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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10028

DEFINING NONCOMBATANT SERVICE AND NONCOMBATANT TRAINING

By virtue of and pursuant to the authority vested in me by Title I of the Selective Service Act of 1948 (62 Stat. 604), and as President of the United States, the following definitions are hereby prescribed for the purposes of section 6 (j) of the said Act:

1. The term "noncombatant service" shall mean (a) service in any unit of the armed forces which is unarmed at all times; (b) service in the medical department of any of the armed forces, wherever performed; or (c) any other assignment the primary function of which does not require the use of arms in combat; provided that such other assignment is acceptable to the individual concerned and does not require him to bear arms or to be trained in their use.

(2) The term "noncombatant training" shall mean any training which is not concerned with the study, use, or handling of arms or weapons.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 13, 1949.

[F. R. Doc. 49-445; Filed, Jan. 14, 1949; 10:42 a. m.]

DIRECTIVE OF JANUARY 13, 1949

REVOCATION OF ORDER FOR CONSERVATION OF FUEL OIL, GASOLINE, AND GAS

To the Heads of All Departments and Independent Agencies:

Upon the recommendation of the Secretary of the Interior my order dated January 17, 1948, "For Conservation of Fuel Oil, Gasoline, and Gas",[1] is hereby revoked, effective as of this date.

This action is possible because of the gratifying improvement in the general fuel supply situation. The fine cooperation of the entire Federal establishment during the past year, in reducing to a minimum the consumption of scarce fuels, has contributed materially in overcoming the fuel shortages of last winter and spring, and in bringing about the present improved situation. This improvement is especially noticeable with respect to fuel oils of all kinds.

Supplies of pipeline gas and liquefied petroleum gas are still inadequate in some consuming areas. Therefore, care should continue to be exercised in those areas with respect to consumption of these gaseous fuels. Furthermore, each department and independent agency should continue to refrain from purchasing, installing or converting equipment that consumes any fuel substance that is scarce in a particular locality.

With the above qualifications the situation appears to be such that decisions regarding fuel needs and fuel-consuming equipment installations may be left to the discretion of the individual departments or agencies, subject, of course, to the general policy that continued conservation and governmental economy, as set forth in my order of January 17, 1948, shall be practiced to the utmost degree consistent with efficient performance of the duties and responsibilities of the several departments and independent agencies.

The Bureau of Mines will continue to make its consulting technical services available for the guidance of all branches of the Federal establishment, with respect to choice of fuel in particular areas or localities, and the selection and efficient operation of consuming equipment.

HARRY S. TRUMAN

[F. R. Doc. 49-412; Filed, Jan. 13, 1949; 4:18 p. m.]

[1] 13 F. R. 253.

TITLE 7—AGRICULTURE

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

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS[1] (INSPECTION, CERTIFICATION AND STANDARDS)

On December 7, 1948, a notice of proposed rule making was published in the

[1] Among such other products are the following: raw nuts; Christmas trees and greens; flowers and flower bulbs; and onion sets.

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EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

FEDERAL REGISTER (F. R. Doc. 48–10611; 13 F. R. 7439) regarding the revision of the existing regulations covering the inspection and certification of fruits, vegetables and other products (7 CFR, Supps. 51.1 to 51.49, inclusive). In said notice, opportunity was afforded interested parties to submit written data, views or arguments relative to the proposed revised regulations with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2055, South Building, Washington 25, D. C., so as to reach him not later than 5:30 p. m., e. s. t., on the 20th day after the publication of such notice in the FEDERAL REGISTER. The time for the submission of such written data, views or arguments has, of course, now expired.

After consideration of all relevant matter presented, including the proposal set forth in the aforementioned notice, the following revision of the regulations covering the inspection and certification of fruits, vegetables and other products (7 CFR, Supps., 51.1 to 51.49) is, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (62 Stat. 507) and any other Act of Congress which may confer similar authority, hereby promulgated, effective on and after 12:01 a. m., e. s. t., January 20, 1949:

ADMINISTRATION

AUTHORITY: §§ 51.1 to 51.51 issued under Pub. Law 712, 80th Cong., 62 Stat. 507.

ADMINISTRATION

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

DEFINITIONS

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

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

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

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

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

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

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

(e) "Interested party" means any person who has a financial interest in the product on which inspection is requested.

(f) "Inspector" means any employee of the Department who is authorized by the Secretary, or any other person licensed by the Secretary, to investigate, sample, inspect, and certify, in accordance with the regulations in this part, to any interested party the quality and/or condition of any product covered under this part, and to perform related duties in connection with such inspection services.

(g) "Inspection certificate" means a statement, in written and/or printed form, issued pursuant to the regulations in this part, setting forth, in addition to appropriate descriptive information relative to the particular product and the containers thereof, the quality and/or condition of such product.

(h) "Quality" means the combination of the inherent properties of a product which determines its relative degree of excellence.

(i) "Condition" means the relative degree of soundness or preservation of a product and includes, but is not necessarily limited to, its maturity, decay, freezing or mechanical injury, shriveling, flabbiness, or any other factor which affects its merchantability.

(j) "Lot" means the quantity of the same kind of product offered for inspection at the same general time by an interested party, except that different varieties of the same kind of product, other than peanuts, pecans, and other nuts, shall not be considered as separate lots.

INSPECTION SERVICE

§ 51.4 *Inspection service.* Products will be inspected at appropriate points indicated in paragraphs (a), (b), and (c) of this section whenever inspectors are available.

(a) *Shipping points.* Inspection is available in all States with which cooperative agreements providing for this work have been entered into on behalf of the Department pursuant to authority contained in any act of Congress.[2]

(b) *Designated markets.* The following are designated as important central markets at which products may be inspected under the act: Birmingham, Mobile, Montgomery, Ala.; Phoenix, Ariz.; Little Rock, Ark.; Los Angeles, Oakland, Sacramento, San Diego, San Francisco, Calif.; Denver, Col.; Hartford, Conn.; Washington, D. C.; Jacksonville, Miami, Tampa, Winter Haven, Fla.; Atlanta, Ga.; Chicago, Ill.; Indianapolis, Ind.; Baton Rouge, New Orleans, La.; Baltimore, Md.; Boston, Mass.; Detroit, Mich.; Duluth, Minneapolis, Minn.; Jackson, Miss.; Kansas City, St. Louis, Mo.; Newark, Trenton, N. J.; Albany, Buffalo, New York City, Rochester, Syracuse, N. Y.; Asheville, Charlotte, Raleigh, N. C.; Fargo, N. Dak.; Cincinnati, Cleveland, Columbus, Youngstown, O.; Oklahoma City, Tulsa, Okla.; Portland, Ore.; Harrisburg, Philadelphia, Pittsburgh, Wilkes-Barre, Pa.; Columbia, S. C.; Memphis, Nashville, Tenn.; Dallas, Ft. Worth, Houston, San Antonio, Tex.; Salt Lake City, Utah; Norfolk, Richmond, Roanoke, Va.; Seattle, Wash.; Milwaukee, Wis.[2]

(c) *Other points.* Inspection may be made at any point which may be conveniently reached from any market referred to in paragraph (b) of this section under conditions provided in § 51.41 and to the extent permitted by the time of the nearest inspector.

§ 51.5 *Kind of service.* Inspection of products may be made according to quality and/or condition, and, in the discretion of the Administrator, for any part thereof.

§ 51.6 *Who may obtain service.* An application for inspection may be made by any interested party, or by his authorized agent.

§ 51.7 *How to make application.* Application for inspection may be filed in an office of inspection at any market referred to in § 51.4 (a) or (b) or with any inspector. It may be made in writing, orally, by telegraph, or by telephone. If made orally or by telephone, the inspector may require that it be confirmed by applicant in writing or by telegraph. An application may be made for one or more lots, or it may be in the nature of a blanket application for inspection of all designated lots of a given commodity within a particular period, or for all designated lots loaded or received at a specified point.

§ 51.8 *Form of application.* Each application for inspection shall state (a) the name and post-office address of the applicant and the name and capacity of the person, if any, making the application in his behalf; (b) the name and post-office address of the shipper; (c) the kind and quantity of the products involved; (d) the interest of the applicant therein; (e) the identification of the products by (1) grade, brand, or other marks, if practicable, (2) car initials, car number, and name of carrier or number of truck or name of boat, if practicable, and (3) the name and location of the store, warehouse, or other place where the products are located; (f) the particular quality or condition concerning which inspection is requested, to which may be added the time and place at which it is desired that the inspection be made; (g) when the lot is to be inspected in a receiving market, the name and address of the receiver; (h) the name of the shipping point and of the destination, when known; and (i) such other information as may be necessary for identification of the product, or as may be required by the inspector or the Administrator.

§ 51.09 *Filing of application.* An application shall be deemed filed when received at the office of inspection nearest the place where the commodity is located. A record showing the date and time of filing shall be made and kept in such office.

§ 51.10 *When application may be rejected.* An application may be rejected by the inspector in charge of the appropriate office of inspection for failure of the applicant (a) to observe the regulations in this part, (b) to furnish necessary information or to make the commodity reasonably available or accessible for inspection, or (c) when it appears that to perform the inspection and certification service would not be to the best interests of the Government. Such applicant shall be notified promptly of the reason for such rejection.

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

§ 51.12 *Authority to request inspection.* Proof of the interest of an applicant in the product involved, or of the authority of any person applying for inspection in behalf of another may be required, in the discretion of the inspector.

§ 51.13 *Accessibility of products.* The applicant shall cause the products for which inspection is requested to be made reasonably accessible for sampling or inspection and to be so placed as to disclose their quality or condition. Samples of the products drawn for examination shall be inspected only under such conditions as, in the opinion of the inspector, will permit a true and correct determination to be made of their quality or condition.

§ 51.14 *Basis of service.* Inspection and certification service for quality and/or condition shall be based on the appropriate recommended standards promulgated by the United States Department of Agriculture, applicable standards prescribed by the laws of the State where the particular product was produced which are generally recognized and used therein, specifications of any governmental agency, written buyer and seller contract specifications, or any written specification by an applicant which is approved by the Administrator: *Provided,* That, if such product is regulated under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707), such inspection and certification shall be on the basis of the standards, if any, prescribed in, or pursuant to, the marketing order and/or agreement effective thereunder.

§ 51.15 *Order of inspection.* Inspection shall, insofar as practicable, be made in the order in which applications are received, except that precedence shall be given (a) to the inspection of lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a et seq.), and (b) to appeal inspections. Precedence may also be given to applications made on behalf of the Federal Government or of a State Government.

§ 51.16 *Financial interest of inspector.* No inspector shall inspect any products in which he is financially interested, either directly or indirectly.

§ 51.17 *Postponing inspection.* If the inspector has reason to believe that, because of latent defects due to climatic or other conditions, he is unable to determine the true quality or condition of the product, he shall postpone examination for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition.

§ 51.18 *Official sampling.* Samples may be officially drawn by any duly authorized inspector and delivered, or shipped, for analysis and certification to the nearest designated market or to such market as shall be directed by the Administrator. The container in which such samples are delivered, or shipped, shall contain a statement, signed by the inspector who drew the samples, showing the time and place of the sampling and the brands or other identifying marks of the containers from which the samples were drawn. The certificate based on such samples shall show the time and place of drawing the samples, and the name of the inspector by whom they were drawn.

§ 51.19 *Certificate form.* Certificates shall be issued on forms approved by the Administrator: *Provided,* That when an application for inspection is made by any person for the purpose of determining whether food products for use by such applicant comply with contract specifica-

[2] The addresses of the offices at these points or markets are changed from time to time. However, any prospective applicant may obtain the address of the office nearest the place where the commodity which he wishes to have inspected is located by addressing an inquiry to "Food Products Inspection Service" at any of the following offices: 1. Production and Marketing Administration, Washington 25, D. C. 2. Room 836A 641 Washington Street, New York 14, N. Y. 3. 1421 South Aberdeen Street, Chicago 8, Ill. 4. 739 Appraiser's Building, San Francisco 11, Calif.

tions therefor, a formal certificate need not be issued, but the fact of such compliance or noncompliance may be indicated by appropriate stamp or mark on such products or the containers thereof, or otherwise, in the discretion of the inspector.

§ 51.20 *Certificates, issuance.* The inspector shall sign and issue a separate certificate for each lot inspected by him, except that when an application covers a number of lots a single certificate may be issued to cover all such lots.

§ 51.21 *Certificates, disposition.* The original certificate, and not to exceed four copies (if requested by applicant prior to issuance), shall be delivered or mailed promptly to the applicant or to a person designated by him. One copy shall be filed in the office of the inspector when the inspection is made by a Federal Government employee, otherwise it shall be filed in the appropriate office of the cooperating State Agency. One copy shall be forwarded to the Administrator to be kept on file in Washington, except that copies of certificates showing the grades of individual grower's lots offered for manufacturing or other purposes need not be so forwarded. In the case of any product covered by a marketing agreement and/or order effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.; 61 Stat. 208, 707), at least one copy of each certificate covering the inspection of such product shall, on request, be delivered to the administrative agency established thereunder, subject to such terms and conditions as the Secretary may prescribe. Copies will be furnished to other interested parties as outlined in § 51.42.

§ 51.22 *Advance information.* Upon request of an applicant, all or any part of the contents of a certificate covering an inspection requested by him may be telegraphed or telephoned to him, or to any person designated by him, at his expense. If the application for such information is received after the certificate has been issued, it will be considered as an application for an extra copy of the certificate, and the fees prescribed in § 51.42 shall apply.

APPEAL INSPECTION

§ 51.23 *When appeal may be taken.* An application for appeal inspection may be made whenever any financially interested person is dissatisfied with the determination stated in the original certificate.

§ 51.24 *How to obtain.* An appeal inspection may be obtained by the applicant, or other person financially interested in the product, by filing a request (a) with the inspection office nearest the point where the product is located, or (b) with the inspector who made the original inspection, or (c) with any district supervisory inspection office, or (d) with the Administrator. The application for appeal shall state the reasons therefor, and shall be accompanied by a copy of any previous inspection certificate or inspection report, and any other information which the applicant received regarding the quality or condition of the product at the time of the original inspection. Such application may be made orally or in writing, or by telegraph or telephone. If made orally or by telephone, the application shall be confirmed in writing.

§ 51.25 *Record of filing time.* A record showing the date and time of filing an application shall be made promptly by the receiving office.

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

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

§ 51.28 *Order in which made.* Appeal inspections shall be made, insofar as practicable, at the time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications, except inspections covering lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a et seq.).

§ 51.29 *Who shall make appeal inspections.* Appeal inspections shall be made by an inspector or inspectors designated therefor by the Administrator.

§ 51.30 *Appeal findings.* The inspector or inspectors making an appeal inspection shall sign and issue an appeal inspection certificate, which shall supersede and refer specifically to the original inspection certificate from which the appeal was taken, and contain a statement as to the quality or condition of the product, as determined by the appeal inspection. In all other respects the provisions of §§ 51.5 to 51.22, insofar as applicable, shall apply to appeal inspection certificates, except that if the applicant for appeal inspection is not the original applicant, a copy of the appeal inspection certificate shall be mailed to the original applicant.

