THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 15 NUMBER 19

Washington, Saturday, January 28, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2869

TERMINATION OF HAITIAN TRADE AGREEMENT PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, under the authority vested in him by section 350 (a) of the Tariff Act of 1930, as amended by the act of June 12, 1934, entitled "An Act to amend the Tariff Act of 1930" (48 Stat. 943), the President of the United States of America entered into a trade agreement with the President of the Republic of Haiti on March 28, 1935 (49 Stat. 3738), and proclaimed such trade agreement by proclamation dated May 4, 1935 (49 Stat. 3737); and

WHEREAS the Government of the United States has agreed with the Government of the Republic of Haiti that the said trade agreement shall terminate (1) when the Republic of Haiti becomes a contracting party to the General Agreement on Tariffs and Trade as defined in Article XXXII thereof and (2) when all the concessions which were initially negotiated with Haiti and are provided for in Schedule XX contained in Annex A to the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade enter into force; and

WHEREAS the Republic of Haiti became a contracting party to the General Agreement on Tariffs and Trade on January 1, 1950 (Proclamation No. 2867 dated December 22, 1949 (14 F. R. 7723)); and

WHEREAS all the tariff concessions initially negotiated with Haiti contained in Schedule XX of Annex A to the Annecy Protocol of Terms of Accession entered into force on January 1, 1950; and

WHEREAS the said section 350 (a) of the Tariff Act of 1930, as amended, authorizes the President to terminate any proclamation carrying out a trade agreement entered into under such section:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the said section 350 (a) of the Tariff Act of 1930, as amended, do proclaim that the said proclamation dated May 4, 1935, is hereby terminated as of the close of December 31, 1949.

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

DONE at the City of Washington this 24th day of January in the year of our Lord nineteen hundred and [SEAL] fifty, and of the Independence of the United States of America the one hundred and seventy-fourth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-840; Filed, Jan. 26, 1950; 1:07 p. m.]

TITLE 7—AGRICULTURE

Chapter V—Production and Marketing Administration (Surplus Property), Department of Agriculture

PART 502—IMPORTATION OF AGRICULTURAL FOREIGN EXCESS PROPERTY

DETERMINATION WITH RESPECT TO IMPORTATION INTO UNITED STATES OF AGRICULTURAL FOREIGN EXCESS PROPERTY

Sec.
502.11 Determination of Secretary of Agriculture.
502.12 Definitions.

General purpose and scope. Section 402, Title IV, Public Law 152, 81st Congress (Federal Property and Administrative Services Act of 1949), approved June 30, 1949, prescribes methods and terms of disposal of foreign excess property, the pertinent provision of which reads as follows:

SEC. 402. Foreign excess property may be disposed of (a) by sale, exchange, lease or transfer, for cash, credit or other property, with or without warranty, and upon such terms and conditions as the head of the executive agency concerned deems proper; but in no event shall any property be sold without a condition forbidding its importation into the United States, unless the Secretary of Agriculture (in the case of any agricultural commodity, food, or cotton or woolen goods) or the Secretary of Commerce (in the case of any other property) determines that

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

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.

the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country.

This part, issued under said section 402, sets forth the determination of the Secretary of Agriculture with respect to the importation into United States of agricultural foreign excess property sold by executive agencies of the Government.

§ 502.10 *Determination of Secretary of Agriculture.* It is determined that each executive agency shall include a

condition, in the documents for transfer of title of foreign excess property, forbidding the importation of such property into the United States, except in the case of transfers of title of the following commodities it having been determined that the importation of such commodities either would relieve domestic shortages or otherwise be beneficial to the economy of this country:

Coffee.	White Pepper.
Tea.	Beeswax.
Black Pepper.	Chicory.

(Sec. 402, Pub. Law 152, 81st Cong.)

§ 502.11 *Definitions.* For the purposes hereof the following definitions shall apply:

(a) The term "executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(b) The term "foreign excess property" means any agricultural commodity, food, or cotton or woolen goods under the control of any executive agency which is not required for its needs and the discharge of its responsibilities as determined by the head thereof, which property is located outside the continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

(Sec. 402, Pub. Law 152, 81st Cong.)

Issued this 25th day of January 1950.

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

[F. R. Doc. 50-786; Filed, Jan. 27, 1950; 9:16 a. m.]

374

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

[Orange Reg. 312]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.458 *Orange Regulation 312*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended, (7 CFR Part 966; 14 F. R. 3614), 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, (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended 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 act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on January 26, 1950; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(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 29, 1950, and ending at 12:01 a. m., P. s. t., February 5, 1950, is hereby fixed as follows:

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

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

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

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

(*b*) Prorate District No. 2: 775 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 amended 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," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6568) contained in this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of January 1950.

