for membership on the council.

(4) Meetings for the election of members and alternate members of the council shall be called and conducted by the Industry Committee not later than July 1 of each year.

(5) The members and alternate members of the council may be reimbursed for expenses on the same basis as members and alternate members of the Industry Committee for attendance at each meeting of the council or committee, or while attending to council or Industry Committee business: *Provided*, That such meeting or business has been authorized by the committee.

§ 985.3 Expenses and assessments—

(a) *Expenses.* The Industry Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the committee during the then current fiscal period (1) for the maintenance and functioning of such committee and (2) for such research and service activities relating to the handling of grapes as the Secretary may determine to be appropriate. The funds to cover such expenses shall be acquired by the levying of assessments as provided herein.

(b) *Assessments.* (1) Each handler who first ships grapes shall, with respect to each such shipment, pay to the Industry Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the committee during such fiscal period: *Provided*, That no assessment shall be levied with respect to any shipment of grapes exempted under the provisions of § 985.7. Each handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of grapes shipped by such handler as the first shipper thereof, during the applicable fiscal period, and the total quantity of grapes shipped by all handlers as the first shippers thereof, during the same fiscal period. The Secretary shall fix the rate of assessment to be paid by such handlers. Any such handler who ships grapes for the account of a grower may deduct from the account sales covering such shipment or shipments the amount of assessments levied on such grapes.

(2) At any time during a fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Industry Committee. Any such increase in the rate of assessment shall be applicable to all assessable grapes shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, any handler may make advance payments to the committee. Such advance payments shall be credited by the committee toward such assessments as may be levied hereunder against the respective handler during the then current marketing season.

(c) *Accounting.* (1) If, at the end of any fiscal period, the assessments collected exceed the expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless such handler demands payment thereof, in which case such refund shall be paid to him.

(2) The Industry Committee may, with the approval of the Secretary, maintain in its own name or in the names of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses.

(d) *Funds.* All funds received by the Industry Committee pursuant to the provisions hereof shall be used solely for the purposes herein specified and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the committee and its members and alternate members to account for all receipts and disbursements.

§ 985.4 *Marketing policy.* (a) Each season, prior to making any recommendation to the Secretary for the regulation of shipments pursuant to § 985.5, and thereafter during each season when conditions shall so warrant, the Industry Committee shall formulate and adopt the marketing policy to be followed during the current season and shall submit a report of such policy to the Secretary said policy report to contain, among other provisions, information relative to the estimated total production and shipments of grapes; the expected general quality of grapes; possible or expected demand conditions of different market outlets; supplies of competitive commodities; an appropriate analysis of the foregoing factors and conditions; and the type of regulation of shipments of grapes expected to be recommended.

(b) The Industry Committee shall give reasonable notice to growers and handlers of the contents of each such report submitted to the Secretary. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 985.5 *Regulation—(a) By grades—(1) Recommendation.* Whenever the Industry Committee deems it advisable to limit shipments of grapes to particular grades during a season when the seasonal average price of grapes is at or below the level specified in section 2 (1) of the act, it shall so recommend to the Secretary. At the time of submitting each recommendation, the said committee shall submit to the Secretary the data and information upon which it acted in making such recommendation, including factors affecting the supply of, and demand for, grapes by grades, and such other information as the Secretary may request. The said committee shall promptly give reasonable notice to handlers and growers of each recommendation submitted to the Secretary.

(2) *Establishment.* Whenever the Secretary finds, from the recommendations and supporting information submitted by the Industry Committee, or from other available information, that to limit the shipment of grapes to particular

grades during a season when the seasonal average price of grapes is at or below the level specified in section 2 (1) of the act would tend to effectuate the declared policy of the act, he shall so limit the shipment of grapes during a specified period or periods. The Secretary shall immediately notify the Industry Committee of the issuance of any such regulation, and the said committee shall promptly give reasonable notice thereof to handlers and growers.

(b) *By minimum standards of quality and maturity—(1) Recommendation.* Whenever the Industry Committee deems it advisable, during seasons when the seasonal average price of grapes is above the level specified in section 2 (1) of the act, to establish and maintain in effect during any period minimum standards of quality or maturity, or both, governing the shipment of grapes, it shall so recommend to the Secretary. Each such recommendation shall be in terms of: (i) The freedom of the grapes from material impairment of the shipping or keeping quality; (ii) the freedom of the grapes from material impairment of the edible quality; (iii) the freedom of the grapes from serious damage to appearance; (iv) the minimum maturity requirements, if any; and (v) any combination of the foregoing. At the time of submitting any such recommendation, the Industry Committee shall submit to the Secretary the supporting data and information upon which it acted in making such recommendation. The said committee shall also submit, in support of its recommendation, such other data and information as may be requested by the Secretary, and shall give prompt notice to handlers and growers of any such recommendation.

(2) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standard of quality or maturity, or both, for grapes during seasons when the seasonal average price of grapes is above the level specified in section 3 (1) of the act and to limit the shipment of grapes during any period or periods, to that meeting the minimum standards would be in the public interest, and would tend to effectuate the declared policy of the act, he shall establish such standards, designate such period, or periods, and so limit the shipment of such grapes. The Secretary shall notify the Industry Committee promptly of the minimum standards so established, and said committee shall give reasonable notice thereof promptly to handlers and growers.

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

(2) In the event the Secretary issues a grade regulation pursuant to paragraph (a) of this section, the Industry Committee shall determine what the percentage of grapes permitted to be shipped from the area is of the total quantity of grapes which would be shipped from the area in the absence of such regulation. An exemption certificate shall thereafter be issued by the Industry Commit-

tee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control, he will be prevented, because of the regulation issued, from shipping or causing to be shipped a percentage of his crop of grapes equal to the percentage determined as aforesaid of all grapes permitted to be shipped. The certificate shall permit such grower to ship, or cause to be shipped, a percentage of his crop of grapes equal to the percentage determined as aforesaid. The Industry Committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section, and shall maintain a record of all certificates issued, including the information used in determining, in each instance, the quantity of grapes thus to be exempted, and a record of all shipments of exempted grapes. Such additional information as the Secretary may require shall be recorded in the records of said committee. The Industry Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of grapes thus exempted, and such additional information as may be requested by the Secretary.