§ 51.31 *Superseded certificates.* When an original inspection certificate shall have been superseded by an appeal inspection certificate, such original inspection certificate shall not thereafter represent the quality or condition of the product described therein. If the original and all copies of the superseded certificate are not submitted to the person receiving the application for appeal inspection, the officer issuing the superseding certificate shall forward notice of such issuance and of the superseding of the original certificate to such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

LICENSED INSPECTORS

§ 51.32 *Who may be licensed.* Persons possessing adequate qualifications, as determined by such examinations as the Administrator may consider to be appropriate, may be licensed by the Secretary as inspectors of products which may be inspected under the regulations in this part. Such licenses shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. A licensed inspector shall perform his duties pursuant to these regulations as directed by the Administrator.

§ 51.33 *Application to become a licensed inspector.* Application to become a licensed inspector shall be made to the Administrator on forms furnished for that purpose. Each such application shall be filled in and signed by the applicant in his own handwriting, and the application shall contain or be accompanied by:

(a) A statement of present address, age, height and weight of the applicant;

(b) A statement showing education and present and previous occupations, together with names of all employers for whom he has worked, with periods of service, during the last 5 years previous to the date of his application;

(c) A statement by the applicant that he agrees to comply with all the terms and conditions of the regulations in this part relating to the duties of inspectors; and

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

§ 51.34 *Suspension or revocation of license of licensed inspector.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed inspector issued pursuant to the regulations in this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 7 day period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

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

FEES AND CHARGES

§ 51.36 *Amount of fees, rates, and charges.* For each lot of products inspected, a fee, and expenses, determined in accordance with §§ 51.37 to 51.41 shall be paid by the applicant.

§ 51.37 *Basis for charges.* (a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department of Agriculture, except for peanuts, pecans, and other nuts, shall be on the following basis:

For an inspection covering quality and condition, $7.50 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $5 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size shall be $15. For an inspection covering condition only, $6 when the quantity involved is more than one-half of carload of the customary size for such products in the area from which shipped but not more than a full carload, and $4 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition only inspection of any carload not exceeding the customary size shall be $12.

(b) For each lot of peanuts, pecans, or other nuts inspected, except pursuant to the provisions in § 51.19, the fee shall be $10 when the quantity involved is not more than a full carload; *Provided,* That the different grades and varieties of peanuts shall be considered separate lots.

(c) When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and the carload rates aforesaid applied: *Provided,* That said fractions shall be calculated in terms of fourths or next higher fourths. When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $3 per hour, or the charges may be based upon the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

§ 51.38 *Fees for inspections by licensee who is working under contract with the Administrator.* The Administrator may enter into a contract with any licensed inspector authorizing him to make inspections under the act in a designated area; to collect fees for such inspections at rates prescribed in the contract; and direct him to transmit such fees, less a designated percentage which he may retain as compensation for his services in making such inspections, to the Production and Marketing Administration at such times and in such manner as the contract shall provide.

§ 51.39 *Fees under cooperative agreement.* Fees for inspections made under cooperative agreements pursuant to authority contained in any act of Congress shall be those provided for by such agreements.

§ 51.40 *Fees for appeal inspections.* Fees for appeal inspections on all products shall be double those for original inspections, except that when it is found that there was a material error in the determination based upon the original inspection no fee will be charged, and except that appeal inspection for Government agencies shall be on the hourly basis prescribed in § 51.47, plus traveling and other expenses authorized to be charged by the provisions in § 51.41. The maximum fee for the appeal inspection of a single car shall not exceed $20.

§ 51.41 *Traveling, and other expenses.* Such further charges may be made for traveling expenses and other items paid or incurred by the Production and Marketing Administration in connection with an inspection made at a place where no inspector is located, or appeal inspection where the services of a second inspector are required, as will reimburse the Production and Marketing Administration. These charges shall be included with the fee for inspection on the bill furnished the applicant.

§ 51.42 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 51.21, may be supplied to any interested party upon payment of a fee of $1.50 for each set of 3, or less, copies.

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

§ 51.44 *How fees shall be paid.* Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the inspector, and in advance, if required by the inspector.

§ 51.45 *Disposition of fees.* The fees covered by §§ 51.37 to 51.39 shall be disposed of as follows:

(a) Fees for inspections made by salaried inspectors acting exclusively for the Production and Marketing Administration shall be remitted promptly to the Administrator.

(b) Fees for inspections made by a licensed inspector acting exclusively for the Production and Marketing Administration, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his services, shall be remitted to the Production and Marketing Administration.

(c) Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organizations shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State as may be due the United States shall be remitted to the Production and Marketing Administration.

Fees covered by §§ 51.40 to 51.43 shall be remitted to the Production and Marketing Administration.

MISCELLANEOUS

§ 51.46 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fraudulent practice found to be made or committed by any person in connection with: (a) The making or filing of an application for any inspection service; (b) the making the product accessible for sampling or inspection; (c) the use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part; (d) the use of a facsimile form which simulates, in whole or in part, any official certificate authorized to be issued under these regulations in this part for the purpose of purporting to evidence the U. S. grade of any product; or (e) any wilful violation of the regulations in this part, or supplementary rules or instructions issued by the Administrator, may be deemd sufficient cause for debarring such person from any or all benefits of the act.

§ 51.47 *Political activity.* All inspectors are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not limited to, temporary and cooperative employees and employees on leave of absence, with or without pay. Willful violations of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

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

§ 51.49 *Compliance with other laws.* None of the requirements in the regulations of this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this part.

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

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

It is necessary, in the public interest, to make these revised regulations effective not later than 12:01 a. m., e. s. t., January 20, 1949, in order to permit the charging of the increased fees for inspections and certifications which are authorized therein, such action being called for by reason of increases in Federal Government salaries and other cost increases. Delay in making such increased fees effective would result in an increasing of the present deficit in proportion to the length of the delay. The nature and effect of the revised regulations, including the provisions for the charging of the increased fees, are already well known to the parties who will be affected thereby, since, as has been indicated heretofore, notice thereof was published in the FEDERAL REGISTER issue of December 7, 1948, and, in such notice, it was specifically set forth that it was contemplated that such revised regulations would be made effective promptly upon their issuance. In these circumstances, the delaying of the effective date after the publication of this document in the FEDERAL REGISTER until January 20, 1949, should afford adequate time for affected parties to prepare therefore. It is hereby found and determined, therefore, that good cause exists for making these revised regulations effective on and after 12:01 a. m., e. s. t., January 20, 1949, and that it would be contrary to the public interest to delay the effective date of those revised regulations for 30 days after its publication (See Sec. 4 (c), Administrative Procedure Act, 60 Stat. 237).

Issued at Washington, D. C., this 12th day of January, 1949.

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

[F. R. Doc. 49-386; Filed, Jan. 14, 1949; 8:53 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

[S. D. 283]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PRODUCTION, CULTIVATION, OR HARVESTING OF 1949 CROP OF SUGAR BEETS IN CALIFORNIA

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the public hearing held in Berkeley, California, on October 27, 1948, the following determination is hereby issued:

§ 802.13a *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1949 crop of sugar beets in California.* The requirements of section 301 (c) (1) of the Sugar Act of 1948 shall be deemed to have been met with respect to the 1949 crop of sugar beets in California if the producer complies with the following:

(a) All persons employed on the farm, or part of the farm covered by a separate labor agreement, in the production, cultivation, or harvesting of the 1949 crop of sugar beets in California, shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer, but, after the date of issuance of this determination, not less than the following:

(1) *For work performed on a time basis.* (i) Blocking, thinning, hoeing, or weeding: 60 cents per hour.

(ii) Pulling, topping or loading: 65 cents per hour.

(iii) For workers between 14 and 16 years of age the above rates may be reduced by not more than one-third. (Maximum employment per day for such workers, without deduction from Sugar Act payments to the producer, is 8 hours.)

(iv) For any work in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, such as fertilizing, plowing, preparing seed bed, or irrigating, the rate shall be as agreed upon between the producer and the laborer.

(2) *For work performed on a piecework rate basis.* If work is performed on a piecework rate basis the rate shall be as agreed upon between the producer and laborer: *Provided, however,* That the average earnings for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate provided under subparagraph (1) of this paragraph.

(b) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar items.

(c) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

Statement of Bases and Considerations

(a) *General.* The foregoing determination prescribes fair and reasonable wage rates to be paid by producers to persons employed on the farm in the production, cultivation, or harvesting of the 1949 crop of sugar beets in California as one of the conditions for payment under the Sugar Act of 1948. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination," identified by the crop year for which effective.

(b) *Requirements of the Sugar Act and standards employed.* In determining fair and reasonable wage rates, it is required under the Sugar Act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Berkeley, California, on October 27, 1948, at which time interested persons presented testimony with respect to fair and reasonable wage rates for the 1949 crop of sugar beets in California. In addition, investigations have been made of conditions affecting wage rates in California. Consideration has been given to the testimony presented at the hearing and to the information resulting from investigations. The primary factors which have been considered are: (1) Prices of sugar and by-products; (2) income from sugar beets; (3) costs of production; (4) cost of living; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *Background.* The first determination of fair and reasonable wage rates in California covered the harvesting of the 1937 crop of sugar beets. Beginning with the 1938 crop and for each subsequent crop the wage determinations have included rates for production, cultivation, and harvesting work performed by contract labor. For work other than that done by contract labor, rates have not been specified. Instead, rates have been determined to be those agreed upon by producers and laborers. The level of wages established in the earlier wage determinations was based primarily on the past relationship of contract wages per acre to the gross income from sugar beets per acre with appropriate adjustments for increased income resulting from payments under the Sugar Act. Alternative rates have been provided for either time basis work or piecework. Adjustments have been made from time to time in the piecework rate structure for improved methods of production, cultivation, or harvesting.

(d) *1949 wage determination.* The 1949 wage determination is changed in one principal respect from the 1948 wage determination. Specific piecework rates have been eliminated. The determination now provides that in all cases where work is performed on a piecework basis, the applicable piecework rates shall be those which are agreed upon between the producer and the laborer. The average earnings for the individual worker for the time involved on each separate unit of work for which a piecework rate is agreed upon must be not less than the applicable hourly rate specified for work performed on a time basis.

Heretofore, uniform piecework rates have been provided for the entire state irrespective of varying conditions. Under the provisions of the 1949 wage determination the producer and laborer may take into consideration the wide variations in field and soil conditions as well as differences in methods of planting, cultivating and harvesting in reaching agreement on the applicable piecework rates. Based on available worker performance information, it is anticipated that the establishment of piecework rates by agreement between the producer and the laborer will provide greater flexibility in the rate structure and workers should continue to earn under the incentive piecework method of payment higher average earnings for the time in-

volved than time basis workers. During the 1947 and 1948 crop harvests, data indicate that the average hourly rate of earnings of workers employed on a piecework basis was, for the most part, between 30 and 90 percent higher than the hourly rates provided in the determination.

After examination of the factors customarily considered in wage determinations, the basic time rates of the 1948 wage determination are continued in the 1949 wage determination.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 301, 403, 61 Stat. 929, 932; 7 U. S. C. Sup. 1131, 1153)

Issued this 12th day of January 1949.

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

[F. R. Doc. 49-388; Filed, Jan. 14, 1949; 8:54 a. m.]

[S. D. 278]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR 1949 CROP OF HAWAIIAN SUGARCANE

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the public hearings held in Honolulu and in Hilo, Territory of Hawaii, on October 20 and 22, 1948, respectively, the following determination is hereby issuel:

§ 802.32 *Fair and reasonable prices for the 1949 crop of Hawaiian sugarcane.* Fair and reasonable prices for the 1949 crop of Hawaiian sugarcane to be paid by a processor who, as a producer, applies for payment under the Sugar Act of 1948, shall be not less than those provided for in agreements heretofore entered into between the producer-processor and the producer of such sugarcane: *Provided, however,* That the producer-processor shall not reduce returns to a producer below those determined herein through any subterfuge or device whatsoever.

Statement of Bases and Considerations

(a) *General.* The foregoing determination establishes the level of prices to be paid for 1949 crop sugarcane purchased by producer-processors (i. e., producers who are also, directly, or indirectly, processors of sugarcane) from other producers as one of the conditions for payment under the Sugar Act of 1948. In this statement, the foregoing determination, as well as determination for prior crops, will be referred to as "price determination" identified by the crop year for which effective.

(b) *Requirements of the Sugar Act.* In determining fair and reasonable prices, the Sugar Act requires that public hearings be held and investigations be made. Accordingly, on October 20 and 22, 1948, public hearings were held in Honolulu and Hilo, Territory of Hawaii, at which time interested parties presented testimony with respect to fair and reasonable prices for sugarcane of the 1949 crop. In addition, investigations have been made of conditions relating to the sugar industry in Hawaii. In determining fair and reasonable prices, consideration has been given to testimony presented at the hearings and to information resulting from investigations.

(c) *Background.* Determinations of fair and reasonable prices for sugarcane in Hawaii were first issued for the 1937 crop and have been issued for each subsequent crop through 1948. In each of these years, the determinations have approved the prices payable in purchase agreements negotiated between producer-processors and producers. During this period, the contracts between the parties have been modified over those previously in existence by: (1) The adoption of a supplemental agreement to the cane purchase contracts which set forth, among other things, the manner in which Sugar Act payments are divided; (2) changes in the sharing ratio of sugar proceeds as between the mill and farm on several plantations and in the quality ratio factor on other plantations; and (3) reduction in interest rates and certain concessions regarding payment of personal property taxes and points of delivery for sugarcane. The effect of each of the above-mentioned changes has been to increase slightly the share of proceeds accruing to the producer.

About 90 percent of Hawaiian sugarcane is produced by producer-processors with the balance being grown by a group of producers known as adherent planters. The status of adherent planters ranges from small farmers to individuals who are primarily plantation employees devoting only a nominal amount of time to their farming operations. Included as adherent planters is a group of homesteaders, some of whom are bona fide farmers who fulfil their obligations as planters under the cane purchase contracts, but a few are absentee landlords who rely entirely on the plantation for services in the production, cultivation, and harvesting of the crop under special types of agreements.

(d) *1949 Price determination.* The 1949 price determination continues the provisions of the 1948 determination.

Prices to be paid for sugarcane of the 1949 crop under purchase contracts between producer-processors and producers are the same as for 1948 except for five plantations. On these plantations, the contracts provide for a reduction in the price per ton of sugarcane of 7.5 cents per one cent of the New York price of raw sugar. Representatives of the five plantations testified at the hearings that adjustments in the cane purchase contracts for the 1949 crop were imperative because of adverse financial conditions. In addition, data were presented on behalf of four of these plantations which showed that a dislocation had occurred in the sharing arrangements because plantations were bearing a larger share of increased costs than were producers. Plantations and producers have agreed to cane purchase contracts containing these adjustments.