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

PRORATE BASE SCHEDULE

[12:01 a. m. Jan. 29, 1950 to 12:01 a. m. Feb. 5, 1950]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.6240
A. F. G. Corona	.0844
A. F. G. Fullerton	.0295
A. F. G. Orange	.0324
A. F. G. Riverside	.7098
A. F. G. Santa Paula	.0420
Eadington Fruit Co	.4168
Hazeltine Packing Co	.1312
Placentia Pioneer Valencia Growers Association	.0668
Signal Fruit Association	.9975
Azusa Citrus Association	1.0869
Damerel-Allison Co	.9683
Glendora Mutual Orange Association	.4648
Puente Mutual Citrus Association	.0520
Valencia Heights Orchard Association	.1952
Covina Citrus Association	1.2475
Covina Orange Growers Association	.5389
Glendora Citrus Association	.9089
Glendora Heights Orange & Lemon Growers Association	.0000
Gold Buckle Association	3.5572
La Verne Orange Association	4.7238
Anaheim Citrus Fruit Association	.0499
Anaheim Valencia Orange Association	.0141
Fullerton Mutual Orange Association	.2120
La Habra Citrus Association	.0931
Orange County Valencia Association	.0117
Orangethorpe Citrus Association	.0192
Placentia Cooperative Orange Association	.0154
Yorba Linda Citrus Association, The	.0110
Escondido Orange Association	.4282
Alta Loma Heights Citrus Association	.3099
Citrus Fruit Growers	1.0397
Cucamonga Citrus Association	.3776
Etiwanda Citrus Fruit Association	.1926
Mountain View Fruit Association	.1139
Old Baldy Citrus Association	.3606
Rialto Heights Orange Growers	.4893
Upland Citrus Association	2.2596
Upland Heights Orange Association	1.2044
Consolidated Orange Growers	.0239
Frances Citrus Association	.0031
Garden Grove Citrus Association	.0295
Goldenwest Citrus Association	.0935
Olive Heights Citrus Association	.0407
Santa Ana-Tustin Mutual Citrus Association	.0125
Santiago Orange Growers Association	.1029
Tustin Hills Citrus Association	.0168
Villa Park Orchards Association, The	.0225
Bradford Bros	.2219
Placentia Mutual Orange Association	.1560
Placentia Orange Growers Association	.1819
Yorba Orange Growers Association	.0370
Call Ranch	.4454

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Corona Citrus Association	0.8316
Jameson Co	.2901
Orange Heights Orange Association	1.5288
Crafton Orange Growers Association	1.5490
East Highlands Citrus Association	.4327
Fontana Citrus Association	.4363
Redlands Heights Groves	.8653
Redlands Orangedale Association	1.1034
Break & Son, Allen	.2388
Bryn Mawr Fruit Growers Association	1.0285
Mission Citrus Association	.9186
Redlands Cooperative Fruit Association	1.7240
Redlands Orange Growers Association	1.0939
Redlands Select Groves	.4360
Rialto Citrus Association	.5441
Rialto Orange Co	.3717
Southern Citrus Association	1.0356
United Citrus Growers	.6275
Zilen Citrus Co	.5626
Andrews Bros. of California	.1760
Arlington Heights Citrus Co	1.0227
Brown Estate, L. V. W	1.7208
Gavilan Citrus Association	1.6935
Highgrove Fruit Association	.6944
Krinard Packing Co	1.8309
McDermont Fruit Co	1.7528
Monte Vista Citrus Association	1.3963
National Orange Co	.9345
Riverside Heights Orange Growers Association	1.1874
Sierra Vista Packing Association	.8825
Victoria Avenue Citrus Association	2.7527
Claremont Citrus Association	.9257
College Heights Orange & Lemon Association	1.7489
Indian Hill Citrus Association	1.0759
Pomona Fruit Growers Exchange	1.7116
Walnut Fruit Growers Association	.4489
West Ontario Citrus Association	1.2745
El Cajon Valley Citrus Association	.2247
Escondido Cooperative Citrus Association	.0718
San Dimas Orange Growers Association	1.0694
Ball & Tweedy Association	.0679
Canoga Citrus Association	.0832
Covina Citrus Association	.0330
North Whittier Heights Citrus Association	.1389
San Fernando Fruit Growers Association	.3660
San Fernando Heights Orange Association	.2198
Sierra Madre-Lamanda Citrus Association	.2576
Camarillo Citrus Association	.0086
Fillmore Citrus Association	.9508
Ojai Orange Association	.7700
Piru Citrus Association	.9215
Rancho Sespe	.0016
Santa Paula Orange Association	.1145
Tapo Citrus Association	.0074
Ventura County Citrus Association	.0236
East Whittier Citrus Association	.0090
Whittier Citrus Association	.0773
Whittier Select Citrus Association	.0128
Anaheim Cooperative Orange Association	.0377
Bryn Mawr Mutual Lemon Association	.5122
Chula Vista Mutual Orange Association	.0897
Euclid Avenue Orange Association	2.8805
Foothill Citrus Union, Inc	.2406
Fullerton Cooperative Orange Association	.0105
Golden Orange Groves, Inc	.3225
Highland Mutual Groves, Inc	.3454