(3) If any grower is dissatisfied with the action of the Industry Committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided*, That such appeal shall be made promptly. The Secretary shall, upon an appeal made as aforesaid, affirm, modify, or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

(d) *Inspection and certification—(1) Grade inspection.* During any period in which shipments of grapes are regulated pursuant to this section, each handler shall, prior to making each shipment of grapes (except a shipment to cold storage, as defined herein) cause such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Promptly thereafter, each such shipper shall submit, or cause to be submitted, to the Industry Committee a copy of the shipping point inspection certificate issued by the Federal-State Inspection Service, showing the grade of all grapes so inspected, together with such appropriate identification as said committee may require: *Provided*, That this provision shall not be applicable to any shipment of grapes exempted under § 985.7.

(2) *Condition inspection.* Upon the recommendation of the Industry Committee, or on the basis of other information available to him, the Secretary may require each handler, prior to making each shipment of grapes from a cold storage warehouse, to cause such grapes, if they have already been inspected and certified pursuant to the provisions of subparagraph (1) of this paragraph, to be inspected by an authorized representative of the Federal-State Inspection

Service for the condition of such grapes with respect to decay. Such condition inspection shall determine whether the percentage of decay in any such shipment of grapes is within the tolerance for decay established by the existing regulation. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the Industry Committee a copy of the inspection certificate issued by the Federal-State Inspection Service, showing the condition of the grapes with respect to decay. *Provided*, That this provision shall not be applicable to any shipment of grapes exempted under § 985.7.

(e) *Modification, suspension, or termination.* Whenever the Industry Committee deems it advisable to recommend to the Secretary the modification, suspension, or termination of any or all of the regulations established pursuant to paragraph (a) or (b) of this section, it shall so recommend to the Secretary. If the Secretary finds, upon the basis of such recommendation, or upon the basis of other available information, that to modify any such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation, or upon the basis of other available information, that any such regulations obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulations. The Secretary shall notify the Industry Committee promptly, and such committee shall give reasonable notice promptly to handlers and growers of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner, and upon the same basis, the Secretary may terminate any such modification or suspension.

§ 985.6 *Reports.* In order to enable the Industry Committee to perform its powers and duties, each handler shall be responsible for the furnishing to such committee of complete information, in such form and at such times, and in such manner as the committee shall prescribe, with the approval of the Secretary, with respect to each shipment of grapes. Where necessary or appropriate, the handler shall authorize such information to be furnished directly to the committee by the transportation or cold storage agencies involved. Each such report may include the name of the shipper; the car number, truck license number or the boat identification, depending on the method of shipment used; the number of packages of grapes, or the billing weight thereof, and the grade or grades; the name of the grower for whom the grapes are shipped; the point of origin of the shipment; the destination, routing, and any diversions. Such information shall be compiled by the Industry Committee and made available promptly, in summary form, to all handlers and other interested persons who request a copy thereof: *Provided*, That such compilation or summary shall not reveal the identity of the individual informants, shippers, and growers. The Industry Committee shall not disclose to any person other than the Secretary any information that may be obtained pursuant

to this section, except in the aforesaid manner.

§ 985.7 *Grapes not subject to regulation.* Nothing contained herein shall be construed to authorize any limitation of the right of any person to ship grapes for consumption by a charitable institution, for distribution for relief purposes, or for distribution by a relief agency, or to make individual shipments of grapes by parcel post or railway express in quantities of ten (10) standard packages, or less. No assessments, pursuant to § 985.3, shall be levied on grapes so shipped, nor shall such grapes be required to be inspected pursuant to § 985.5. The Secretary may prescribe, on the basis of a recommendation and information submitted to him by the Industry Committee, or on the basis of any other information available to him, adequate safeguards to prevent grapes exempted by the provisions of this section from entering the commercial channels of trade for consumption in fresh form.

§ 985.8 *Compliance.* Except as provided herein, no handler shall ship any grapes, the shipment of which is prohibited in accordance with the provisions hereof; and no handler shall ship any grapes except in conformity with the provisions hereof.

§ 985.9 *Right of the Secretary.* All members and alternate members of the Industry Committee, and persons appointed or employed by the committee, shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove such order, regulation, determination, decision, or other act at any time, and upon such disapproval, such action of the committee shall be deemed null and void, except as to the acts done in reliance thereon, or in compliance therewith, prior to such disapproval by the Secretary. In the event the committee, for any reason, fails to perform its duties or exercise its powers hereunder, the Secretary may designate another agency to perform such duties and to exercise such powers.

§ 985.10 *Effective time; suspension; and terminations—(a) Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force and effect until terminated in any of the ways hereinafter specified.

(b) *Suspension; and termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release, or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any marketing season whenever he finds, by referendum or otherwise, that such termi-

nation is favored by a majority of the growers who, during such representative period as may be determined by the Secretary, have been engaged in the production for market of grapes; *Provided*, That such majority have, during such representative period, produced for market more than fifty (50) percent of the volume of such grapes produced for market within the area; but such termination shall be effective only if announced on or before the last day of May of the then current marketing season.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.*

(1) Upon the termination of the provisions hereof, the then members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under the control of the committee, its members, or alternate members, including claims for any funds unpaid or property not delivered at the time of such termination. The rules to govern the activities of said trustees, including, but not limited to, the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(2) The said trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time, account for all receipts and disbursements and deliver all property (including, but not limited to, all books and other records of the committee and of the trustees) to such person as the Secretary may designate, and shall, upon request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such designee full title and right to property and funds, and all claims vested in the committee or the trustees pursuant hereto.