After considering testimony presented at the hearings, together with data resulting from investigation, it is deemed fair and reasonable to approve prices for the 1949 crop heretofore agreed upon between producer-processors and producers.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C. Sup. 1131, 1153)

Issued this 12th day of January 1949.

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

[F. R. Doc. 49-389; Filed, Jan. 14, 1949; 8:54 a. m.]

[S. D. 281]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PRODUCTION, CULTIVATION, OR HARVESTING OF SUGARCANE IN HAWAII DURING 1949

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at public hearings held in Honolulu and in Hilo, Territory of Hawaii, on October 20 and 22, 1948, respectively, the following determination is hereby issued:

§ 802.34 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1949.* The requirements of section 301 (c) (1) of the Sugar Act of 1948 shall be deemed to have been met if all persons employed on the farm in the production, cultivation, or harvesting of suugarcane in Hawaii during the calendar year 1949 shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer. The producer shall not reduce the wage rates to laborers below those agreed upon through any subterfuge or device whatsoever.

Statement of Bases and Considerations

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid by producers to persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1949 as one of the conditions for payment under the Sugar Act of 1948. In this statement, the foregoing determination, as well as determination for prior years, will be referred to as "wage determination" identified by the calendar year for which effective.

(b) *Requirements of the Sugar Act and standards employed.* In determining fair and reasonable wage rates, the Sugar Act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

Public hearings were held in Honolulu and Hilo, Territory of Hawaii, on October 20 and 22, 1948, respectively, at which time interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1949. In addition, investigations have been made of the conditions affecting wage rates in Hawaii. In determining wage rates consideration has been given to testimony presented at the hearing and to information resulting from investigations. In addition pertinent factors such as income of producers, costs of production and costs of living have been examined.

(c) *Background.* Determinations of fair and reasonable wage rates for Hawaii have been issued since 1937. The 1937 wage determination required increases in the average daily wage rates paid to workers during the last four months of the year of from 5 to 20 percent. The 1938 wage determination required the payment of wages not less than those resulting from the inclusion of bonus payments for the entire calendar year. Sugar Act payments to producers were to be included in calculating the bonus wage increment. Wage determinations from 1939 to 1944, included provisions for an annual average wage per day for all adult workers (excluding operators of mechanical equipment) on a farm and a minimum average daily wage for individual adult males and adult females for each pay period. In some of these years a wage increase based on increases in raw sugar price above a stipulated level was included. In the years from 1941 to 1944, coverage was extended to workers between 14 and 16 years of age for whom a rate per day was specified and to operators of mechanical equipment for whom specific hourly rates were provided. To simplify a complicated and involved method for determining wage payments and to establish a more practicable wage rate, the 1945 and 1946 wage determinations provided rates at stated amounts per hour.

During 1945, collective bargaining agreements on wages and working conditions were negotiated between a committee representing the International Longshoremen's and Warehousemen's Union sugar locals and units, and a committee representing the sugar producing companies. The initial agreement of August 1945 provided minimum wage rates of 43½ cents per hour on all islands, except Hawaii, where the minimum was 41 cents. The 1946 and 1947 wage determinations established fair and reasonable wage rates to be those which were agreed upon between the producer and the laborer, and, in the case of the 1946 wage determination, the rates were to be not less than 43½ cents and 41 cents per hour, referred to above. Also included in 1946 was a rate of 34 cents per hour for workers between 14 and 18 years of age. A renewed collective bargaining agreement effective in November 1946, provided for a minimum wage rate of 70½ cents per hour. This rate was increased to 78½ cents per hour in a negotiated agreement effective August 1, 1947. The wage rates indicated by the standards customarily employed under the Sugar Act would not have exceeded the rates arrived at through collective bargaining agreements in 1946, 1947 and 1948. Producers who entered into collective bargaining agreements, therefore, were required to pay wage rates specified in such agreements for these years in order to comply with the requirement of payment "in full" as provided in the Sugar Act. Those producers who did not enter into collective bargaining agreements were required to pay the wage rate agreed upon with individual workers.

Renewed contracts have been agreed upon between 26 plantations and the negotiating local of the labor union. Most of the agreements cover the period from September 1, 1948, through August 31, 1950. The existing agreements provide for reopenings by either party on the matter of wage adjustments. On four plantations the agreements provide for one further reopening on any date during the life of the agreement solely at the discretion of management. On the majority of plantations the minimum hourly rate is 78½ cents per hour. On three plantations the collective agreements specify slightly higher minimums in accordance with historical differentials while on two plantations the minimum rate is 73½ cents per hour.

Two plantation companies do not negotiate collective agreements for field workers with the labor union. In both cases, however, workers receive the union scale of wage rates. On one of these plantations a deduction is made for perquisites furnished by the plantation. In addition, none of the adherent planters negotiate collective bargaining agreements. This group of producers, however, produce only about 10 percent of the sugarcane and perform much of their own labor. Most of the labor which is hired by these planters is furnished by the plantation companies and are paid by the plantations for the account of the planter at the union scale of wages. It is reported that such labor as is hired directly by the planter is paid approximately the same rates as required by the collective agreement.

(d) *1949 wage determination.* The 1949 wage determination continues the terms and conditions of the 1948 wage determination.

An examination of pertinent economic data indicates that during the past year there have not been significant changes in the factors influencing wage rates which would cause the indicated wage rates resulting from the application of the standards customarily considered under the Sugar Act to exceed those agreed upon by producers and laborers. While it is recognized that the current wage rates of the collective bargaining agreements may be altered through negotiations during the period covered by this determination, it is expected that any revisions in the rates will conform to significant economic changes. Therefore, payment "in full" of the rates agreed upon will meet the requirements of the Sugar Act.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C. Sup. 1131, 1153)

Issued this 12th day of January 1949.

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

[F. R. Doc. 49-390; Filed, Jan. 14, 1949; 8:54 a. m.]

[S. D. 277]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1948–49 CROP OF PUERTO RICAN SUGARCANE

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the public hearing held in San Juan, Puerto Rico, on September 22 and 23, 1948, the following determination is hereby issued:

§ 802.42 *Fair and reasonable prices for the 1948–49 crop of Puerto Rican sugarcane.* Processors of sugarcane in Puerto Rico who, as producers, apply for payment under the Sugar Act of 1948, shall be deemed to have complied with the provisions of section 301 (c) (2) of said act with respect to the 1948–49 crop if the following requirements are met:

(a) If payment for sugarcane delivered by a producer to a producer-processor is made by actual delivery of sugar (packed in the customary bags) to the producer (colono) on the basis of a stated percentage of recoverable 96° sugar from the producers' sugarcane, such percentage shall be:

(1) For sugarcane (other than the varieties included in subparagraph (3) of this paragraph) yielding 9 pounds or more of 96° sugar per one hundred pounds of sugarcane:

Pounds of sugar per 100 pounds of sugarcane		If average price per 100 pounds of 96° sugar (duty paid basis, delivered) is more than $5 for the settlement period	If average price per 100 pounds of 96° sugar (duty paid basis, delivered) is $5, or less, for the settlement period
At least	But not more than		
		Percentage	*Percentage*
9	9.99	63.5	63
10	10.99	64.5	63
11	11.99	65.5	63
12	12.99	66.5	65
13 and over		67.5	65

(2) For sugarcane (other than the varieties included in subparagraph (3) of this paragraph) yielding less than 9 pounds of 96° sugar per one hundred pounds of sugarcane, the percentage as may be agreed upon between the producer and the producer-processor for the settlement period.

(3) For sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caladonia, or Coimbatore varieties), the percentage as may be agreed upon between the producer and the producer-processor for the settlement period.

The foregoing yields of 96° sugar shall be determined for each settlement period in accordance with one of the following

formulas (in either case as may be agreed upon between the producer and the producer-processor):

$$R=(S-0.3B)F$$

where:

R=Recoverable sugar yield, 96° polarization.

S=Polarization of the crusher juice obtained from the sugarcane of each producer.

B="Brix" of the crusher juice obtained from the sugarcane of each producer.

F=Factor obtained from the fraction whose numerator is the average yield of sugar 96° polarization obtained from the aggregate grinding during each settlement period in which the cane of the producer has been ground, and whose denominator is the average polarization of the crusher juice minus three-tenths of the Brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the settlement period in which the cane of the producer has been ground; or

$$R=FS$$

where:

R=Recoverable sugar, 96° polarization.

S=Polarization of the crusher juice obtained from the sugarcane of each producer during each settlement period.

F=Fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during each settlement period in which the cane of the producer has been ground, and whose denominator is the average polarization of the crusher juice obtained from the aggregate grinding during the settlement period in which the cane of the producer has been ground.

(b) If payment for sugarcane delivered to a producer-processor is made by actual delivery to a producer of a stated number of pounds of 96° sugar for each one hundred pounds of sugarcane (commonly referred to as the "flat rate" basis) such number of pounds of 96° sugar shall be not less than the product of the average number of pounds of 96° sugar recovered per one hundred pounds of sugarcane ground at the producer-processor's mill during the current crop, month, or week (as may be agreed upon) and the applicable percentage specified in subparagraphs (1), (2), or (3) of paragraph (a) of this section. The figure for the average number of pounds of 96° sugar recovered per one hundred pounds of sugarcane shall be rounded to the nearest one-tenth of a pound. The product of such figure and the aforesaid applicable percentage shall be rounded to the nearest one-tenth of a pound. If payment is to be determined on the basis of sugar recovery for the entire crop period, provisional liquidation shall be made each settlement period.

(c) If payment is made in cash, the producer-processor shall pay, or contract to pay, the producer a price for sugarcane determined by the money value of the sugar which would otherwise be delivered to the producer in accordance with paragraphs (a) or (b) of this section, whichever is applicable. Such money value shall be determined from the average price of 96° sugar (duty paid basis, delivered) for the settlement period during which the sugarcane is delivered to the producer-processor, converted to the equivalent f. o. b. mill price: *Provided, however,* That if during the calendar year 1949 marketing allotments are established for 1949 crop Puerto Rican sugar and the producer-processor is obligated to carry an inventory of sugar which is not marketable in 1949, the money value of sugarcane from which the producer's share of such carry-over inventory was made (determined on the basis of the ratio that the sugar produced from the producer's sugarcane bears to the total of all sugar produced by the producer-processor) may be determined from the average price of 96° sugar (duty paid basis, delivered) for the period January 1, 1950 through February 15, 1950, converted to the equivalent f. o. b. mill price, and further, by deducting storage, handling costs, insurance, personal property taxes levied on sugar, and other related costs actually incurred on such sugar for the period January 1, 1950, through February 15, 1950.

The equivalent f. o. b. mill price of 96° sugar shall be determined by deducting from the average price of 96° sugar (duty paid basis, delivered) selling and delivery expenses (including charges arising out of the necessity of utilizing outside storage facilities during 1949) actually incurred by the producer-processor. Equivalent deductions shall be allowed in calculating the f. o. b. mill price of 96° sugar sold or processed in Puerto Rico. The producer-processor shall submit in duplicate to the San Juan office of the Production and Marketing Administration, a statement verified by a certified public accountant of the actual deductions made in determining the f. o. b. mill price and deductions relating to carry-over sugar. For such purposes no selling or delivery expenses which may be reimbursed to the producer-processor by any governmental agency shall be deemed admissible.

Average prices of 96° sugar (duty paid basis, delivered) for successive settlement periods shall be computed from (1) December 6, 1948, in the case of a two weeks' or four weeks' period; and (2) December 1, 1948, in the case of a fortnight or month.

(d) In addition to the foregoing, the following requirements shall be met:

(1) For each ton of sugarcane delivered, the producer-processor shall pay to the producer a molasses bonus equal to the product of (i) one-half of the net proceeds per gallon of blackstrap molasses of the 1948–49 crop in excess of four cents per gallon and (ii) the average production of blackstrap molasses per ton of sugarcane of the 1948–49 crop processed at the mill.

(2) If sugarcane is delivered to a producer-processor in the name of a person other than the producer thereof (commonly referred to as "purchasing agent"), the producer-processor shall make payment to the producer of such sugarcane in accordance with the provisions of this determination.

(3) When payment is made by delivery of sugar as in paragraphs (a) or (b) of this section, the producer-processor shall store and insure (or agree to store and insure) all such sugar through December 31, 1949, free of charge to the producer: *Provided, however,* That the producer shall bear any charges arising out of the necessity of utilizing outside storage facilities for such sugar prior to January 1, 1950.

(4) When payment is made by delivery of sugar as in paragraphs (a) or (b) of this section, the producer-processor shall share (or agree to share) with the producer on a pro rata basis all ocean shipping facilities available to the producer-processor.

(5) Prior to April 30, 1949, the producer-processor shall submit to the San Juan office of the Production and Marketing Administration a statement in writing setting forth the method and period of settlement for all sugarcane with each producer.

(e) For the purposes of this determination:

(1) The term "settlement period" shall mean two weeks, fortnight, four weeks, month, or such other period as may be agreed upon between the producer-processor and the producer.

(2) The term "average price of 96° sugar (duty paid basis, delivered)", shall mean the simple average of the daily "spot" quotations of 96° sugar of the New York Coffee and Sugar Exchange (Contract No. 5), adjusted to a duty paid basis, delivered, by adding to each daily quotation the U. S. duty prevailing on Cuban raw sugar, for the settlement period.

(3) "Fortnight" shall mean (i) the first 15 days of a 29, 30, or 31 day month, or the first 14 days of a 28 day month; or (ii) the last 14 days of a 28 or 29 day month, the last 15 days of a 30 day month, or the last 16 days of a 31 day month.

(f) The producer-processor shall not reduce returns to producers below those determined herein through any subterfuge or device whatsoever.

Statement of Bases and Considerations

(a) *General.* The foregoing determination prescribes the level of prices which must be paid for 1948–49 crop sugarcane purchased by producer-processors (i. e., producers who are also, directly or indirectly, processors of sugarcane) from other producers as one of the conditions for payment under the Sugar Act of 1948. In this statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination" identified by the crop year for which effective.

(b) *Requirements of Sugar Act.* In determining fair and reasonable prices the Sugar Act requires that public hearings be held and investigations made. Accordingly, on September 22 and 23, 1948, a public hearing was held in San Juan, Puerto Rico, at which time interested persons presented testimony with respect to fair and reasonable prices for sugarcane of the 1948–49 crop. In addition, investigations have been made of conditions relating to the sugar industry in Puerto Rico. In determining fair and reasonable prices consideration has been given to testimony presented at the hearing and to information resulting from investigations.

(c) *Background.* Determinations of fair and reasonable prices for sugarcane in Puerto Rico have been issued for each crop year beginning with the 1937–38 crop. The first price determination provided for a sharing ratio of 63 percent for producers and 37 percent for producer-processors of the sugar or the value of the sugar recovered from sugarcane yielding 9 pounds or more recoverable sugar for each one hundred pounds of sugarcane. This sharing ratio was changed in the 1942–43 price determination to 65–35 percent for sugarcane yielding 12 pounds or more. For sugarcane yielding from 9 to 12 pounds, the sharing ratio remained at 63–37 percent. In the 1946–47 price determination producer participation was increased 1½ percent for sugarcane yielding 9 pounds or more of sugar when the average price of raw sugar (duty paid basis, delivered) exceeded $5.00 per one hundred pounds during a settlement period.