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Index Mutual Groves, Inc	0.0039
La Verne Cooperative Citrus Association	3.3115
Mentone Heights Association	.5355
Olive Hillside Groves	.0062
Orange Cooperative Citrus Association	.0290
Redlands Foothill Groves	2.6409
Redlands Mutual Orange Association	1.0722
Ventura County Orange & Lemon Association	.1983
Whittier Mutual Orange and Lemon Association	.0209
Allec Bros	.0035
Babijuice Corp. of California	.3317
Borden Fruit Co	.0363
Cherokee Citrus Co., Inc	1.2038
Chess Co., Meyer W	.4138
Dunning Ranch	.1339
Evans Brothers Packing Co	1.3200
Gold Banner Association	2.2050
Granada Hills Packing Co	.0190
Granada Packing House	1.5806
Hill, Fred A. Packing House	.7693
Knapp Packing Co., Inc	.0134
Orange Belt Fruit Distributors	1.9036
Panno Fruit Co., Carlo	.0930
Paramount Citrus Association	.0825
Placentia Orchard Co	.0749
Riverside Citrus Association	.3157
San Antonio Orchards Co	1.3471
Snyder & Sons Co., W. A	.4969
Stephens, T. F	.1124
Torn Ranch	.0455
Wall, E. T., Growers-Shippers	1.7897
Western Fruit Growers, Inc	3.7063

[F. R. Doc. 50-873; Filed, Jan. 27, 1950; 11:20 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

CHANGE IN NAME OF SONOYTA, ARIZ., TO LUKEVILLE, ARIZ.

JANUARY 18, 1950.

Section 110.1 *Designated ports of entry except by aircraft*, Chapter I, Title 8 of the Code of Federal Regulations, is amended by deleting "Sonoyta, Ariz. (Sonoyta Gate)" from the list of Class A ports of entry in District No. 15 and by inserting "Lukeville, Ariz." between "Douglas, Ariz." and "Naco, Ariz." in the same list.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date are not applicable in this instance since the sole effect of the regulation prescribed by the order is to change the name of a port of entry for aliens, and this is a matter relating to agency management.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458 (a). Interprets or applies sec. 16, 39 Stat. 885, 58 Stat. 714, 60 Stat. 1049; 8 U. S. C. 152)

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: January 23, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50-797; Filed, Jan. 27, 1950; 8:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

FORM FOR CURRENT REPORTS

The Securities and Exchange Commission adopted two clarifying amendments to Form 8-K (17 CFR 249.308). This is the form prescribed for current reports pursuant to sections 13 and 15 (d) of the Securities Exchange Act of 1934. One of the amendments makes it clear that inapplicable items may be omitted and that no reference to such items is required to be made in the report. The other amendment clarifies one of the instructions to the item on legal proceedings.

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections, 13, 15 (d) and 23 (a) thereof, hereby takes the following action:

I. Instruction D of the General Instructions is amended to read as follows:

D. *Preparation of report.* This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of § 240.12b-12 (Rule X-12B-12). The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted, provided the answers thereto are prepared in the manner specified in § 240.12b-13, (Rule X-12B-13). All items which are not required to be answered in a particular report may be omitted and no reference thereto need be made in the report. All instructions should also be omitted.

II. Instruction 3 to Item 3 is amended to read as follows:

3. Notwithstanding the foregoing instructions, any bankruptcy, receivership or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described. Any proceeding to which any director, officer or affiliate of the registrant, any principal holder of equity securities of the registrant or any associate of any such director, officer or security holder, is an adverse party shall also be described.

The Commission finds that the foregoing amendments are formal in character and that notice and procedure in accordance with section 4 of the Administrative Procedure Act with respect to such amendments is not necessary.

In view of the fact that the amendments merely clarify the instructions referred to and do not alter the substantial requirements of the form, the foregoing

action shall become effective January 23, 1950.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 79w. Interpret or apply sec. 15, 48 Stat. 985, as amended; 15 U. S. C. 78o)

By the Commission.

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

JANUARY 19, 1950.