(3) All persons to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

(4) All funds collected for expenses pursuant to the provisions hereof and held by such trustees or such other persons, over and above amounts necessary to meet the obligations and the expenses incurred necessarily by the trustees or such other persons in the performance of their duties hereunder, shall, as soon as practicable after the termination hereof, be returned to the handlers in proportion to their contributions made pursuant hereto.

§ 985.11 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 985.12 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Depart-

ment of Agriculture to act as his agent or representative in connection with any one or more of the provisions hereof.

§ 985.13 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary, or of the United States, to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 985.14 *Personal liability.* No member or alternate member of the committee, nor any person appointed or employed by the committee, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, appointee or employee, except for acts of dishonesty.

§ 985.15 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 985.16 *Amendments.* Amendments hereto may be proposed, from time to time, by the Industry Committee or by the Secretary.

§ 985.17 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof, or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

[F. R. Doc. 49-571; Filed, Jan. 25, 1949; 8:47 a. m.]

[7 CFR, Part 985]

HANDLING OF EMPEROR GRAPES GROWN IN CALIFORNIA

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

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 208, 707) it is hereby directed that a referendum be conducted among the producers who, during June 1, 1947, to May 31, 1948, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum) were engaged, in the State of California, in the production

of Emperor grapes for shipment in fresh form, to determine whether such producers favor the issuance of an order regulating the handling of Emperor grapes grown in California, a copy of which is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith, *supra*. R. M. Walker, J. H. Bryce, D. M. Rubel, and R. C. Beeman of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture, to perform, jointly or severally, the following functions in connection with the referendum:

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

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

(2) By giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted; (ii) that any ballots may be cast by mail; (iii) that all ballots so cast must be addressed to J. H. Bryce, Field Representative, Western Marketing Field Office, 100 Plaza Building, 921 Tenth Street, Sacramento 14, California; and (iv) of the time prior to which such ballots must be postmarked.

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

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

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

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

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting place, and in two or more public places within the applicable area; and,

so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

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

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

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

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

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

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

(9) By appointing any farm adviser in charge of any county agricultural extension office, and by authorizing the chairman of the State Production and Marketing Administration committee to appoint any member or members of a county Agricultural Conservation Association committee, located in California, and by appointing any other persons deemed necessary or desirable, to assist said referendum agents in performing their duties hereunder. Each such person so appointed shall serve without compensation, and may be authorized by the said referendum agents or any of them to perform any or all of the functions set forth in paragraphs (a) (5) (6) (7), and (8) hereof (which, in the absence of such appointment of sub-agents, shall be performed by said referendum agents) in accordance with the requirements herein set forth.

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

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they or any of them deem that a ballot should be challenged for any rea-

son, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reason therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing

Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the proposed order may be examined at the Office of the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or obtained from the Western Marketing Field Office of the Fruit and Vegetable

Branch, Production and Marketing Administration, at 100 Plaza Building, 921 Tenth Street, Sacramento 14, California.

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

Done at Washington, D. C., this 18th day of January 1949.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-621; Filed, Jan. 25, 1949; 9:05 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 2

OCTOBER 4, 1948.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify, as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. sec. 682 (a)) as amended, the following described public lands in the Anchorage, Alaska land district, embracing approximately 110 acres:

For leasing and sale for home, cabin, camp, and recreational sites.

BIG LAKE AREA

T. 17 N., R. 3 W., Seward Meridian, Alaska. Sec. 28: Fr¹ S¹/₂ of Lot 3, and SE¹/₄SW¹/₄. Sec. 31: Lot 1 (Except that portion which if described in terms of a normal subdivision would be the S¹/₂SE¹/₄NW¹/₄-NW¹/₄). Lot 2.

2. The land is located on the shore of Big Lake, which is approximately 15 minutes flying time from Anchorage. The lake is accessible by both wheel and float planes. A privately owned air strip, large enough only to serve light planes, is situated in the SW¹/₄ of sec. 28. The climate in the location of the land is a favorable combination of the coastal climate of South Alaska. There are no public utilities in the area. The small number of year round residents on the lake provide their own water and power supplies.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR, Part 257) a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the land not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited

above, until 10:00 a. m. on December 6, 1948. At that time such land 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 other preference-right filings.* For a period of 90 days from 10:00 a. m. on December 6, 1948 to close of business on March 7, 1949, to (1) application under the Small Tract Act of June 1, 1938, 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, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2)

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on October 4, 1948, or thereafter, up to and including 10:00 a. m. on December 6, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 p. m. on March 8, 1949, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous non-preference-right filing.* Applications under the Small Tract Act by the general public filed on October 4, 1948, or thereafter, up to and including 10:00 a. m. on March 8, 1949 shall be treated as simultaneously filed.

5. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Other persons entitled to credit for service shall file evidence of their right to credit in accordance with 43 CFR 181.36. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by

duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the district office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938 will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than 5 years at an annual rental of \$5.00, payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase the tract at or after the expiration of one year from date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet. The tracts, whenever possible, must conform in description with the rectangular system of surveys as one compact unit; i. e., the E¹/₂ or the W¹/₂ of a quarter-quarter-quarter section.

9. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator

[F. R. Doc. 49-581; Filed, Jan. 25, 1949; 8:50 a. m.]

CALIFORNIA CLASSIFICATION ORDER

DECEMBER 31, 1948.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13

F. R. 4278) I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609) as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a) as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 80 acres,

**CALIFORNIA SMALL TRACT CLASSIFICATION
No. 121**

For lease only for all purposes mentioned in the act except business,

T. 6 S., R. 1 E., S. B. M.,
Sec. 28, N $\frac{1}{2}$ SW $\frac{1}{4}$.

2. As to applications regularly filed prior to 8:00 a. m., December 13, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., March 4, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., March 4, 1949, to the close of business on June 2, 1949.