For the 1947–48 crop a sliding settlement scale based upon the yield of sugarcane replaced the "flat" sharing scale for sugarcane yielding 9 pounds or more of sugar. This scale became effective when the average price of raw sugar exceeded $5.00 per one hundred pounds and provided for a sharing ratio of 63.5 percent for producers and 36.5 percent for producer-processors for sugarcane yielding from 9 to 9.99 pounds of sugar per one hundred pounds of sugarcane. The producer's percentage share increased one percent for each pound of sugar recovered above 9.99 pounds up to a maximum of 67.5 percent for sugarcane yielding 13 pounds or more. The producer-processor's share was correspondingly decreased. When the average price of sugar was $5.00 per one hundred pounds or less, the sharing ratio remained at 63–37 percent for sugarcane yielding from 9 to 12 pounds of sugar and at 65–35 percent for sugarcane yielding 12 pounds or more of sugar. Changes made in the sharing ratios since the 1937–38 crop have brought the producer's share of total proceeds from sugar more in line with his share of total costs.

All price determinations up to the 1947–48 price determination have provided that for sugarcane yielding less than 9 pounds of sugar, and for certain inferior varieties of sugarcane, the sharing ratio was to be the ratio agreed upon between producers and producer-processors in former years. This provision was changed in the 1947–48 determination to permit settlements for such sugarcane on the basis of current agreements between producers and producer-processors.

In the 1941–42 price determination, the provision was made for producers to share in the proceeds from the sale of molasses. This action was taken after the price of molasses had risen to a point where it became a significant factor in the total income of the sugar industry. The provision has been continued each year except for the 1942–43 crop when it was eliminated primarily because of the lack of shipping facilities.

(d) *1948–49 price determination.* The 1948–49 price determination continues the terms and conditions of the 1947–48 price determination except for the following significant changes:

(1) Provision has been made for an optional method of cash settlement in the event it becomes necessary for a producer-processor to carry into 1950 an inventory of sugar which could not be marketed in 1949. The optional method permits the use of the average price of sugar (duty paid basis, delivered) during the period January 1, 1950 through February 15, 1950, as a basis for settlement with respect to the producer's share of such carry-over sugar. In determining the settlement price the producer-processor may deduct, in addition to the usual selling and delivery expenses, such expenses as are actually incurred in connection with the carrying of such sugar during the period January 1, 1950 through February 15, 1950.

Since this is an optional method of settlement, the producer and the producer-processor may agree to make settlement for such sugarcane on the basis of the average price of sugar during the period in which the sugarcane was delivered or any other period agreed upon. The determination provides, however, that the producer-processor must, prior to April 30, 1949, advise the San Juan office of the Production and Marketing Administration of the basis on which settlement will be based.

The optional method of cash settlement has been incorporated in the determination in view of the fact that it may be necessary, because of the prospective size of the 1948–49 crop, to carry-over a portion of the sugar produced from such crop for marketing against the 1950 quota for Puerto Rico. Under this provision producers and producer-processors will share the additional risks and costs involved in carrying and marketing sugar in excess of 1949 permissible marketings.

(2) The 1948–49 price determination now specifies that settlement with producers for sugarcane also may be made on the basis of a four weeks' period. Heretofore, determinations have provided that settlement may be made for specified periods or such other period as may be agreed upon between the producer and the producer-processor. Although settlements on a four weeks' basis have been authorized in previous determinations by agreement between the producer and the producer-processor, the incorporation of a four weeks' settlement period in the 1948–49 price determination specifically recognizes existing and desired settlement practices.

(3) Producer-processors are required, prior to April 30, 1949, to submit to the San Juan office of the Production and Marketing Administration a statement in writing setting forth the method and period of settlement for all sugarcane with each producer. As indicated in subparagraph (1) of this paragraph (d), the statement is to include the method of settlement for sugarcane from which unmarketable sugar was made.

An examination of the economic factors affecting the sharing relationships between producers and producer-processors reveals that no substantial changes have occurred since the issuance of the 1947–48 price determination. Therefore, it is deemed fair and reasonable to continue the terms and conditions of the 1947–48 price determination for the 1948–49 crop with the above changes.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C. 1131, 1153)

Issued this 12th day of January 1949.

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

[F. R. Doc. 49–387; Filed, Jan. 14, 1949; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 156]

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

LIMITATION OF SHIPMENTS

§ 933.417 *Orange Regulation 156*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 17, 1949, and ending at 12:01 a. m., e. s. t., January 24, 1949, no handler shall ship:

(i) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the

Valencia type, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I or Regulation Area II which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I or Regulation Area II which (*a*) grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russett, U. S. No. 3, or lower than U. S. No. 3 grade or (*b*) are of a size larger than a size that will pack 176 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russett," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russett," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR and Supps. Part 933)

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

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

[F. R. Doc. 49-430; Filed, Jan. 14, 1949; 9:35 a. m.]

[Tangerine Reg. 80]

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

LIMITATION OF SHIPMENTS

§ 933.418 *Tangerine Regulation 80*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 17, 1949, and ending at 12:01 a. m., e. s. t., January 24, 1949, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "U. S. No. 3" and "standard pack" shall each have the same meaning as is given to the respective term in the United States Standards for Tangerines (13 F. R. 4790). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR and Supps. Part 933)

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

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

[F. R. Doc. 49-427; Filed, Jan. 14, 1949; 9:35 a. m.]

[Grapefruit Reg. 107]

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

LIMITATION OF SHIPMENTS

§ 933.419 *Grapefruit Regulation 107*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 17, 1949, and ending at 12:01 a. m., e. s. t., January 24, 1949, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

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

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR and Supps. Part 933)

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

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

[F. R. Doc. 49-428; Filed, Jan. 14, 1949; 9:35 a. m.]

[Grapefruit Reg. 61]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.322 *Grapefruit Regulation 61*—(a) *Findings.* (1) Pursuant to the mar-

keting agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., January 16, 1949, and ending at 12:01 a. m., P. s. t., February 6, 1949, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, unless such grapefruit grade at least U. S. No. 2 grade: *Provided,* That, with respect to each lot of such grapefruit, the total tolerance for grade defects other than decay permitted for such U. S. No. 2 grade shall be increased by an additional 10 percent, by count; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States or in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{9}/_{16}$ inches in diameter ("diameter" to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), 12 F. R. 1975: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as is given to such term in the aforesaid revised United States Standards for Grapefruit (California and Arizona). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 955.1)

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

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

[F. R. Doc. 49-429; Filed, Jan. 14, 1949; 9:35 a. m.]

[Orange Reg. 263]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.409 *Orange Regulation 263*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 16, 1949, and ending at 12:01 a. m., P. s. t., January 23, 1949, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement; (*b*) Prorate District No. 2: No movement; (*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: 350 carloads;

(*b*) Prorate District No. 2: 450 carloads;

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

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

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

Done at Washington, D. C., this 14th day of January 1949.

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

PRORATE BASE SCHEDULE

[12:01 a. m. Jan. 16, 1949, to 12:01 a. m. Jan. 23, 1949]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Lindsay	1.5112
A. F. G. Porterville	1.9424
A. F. G. Sides	.5394
Ivanhoe Cooperative Association	.5362
Doffiemyer, W. Todd & Son	.6227
Earlibest Orange Association	1.1382
Elderwood Citrus Association	.8797
Exeter Citrus Association	2.6870
Exeter Orange Growers Association	1.2694
Exeter Orchards Association	1.6718
Hillside Packing Association	1.7253
Ivanhoe Mutual Orange Association	1.0881
Klink Citrus Association	4.7195
Lemon Cove Association	1.8011
Lindsay Citrus Growers Association	2.6507
Lindsay Coop. Citrus Association	1.3849
Lindsay District Orange Co	1.1676
Lindsay Fruit Association	1.7357
Lindsay Orange Growers Association	.9095
Naranjo Packing House Co	.9701
Orange Cove Citrus Association	3.3106
Orange Cove Orange Growers	2.2773
Orange Packing Co	1.2050
Orosi Foothill Citrus Association	1.2345
Paloma Citrus Fruit Association	1.0771
Rocky Hill Citrus Association	1.7435
Sanger Citrus Association	3.8039
Sequoia Citrus Association	1.0079
Stark Packing Corp	2.2057
Visalia Citrus Association	1.5732
Waddell & Son	1.8764
Butte County Citrus Association, Inc	1.3818
James Mills Orchard Co	.8775
Orland Orange Growers Association, Inc	.8997
Andrews Bros. of Calif	.0000
Baird-Neece Corp	1.8121
Beattie Association, Agnes M	.6918
Grand View Heights Citrus Association	2.1858
Magnolia Citrus Association	2.3530
Porterville Citrus Association, The	1.5170
Richgrove-Jasmine Citrus Association	1.3003
Sandilands Fruit Co	1.6981
Strathmore Cooperative Association	1.7100
Strathmore District Orange Association	1.4944

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Strathmore Fruit Growers Association	1.2150
Strathmore Packing House Co	1.7567
Sunflower Packing Association, Inc	2.6074
Sunland Packing House Co	2.6082
Terra Bella Citrus Association	1.0947
Tule River Citrus Association	1.2223
Kroells Packing Co	1.0693
Lindsay Mutual Groves	1.5597
Martin Ranch	1.3586
Woodlake Packing House	2.1179
Anderson Packing Co., R. M	.4240
Baker Bros	.1256
Batkin Jr., Fred A	.0911
Calif. Citrus Groves, Inc., Ltd	1.4550
Chess Co., Meyer W	.4061
Edison Groves Co	.0000
Evans Brothers Packing Co	.0000
Exeter Groves Packing Co	1.0619
Furr, N. C	.5892
Ghianda Ranch	.0362
Harding & Leggett	1.5276
Justman-Frankenthal Co	.2190
Lo Bue Bros	1.0510
Marks, W. & M	.0000
Panno Fruit Co., Carlo	.2259
Randolph Marketing Co	2.0698
Reimers, Don H	.3741
Rooke Packing Co., B. G	.9835
Shong, Samuel C	.0467
Webb Packing Co., Inc	.0000
Wollenman Packing Co	1.1643
Woodlake Heights Packing Corp	.5766
Zaninovich Bros	.7750
Prorate District No. 2	
Total	100.0000
A. F. G. Alta Loma	.3311
A. F. G. Corona	.2732
A. F .G. Fullerton	.0457
A. F. G. Orange	.0354
A. F. G. Riverside	.7105
Hazeltine Packing Co	.0557
Placentia Pioneer Valencia Growers Association	.0631
Signal Fruit Association	.9347
Azusa Citrus Association	.9733
Damerol-Allison Co	1.1087
Glendora Mutual Orange Association	.4880
Irwindale Citrus Association	.4164
Puente Mutual Citrus Association	.0430
Valencia Heights Orchards Association	.1825
Covina Citrus Association	1.6243
Covina Orange Growers Association	.4711
Glendora Citrus Association	.9393
Glendora Heights Orange and Lemon Growers Association	.1561
Gold Buckle Association	3.0831
La Verne Orange Association	4.3652
Anaheim Citrus Fruit Association	.0762
Anaheim Valencia Orange Association	.0229
Eadington Fruit Company, Inc	.2958
Fullerton Mutual Orange Association	.2089
La Habra Citrus Association	.1184
Orange County Valencia Association	.0307
Orangethorpe Citrus Association	.0208
Placentia Cooperative Orange Association	.0285
Yorba Linda Citrus Association, The	.0102
Alta Loma Heights Citrus Association	.3252
Citrus Fruit Growers	1.0498
Cucamonga Citrus Association	.4559
Etiwanda Citrus Fruit Association	.2266
Mountain View Fruit Association	.1455
Old Baldy Citrus Association	.4157
Rialto Heights Orange Growers	.4373

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Upland Citrus Association	2.3038
Upland Heights Orange Association	.9829
Consolidated Orange Growers	.0214
Frances Citrus Association	.0046
Garden Grove Citrus Association	.0375
Goldenwest Citrus Association	.0856
Olive Heights Citrus Association	.0517
Santa Ana-Tustin Mutual Citrus Association	.0187
Santaigo Orange Growers Association	.1603
Tustin Hills Citrus Association	.0390
Villa Park Orchard Association	.0332
Bradford Bros., Inc	.2058
Placentia Mutual Orange Association	.1655
Placentia Orange Growers Association	.2165
Call Ranch	.5806
Corona Citrus Association	.8731
Jameson Co	.3754
Orange Heights Orange Association	1.3933
Grafton Orange Growers Association	1.3186
East Highlands Citrus Association	.4246
Fontana Citrus Association	.4782
Highland Fruit Growers Association	.6244
Redlands Heights Groves	.9358
Redlands Orangedale Association	.9748
Break & Son, Allen	.2686
Bryn Mawr Fruit Growers Association	1.1625
Mission Citrus Association	.7451
Redlands Cooperative Fruit Association	1.8757
Redlands Orange Growers Association	1.0718
Redlands Select Groves	.4694
Rialto Citrus Association	.6700
Rialto Orange Co	.3122
Southern Citrus Association	.9729
United Citrus Growers	.7063
Zilen Citrus Co	.7550
Andrews Brothers of Calif	.0797
Arlington Heights Citrus Co	.7370
Brown Estate, L. V. W	1.6927
Gavilan Citrus Association	1.8371
Hemet Mutual Groves	.2602
Highgrove Fruit Association	.7342
Krinard Packing Co	1.6402
McDermont Fruit Co	1.8111
Monte Vista Citrus Association	1.3668
National Orange Co	.8869
Riverside Heights Orange Growers Association	1.2882
Sierra Vista Packing Association	.8284
Victoria Avenue Citrus Association	2.4297
Claremont Citrus Association	1.1635
College Heights Orange & Lemon Association	1.2529
El Camino Citrus Association	.4204
Indian Hill Citrus Association	1.2153
Pomona Fruit Growers Exchange	1.6579
Walnut Fruit Growers Association	.4664
West Onario Citrus Association	1.1292
El Cajon Valley Citrus Association	.1711
Escondido Orange Association	.4635
San Dimas Orange Growers Association	1.2709
Ball & Tweedy Association	.1003
Canoga Citrus Association	.0740
Covina Valley Orange Co	.2458
North Whittier Heights Citrus Association	.1295
San Fernando Fruit Growers Association	.3469
San Fernando Heights Orange Association	.3486
Sierra Madre-Lamanda Citrus Association	.2270
Camarillo Citrus Association	.0093