[F. R. Doc. 50-784; Filed, Jan. 27, 1950; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

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

INEQUITABLE RENTS; HOUSING ACCOMMODATIONS NOT YIELDING FAIR NET OPERATING INCOME

Amendment 213 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12), Amendment 26 to the Controlled Housing Rent Regulation for New York City Defense-Rental Area (§§ 825.21 to 825.32), Amendment 26 to the Controlled Housing Rent Regulation for the Atlantic County Defense-Rental Area (§§ 825.61 to 825.72), Amendment 211 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) and Amendment 22 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the New York City Defense-Rental Area (§§ 825.101 to 825.112). Said rent regulations are hereby amended in the following respects:

1a. In subdivision (i) of §§ 825.5 (a) (11)[1] and 825.25 (a) (11),[2] the term "maximum rent date" is changed to "maximum rent date for the defense-rental area". Said paragraph (a) (11) as hereby amended will read as follows:

(11) *Inequitable rents.* The landlord is suffering an inequity in that (i) the maximum rent for the housing accommodations (other than company housing accommodations, i. e., housing accommodations regularly rented to employees of the landlord) is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date for the defense-rental area, or (ii) the landlord has not been compensated for a substantial increase in the costs of operating and maintaining the housing accommodations since the maximum rent date for the defense-rental area. The adjustment under this subparagraph shall be in an amount sufficient to relieve the inequity.

b. Sections 825.85 (a) (8)[3] and 825.105 (a) (8)[4] are changed in the same manner, except that wherever references are made to paragraph (a) (11) the references shall be to paragraph (a) (8).

2a. At the end of the proviso clause in the first sentence of § 825.5 (a) (18) (i)[5], the period is deleted and the following is added: or with respect to housing accommodations in hotels, as defined in § 825.1 (b) (2) (i) (*a*) or (*b*), whichever is applicable.

The first paragraph of § 825.5 (a) (18) (i) as hereby amended will read as follows:

(18) *Housing accommodations not yielding fair net operating income*—(i) *Grounds.* The net operating income from the building is less than a fair net operating income: *Provided, however,* That no adjustment shall be granted under this subparagraph with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing) or with respect to housing accommodations in hotels, as defined in § 825.1 (b) (2) (i) (*a*) or (*b*), whichever is applicable. A petition for adjustment under this subparagraph must be filed on Form D-106, provided by the Expediter, in accordance with instructions contained therein.

b. The first sentences of §§ 825.25 (a) (18) (i)[6] and 825.65 (a) (18) (i)[7] respectively, are changed in the same manner, except that wherever references are made to §§ 825.1 to 825.12 or any designated portion thereof the references shall be to §§ 825.21 to 825.32 and 825.61 to 825.72 or the similarly designated portions thereof, respectively.

c. The first sentences of §§ 825.85 (a) (11) (i)[8] and 825.105 (a) (11) (i)[9] respectively, are also changed in the same manner, except that wherever references are made to paragraph (a) (18) the references shall be to paragraph (a) (11), and wherever references are made to §§ 825.1 to 825.12 or any designated portion thereof the references shall be to §§ 825.81 to 825.92 and 825.101 to 825.112 or the similarly designated portions thereof, respectively.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

Issued and effective this 25th day of January 1950.

ED DUPREE, *Acting Housing Expediter.*

[F. R. Doc. 50-799; Filed, Jan. 27, 1950; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 788—FORESTRY OR LOGGING OPERATIONS IN WHICH NOT MORE THAN TWELVE EMPLOYEES ARE EMPLOYED

Sec.
788.1 Stautory provisions considered.
788.2 Introductory statement.
788.3 "Planting or tending trees, cruising, surveying, or felling timber [and] preparing or transporting logs."
788.4 "Preparing * * * other forestry products."
788.5 "Transporting [such] products to the mill, processing plant, railroad, or other transportation terminal."
788.6 Counting the twelve employees.
788.7 Employees employed in both exempt and nonexempt work.

AUTHORITY: §§ 788.1 to 788.7 issued under 52 Stat. 1060, as amended; 29 U. S. C., and Sup., 201 et seq.

§ 788.1 *Statutory provisions considered.* The Fair Labor Standards Amendments of 1949[1] amend the Fair Labor Standards Act of 1938[2] by providing, among other things, a new exemption, section 13 (a) (15), from the minimum wage provisions of section 6 and the maximum hours provisions of section 7, as follows:

> The provisions of sections 6 and 7 shall not apply with respect to * * * any employee employed in planting or tending trees, cruising, surveying, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other transportation terminal, if the number of employees employed by his employer in such forestry or lumbering operations does not exceed twelve.