(b) Advance period for veterans' simultaneous filings from 8:00 a. m., December 13, 1948, to the close of business on March 4, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., June 3, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:00 a. m., December 13, 1948, to the close of business on June 3, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Leases will be subject to such easements for road rights of way as may be necessary to permit ingress or egress by other lessees to or from other lands leased under authority of this order.

11. All inquiries relating to these lands should be addressed to the Acting Man-

ager, District Land Office, Los Angeles, California.

**L. T. HOFFMAN,
Regional Administrator.**

[F. R. Doc. 49-580; Filed, Jan. 25, 1949;
8:50 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

DECEMBER 31, 1948.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278) I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 360.79 acres.

**CALIFORNIA SMALL TRACT CLASSIFICATION
No. 120**

For lease only for all purposes mentioned in the act except business,

T. 12 S., R. 1 W., S. B. M.,
Sec. 4, Lots 1, 2, 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, and
NW $\frac{1}{4}$ SE $\frac{1}{4}$.

2. As to applications regularly filed prior to 10:04 a. m., February 25, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., March 4, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., March 4, 1949, to the close of business on June 2, 1949.

(b) Advance period for veterans' simultaneous filings from 10:04 a. m., February 25, 1948, to the close of business on March 4, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., June 3, 1949.

(a) Advance period for simultaneous nonpreference filings from 10:04 a. m., February 25, 1948, to the close of business on June 3, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a pref-

erence right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of \$5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Leases will be subject to such easements for road rights of way as may be necessary to permit ingress or egress by other lessees to or from other lands leased under authority of this order.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

**L. T. HOFFMAN,
Regional Administrator.**

[F. R. Doc. 49-579; Filed, Jan. 25, 1949;
8:59 a. m.]

DEPARTMENT OF LABOR

**Wage and Hour and Public Contracts
Division**

**EMPLOYMENT OF HANDICAPPED CLIENTS BY
SHELTERED WORKSHOPS**

**NOTICE OF ISSUANCE OF SPECIAL
CERTIFICATES**

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1063; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 33, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Missouri Goodwill Industries, 4140 Forest Park Boulevard, St. Louis, Missouri; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1949, and expires February 23, 1949.

Industrial Aid for the Blind, Inc., 2533 Sullivan Avenue, St. Louis, Missouri; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher,

and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1949, and expires December 31, 1949.

St. Joseph Goodwill Industries, 1209 North Third Street, St. Joseph, Missouri; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1949, and expires December 31, 1949.

Goodwill Industries, 312 South Wall Street, Sioux City, Iowa; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1949, and expires December 31, 1949.

Workshop for the Blind, 315 Sixth Street, Sioux City, Iowa, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1949, and expires December 31, 1949.

Goodwill Industries of Dallas, 2511 Elm Street, Dallas 1, Texas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher, and a rate of not less than 35 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1949, and expires December 31, 1949.

Washington Society for the Blind, 2423 F Street NW., Washington, D. C., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 1, 1949, and expires April 30, 1949.

Indianapolis Goodwill Industries, Inc., 215 South Senate Avenue, Indianapolis, Indiana, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 20 cents for each new client during his ini-

tial 4-week evaluation period in the workshop; certificate is effective January 15, 1949, and expires December 31, 1949.

New York Guild for the Jewish Blind, 1880 Broadway, New York 23, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 21, 1949, and expires December 31, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 13th day January 1949.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 49-566; Filed, Jan. 25, 1949;
8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2123 et al.]

PUERTO RICO; ADDITIONAL SERVICE

NOTICE OF HEARING

In the matter of a complaint by the Government and people of Puerto Rico relating to the adequacy of air service between the United States and Puerto Rico and applications for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of additional air transportation services, and requests for general or special exemption orders under section 416 of said act with respect to the provision of air services between the United States and Puerto Rico.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, 404 (a), 1001 and 1002 (b) of said

act, that a hearing in the above-entitled proceeding is assigned to be held on January 31, 1949 at 10 a. m. in the Auditorium of the School of Tropical Medicine in San Juan, Puerto Rico, before Examiner William J. Madden.

Without limiting the scope of the issues presented by the parties to this proceeding, particular attention will be directed to the following matters and questions:

(1) Whether air transportation services presently authorized between points in the United States and points in Puerto Rico are adequate.

(2) Whether the additional services proposed in the various applications are required by the public convenience and necessity.

(3) Whether the applicants are citizens of the United States and are fit, willing, and able to perform the services for which they are applying and to conform to the act and the rules, regulations and requirements of the Board promulgated thereunder.

(4) If the public convenience and necessity require additional services, which carrier or carriers can best provide said service.

(5) If additional services are required, whether or not they may be provided for by the issuance of an exemption order under the provisions of section 416 of the act which would permit the operation of air transportation services between the United States and Puerto Rico without the necessity of holding certificates of public convenience and necessity.

Notice is further given that any person desiring to be heard in opposition to an application consolidated in this proceeding must file with the Board on or before January 31, 1949 a statement setting forth the issues of fact or law which he desires to controvert and such person may appear and participate in the hearing in accordance with § 285.6 (a) of the rules of practice under Title IV of section 1002 (i) of the Civil Aeronautics Act of 1938, as amended.

For further details of the service proposed and authorizations requested, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., January 18, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-622; Filed, Jan. 25, 1949;
9:02 a. m.]

[Docket No. 2664]

CHICAGO AND SOUTHERN AIR LINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Chicago and Southern Air Lines, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for amendment of its certificate for its foreign route so as to add Chicago, Ill., as a coterminal point.

Notice is hereby given that hearing in the above-entitled proceeding now as-

signed for February 1, 1949, is postponed to Tuesday, March 1, 1949, at 10:00 a. m. (eastern standard time) in Room 2015, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., January 19, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-607; Filed, Jan. 25, 1949;
9:02 a. m.]