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Fillmore Citrus Association	1.1453
Ojai Orange Association	.8483
Piru Citrus Association	1.0203
Santa Paula Orange Association	.1128
Tapo Citrus Association	.0593
East Whittier Citrus Association	.0087
El Ranchito Citrus Association	.0590
Whittier Citrus Association	.1329
Whittier Select Citrus Association	.0310
Anaheim Cooperative Orange Association	.0523
Bryn Mawr Mutual Orange Association	.4944
Chula Vista Mutual Lemon Association	.1223
Escondido Cooperative Citrus Association	.0892
Euclid Avenue Orange Association	3.0106
Foothill Citrus Union, Inc	.1693
Fullerton Cooperative Orange Association	.0423
Garden Grove Orange Cooperative, Inc	.0288
Golden Orange Groves, Inc	.3091
Highland Mutual Groves	.3235
Index Mutual Association	.0036
La Verne Cooperative Citrus Association	3.6969
Mentone Heights Association	.6654
Olive Hillside Groves, Inc	.0129
Orange Cooperative Citrus Association	.0294
Redlands Foothill Groves	2.9036
Redlands Mutual Orange Association	.9903
Riverside Citrus Association	.2681
Ventura County Orange & Lemon Association	.1757
Whittier Mutual Orange & Lemon Association	.0199
Babijuice Corp. of Calif	.4236
Cherokee Citrus Co., Inc	1.2640
Chess Co., Meyer W	.2559
Evans Bros. Packing Co	1.1182
Gold Banner Association	2.0236
Granada Packing House	.2920
Hill Packing House, Fred A	.6594
Inland Fruit Dealers, Inc	.3708
MacDonald Fruit Co	.0996
Orange Belt Fruit Distributors	1.7128
Paramount Citrus Association	.2543
Placentia Orchard Co	.0513
San Antonio Orchard Co	1.1865
Snyder & Sons, W. A	.7126
Torn Ranch	.0499
Wall, E. T	1.7134
Western Fruit Growers, Inc., Redlands	3.2186

[F. R. Doc. 49-446; Filed, Jan. 14, 1949; 11:32 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

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

[3d Gen. Rev. of Export Regs., Amdt. 36]

PART 370—ORDERS AND DELEGATIONS OF AUTHORITY

SHIPPERS EXPORT DECLARATIONS

Part 370, Orders and Delegations of Authority, is amended by adding thereto a new § 370.4, *Shipper's export declarations; miscellaneous,* to read as follows:

§ 370.4 *Shipper's export declarations; miscellaneous*—(a) *Schedule B numbers.*

(1) No shipper's export declaration for shipments by vessel or other methods of transportation except rail and air which fails to show the new Department of Commerce Schedule B number shall be accepted by Collectors of Customs on or after January 1, 1949. In the case of air and rail shipments, Collectors of Customs shall not accept shipper's export declarations containing obsolete Schedule B numbers unless it appears to the Collector that the shipper's export declarations were duly filed with a carrier on or before December 31, 1948.

(2) Both the obsolete Schedule B numbers and the 1949 Schedule B numbers for the commodities involved shall be set forth on shipper's export declarations filed on or after January 1, 1949, covering shipments made against validated export licenses issued prior to January 1949 containing obsolete Schedule B numbers. (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)

Dated: January 11, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-361; Filed, Jan. 14, 1949; 8:47 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 37]

PART 371—GENERAL REGULATIONS

PRESENTATION FOR EXPORT

Section 371.7, *Presentation for export,* is amended in the following particulars:

Paragraph (b) is amended to read as follows:

(b) *Presentation of shipper's export declarations; commodity description—*(1) *Presentation; time, manner and form.* In every case, as provided above in paragraph (a) of this section, where a validated export license is required to be presented to and filed with a collector of customs or postmaster, as the case may be, a duly executed shipper's export declaration (in the number of copies provided in paragraph (c) of this section) shall also be presented at the same time. In the case of shipments made pursuant to general license or pursuant to an unexpired validated export license on file with a collector of customs or postmaster, a duly executed declaration (in the number of copies provided in paragraph (c) of this section) shall be presented to the collector of customs or postmaster, as the case may be, at the same time and in the same manner as provided for in the first sentence of this paragraph (b). Shipper's export declarations duly executed on Form 7525-V (Rev. Nov. 1948) must be presented on and after January 1, 1949, where such type of declaration is applicable to the exportation, except that until March 1, 1949, either such revised form or the unrevised form of shipper's export declaration, Commerce Form 7525-V, duly executed, may be presented in the case of shipments by vessel from West Coast ports of the United States.

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

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

Dated: January 10, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-362; Filed, Jan. 14, 1949; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52127]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

ENTRY OF AIRCRAFT, PARTS, AND EQUIPMENT RETURNED FOR REPAIRS

Section 8.15 (a) (7), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.15 (a) (7)), is amended by changing the period before the parenthetical matter to a comma and adding the following: "or provided the articles are entered under § 10.1 (d)".

(Sec. 484, 46 Stat. 722, 759, sec. 12, 52 Stat. 1083, sec. 498, 46 Stat. 728; 19 U. S. C. 1484, 1498, 1624)

Section 10.1, Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.1), as amended, is further amended as follows:

Paragraph (a) is further amended by changing the capital letter in the first word to lower case and by inserting "Except as otherwise provided for in this section or in § 10.2," at the beginning.

A new paragraph (d) is inserted to read:

(d) In the case of aircraft and parts and equipment therefor which are returned to the United States by or for the account of an aircraft owner or operator and are intended for use in his or its own aircraft operations, either within or outside the United States and with or without alteration or other change in condition in this country, entry thereof may be made under paragraph 1615 (a) on customs Form 3311, executed by the importer and supported by proper evidence of the right to make the entry, but without the other documents described in this section and without the giving of a bond to produce any of them, when there is no question that the articles are of domestic origin and it satisfactorily appears that they have not been improved in condition or advanced in value while abroad and that no drawback has been or will be paid on them. In such a case, the entrant shall show on customs Form 3311 after the words "returned to" the name and address of the aircraft owner or operator by whom or for whose account the articles were returned. The entrant shall also show on Form 3311 the name of the importing conveyance, the date of its arrival, the values of the articles, and that they are intended for use in the aircraft owner's or operator's own aircraft operations.

(Par. 1615, sec. 201, 46 Stat. 674, sec. 35, 52 Stat. 1092, sec. 624, 46 Stat. 759; 19 U. S. C. 1201, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: January 11, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-391; Filed, Jan. 14, 1949; 8:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Economic Cooperation Administration

REDESIGNATION OF CHAPTER

EDITORIAL NOTE: In order to effect a more orderly arrangement of Title 22, Chapter III has been redesignated as Chapter II, and Parts 1111, 1113, 1114, 1115, and 1116 thereunder have been redesignated Parts 201, 202, 203, 204, and 205, respectively.

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter VI—Department of the Navy

PART 702—TABULATION OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

IDAHO

CROSS REFERENCE: For order modifying Public Land Order 318, which withdrew public lands in Idaho for use of the Navy Department as a Naval proving ground, thereby affecting the tabulation contained in § 702.4, see Public Land Order 545 in the Appendix to Chapter I of Title 43, *infra.*

TITLE 43—PUBLIC LANDS: INTERIOR

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

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS OR AFFECTING PUBLIC LANDS IN SUCH DISTRICTS

IDAHO GRAZING DISTRICT NO. 3

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see PLO 545 in the Appendix to this chapter, *infra,* which takes precedence over but which does not modify the order establishing Idaho Grazing District No. 3.

[Circular 1721]

PART 289—UNLAWFUL ENCLOSURES OR OCCUPANCY

FILING OF CHARGES OR COMPLAINTS

1. Section 289.4 is amended to read as follows:

§ 289.4 *Filing of charges or complaints.* All charges or complaints against unlawful enclosures or obstructions upon the public lands should be filed with the proper regional administrator. Such charges or complaints, when possible, should give the name and address of the party or parties making or maintaining such enclosure or obstruction and should describe the land enclosed in such a way that it may be readily identified. The section, township, and range numbers should be given, if possible.

2. Sections 289.5 to 289.11, and 289.13 to 289.15, are deleted from Title 43.

3. Footnote 7 to § 289.1 is amended by adding thereto the following: "Violations of any of the provisions of the act of February 25, 1885, constitute a misdemeanor (Sec. 4, 23 Stat. 322; 35 Stat. 40; 43 U. S. C. 1064)."

MARION CLAWSON,
Director.

Approved: January 10, 1949.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-359; Filed, Jan. 14, 1949; 8:47 a. m.]

Appendix—Public Land Orders

[Public Land Order 545]

IDAHO

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF NAVY; MODIFYING PUBLIC LAND ORDER NO. 318 OF MAY 13, 1946, TO PERMIT GRAZING USE OF LANDS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, and section 1 of the act of June 28, 1934, as amended (48 Stat. 1269 (43 U. S. C. 315)), it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Navy as part of a Naval Proving Ground:

BOISE MERIDIAN

T. 5 N., R. 32 E.,
Sec. 15.

The area described contains 640 acres.

This order shall take precedence over but not modify the order of November 3, 1936, of the Secretary of the Interior establishing Idaho Grazing District No. 3, so far as such order affects the above-described land. The land described may be used for grazing purposes under the provisions of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315 et seq.), at such times and in such manner as may be agreed upon by the Secretary of the Navy and the Secretary of the Interior.

Public Land Order No. 318 of May 13, 1946, withdrawing public lands for use of the Navy Department as a Naval Proving Ground, is hereby modified so as to permit the use of the lands for grazing purposes under the provisions of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315 et seq.), at such times and in such manner as may be agreed upon by the Secretary of the Navy and the Secretary of the Interior.

It is intended that the land described above shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

J. A. KRUG,
Secretary of the Interior.

JANUARY 7, 1949.

[F. R. Doc. 49-356; Filed, Jan. 14, 1949; 8:47 a. m.]

[Public Land Order 546]

ALASKA

REVOKING IN PART EXECUTIVE ORDER NOS. 7448 OF SEPTEMBER 12, 1936, 2242 OF AUGUST 31, 1915, 2437 OF AUGUST 9, 1916 AND 2728 OF OCTOBER 8, 1917, AND REWITHDRAWING A PORTION OF RELEASED LAND FOR USE OF DEPARTMENT OF ARMY AND REMAINDER FOR USE OF ALASKA RAILROAD

By virtue of the authority vested in the President by the act of March 12, 1914, 38 Stat. 305 (48 U. S. C. secs. 301, 302, 303, 308), and otherwise and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

SECTION 1. Executive Order No. 7448 of September 12, 1936, withdrawing public lands for use as receiving station for the Alaska Communication System is hereby revoked as to the withdrawal made thereby of the lands described by metes and bounds as follows:

Beginning at corner No. 1, at point for centerquarter corner, sec. 7, T. 13 N., R. 3 W., Seward Meridian, Alaska, monumented with a one-inch pipe, thence by metes and bounds:

East along latitudinal center-section line 1996.8 feet; S. 50° 52′ W., 287.3 feet; S. 55° 31′ W., 291.1 feet; S. 59° 47′ W., 634.1 feet; S. 54° 23′ W., 717.7 feet; S. 65° 15′ W., 113 feet; N. 52° 18′ 35″ W., 917.6 feet; N. 53° 21′ 30″ E., 212.5 feet; N. 29° 47′ E., 506.3 feet to corner No. 1, the place of beginning, containing 33.35 acres.

SEC. 2. Subject to valid existing rights the public lands described in section 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws including the mining and mineral leasing laws, and reserved for the use of the Alaska Railroad.

SEC. 3. Executive Orders Nos. 2242 of August 31, 1915, 2437 of August 9, 1916 and 2728 of October 8, 1917, withdrawing public lands for use of the Alaska Railroad are hereby revoked as to the following-described lands in secs. 7, 8 and 9, T. 13 N., R. 3 W., S. M.

Beginning at the ¼ corner for secs. 7 and 8, thence by metes and bounds:

West, 730 feet along the center line of sec. 7 to its intersection with the center line of the Ft. Richardson Sewer Outfall Line;

S. 00° 03′ 40″ W., 25 feet; thence along a line generally 25 feet south of the center line of the Sewer Line,

S. 61° 37′ 16″ E., 262.6 feet;
S. 74° 18′ 35″ E., 3,905.6 feet;
N. 72° 33′ 20″ E., 1,039.7 feet;
N. 62° 11′ 20″ E., 740.7 feet;
N. 82° 11′ 05″ E., 347.5 feet;
N. 60° 17′ 59″ E., 364.0 feet;
N. 22° 49′ 17″ E., 682.1 feet;
N. 51° 38′ 42″ E., 189.6 feet;
N. 84° 25′ 22″ E., 201.9 feet;
S. 46° 02′ 30″ E., 295.2 feet;
N. 70° 42′ 50″ E., 218 feet to the east line of the SW¼NW¼ sec. 9, T. 13 N., R. 3 W.;
N. 00° 01′ 40″ W., 1,000.6 feet to the center point of the NW¼ sec. 9;
N. 89° 58′ 20″ W., 1,319.66 feet to the section line between secs. 8 and 9;
S. 00° 01′ 40″ E., 1,318.9 feet along section line to the ¼ corner for secs. 8 and 9;
West along the center line of sec. 8 approximately 1 mile to point of beginning, containing approximately 140 acres.

SEC. 4. Subject to valid existing rights, the public lands described in section 3 of this order are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army in connection with Fort Richardson.

It is intended that the public lands reserved by section 4 shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JANUARY 7, 1949.

[F. R. Doc. 49-357; Filed, Jan. 14, 1949; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 87-A]

PART 95—CAR SERVICE

FREE TIME REDUCED ON COAL AT NORTH ATLANTIC PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of January A. D. 1949.

Upon further consideration of Service Order No. 87 (13 F. R. 3277, 3358, 8220) and good cause appearing therefor: *It is ordered,* That:

Section 95-87, Service Order No. 87, *Free time reduced on coal at North Atlantic ports,* be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 7:00 a. m., January 15, 1949; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-354; Filed, Jan. 14, 1949; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52121]

CUSTOMS DISTRICTS AND PORTS

ORGANIZATION, RIGHTS, PRIVILEGES, POWERS, AND DUTIES OF COMMISSIONER, AND DUTIES OF PERSONNEL

Correction

In Federal Register Document 49–222, appearing at page 123 of the issue for Tuesday, January 11, 1949, paragraph I (1) should read:

(1) Whenever, in the opinion of the Commissioner of Customs any question pending for decision is of exceptional importance, he shall submit the question to the Secretary of the Treasury, and the decision thereon shall be made by the Secretary of the Treasury and not by the Commissioner of Customs.

The authority for this document should read: (Secs. 1, 2, 3, 44 Stat. 1381, 1382, sec. 8, 46 Stat. 430, 46 Stat. 1009, secs. 643, 650, 46 Stat. 761, 762, sec. 1a, E. O. 6639; 5 U. S. C. 281, 281a, 281b, 19 U. S. C. 1643).