This exemption need not be considered unless the employee is "engaged in commerce or the production of goods for commerce" as those words are defined in the act so as to come within the general scope of sections 6 and 7. That problem is considered in Part 776 of this chapter and the discussion will not be repeated in this part. Neither does this part discuss the exemption provided in section 13 (a) (6) and defined in section 3 (f) to include forestry or lumbering operations incident to or in conjunction with certain farming operations. That problem is considered in Subpart B of Part 780 of this chapter.

§ 788.2 *Introductory statement.* The purpose of this part is to make available in one place the general interpretations of the Administrator which will provide "a practical guide to employers and employees as to how the office representing the public interest in enforcement of the law will seek to apply it."[3] The interpretations contained in this part indicate, with respect to section 13 (a) (15) of the act which refers to forestry or logging operations, the construction of the law which the Administrator believes to be correct and which will guide him in the performance of his administrative duties under the act unless and until he is otherwise directed by authoritative decisions of the courts or concludes, upon reexamination of an interpretation, that it is incorrect. Under the Portal-to-Portal Act of 1947,[4] interpretations of the Administrator may, under certain circumstances, be controlling in determining the rights and liabilities of employers and employees. The interpretations contained in this part are interpretations on which reliance may be placed as provided in section 10 of the Portal-to-Portal Act, so long as they remain effective and are not modified, rescinded,

[1] 14 F. R. 5716, 5867.
[2] 14 F. R. 4819, 5867.
[3] 14 F. R. 5867.
[4] 14 F. R. 5868.
[5] 14 F. R. 5716.
[6] 14 F. R. 2234.
[7] 14 F. R. 2236.
[8] 14 F. R. 2237.
[9] 14 F. R. 5189.

[1] 63 Stat. 910, effective January 25, 1950.
[2] 29 U. S. C. 201 et seq.
[3] Skidmore v. Swift & Co., 324 U. S. 134.
[4] 61 Stat. 84.

or determined by judicial authority to be incorrect. However, the omission to discuss a particular problem in this part or in the interpretations supplementing it should not be taken to indicate the adoption of any position by the Administrator with respect to such problem or to constitute an administrative interpretation or practice or enforcement policy.

§ 788.3 *"Planting or tending trees, cruising, surveying, or felling timber [and] preparing or transporting logs."* By its terms, the exemption is limited to those employed in the named operations. These are terms of ordinary speech and mean what they mean in ordinary intercourse in this context. These operations include the incidental activities normally performed by persons employed in them but do not include mill operations. Thus employees employed in "planting or tending trees" include those engaged in seeding, planting seedlings, pruning, weeding, preparing firebreaks, removing rot or rusts, spraying, and similar operations when the object it to bring about, protect, or foster the growth of trees. Employees engaged in "cruising * * * timber" include all those members of a field crew whose purpose is to estimate and report on the volume of marketable timber. Employees engaged in "surveying * * * timber" include the customary members of a crew accomplishing that function such as the chainmen, the transit men, the rodmen, and the axmen who clear the ground of brush or trees in order that the transit men may obtain a clear sight. Similarly, the usual members of a crew which goes to the woods for the purpose of felling timber and preparing and transporting logs are engaged in operations described in the exemption. Typically included, when members of such a crew, are fellers, limbers, skidders, buckers, loaders, swampers, scalers, and log truck drivers.

Preparing logs includes, where appropriate, removing the limbs and top, cutting them into lengths, removing the bark, and splitting or facing them when done at the felling site, but does not include such operations when done at a mill. Employees engaged in sawmill, tie mill, and other operations in connection with the processing of logs, such as the production of lumber, are not exempt.

§ 788.4 *"Preparing * * * other forestry products".* As used in this section, "other forestry products" means plants of the forest and the natural properties or substances of such plants and trees. Included among these are decorative greens such as holly, ferns, and Christmas trees, roots, stems, leaves, Spanish moss, wild fruit, and brush. Gathering and preparing such forestry products as well as transporting them to the mill, processing plant, railroad, or other transportation terminal are among the described operations. Preparing such forestry products does not include operations which change the natural physical or chemical condition of the products or which amount to extracting as distinguished from gathering, such as shelling nuts, or mashing berries to obtain juices.

§ 788.5 *"Transporting [such] products to the mill, processing plant, railroad, or other transportation terminal."* The transportation or movement of logs or other forestry products to a "mill, processing plant, railroad, or other transportation terminal" is among the described operations. Loading and unloading, when performed by employees employed in the named operations, are included as exempt operations. Loading logs or other forestry products onto railroad cars or other transportation facilities for further shipment if performed as part of the exempt transportation will be considered a step in the exempt transportation. However, any other loading, transportation, or other activities performed in connection with the logs or other forestry products after they have been unloaded at one of the described destinations is not exempt. "Other transportation terminal" refers to any place where there are established facilities or equipment for the shipment or transportation of logs or other forestry products. Motor carrier yards, docks, wharves, or similar facilities are examples of other transportation terminals, but the place where logs are picked up by contract motor carriers or haulers at the site of the woods operations for transportation to the mill, processing plant, or railroad is not such a terminal.