[Docket No. 3244]

TRANSOCEAN AIRLINES, INC., ENFORCEMENT
PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the suspension and revocation of Letter of Registration No. 803 issued to Transocean Airlines, Inc., instituted by a show cause order Serial No. E-1105 dated January 6, 1948, issued by the Board.

Notice is hereby given that hearing in the above proceeding, now assigned February 2, 1949, has been reassigned to March 9, 1949, 10:00 a. m. (eastern standard time) in Room 1011, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Warren E. Baker.

Dated at Washington, D. C., January 19, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-602; Filed, Jan. 25, 1949;
9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1001]

TENNESSEE GAS TRANSMISSION Co.

ORDER FIXING DATE OF HEARING

On November 30, 1948, Tennessee Gas Transmission Company (Applicant) a Delaware corporation having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the continued operation of an existing pipeline connection with Texas Gas Transmission Corporation (formerly Memphis Natural Gas Company) near Greenville, Mississippi, consisting of a meter station, approximately 1,764 lineal feet of connecting pipeline, valves, and other appurtenant equipment.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and thus proceeding appears to be a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition

raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 8, 1949 (14 F. R. 111).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 3, 1949, at 9:30 o'clock a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

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

Date of issuance: January 18, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-578; Filed, Jan. 25, 1949;
8:49 a. m.]

[Docket No. G-1153]

UNITED NATURAL GAS Co.

ORDER FIXING DATE OF HEARING

By order of December 20, 1948, the Commission, on its own motion, instituted an investigation of United Natural Gas Company for the purpose of enabling the Commission to determine whether, in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged or collected, or any rules, regulations, practices, or contracts affecting such rates, charges or classifications, are unjust, unreasonable, unduly discriminatory, or preferential.

The said order of December 20, 1948, provided further, that if the Commission, after hearing has been had, shall find that any of the rates, charges, classifications, rules, regulations, practices, or contracts of United Natural Gas Company, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory or preferential, the Commission will determine and fix by order or orders the just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

The Commission finds: It is appropriate to carry out the provisions of the Natural Gas Act that a hearing be held as hereinafter provided.

The Commission orders:

(A) A public hearing be held commencing March 1, 1949, at 10:00 a. m., in the Hearing Room of the Fed-

eral Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(B) The Public Service Commission of the State of New York and any other interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: January 18, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-577; Filed, Jan. 25, 1949;
8:49 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5320]

GENERAL MOTORS CORP. AND AC SPARK
PLUG Co.

SUBSTITUTE ORDER APPOINTING TRIAL EX-
AMINER 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 13th day of January A. D. 1949.

The answer of respondents not having been entered in the above entitled proceedings, the Commission has reconsidered and rescinded its order of January 10, 1949, and in lieu thereof hereby substitutes the following:

Pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Webster Ballinger, 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, February 8, 1949, at ten o'clock in the forenoon of that day (eastern standard time) in Courtroom No. 859, United States Post Office, Detroit, Michigan.

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

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-603; Filed, Jan. 25, 1949;
9:01 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION AND ASSIGNMENT OF WORK

JANUARY 13, 1949.

The Interstate Commerce Commission announces that on January 10, 1949, it amended its order as to assignment of work, entered June 8, 1942, pursuant to the provisions of section 17 of the Interstate Commerce Act, as amended, by revising the second paragraph of the assignment of work to Division 4 to read as follows:

Section 5 (2) to (13) inclusive (other than enforcement of penalties), and section 210a (b) of Part II, relating to the consolidation, merger, purchase, lease, operating contracts, and acquisition of control of carriers, and to non-carrier control, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 49-574; Filed, Jan. 25, 1949;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-51]

NATIONAL POWER & LIGHT CO. ET AL.

ORDER GRANTING SUPPLEMENTAL APPLICATION WITH RESPECT TO FEES PAYABLE AND SOLICITATIONS PURSUANT TO EXCHANGE OFFER

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of January A. D. 1949.

In the matter of National Power & Light Company et al., File No. 54-51, Application No. 10, Part B.

The Commission having by order dated August 25, 1948 approved under section 11 (e) of the Public Utility Holding Company Act of 1935 an amended plan for the reorganization of Lehigh Valley Transit Company ("Transit") which plan, among other things, included a proposed exchange offer to the bondholders of Transit of the shares of Pennsylvania Power & Light Company's 4½% preferred stock owned by Transit, and said plan having been approved by the District Court of the United States for the Eastern District of Pennsylvania by order dated and entered September 29, 1948, and the Commission on November 11, 1948 having approved the exchange offer of the Pennsylvania Power & Light Company's 4½% preferred stock at \$100 per share; and

Supplemental Application No. 4 having been filed by Transit wherein it stated that in order to facilitate the exchanges under the Exchange Offer, Transit entered into Dealers Solicitation Agreements with Boenning & Company, Kidder, Peabody & Company, Putnam & Company and Salomon Bros. & Hutzler, providing for payment of commissions to such dealers from the first \$1,400,000 principal amount of bonds deposited pur-

suant to the Exchange Offer at the rate of \$10 for each \$1,000 bond so deposited. Pursuant to said Exchange Offer, Transit received deposits of \$1,457,000 principal amount of bonds and Transit now proposes to pay the following dealers the amounts shown below for their services in soliciting deposits pursuant to the Exchange Offer:

Boenning & Co.....	\$5,075
Kidder, Peabody & Co.....	45
Putnam & Co.....	20
Salomon Bros. & Hutzler.....	4,315
Total.....	9,455

It appearing to the Commission that no adverse findings are necessary with respect to the payments proposed to be made and it further appearing that such fees are not unreasonable and it appearing appropriate to grant the application forthwith:

It is ordered, Pursuant to the applicable provisions of the act, and in accordance with the reservation of jurisdiction contained in the Commission's order of August 25, 1948, that the said Supplemental Application No. 4 be granted effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-553; Filed, Jan. 25, 1949;
8:51 a. m.]