Bureau of Federal Supply

PROCUREMENT AUTHORITY

The following orders relate to the procurement authority of the Bureau of Federal Supply (originally named the "Procurement Division"), Department of the Treasury, and were issued pursuant to the so-called Reorganization Act of 1933 (47 Stat. 1517) and Executive Order 6166, June 10, 1933 (5 U. S. C. 132 note). The first order, the Regulations Governing the Operation of the Bureau of Federal Supply, appears as approved by the President April 12, 1935 and amended by the Director, Bureau of Federal Supply with the approval of the Secretary of the Treasury November 1, 1943, November 19, 1946, January 26, 1948 and July 28, 1948 (8 F. R. 15329, 11 F. R. 13638, 13 F. R. 449).

Dated: January 11, 1949.

CLIFTON E. MACK,
Director, Bureau of Federal Supply.

[Order of April 12, 1935, as Amended]

The Regulations Governing the Operation of the Bureau of Federal Supply, promulgated pursuant to the provisions of Executive Order No. 6166 of June 10, 1933, Executive Order No. 6224 of July 27, 1933, the order of the Secretary of the Treasury, approved by the President on October 9, 1933, and to give further effect to the order of the Executive Director of the National Emergency Council, dated January 24, 1935, are hereby prescribed as follows:

A. *General.* 1. The policies and methods of coordination and consolidation of the functions of the various departments and independent establishments, hereinafter referred to as executive departments, relating to the purchasing, warehousing, and distribution of materials, supplies, and equipment hereinafter referred to as supplies, shall be under the direction of the Director, Bureau of Federal Supply.

2. The method and procedure to be followed in the purchase, warehousing, or distribution of supplies shall be as designated by the Director, Bureau of Federal Supply, and may be applied to items or groups of items, geographical areas, or activities affected and may be modified or changed as conditions warrant.

3. Those supplies for which requirements can be anticipated and consolidated shall be purchased in definite quantities through the Bureau of Federal Supply, either directly or by one or more designated executive departments. Before a consolidated purchase of any commodity is made effective, there may be conducted a study of all of the factors entering into its procurement to determine whether the Bureau of Federal Supply can procure the article more economically or efficiently than other agencies, due consideration being given to any statute authorizing a specific agency to procure the particular commodity.

4. Those supplies for which requirements cannot be consolidated for definite quantity purchase but for which common contracts can be made with advantage shall be contracted for through the Bureau of Federal Supply either directly or by one or more designated executive departments.

5. In those areas where two or more services are located and where common requirements exist for frequently used supplies, stocks may be maintained at one or more points in the area from which requirements can be met by direct distribution.

6. Those supplies of which the procurement, warehousing, or distribution is to be controlled by the Bureau of Federal Supply under one of the methods outlined above, will be listed and conmunicated to the executive departments as may be necessary, and thereafter no individual procurement, warehousing, or distribution of those articles shall take place except in emergencies. Supplies other than those so listed and including those peculiar to the needs of the particular executive departments shall continue to be procured, warehoused, or distributed by them, except that the facilities of the Bureau of Federal Supply or any designated activity may be availed of in connection therewith.

7. Requisitions for supplies not carried in stock must fully identify the supplies needed by reference to existing specifications, or otherwise, and be submitted sufficiently in advance to permit of orderly and economical procurement.

8. Requisitions for supplies carried in stock shall be limited to current or anticipated needs.

9. So far as practicable, supplies shall be standardized and unnecessary types, grades, and sizes eliminated.

10. The Bureau of Federal Supply is authorized to call upon executive departments for such technical assistance as may be required in connection with its activities.

11. Each executive department and independent establishment will be requested to designate an authorized representative or representatives to act in a liaison capacity, with whom the Director, Bureau of Federal Supply may communicate direct concerning the transaction of public business arising under these regulations. The representatives designated shall constitute an Advisory Committee on Procurement Policy, and the Director, Bureau of Federal Supply shall appoint a chairman and executive subcommittee.

12. These regulations may be amended by the Director, Bureau of Federal Supply with the approval of the Secretary of the Treasury. Such amendments shall be promulgated by the Director, Bureau of Federal Supply.

13. The authority of the Director, Bureau of Federal Supply under these regulations shall, in all instances, be exercised subject to the approval of the Secretary of the Treasury.

B. *Federal Standard Stock Catalog Section.* 1. The Director, Bureau of Federal Supply shall determine the articles to be listed and the data to be included in the Federal Standard Stock Catalog.

2. The head of each Department concerned will be requested to report any articles which such Department desires to be listed in the Federal Standard Stock Catalog.

3. After approval by the Director, Bureau of Federal Supply, the sections of the Catalog shall be binding upon and govern all executive departments, and the catalog nomenclature, description, classification, and stock numbers shall be used in all interdepartmental papers and correspondence pertaining to items of supply, and interdepartmental work as soon as may be practicable.

4. The Federal Standard Stock Catalog shall continue to be published, distributed, and financed in accordance with existing law (act approved Mar. 2, 1929, ch. 483; 45 Stat. 1461).

C. *Federal Specifications Section.* 1. The Director, Bureau of Federal Supply will cause to be prepared purchase specifications for supplies used by the several Executive Departments, with due regard to available commercial types, grades and sizes.

2. The head of each Executive Department will be requested to designate a representative of his Department to advise with the Director, Bureau of Federal Supply in the preparation and revision of such specifications.

3. The specifications that are approved by the Director, Bureau of Federal Supply will be known as "Federal Specifications," and after promulgation shall be binding upon and govern all Executive Departments except as noted in paragraph 4.

4. If any executive department finds that for administrative reasons a Federal specification cannot be used to meet its particular or essential needs, it is authorized to use its own purchase specification, but such specification shall include all applicable provisions of the Federal specification, and in those cases where the purchase exceeds $1,000 a report shall be made to the Bureau of Federal Supply showing the necessity for deviation from the Federal specification.

D. *Contracts.* 1. The Director, Bureau of Federal Supply shall:

(a) Determine general policies pertaining to contract procedure.

(b) Standardize, wherever deemed advisable, the forms used in executing contracts.

(c) Act upon requests of Executive Departments to deviate from the standard forms.

2. The head of each Executive department will be requested to designate a representative of his department to advise with the Director, Bureau of Federal Supply with reference to the above matters.

3. The forms so standardized shall, after approval by the Secretary of the Treasury, be used by all Executive Departments, except where deviations have been authorized by the Director, Bureau of Federal Supply with the approval of the Secretary of the Treasury: *Provided*, That the Director, Bureau of Federal Supply may authorize, without the approval of the Secretary of the Treasury, deviations from the forms so standardized in any case involving not in excess of $5,000.

E. *Traffic Section.* 1. The Director, Bureau of Federal Supply shall coordinate the Government's freight, express, and other traffic activities within the continental limits of the United States.

2. He will handle matters pertaining to (1) special arrangements or special rate agreements applicable to the transportation of Government property; (2) freight classification; (3) switching, lighterage, or other terminal charges and facilities; (4) railway track facilities; (5) demurrage and storage charges; *provided, however,* That any of the above matters may be delegated to the Government activity concerned.

3. He will prepare and file with the Interstate Commerce Commission, State commissions, or public service boards, formal or informal complaints affecting the transportation of Government property when such action is necessary.

4. The Director, Bureau of Federal Supply will maintain adequate tariff files and furnish information as to commercial and special rates to executive departments. Files of freight tariffs in offices securing rates from the Director, Bureau of Federal Supply will at all times be restricted to the minimum required for their efficient operation.

5. Executive departments shall furnish such information as may be desired regarding their traffic activities.

6. Every shipment of supplies consisting of two carloads or more moving under a Government bill of lading from one point of origin to one destination will be covered by a routing order issued by the Director, Bureau of Federal Supply, *provided, however,* That under waiver by him, the activity designated therein may route such shipments but shall furnish copies of the routings to the central traffic agency. Shipments of less than two carloads may be routed by the activity concerned. All routings other than those supplied by the Director, Bureau of Federal Supply, which have effected economies over regular rates and routings shall be promptly reported to him.

7. Request for routing instructions shall be made on the prescribed form sufficiently in advance of the proposed movement to permit examination of tariffs and determination of routes available without delaying the shipment. Routing order numbers shall always be noted on the bills of lading. Emergency shipments may be made without securing routing instructions from the Director, Bureau of Federal Supply, but a report shall be made promptly of the complete routing and circumstances of each case.

F. *Real Estate Section.*

NOTE: The functions to which this section pertains were transferred to the Federal Works Agency, effective July 1, 1939, pursuant to the Reorganization Act of 1939. (53 Stat. 561, 813, 1426)

G. *Surplus and Seized Property Section.* 1. The Bureau of Federal Supply will coordinate and supervise the disposition of:

(a) Surplus personal property of Executive agencies;

(b) Property seized by the Government when turned over to the Bureau by competent authority.

2. Surplus personal property located within the District of Columbia will be disposed of in accordance with the Act approved December 20, 1928 (45 Stat. 1030; 40 U. S. C. 311a).

3. Surplus personal property located outside the District of Columbia will be disposed of as follows:

(a) Executive agencies shall make such reports of surplus personal property as the Bureau of Federal Supply may direct. The Bureau may select from such reports any property for handling through the General Supply Fund. The Bureau may take custody of any surplus personal property reported. Surplus personal property not required to be reported will be disposed of by the holding agency.

(b) The Bureau of Federal Supply shall charge for surplus personal property handled through the General Supply Fund the fair value thereof as determined by the Bureau.

(c) Lists of the remaining surplus personal property reported will be made available at such locations and for such periods as the Bureau of Federal Supply shall prescribe, for inspection by representatives of the agencies. The Bureau of Federal Supply may direct the transfer by the holding agency of any property on such lists to any other agency as need therefor may arise. Transfer of such property shall be without exchange of funds unless otherwise required by law. Property on such lists not desired for transfer within the period during which such lists remain available will be cleared by the Bureau of Federal Supply for disposition by the holding agency.

(d) Functions of the Bureau of Federal Supply hereunder may be exercised directly or through one or more Executive agencies designated by the Director, Bureau of Federal Supply.

[Director's Order 73]

Under and by virtue of the authority vested in me by Executive Order No. 6166 of June 10, 1933, and in order to reduce government expenditures, increase the efficiency of government operations, and eliminate overlapping and duplication of effort, I hereby prescribe the following regulations:

1. As used herein:

(a) The term "agency" means any commission, independent establishment, board, bureau, division, service or office in the executive branch of the Government, except the War and Navy Departments and the Marine Corps.

(b) The term "supplies" means all tangible personal property including, but not limited to, materials, supplies, articles, facilities, improvements, machinery, equipment, and stores.

(c) The words "procurement of supplies" and "procurement" include all functions relating to or associated with the purchase, rental, warehousing, distribution, and transportation of supplies, and services incidental thereto.

2. The Procurement Division, Treasury Department, shall hereafter undertake the performance of procurement of all supplies for use either at the seat of government or in the field for all existing government agencies and such agencies hereafter created: *Provided,* That any agency may perform such procurement itself to the extent permitted by the Director of Procurement, until such dates as the Director may designate with respect to specific agencies, specific kinds of procurement or specific supplies.

3. The offices of the Procurement Division now existing in the several states shall form the nucleus for the field activities of a general procurement service.

4. All records and property pertaining to, or utilized in, the procurement of supplies by any agency, and all personnel engaged in the procurement of supplies for any agency, are hereby transferred to the Procurement Division, such transfer to be effective upon such dates as the Director of Procurement may prescribe with respect to specific agencies, specific kinds of procurement, or specific supplies. Such part of the unexpended balances of appropriations or funds, available to any agency for personal services and other expenses, in connection with the procurement of supplies which the Secretary of the Treasury, with the approval of the Director of the Bureau of the Budget, shall transfer to the Procurement Division pursuant to Treasury Department Appropriation Act of 1940 (Pub. 65—76th Congress, First Session) and any other law authorizing such transfer, shall be available for the use of the Procurement Division in performing the functions of procurement undertaken pursuant to this order.

5. The Director of Procurement may, with the approval of the Secretary of the Treasury, issue such regulations and instructions as may be necessary to make the provisions of this order effective.

6. The provisions of this order shall not apply to the War and Navy Departments and the Marine Corps.

7. The regulations governing the operation of the Branch of Supply, Procurement Division, approved by the President April 12, 1935, are hereby superseded to the extent that they are inconsistent with the provisions of this order.

C. J. PEOPLES,
Director of Procurement.

JUNE 1, 1939.

Approved: June 1, 1939.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved: June 10, 1939.

FRANKLIN D. ROOSEVELT,
The White House.

[F. R. Doc. 49-392; Filed, Jan. 14, 1949; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO PARTIAL REVOCATION OF EXECUTIVE ORDER NOS. 7448 OF SEPTEMBER 12, 1936, 2242 OF AUGUST 31, 1915, 2437 OF AUGUST 9, 1916 AND 2728 OF OCTOBER 8, 1917, AND REWITHDRAWING A PORTION OF RELEASED LAND FOR THE USE OF DEPARTMENT OF ARMY AND REMAINDER FOR THE USE OF ALASKA RAILROAD [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JANUARY 7, 1949.

[F. R. Doc. 49-358; Filed, Jan. 14, 1949; 8:47 a. m.]

[1] See Title 43, Chapter I, Appendix, Public Land Order 546, *supra.*

CIVIL AERONAUTICS BOARD

[Docket No. 2864]

CHICAGO AND SOUTHERN AIR LINES, INC.

NOTICE 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 pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above-entitled proceeding is assigned for hearing on Tuesday, February 1, 1949, at 10:00 a. m. (e. s. t.) in Room 2015, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

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 the proposed service is required by the public convenience and necessity.

2. Whether the applicant is a citizen of the United States and is fit, willing, and able to perform the service for which it is applying and to conform to the provisions of the act and the rules, regulations, and requirements of the Board promulgated thereunder.

Notice is further given that any person desiring to be heard in opposition to the above application must file with the Board on or before February 1, 1949, a statement setting forth the issues of fact or law which he desires to controvert.

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

Dated at Washington, D. C., January 11, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-351; Filed, Jan. 14, 1949; 8:46 a. m.]

[Docket No. 3264]

PAN AMERICAN AIRWAYS; SAUDI ARABIAN INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation to determine whether Pan American Airways, Inc., in the conduct of its operations between the United States and Saudi Arabia, is in violation of any provision or provisions of the Civil Aeronautics Act.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-indicated proceeding is assigned to be held on January 24, 1949, at 10:00 a. m. (e. s. t.) in Room 2015, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

This proceeding is an investigation instituted by the Board on July 27, 1948, acting pursuant to a complaint filed by Transcontinental & Western Air, Inc., and upon the Board's own initiative. For further details of the matters involved in this proceeding, interested persons are referred to Order Serial No. E-1821 issued by the Civil Aeronautics Board on July 27, 1948, and to the Examiner's prehearing conference report and other papers filed in the docket of this proceeding.