§ 788.6 *Counting the twelve employees.* Regardless of his duties, no employee is exempt under section 13 (a) (15) unless, "the number of employees employed by his employer in such forestry or lumbering operations does not exceed twelve."

(a) The determination of the number of employees employed in the named operations is to be made on an occupational and a workweek basis. Thus the exemption will be available in one workweek when twelve or less employees are employed in the exempt operations and not in another workweek when more than that number are so employed. For a discussion of the term "workweek" see Part 778 of this chapter. The exemption will not be defeated, however, if one or more of the twelve employees so engaged is replaced during the workweek, for example, by reason of illness. But if additional employees are employed during the workweek in the named operations, even if they work on a different shift, the exemption would no longer be available if the total number exceeds twelve. Similarly, all of an employer's employees employed in any workweek in the named operations must be counted in the twelve regardless of where the work is performed or how it is divided. Thus if an employer employs six employees in felling timber and preparing logs at one location and seven at another location in those operations, the exemption would not be available. Similarly, if he employs ten employees in such operations and three other employees in transportation work as discussed in § 788.5, the exemption could not apply. Under such circumstances he would be employing more than twelve employees in the named operations. The fact that some of these employees may not be engaged in commerce or the production of goods for commerce will not affect these conclusions. Except for replacements, therefore, all of an employer's employees employed in the named operations in a workweek must be counted, regardless of where they perform their work or in which of the named operations or combinations of such operations they are employed. The length of time an employee is employed in the named operations during a workweek is also immaterial for the purpose of applying the numerical limitation. Thus, even if an employee would not himself be exempt because he is engaged substantially in nonexempt work (see § 788.7), nevertheless, if, as a regular part of his duties, he is also engaged in the operations named in the exemption he must be counted in determining whether the twelve employee limitation is satisfied. The exemption is available to an employer, however, even if he has a total of thirteen or more employees, if only twelve of them or less are employed in the named operations. Thus if such an employer employs only twelve employees in the named operations and others in operations not named in the exemption, such as sawmill operations, the exemption is not defeated because of the fact that he employs more than twelve employees altogether. It will not apply, however, to those engaged in the operations not named in the exemption.

(b) In many cases an employer who operates a sawmill or concentration yard will be supplied with logs or other forestry products by several crews of persons who are engaged in the named operations. Frequently some or all of such crews, separately considered, do not employ more than twelve persons, but the total number of such employees is in excess of twelve. Whether the exemption will apply to the members of the individual crews which do not exceed twelve, will depend on whether they are employees of the sawmill or concentration yard to which the logs or other forestry products are delivered or whether each such crew is a truly independently owned and operated business. If the number of employees in such a truly and independently owned and operated business does not exceed twelve, the exemption will apply. On the other hand, the Administrator will assume that the courts will be reluctant to approve as bona fide a plan by which an employer of a large number of woods employees splits his employees into several allegedly "independent businesses" in order to take advantage of the exemption.

The Supreme Court [1] has made it clear that there is no single rule or test for determining whether an individual is an employee or an independent contractor, but that the "total situation controls". In general an employee, as distinguished from a person who is engaged in a business of his own, is one who "follows the usual path of an employee" and is dependent on the business which he serves. As an aid in assessing the total situation the Court mentioned some of the char-

[1] Rutherford Food Corp. v. McComb, 331 U. S. 722; United States v. Silk, 331 U. S. 704; Harrison v. Greyvan Lines, 331 U. S. 704; Bartels v. Birmingham, 332 U. S. 126.

acteristics of the two classifications which should be considered. Among these are: The extent to which the services rendered are an integral part of the principal's business, the permanency of the relationship, the opportunities for profit or loss, the initiative, judgment or foresight exercised by the one who performs the services, the amount of investment, and the degree of control which the principal has in the situation. The Court specifically rejected the degree of control retained by the principal as the sole criterion to be applied.