[File No. 70-2027]

MINNESOTA POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of January A. D. 1949.

Notice is hereby given that a joint application-declaration has been filed by American Power & Light Company ("American") a registered holding company subsidiary of Electric Bond and Share Company and American's utility subsidiary, Minnesota Power & Light Company ("Minnesota"), under the Public Utility Holding Company Act of 1935, and said application-declaration designates sections 6 (a) 7, 9 (a) 10, 12 (c) and 12 (f) of the act and Rule U-43 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Minnesota proposes to issue and sell on a rights basis to the present holders of its common stock such number of shares of its authorized and unissued common stock without nominal or par value as will result, in the event of full subscription, in Minnesota's raising approximately \$1,200,000. The exact number of shares and the price per share are to be submitted by amendment. The right to subscribe to such stock will be evidenced by subscription warrants (transferable to any assignee) expiring approximately 20 days after their issuance. Warrants will be issued for fractional shares entitling the holder, upon surrender of such war-

rants and of other warrants together aggregating one or more full shares, to subscribe to the number of such full shares which such warrants shall together aggregate, but no subscription will be accepted for fractional shares. Minnesota proposes to appoint its transfer agent in Duluth, Minnesota, as transfer agent or subscription agent for subscription warrants and fractional subscription warrants. Such transfer agent is to exercise his best efforts to assemble fractional subscription warrants or to dispose of such fractional warrants without cost to the warrant holders.

American, as the holder of 550,000 shares (84.6%) of Minnesota's outstanding common stock, proposes to purchase pursuant to the offering of such stock the number of full shares to which it shall be entitled pursuant to the pro rata offering.

The application-declaration states that it will be a condition of the offer that no common stock will be issued pursuant to subscription warrants except on a date subsequent to the record date for payment of a dividend payable as of March 1, 1949.

Minnesota proposes to pay to qualified dealers assisting in effecting subscriptions for additional common stock the amount of 25¢ for each share of additional common stock with respect to which such dealer is instrumental in effecting a subscription.

Rights evidenced by subscription warrants which shall not have been exercised on or prior to the date of termination of such rights will expire and all rights evidenced by such warrants will thereupon terminate.

The application-declaration states that the proceeds to be received from the sale of the stock will be used to reimburse Minnesota for construction expenditures and for other corporate purposes. It is further contemplated that further funds will be received by Minnesota from the issuance and sale in the early part of 1949 of First Mortgage Bonds pursuant to its existing Mortgage and Deed of Trust.

Applicants-declarants request that the Commission's order herein be issued as promptly as may be practicable and that it become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may not later than January 31, 1949 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 31, 1949 said application-declaration as filed or as amended may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file

with this commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-582; Filed Jan. 25, 1949;
8:50 a. m.]

[File No. 70-2023]

LONG ISLAND LIGHTING CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of January 1949.

Long Island Lighting Company ("Long Island") a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 with respect to the following transaction:

Long Island proposes to issue and sell to four commercial banks for cash at principal amount \$2,000,000 principal amount of notes which will bear interest at the rate of 2 1/4% per annum and will mature July 15, 1949. The proceeds of the sale of the notes will be used for construction requirements of the company.

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

The Commission finding that no adverse findings are necessary with respect to the declaration, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-584; Filed, Jan. 25, 1949;
8:51 a. m.]

WAR ASSETS ADMINISTRATION

[Wildlife Order 1]

TRANSFER OF 8,486 ACRES OF LAND AT HARLINGEN ARMY AIR FIELD (LAGUNA MADRE SUB-BASE) CAMERON COUNTY, TEXAS, TO THE SECRETARY OF THE INTERIOR

1. Pursuant to the authority granted under the provisions of Public Law 537, 80th Congress, notice is hereby given that by letter of transfer from the War Assets Administrator, to the Secretary of the Interior, dated January 12, 1949,

a portion of that property known as Laguna Madre Sub-Base, Harlingen Army Air Field, Cameron County, Texas, and more particularly described in such letter, has been transferred to the Secretary of the Interior.

2. The above described property is transferred to the Secretary of the Interior for migratory bird conservation purposes in accordance with the provisions of said Public Law-537.

JES LARSON,
Administrator

JANUARY 12, 1949.

[F. R. Doc. 49-640; Filed, Jan. 25, 1949;
9:54 a. m.]

[Wildlife Order 2]

TRANSFER OF PORTION OF FORT HUACHUCA TO THE STATE OF ARIZONA GAME AND FISH COMMISSION

Pursuant to the authority granted under the provisions of Public Law 537, 80th Congress, notice is hereby given that:

1. By deed from the United States of America, dated January 14, 1949, to the State of Arizona Game and Fish Commission, a portion of that property known as Fort Huachuca, Arizona, and more particularly described in such deed, has been transferred from the United States to the State of Arizona Game and Fish Commission.

2. The above described property is transferred to the State of Arizona Game and Fish Commission for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

PAUL L. MATHER,
Associate Administrator.

JANUARY 14, 1949.

[F. R. Doc. 49-639; Filed, Jan. 25, 1949;
9:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 78th Cong., 60 Stat. 60, 623; 60 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. 9783, Oct. 14, 1946, 11 F. R. 11931.

[Vesting Order 12C10]

OTTO PEUSER

In re: Trust under will of Otto Peuser, deceased. D-28-3091-G-1.

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

1. That Else Peuser Schlipp, Walter Schlipp, and Rudolf Schlipp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title and interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and

to the trust created under Paragraph Fourth of the will of Otto Peuser, deceased, presently being administered by the Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois, Trustee,

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

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described 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 January 5, 1949.

For the Attorney General.