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

(1) Has Pan American violated, or is it violating, any provision or provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (a), 403, 404 (b), and 411 thereof, in the conduct of its operations between the United States and Saudi Arabia?

(2) If any such violations are established, should the Board issue an order to cease and desist or other order to compel compliance with applicable provisions of the act?

Notice is further given that any person, other than the parties of record, desiring to be heard in this proceeding shall file with the Board on or before January 24, 1949, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., January 11, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-352; Filed, Jan. 14, 1949; 8:46 a. m.]

[Docket No. 3426]

MID-CONTINENT AIRLINES, INC., ET AL.; THROUGH SERVICE PROCEEDING

NOTICE OF HEARING

In the matter of a proceeding to determine whether the public convenience and necessity require the establishment of through air transportation service by interchange arrangements or otherwise between Mid-Continent Airlines, Inc., and Eastern Air Lines, Inc., at St. Louis, Mo., or between Mid-Continent Airlines, Inc., Chicago and Southern Airlines, Inc., and Eastern Air Lines, Inc., or Delta Air Lines, Inc., at Memphis, Tenn., and between Braniff Airways, Inc., and Eastern Air Lines, Inc., or Delta Air Lines, Inc., at Memphis, Tenn.

For further details of the matters involved in this proceeding, parties are referred to the Board Order instituting this proceeding, Serial No. E-1814 dated July 23, 1948, and the Prehearing Conference Report dated October 7, 1948, on file with the Civil Aeronautics Board.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 1001, and 1002 of said act, that the hearing in the above-entitled proceeding is assigned to be held on February 9, 1949, at 10:00 a. m. (eastern standard time) in Conference Room C, Departmental Auditorium, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Warren E. Baker.

Without limiting the scope of the hearing, particular attention will be directed to the following matters and questions:

1. Whether one or more of the through services set forth in the Board order instituting this proceeding is required by the public convenience and necessity.

2. If the public convenience and necessity require through service, which carriers should be selected to perform the operations and under what terms and conditions?

3. If the public convenience and necessity require operation of one or more through services by carriers involved in this proceeding, should the Board order or direct, pursuant to section 1002 (i) of the act, the establishment of the through service or services?

Notice is further given that any person other than the parties and interveners of record as of this date, desiring to be heard in this proceeding may file with the Board on or before February 9, 1949, a statement setting forth the issues of fact and law raised by this proceeding 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 the Civil Aeronautics Act of 1938, as amended.

Dated at Washington, D. C., January 12, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-375; Filed, Jan. 14, 1949; 8:51 a. m.]

[Docket No. SA-181]

ACCIDENT AT SEATTLE, WASH.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-79025 which occurred at Seattle, Washington, on January 2, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, January 18, 1949, at 8:30 a. m. (local time) in the Federal Courthouse, 5th and Madison Streets, Seattle, Washington.

Dated at Washington, D. C., January 11, 1949.

[SEAL] RUSSELL A. POTTER,
Chief, Hearing Section, Bureau of Safety Investigation.

[F. R. Doc. 49-353; Filed, Jan. 14, 1949; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9208]

CONNECTICUT RADIO FOUNDATION, INC. (WELI)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Connecticut Radio Foundation, Inc. (WELI), New Haven, Connecticut, Docket No. 9208, File No. BP–6825; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of January 1949;

The Commission having under consideration the above-entitled application requesting a permit to increase daytime power of Station WELI, New Haven, Connecticut from 1 kilowatt to 5 kilowatts and to install a new transmitter

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

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

2. To determine whether the operation of station WELI as proposed would involve objectionable interference with stations WAAT, Newark, New Jersey and WBOC, Salisbury, Maryland or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

4. To determine whether the installation and operation of station WELI as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

It is further ordered, That Bremer Broadcasting Corporation, licensee of Station WAAT, Newark, New Jersey, and Peninsula Broadcasting Company, licensee of Station WBOC, Salisbury, Maryland, be and they are hereby, made parties to the proceeding.

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

[F. R. Doc. 49–363; Filed, Jan. 14, 1949; 8:50 a. m.]

[Docket No. 9209]

PALMETTO BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of M. L. Few and E. G. Robinson, Jr., d/b as Palmetto Broadcasting Co., Kingstree, South Carolina, Docket No. 9209, File No. BP–6839; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of January 1949;

The Commission having under consideration the above-entitled application requesting a permit for the construction of a new standard broadcast station to operate on the frequency of 1220 kilocycles, with a power of 1000 watts, daytime only, at Kingstree, South Carolina and also having under consideration a petition filed by Florence Broadcasting Company, Inc., licensee of Station WOLS, Florence, South Carolina, that the above-entitled application be designated for hearing and that petitioner be made a party thereto;

It is ordered, That the said petition of Florence Broadcasting Company, Inc., be, and it is hereby, granted; and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Palmetto Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

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

2. To determine whether the operation of the proposed station would involve objectionable interference with station WOLS, Florence, South Carolina or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

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

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

It is further ordered, That, Florence Broadcasting Company, Inc., licensee of Station WOLS, Florence, South Carolina, be, and it is hereby, made a party to the proceeding.

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

[F. R. Doc. 49–364; Filed, Jan. 14, 1949; 8:50 a. m.]

[Docket No. 9162]

STATION WIBS

ORDER SCHEDULING HEARING

In the matter of revocation of license of Station WIBS, Santurce, Puerto Rico, Docket No. 9162.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of January 1949;

It is ordered, That Commissioner Paul A. Walker is assigned to preside at the hearing in the above entitled matter scheduled for 10.00 a. m., Thursday, February 24, 1949, at Santurce, Puerto Rico.

It is further ordered, That Commissioner Paul A. Walker is directed to prepare and issue an initial decision in the above entitled proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is applicable to this proceeding.

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

[F. R. Doc. 49–365; Filed, Jan. 14, 1949; 8:50 a. m.]

[Docket No. 8688]

PORTORICAN AMERICAN BROADCASTING CO., INC. (WPAB)

ORDER CONTINUING HEARING

In re application of Portorican American Broadcasting Company, Inc. (WPAB), Ponce, Puerto Rico, Docket No. 8688, File No. BR–1082; for renewal of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of January 1949;

It is ordered, That Commissioner Paul A. Walker is assigned to preside at the hearing in the above entitled matter in lieu of J. Fred Johnson, Jr., and

It is further ordered, That Commissioner Paul A. Walker is directed to prepare and issue an initial decision in the above entitled proceeding; and

It is further ordered, That the hearing presently scheduled for January 10, 1949, at Ponce, Puerto Rico, be, and it is hereby, continued to 2:00 p. m., Monday, February 21, 1949.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is applicable to this proceeding.

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

[F. R. Doc. 49–366; Filed, Jan. 14, 1949; 8:50 a. m.]

[Docket No. 9207]

NIED AND STEVENS, INC., AND TRIBUNE CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Perry H. Stevens, Frank T. Nied, Lucy S. Stevens and Evelyn A. Nied, (transferors), the Tribune

Company, (transferee), File No. BTC-674, Docket No. 9207; for transfer of control of Nied and Stevens, Inc., licensee of stations WRRN and WRRN-FM, Warren, Ohio.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of January 1949;

The Commission having under consideration the above entitled application for transfer of control of Nied and Stevens, Inc., licensee of stations WRRN and WRRN-FM, Warren, Ohio, from Perry H. Stevens, Frank T. Nied, Lucy S. Stevens and Evelyn A. Nied to the Tribune Company and not being satisfied that it is in possession of full information relating to the above transfer, as it is entitled to be;

It is ordered, That pursuant to section 310 (b) of the Communications Act of 1934, as amended, the above entitled application be, and it is hereby designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine whether the proposed transferee is legally, financially and otherwise qualified to own and control and to operate stations WRRN and WRRN-FM, Warren, Ohio.

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

3. To determine whether control of the licensee of stations WRRN and WRRN-FM, Warren, Ohio, or the rights and responsibilities incident to such control, have been transferred, assigned or disposed of, directly or indirectly, without the consent of the Commission, and in contravention of the provisions of the Communications Act of 1934, as amended, and more particularly section 310 (b) thereof.

4. To determine whether, in the light of the evidence adduced under the foregoing issues, a grant of the above application for consent to transfer of control of the licensee of stations WRRN and WRRN-FM would be in the public interest.

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

[F. R. Doc. 49-367; Filed, Jan. 14, 1949; 8:50 a. m.]

[Docket Nos. 6805, 7977, 8069]

BOOTH RADIO STATIONS, INC., ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Booth Radio Stations, Inc., Saginaw, Michigan, Docket No. 6805, File No. BP-4088; Federated Publications, Inc., Lansing, Michigan, Docket No. 7977, File No. BP-5385; Saginaw Broadcasting, Company (WSAM) Saginaw, Michigan, Docket No. 8069, File No. BP-5578; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of January 1949;

The Commission having under consideration the following pleadings filed by Saginaw Broadcasting Company (WSAM) in the above-entitled proceeding; (a) a petition to reopen the record; (b) exceptions to the proposed decision and memorandum brief in support of exceptions which includes (1) a petition to set aside the proposed decision; (2) petition for prompt action on the petition to reopen the record; (3) supplemental petition to reopen the record; and (4) a request for oral argument; and (c) a request to correct exceptions to the proposed decision and a memorandum brief in support of the exceptions; and the answer to the exceptions of Saginaw Broadcasting Company (WSAM) filed by Booth Radio Stations, Inc.; and

It appearing, that the issues raised in the foregoing petitions can best be disposed of after affording petitioner an oral argument before the Commission en banc on said issues and that said petitions should be designated for oral argument together with exceptions filed in the above proceeding;

It is ordered, That oral argument on the exceptions filed in the above proceeding be, and it is hereby, scheduled for February 4, 1949, at 10:00 a. m. before the Commission en banc; and

It is further ordered, That the above-mentioned petitions filed in this proceeding by Saginaw Broadcasting Company (WSAM), Saginaw, Michigan, be, and they are hereby, scheduled for oral argument on February 4, 1949, at 10:00 a. m. before the Commission en banc together with the exceptions filed in this proceeding and that the parties be, and they are hereby, afforded an opportunity to address themselves not only to the proposed decision and the exceptions filed, but to the issues raised in the foregoing petitions.

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

[F. R. Doc. 49-368; Filed, Jan. 14, 1949; 8:50 a. m.]

[Change List 103]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

DECEMBER 3, 1948.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcasting agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph No. 47214-6) attached to the recommendations of the North American Regional Broadcasting agreement engineering meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEWA	San Luis Potosi, San Luis Potosi.	540 kilocycles (assignment of call letters).			
New	Acapulco, Guerrero	600 kilocycles 1 kw	U	III-B	May 1, 1949
New	Nogales, Sonora	1010 kilocycles (delete assignment).			

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

[F. R. Doc. 49-369; Filed, Jan. 14, 1949; 8:50 a. m.]

[Docket No. 8990]

RCA COMMUNICATIONS, INC.

ORDER POSTPONING HEARING

In the matter of RCA Communications, Inc., Docket No. 8990; applications for modification of licenses to add Tel Aviv, Israel, as a point of communication.

The Commission, having under consideration its order, dated May 12, 1948, designating the above-entitled applications for hearing; and also having under consideration its order, dated December 3, 1948, postponing the commencement of the hearing herein to February 14, 1949;

It appearing, that other matters pending before the Commission may require the attendance of the Presiding Officer on and about February 14, 1949;

It further appearing, that RCA Communications, Inc., the only party to the proceeding herein, has informally advised the Commission that it has no objection to a postponement of the hearing herein, and that a postponement of 30 to 60 days would, in fact, be a convenience to it;

It is ordered, This 14th day of January 1949 that the hearing herein, now scheduled to commence on February 14, 1949, is postponed to March 28, 1949, at the same time and place as heretofore designated.

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

[F. R. Doc. 49-370; Filed, Jan. 14, 1949; 8:51 a. m.]

[Docket Nos. 8934, 9166]

RADIO ANTHRACITE, INC. (WHWL), AND WYOMING VALLEY BROADCASTING CO. (WILK)

ORDER CONTINUING HEARING

In re applications of Radio Anthracite, Incorporated (WHWL), Nanticoke, Pennsylvania, Docket No. 8934, File No. BP-6616; Wyoming Valley Broadcasting Company (WILK), Wilkes-Barre, Pennsylvania, Docket No. 9166, File No. BP-7040; for construction permits.

The Commission having under consideration a petition filed January 4, 1949, by National Broadcasting Company (WRC), Washington, D. C., requesting a continuance in the hearing scheduled for January 5, 1949, upon the above-entitled applications for construction permits;

It is ordered, This 5th day of January 1949, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, January 17, 1949, at Washington, D. C.

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

[F. R. Doc. 49-371; Filed, Jan. 14, 1949; 8:51 a. m.]

[Docket Nos. 8716, 8717]

FAIRFIELD COUNTY BROADCASTING CO. AND GREENWICH BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of Currier Lang, Sherwood H. Prothero, Garo W. Ray, and Aram H. Tellalian, Jr., a partnership, d/b as Fairfield County Broadcasting Company, Norwalk, Connecticut, Docket No. 8717, File No. BP-6460; The Greenwich Broadcasting Corporation, Greenwich, Connecticut, Docket No. 8716, File No. BP-6315; for construction permit.

Whereas, the above-entitled applications are presently scheduled to be heard on January 10 and 11, 1949, at Greenwich and Norwalk, Connecticut, respectively; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 7th day of January, 1949, on the Commission's own motion, that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, February 10, 1949, at Greenwich, Connecticut, and Friday, February 11, 1949, at Norwalk, Connecticut.

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

[F. R. Doc. 49-372; Filed, Jan. 14, 1949; 8:51 a. m.]

STATION WGTC

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on January 4, 1949, there was filed with it an application (BAL-820) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of Station WGTC, Greenville, North Carolina, from J. C. White, tr/as Greenville Broadcasting Company to Carolina Broadcasting System, Inc. The proposal to assign the license arises out of a contract of December 1, 1948, pursuant to which the assignor agrees to sell and the assignee agrees to buy certain specified assets used or useful in the operation of Station WGTC and the assignor agrees to assign the license thereof to the assignee for a consideration of $60,000. The contract is subject to adjustments set forth in the contract of December 1, 1948. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on January 4, 1949, that starting on January 5, 1949 notice of the filing of the application would be inserted in the Daily Reflector a newspaper of general circulation at Greenville, North Carolina, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from January 5, 1949, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

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

[F. R. Doc. 49-373; Filed, Jan. 14, 1949; 8:51 a. m.]