At least in one situation it is possible to be specific: Where the sawmill or concentration yard to which the products are delivered owns the land or the appropriation rights to the timber or other forestry products, the crew boss has no very substantial investment in tools or machinery used, and the crew does not transfer its relationship as a unit from one sawmill or concentration yard to another, the crew boss and the employees working under him will be considered employees of the sawmill or concentration yard. Other situations, where one or more of these three factors are not present, will be considered by the Administrator as they arise on the basis of the criteria mentioned in the preceding paragraph. Where all of these three criteria are present, however, it will make no difference if the crew boss receives the entire compensation for the production from the sawmill or concentration yard and distributes it in any way he chooses to the crew members. Similarly, it will make no difference if the hiring, firing and supervising of the crew members is left in the hands of the crew boss.

§ 788.7 *Employees employed in both exempt and nonexempt work.* The exemption for an employee employed in exempt work will be defeated in any workweek in which he performs a substantial amount of nonexempt work. For enforcement purposes nonexempt work will be considered substantial in amount if more than 20 percent of the time worked by the employee in a given workweek is devoted to such work. Where the two types of work cannot be segregated, however, so as to permit separate measurement of the time spent in each, the employee will not be exempt.

Signed at Washington, D. C., this 25th day of January 1950.

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

[F. R. Doc. 50-817; Filed, Jan. 27, 1950; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter B—Transportation by Aircraft

PART 416—TRANSPORTATION ON AIRCRAFT OF THE MILITARY AIR TRANSPORT SERVICE

Sec.
416.1 Authorizations.
416.2 Limitations.
416.3 Establishment of priorities.
416.4 Priority of movement.
416.5 Eligibility.
416.6 Charges.
416.7 Reimbursement.
416.8 Procedures.
416.9 Baggage.

AUTHORITY: §§ 416.1 to 416.9 issued under E. O. 9886, Aug. 22, 1947, 12 F. R. 5689, 3 CFR 1947 Supp; Order, Secretary of Defense, Dec. 31, 1948, 14 F. R. 322.

DERIVATION: Department of the Army Pamphlet No. 29-16, Chief of Naval Operations Letter Serial 98PO5, Air Force Regulation 76-15, Aug. 31, 1948.

§ 416.1 *Authorizations.* The following is the only traffic authorized to be carried on military and naval aircraft of the Military Air Transport Service:

(a) That which is directed or authorized by competent authorities of the Departments of the Army, the Navy, or the Air Force, without reimbursement therefor, when the traffic is primarily of official concern to the Department of Defense. The determination of whether traffic is primarily of official concern to the Department of Defense is delegated to agencies authorized to establish priority of movement via military air by current Departments of the Army, Navy, and Air Force directives.

(b) That which is directed or authorized by competent authorities of the Departments of the Army, the Navy, and the Air Force, with reimbursement therefor and subject to other restrictions thereon in accordance with the provisions of applicable law, when the traffic is primarily of official concern to other Government departments or agencies, or to the legislative or judicial branch of the Government.

(c) That which is certified by the Department of State, or by the Departments of the Army, the Navy, or the Air Force acting for the Department of State, or by the senior representative thereof, or other properly delegated authority in the foreign area concerned; That the furnishing of such transportation is in the national interest in order to facilitate the transition from war to peace. Such transportation will be furnished only to, from, and within areas outside the continental United States, with reimbursement therefor at not less than the current commercial rates including taxes.

§ 416.2 *Limitations.* (a) As a general policy the aviation organization of the armed forces will not be placed in a position of competing with United States civil air transportation. Therefore, in no case will air transportation under the provisions of § 416.1 (b) and (c) be provided on any given route when the Civil Aeronautics Board has certified that in its opinion, United States civil air carriers adequate to handle such traffic are in operation on that route.

(b) The traffic referred to in § 416.1 (a) will at all times be accorded primary consideration. Traffic, the transportation of which is authorized under § 416.1 (b) and (c), will not be carried if it can reasonably be handled by a United States civil air carrier.

§ 416.3 *Establishment of priorities.* (a) All traffic authorized in the preceding sections is subject to the establishment of priorities. No Army, Navy, or Air Force agency will order or forward traffic to any port of aerial embarkation for movement to points outside the continental limits of the United States unless a priority therefor has been previously established and the traffic has been cleared into the port of aerial embarkation in accordance with Military Air Transport Service operating procedure.

(b) Each oversea commander through the oversea Air Priority Board normally establishes priority for the movement of personnel, cargo, and mail to and from his command. However, the Department of the Army through the Director of Logistics, General Staff, United States Army, and the Department of the Air Force through the Deputy Chief of Staff for Matériel, Headquarters United States Air Force, each reserve a small amount of tonnage each month for the movement by priority of personnel and cargo. The Movements Division, Office, Chief of Transportation, Department of the Army, acts as the central Army agency for the arrangement of movement of personnel and/or cargo on an air priority assigned from the Department of the Army reserve. The Transportation Division, Office, Deputy Chief of Staff for Matériel, United States Air Force, acts as the central Air Force agency for the arrangement of movement of personnel and/or cargo on an air priority assigned from the Department of the Air Force reserve. Tonnage allocated for use of the Department of the Navy is administered by agencies authorized to assign air priorities by current Department of the Navy directives.