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

[F. R. Doc. 49-637; Filed, Jan. 25, 1949;
8:53 a. m.]

[Vesting Order 12633]

WILHELMINA ZEHNDER

In re: Estate of Wilhelmina Zehnder, deceased. File No. D-55-374; E. T. sec. 8037.

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 Herman Renz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

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

3. That such property is in the process of administration by The Shelton Trust Company, as Administrator et al, acting under the judicial supervision of the Court of Probate, District of Shelton, State of Connecticut;

and it is hereby determined:

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

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

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

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

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

For the Attorney General.

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

[F. R. Doc. 49-588; Filed, Jan. 25, 1949;
8:53 a. m.]

[Vesting Order 12654]

HANS WITTEMEIER AND WILLY NEUMANN

In re: United States Letters Patent No. 1,941,524 owned by Hans Wittemeier and Willy Neumann.

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 Hans Wittemeier and Willy Neumann whose last known address is Germany, are residents of Germany and nationals of a foreign country (Germany),

2. That the property described as follows: All right, title and interest, including all accrued royalties and damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent No..

Patent No.	Date of issue	Inventor	Title
1,941,524	1-2-34	Hans Wittemeier and Willy Neumann.	Air Filter Apparatus.

is property of the aforesaid nationals of a foreign 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 term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

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

For the Attorney General.

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

[F. R. Doc. 49-589; Filed, Jan. 25, 1949;
8:54 a. m.]

[Vesting Order 12655]

TAMAKI F. ARIMA AND SUMIYOSHI ARIMA

In re: Safe deposit box owned by Tamaki F. Arima and Sumiyoshi Arima, also known as Sumiyoshi Arima. D-39-17173-F-1.

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

1. That Tamaki F. Arima and Sumiyoshi Arima, also known as Sumiyoshi Arima, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan),

2. That the property described as follows:

a. All rights and interests created in Tamaki F. Arima and Sumiyoshi Arima, also known as Sumiyoshi Arima, under and by virtue of a safe deposit box lease agreement by and between Tamaki F. Arima and Sumiyoshi Arima, also known as Sumiyoshi Arima, and the Seattle First National Bank, Second Avenue at Cherry Street, Seattle, Washington, and/or its International Branch, located at 526 Jackson Street, Seattle, Washington, relating to safe deposit box numbered 118, located in the vault of said International Branch, including particularly but not limited to the right of access to said safe deposit box, and

b. All property of any nature whatsoever, owned by Tamaki F. Arima and Sumiyoshi Arima, also known as Sumiyoshi Arima, located in the safe deposit box referred to in subparagraph 2-a hereof, and all rights and interests of said persons, evidenced or represented thereby,

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

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the prop-

erty 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 January 5, 1949.

For the Attorney General.

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

[F. R. Doc. 49-590; Filed, Jan. 25, 1949;
8:54 a. m.]

[Vesting Order 12666]

CORNELIA KLAASEN

In re: Estate of Cornelia Klaasen, deceased. File D-28-11911; E. T. sec. 16108.

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 Tatdina Juchems, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany)

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

3. That such property is in the process of administration by George Potgeter, as executor, acting under the judicial supervision of the District Court of the State of Iowa, in and for the County of Hardin;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on January 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-591; Filed, Jan. 25, 1949;
8:54 a. m.]

[Vesting Order 12667]

JOHN ADAM SCHRICKER

In re: Estate of John Adam Schricker, deceased. File No. D-28-7606; E. T. sec. 8018.

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 Johann George Seuss, Johanna Margareta Frieda Seuss, Albert Christian Seuss, Johann Friedrich Seuss, Anna Margaretha Christiana Maerz, nee Mueller, Margarethe Wagner, nee Keller, Albert Keller, Rudolf Keller, Ottilie Elsa Emma Henriette Ackermann, nee Volkmann, Joerg Ackermann, Klaus Jochen Ackermann, Johann Mueller, Margaretha Klara Walter, nee Mueller, Babette Opel, nee Mueller, Maria Sophia Johanna Greim, nee Kiessling, Johann Ludwig Kiessling, Katherina Kiessling, Stephan Karl Eans Spitzbarth, Johanna Maria Sophia Spitzbarth, Karl Max Feustel, Elfriede Johanna Feustel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That Johann Karl Kiessling, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henriette Anna Wilhelmine Seuss, nee Kauffenstein, deceased, of Gottfried Wilhelm Ackermann, deceased, of Johann Karl Kiessling, of Marta Katharina Feustel, nee Spitzbarth, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John Adam Schricker, deceased, and in and to the trust created by order of the Probate Court of Summit County, Ohio, dated January 3, 1946, in the Estate of John Adam Schricker, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by M. S. Richardson, 328 South Main Street, Akron, Ohio, Trustee, acting under the judicial supervision of the Probate Court of Summit County, Ohio.

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and Johann Karl Kiessling, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henriette Anna Wilhelmine Seuss, nee Kauffenstein, deceased, of Gottfried Wilhelm Ackermann, deceased, of Johann Karl Kiessling, of Marta Katharina Feustel, nee Spitzbarth, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and it being deemed necessary in the national interest,

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

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

Executed at Washington, D. C., on January 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-532; Filed, Jan. 25, 1949; 8:54 a. m.]

[Vesting Order 12663]

MATSUTA TAKAHASHI

In re: Rights of Matsuta Takahashi under insurance contracts. File No. F-39-4792-H-1 and H-2.

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

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

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. WS-41006 and WS-67412, issued by the California-Western States Life Insurance Company, 926 J. Street, Sacramento, California, to Matsuta Takahashi, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on January 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-533; Filed, Jan. 25, 1949; 8:54 a. m.]

[Vesting Order 12659]

PAUL ZERULL

In re: Estate of Paul Zerull, deceased. File No. D-23-11721; E. T. sec. 15934.