STATION WEGO

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on December 30, 1948, there was filed with it an application (BAL-819) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of Station WEGO, Concord, North Carolina, from Wayne M. Nelson to the Concord Tribune, Inc. The proposal to assign the license arises out of a contract of November 18, 1948, pursuant to which the present licensee of Radio Station WEGO, Wayne M. Nelson, agrees to sell all the fixed assets of Station WEGO to Concord Tribune, Inc. (within five days from the date of approval by the Federal Communications Commission) in consideration of $50,000 cash payable at the time transfer of said assets is effected. Provision is further made in the contract of sale for adjustment of accounts receivable. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on December 30, 1948, that starting on December 31, 1948, notice of the filing of the application would be inserted in the Concord Tribune, a newspaper of general circulation at Concord, North Carolina, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from December 31, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

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

[F. R. Doc. 49-374; Filed, Jan. 14, 1949; 8:51 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

POWERS AND ORGANIZATION

1. Former §§ 500.1 to 500.22 of Chapter V of Title 24, the codification of which was discontinued at 13 F. R. 6443, are renumbered as follows:

Former section		New section
	POWERS	
500.1	Powers	1
500.2 to 500.10	Reserved	2 to 10
	DELEGATION OF AUTHORITY AND ASSIGNMENT OF DUTIES	
500.11	Citation of Authority	11
500.12	Designation of Acting Commissioner.	12
500.13	Specific Delegations to Named Positions.	13
500.14	Delegations to Committees	14
500.15 to 500.20	Reserved	15 to 20
	ORGANIZATION AND FUNCTIONS	
500.21	Central Office	21
500.22	Field Organization	22

2. Effective November 1, 1948, the office at Grand Rapids, Michigan, which previous to that date had been a service office, was made an insuring office. Therefore, the entry in section 22 (b) (5) covering the State of Michigan is amended to read as follows:

State	City	Address	Jurisdiction
Michigan	Detroit	Penobscot Bldg.	Counties of Bay, Genesee, Hillsdale, Huron, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, and Wayne.
	Grand Rapids	Grand Rapids, National Bank Bldg.	Entire State except the counties of Bay, Genesee, Hillsdale, Huron, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, and Wayne.

3. Effective December 8, 1948, the valuation station at Wichita, Kansas, was made a service office. Therefore the entry in section 22 (b) (5) covering the State of Kansas should be amended by making the following addition:

City	Address	Jurisdiction
Wichita	Wheeler Kelly Hagny Bldg.	All counties in the State which are south of Greely, Wichita, Scott, Lane, Ness, Rush, Barton, Ellsworth, Salem, Dickinson, Chase, Lyon, Coffey, Anderson, and Linn Counties.

4. The entry in section 22 (b) (5) covering the State of California is amended by deleting the address, "Broadway Building", opposite "San Diego" and substituting therefor the following address: "Harbor Insurance Building, 1017 First Avenue."

[SEAL] DONALD M. ALSTRUP,
Assistant Commissioner.

JANUARY 7, 1949.

[F. R. Doc. 49-355; Filed, Jan. 14, 1949; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-19, 54-92, 59-14]

NEW ENGLAND POWER ASSN. ET AL.

ORDER DENYING PETITION FOR REHEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of January A. D. 1949.

In the matter of New England Power Association, Massachusetts Power & Light Associates, North Boston Lighting Properties, The Rhode Island Public Service Company, Massachusetts Utilities Associates, Common Voting Trust, Massachusetts Utilities Associates; File No. 54-92, File No. 59-14, File No. 54-19.

Merrill Lynch, Pierce, Fenner & Beane, financial adviser to New England Power Association holding company system in connection with its reorganization herein pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, having filed a petition on December 27, 1948 requesting rehearing by the Commission with respect to the amount of compensation authorized to be paid to the petitioner by our order entered herein on December 23, 1948; and

The Commission having duly considered the aforesaid petition for rehearing and the grounds set forth therein, and it appearing that said petition raises no issues of substance not previously presented to the Commission and considered in its findings and opinion (Holding Company Act Release No. 8751) accompanying the aforesaid order of December 23, 1948; and

After due consideration the Commission finding that no adequate basis has been presented for granting the petition for rehearing;

It is ordered, that the petition for rehearing filed by Merrill Lynch, Pierce, Fenner & Beane be and it hereby is in all respects denied.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-360; Filed, Jan. 14, 1949; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 12467]

JOHN ADELHARDT

In re: Estate of John Adelhardt, deceased. File No. 017-23967.

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 Margaretha Adelhardt, 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 identified in subparagraph 1 hereof, in and to the estate of John Adelhardt, 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 John Adelhardt, Sr., as Executor, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified 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 December 3, 1948.

For the Attorney General.

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

[F. R. Doc. 49-339; Filed, Jan. 13, 1949; 8:54 a. m.]

[Vesting Order 12493]

ELSIE G. THOMAS

In re: Estate of Elsie G. Thomas, deceased. File No. D-28-10131; D-28-4245; E. T. sec. 14421.

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 Friedrich Wilhelm Carl Schroeder and Luise Mueller, also known as Emma Amalie Wilhelmine Louise Müller, nee Schroeder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and each of them, in and to the estate of Elsie G. Thomas, 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 City Treasurer of the City of New York, as Depositary, and Francis J. Mulligan, Public Administrator, as Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

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

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

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

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1948.

For the Attorney General.

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

[F. R. Doc. 49-340; Filed, Jan. 13, 1949; 8:54 a. m.]

[Vesting Order 12563]

ALFRED JARETZKI

In re: Declaration of trust dated January 5, 1925, by Alfred Jaretzki for the benefit of Augusta Waldraff and amendment dated September 4, 1937. File No. D-28-2580-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 Fanny Ott, Fidelis Ott, Mine Ott, Maria Ott, Georg Ott and Klothilde Ott, 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 Augusta Waldraff, deceased, of Fanny Ott, of Fidelis Ott, of Mine Ott, of Maria Ott, of Georg Ott and of Klothilde Ott, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain Declaration of Trust dated January 5, 1925, by Alfred Jaretzki for the benefit of Augusta Waldraff and amendment dated September 4, 1937, presently being administered by Alfred Jaretzki, Jr., trustee, 48 Wall Street, New York, New York,

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:

4. 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 Augusta Waldraff, deceased, of Fanny Ott, of Fidelis Ott, of Mine Ott, of Maria Ott, of Georg Ott and of Klothilde Ott, 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 December 20, 1948.

For the Attorney General.

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

[F. R. Doc. 49-376; Filed, Jan. 14, 1949; 8:52 a. m.]

[Vesting Order 12595]

WALTER DAEHLING

In re: Debts owing to Walter Daehling. F-28-2104.

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 Walter Daehling, whose last known address is Ginsterweg 20, Fassberg ueber Unterluess, Provinz Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Walter Daehling, by Society for the Care of German Seamen in the Port of New York, 64 Hudson Street, Hoboken, New Jersey, including particularly but not limited to a portion of the sum of money on deposit with Hoboken Bank for Savings, Washington Street, Corner First Street, Hoboken, New Jersey, in a savings account, account number 229912, entitled "Society for the Care of German Seamen in the Port of New York, Special Fund," and any and all accruals thereto, 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 December 31, 1948.

For the Attorney General.

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

[F. R. Doc. 49-377; Filed, Jan. 14, 1949; 8:52 a. m.]

[Vesting Order 12600]

JUSTINE HUPPACH

In re: Bank account owned by Justine Huppach, also known as Mrs. Justine Lippold. D-28-10798-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 Justine Huppach, also known as Mrs. Justine Lippold, whose last known address is (22a) Odenkirchen/Rheinland, Runrfelderstr. 13, Nordrheinprovinz, 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 of the Northern Trust Company, 50 South La Salle Street, Chicago 90, Illinois, arising out of a Savings Account, Account No. 103,804, entitled Oscar Baumer or Justine Huppach, 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, Justine Huppach, also known as Mrs. Justine Lippold, 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 December 31, 1948.

For the Attorney General.

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

[F. R. Doc. 49-379; Filed, Jan. 14, 1949; 8:52 a. m.]

[Vesting Order 12599]

WILHELMINE GIESKE ET AL.

In re: Bank accounts owned by Wilhelmine Gieske and others.

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 persons whose names and last known addresses are set forth in Exhibit A, attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of the Provident Savings Bank and Trust Company, Seventh and Vine Streets, Cincinnati, Ohio, arising out of savings accounts, numbered and entitled as set forth opposite the names of each of the persons listed in Exhibit A, attached hereto and by reference made a part hereof, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, subject to any liens or other security interest of Nippert & Nippert, against or in the aforesaid property,

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 referred to 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 December 31, 1948.

For the Attorney General.

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

EXHIBIT A

Name and address of owner	Title of accounts	Account No.	OAP No.
Wilhelmine Gieske, Hoersten, Germany.	Nippert & Nippert, attorneys in fact for Wilhelmine Gieske.	165960	F-28-29209-C-1.
Heinrich Wilhelm Bosse, also known as Heinrich Wilhlem Bosse, Kloppenburg, Germany.	Nippert & Nippert, attorneys in fact for Heinrich Wilhlem Bosse.	165961	F-28-29210-C-1.
Johann Theodor Bosse, also known as Johenn Theodor Bosse, Rieste, Germany.	Nippert & Nippert, attorneys in fact for Johenn Theodor Bosse.	165959	F-28-29211-C-1.
Maria Bernardina Bosse Ahling, Suhle, Germany.	Nippert & Nippert, attorneys in fact for Maria Bernardina Bosse Ahling.	165962	F-28-29212-C-1.
Katharine Antoinette Wessling Markus also known as Katherine Antoinette Wessling Markus, Bersenbrueck, Germany.	Nippert & Nippert, attorneys in fact for Katherine Antoinette Wessling Markus.	165958	F-28-29213-C-1.
Gerhard Wissmann, Bersenbrueck, Germany.	Nippert & Nippert, attorneys in fact for Gerhard Wissmann.	165957	F-28-29214-C-1.
Heinrich Wissmann, Hertmann, Germany.	Nippert & Nippert, attorneys in fact for Heinrich Wissmann.	165956	F-28-29215-C-1.
Heinrich Josef Bosse, also known as Heinrich Joseph Bosse, Muenster i. Westf., Germany.	Nippert & Nippert, attorneys in fact for Heinrich Joseph Bosse.	165963	F-28-29216-C-1.

[F. R. Doc. 49-378; Filed, Jan. 14, 1949; 8:52 a. m.]

[Vesting Order 12606]

AUGUST SCHUSSLER

In re: Bank account owned by August Schussler. F-28-25983-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 August Schussler, who there is a reasonable cause to believe is a resident of Germany is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to August Schussler, by American Trust Company, 1011 10th Street, Sacramento, California, arising out of a checking account, entitled August Schussler, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (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 December 31, 1948.

For the Attorney General.

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

[F. R. Doc. 49-380; Filed, Jan. 14, 1949; 8:52 a. m.]

[Vesting Order 12608]

H. W. D. VASSMER AND HANS VASSMER

In re: Debt owing to H. W. D. Vassmer and Hans Vassmer. F-28-12477-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 H. W. D. Vassmer, the last known address of which is Schwachhauser Ring 47, Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Bremen, Germany, and is a national of a designated enemy country (Germany);

2. That Hans Vassmer, whose last known address is Schwachhauser Ring 47, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to H. W. D. Vassmer, by Edward J. O'Brien Company, 815 West Main Street, Louisville 2, Kentucky, in the amount of $2,188.41, as of November 20, 1948, together with any and all accruals thereto, 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 nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 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 December 31, 1948.

For the Attorney General.

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

[F. R. Doc. 49-381; Filed, Jan. 14, 1949; 8:52 a. m.]

[Vesting Order 12609]

LOTTI VON WEDEL

In re: Debt owing to Lotti von Wedel. F-28-26544-A-1.

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

1. That Lotti von Wedel, whose last known address is Sophienstrasse 5, Berlin-Charlottenburg 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 Lotti von Wedel, by Dominick & Dominick, 14 Wall Street, New York 5, New York, in the amount of $203.12, as of December 31, 1945, and presently held in a Special G. R. No. 6 account for the Union de Banques Suisse, together with any and all accruals thereto, 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 December 31, 1948.

For the Attorney General.

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

[F. R. Doc. 49-382; Filed, Jan. 14, 1949; 8:53 a. m.]

[Vesting Order 12613]

ANTONIA BURGERING

In re: Estate of Antonia Burgering, deceased. File No. D-28-12258; E. T. sec. 16489.

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 Bernhard Backer, Mrs. Anna Willi (Backer) Sander, Mrs. Elisabeth (Backer) Pakulla, Mrs. Antonia Heinz (Backer) Klumper, Gerhard Backer and Hermann Backer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and each of them in and to the estate of Antonia Burgering, 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 Caroline A. Williams, 707 Delaware Avenue, Albany, New York, as Administratrix, acting under the judicial supervision of the Surrogate's Court, Albany County, New York;

and it is hereby determined:

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

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

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

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

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

For the Attorney General.

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

[F. R. Doc. 49-383; Filed, Jan. 14, 1949; 8:53 a. m.]

[Return Order 247]

MARTHE GUIGNEBERT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorported 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

Marthe Guignebert, 2 Rue Emile Faguet, Paris, France, Claim No. 12341; December 2, 1948 (13 F. R. 7378); property to the extent owned by claimant immediately prior to vesting thereof described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to the literary work "A Short History of the French People" (listed in Exhibit "A" of said vesting order), including royalties pertaining thereto in the amount of $63.63.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 11, 1949.

For the Attorney General.

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

[F. R. Doc. 49-384; Filed, Jan. 14, 1949; 8:53 a. m.]

ELSE EICHMAN

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., and Property and Location

Else Eichman, Hampton, New Jersey; 6748; $5,787.49 in the Treasury of the United States. Bond No. 50360 in the face amount of $1,000.00 of the Southern Railway Company (Virginia) First Consolidated Mortgage

Gold Bond issued October 2, 1894, due July 1, 1994, with coupon dated July 1, 1949, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York. The following certificates of stock, registered in the name of the Attorney General of the United States, Account No. 28-19362, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York: Certificate No. 4293 representing 10 shares of Burns Bros. (New York) no par value common stock. Certificate No. 4811 representing 12 shares of Endicott Johnson Corporation (New York) $100.00 par value preferred stock. Certificate No. 4710 representing 80 shares of Endicott Johnson Corporation (New York) $25.00 par value common stock. Certificate No. 1082 representing 12 shares of Gimbel Brothers, Inc. (New York) no par value $4.50 cumulative preferred stock. Certificate No. 65145 representing 10 shares of International Paper Company (New York) $15.00 par value common stock. Certificate No. 50648 representing 10 shares of Standard Gas and Electric Company (Delaware) no par value prior preference $7.00 cumulative stock. Certificate No. 3108 representing 50 shares of The West Penn Electric Company (Maryland) no par value common stock.

Executed at Washington, D. C., on January 10, 1949.

For the Attorney General.

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

[F. R. Doc. 49-345; Filed, Jan. 13, 1949; 8:55 a. m.]

BERTHA EMSHEIMER

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., and Property and Location

Bertha Emsheimer, Milwaukee, Wis.; 5163; $1,297.46 in the Treasury of the United States.

Executed at Washington, D. C., on January 11, 1949.

For the Attorney General.

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

[F. R. Doc. 49-385; Filed, Jan. 14, 1949; 8:53 a. m.]