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 the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Walter Zerull, deceased, and of Gerhard Zerull, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

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

3. That such property is in the process of administration by Bertha Hartenstein, as administratrix, acting under the judicial supervision of the Probate Court, Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Walter Zerull, deceased, and of Gerhard Zerull, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

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

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

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

Executed at Washington, D. C., on January 12, 1949.

For the Attorney General.

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

[F. R. Doc. 49-534; Filed, Jan. 25, 1949; 8:54 a. m.]

[Vesting Order 12688]

THEODOR PASTOR

In re: Bank account owned by Theodor Pastor. D-28-10859-E-1.

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

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

2. That the property described as follows: That certain debt or other obligation owing to Theodor Pastor by the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a Foreign Holders Account, account number 90007, representing full payment of proportionate share of distribution of bond and mortgage of 556 Seventh Avenue Corporation, covering property located at 556 Seventh Avenue, New York, New York, said account maintained at the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (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 January 13, 1949.

For the Attorney General.

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

[F. R. Doc. 49-596; Filed, Jan. 25, 1949; 8:54 a. m.]

[Vesting Order 12684]

GRETE JANTZEN

In re: Rights of Grete Jantzen under insurance contracts. File No. F-28-26444-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

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

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 3604460 and 4115742, issued by the Mutual Life Insurance Company of New York, New York, to Hermann D. Jantzen, together with the right to demand, receive and collect said net proceeds,

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 January 13, 1949.

For the Attorney General.

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

[F. R. Doc. 49-597; Filed, Jan. 25, 1949; 8:54 a. m.]

[Vesting Order 12686]

MAGDALENA HAHN ET AL.

In re: Bank account owned by Magdalena Hahn, Katherine Ecksturm and "Mary" Dohm, widow of Phillip Dohm, name "Mary" being fictitious. F-28-29235-C-1.

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

1. That Magdalena Hahn, Katherine Ecksturm and "Mary" Dohm, widow of Phillip Dohm, name "Mary" being fictitious, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Magdalena Hahn, Katherine Ecksturm and "Mary" Dohm, widow of Phillip Dohm, name "Mary" being fictitious, by the Long Island State Bank & Trust Co., Riverhead, New York, arising out of an account, account number 1665, entitled Estate of Louis Dohm, deceased, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Magdalena Hahn, Katherine Ecksturm and "Mary" Dohm, widow of Phillip Dohm, name "Mary" being fictitious, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described 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 January 13, 1949.

For the Attorney General.

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

[F. R. Doc. 49-595; Filed, Jan. 25, 1949; 8:54 a. m.]

[Vesting Order 12690]

FRIEDERICH JOHANN WICHERN

In re: Estate of Friederich Johann Wichern, also known as Frederick Wichern, Friederick Wichern or Fred Wichern, deceased. File No. D-28-12085; E. T. sec. 16284.

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 Johann Frederick Wichern, Claus Hinrich Wichern, Anna Koch, Claus Frederick Wichern, Gesine Anna Margareta Ahrens (nee Wichern), and Anita Gelsele Wichern, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Gesche Wichern, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Friederich Johann Wichern, also known as Frederick Wichern, Friederich Wichern or Fred Wichern, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by John C. Glenn, Public Administrator, General Court House, 88-11 Sutphen Boulevard, Jamaica, New York, as Administrator, acting under the judicial supervision of the Surrogate's Court of Queens County, Jamaica, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Gesche Wichern, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

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

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

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

Executed at Washington, D. C., on January 17, 1949.

For the Attorney General.

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

[F. R. Doc. 49-531; Filed, Jan. 24, 1949; 8:46 a. m.]

[Vesting Order 10922, Amdt.]

MATHIAS GAISSEL

In re: Stock and bank account owned by Mathias Gaisel.

Vesting Order 10922, dated March 19, 1948, as amended November 22, 1948 is hereby amended as follows and not otherwise:

By deleting subparagraph 2d thereof and substituting therefor the following:

d. Twenty (20) shares of \$1 par value capital stock of Blair Holdings Corporation, 44 Wall Street, New York 5, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number N. H. F. 505, registered in the name of Mathias Gaisel, together with all declared and unpaid dividends thereon.

All other provisions of said Vesting Order 10922, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

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

For the Attorney General.

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

[F. R. Doc. 49-533; Filed, Jan. 25, 1949; 8:55 a. m.]

[Return Order 205]

NILS ERIK LENANDER

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

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

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

Nils Erik Lenander, Stockholm, Sweden, 1598, October 2, 1948, (13 F. R. 5809f), all interests and rights created in Nils Erik Lenander (to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 2030, 8 F. R. 13268, September 29, 1943) by virtue of an agreement

dated July 16, 1939 executed by Patentaktiebolaget Gröndal-Ramon, Orkla Grube Aktiebolag, Nils Erik Lenander and Texas Gulf Sulohur Company (including all modifications thereof and supplements thereto) which agreement, as modified and supplemented, relates among other things to United States Letters Patent Nos. 1,859,557, 1,870,535, 1,882,839, 1,902,431, 1,804,462, 1,934,483 and 1,969,621, including royalties accrued thereunder in the amount of \$75,650.00.

In connection with this return, claimant has furnished the Attorney General certain covenants contained in a letter, dated December 1, 1949, attached as Exhibit A to the determination filed herewith.*

This return shall not be deemed to include the rights of any licenses under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 17, 1949.

For the Attorney General.

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

[F. R. Doc. 49-593; Filed Jan. 25, 1949; 8:55 a. m.]

ANNA LUISE BLUME

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property and Location

Anna Luise Blume, Eohlsteck, New York City, New York, 13333; \$2,948.14 in the Treasury of the United States.

Executed at Washington, D. C., on January 18, 1949.

For the Attorney General.

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

[F. R. Doc. 49-630; Filed, Jan. 25, 1949; 8:55 a. m.]

* Filed as part of the original document.