§ 416.4 *Priority of movement.* The priority assigned each movement is based on the urgency of such movement considering the class and importance of the traffic.

§ 416.5 *Eligibility.* Eligibility for transportation via aircraft of the Military Air Transport Service will be limited to individuals and cargo traveling under competent Army, Navy, or Air Force orders or movement authorities directing or authorizing air transportation subject to the conditions set forth in paragraphs (a) through (d) of this section.

(a) *Personnel as nonrevenue traffic.* (1) Military personnel on active duty with the armed forces of the United States when traveling on competent permanent change of station or temporary duty orders.

(2) Military personnel of the National Guard and Reserve components when traveling upon matters of concern to the Department of Defense.

(3) American Red Cross personnel when serving with the armed forces of the United States in the field, provided they are in uniform and such travel is in the performance of Red Cross duties incident to change of station or temporary duty.

(4) Civilian employees of the armed forces of the United States when traveling on permanent change of station or temporary duty.

(5) Personnel of the Office of the Foreign Liquidation Commission when

traveling in foreign areas (areas outside the continental United States, its territories and possessions) when traveling on matters concerning disposal of surplus property.

(6) Military personnel of the armed forces of the United States when traveling in connection with the taking of emergency leave to and from points indicated in orders. When space is available, military personnel of the armed services traveling in connection with the taking of sick or ordinary leave may be granted the lowest class of priority for transportation on scheduled aircraft. (No Department of the Army, Department of the Navy, or Department of the Air Force restriction is placed on leave travel by use of unscheduled aircraft or aircraft operated on a scheduled basis by an oversea commander.)

(7) Civilian personnel of Government contractors and technical advisors to military and naval authorities, when engaged in activities of the armed forces which require such air travel. Such transportation may be furnished when specified in the contract, or determined to be in the best interest of the Department of Defense.

(8) Dependents of military personnel of the armed forces of the United States or dependents of civilian employees of such services when transportation is authorized by law, and when military or naval surface transportation is not available or not adequate.

(9) Any person in case of emergency involving catastrophe or possible loss of life when other means of transportation are not available or adequate.

(10) Any individual when traveling in connection with matters primarily of official concern to the armed forces.

(11) Members of Congress when the travel is certified as necessary by the chairman of the Congressional committee involved, and when the travel is primarily of official concern to the Department of Defense.

(12) Persons holding the Congressional Medal of Honor, provided the person is properly identified and holds a currently valid letter of authorization executed by the Department of the Army, the Department of the Navy, or the Department of the Air Force. Such travel is authorized only within the continental limits of the United States.

(b) *Personnel as revenue traffic.* (1) Persons traveling in the interest of other governmental departments or agencies, with reimbursement from the department or agency concerned.

(2) Nongovernmental passengers upon certification by the Department of State or the Departments of the Army, the Navy, or the Air Force acting for the Department of State, that the furnishing of such transportation is necessary to facilitate the transition from war to peace and that such transportation by commercial air is not available or not adequate.

(3) Members of Congress when the travel is certified as necessary by the chairman of the Congressional committee involved, when the travel is in the interest of an agency other than the armed forces.

(4) Civilian personnel of military or naval agencies operating on nonappropriated funds.

(c) *Cargo as nonrevenue traffic.* (1) Cargo of the Departments of the Army, the Navy, and the Air Force.

(2) Mail of the Departments of the Army, the Navy, and the Air Force, personal mail of military and naval personnel, and personal mail of those civilians authorized use of the postal facilities of the armed forces.

(3) Cargo carried as a matter primarily of official concern to the Departments of the Army, the Navy, and the Air Force.

(4) Cargo of the Office of the Foreign Liquidation Commission in foreign areas (areas outside the continental United States, its territories and possessions) when the carriage of such cargo will facilitate the foreign disposal of surplus property.

(5) Cargo of the American Red Cross for use of the armed forces of the United States.

(6) Any cargo involved in the case of catastrophe or loss of life when other means of transportation are not available or not adequate.

(d) *Cargo as revenue traffic.* (1) Cargo moving in the interest of other governmental departments or agencies, with reimbursement from department or agency concerned.

(2) Nongovernmental cargo upon certification by the Department of State or the Departments of the Army, the Navy, or the Air Force, acting for the State Department, that the furnishing of such transportation is necessary to facilitate the transition from war to peace and that such transportation by civil air is not available or adequate.

(3) Cargo of military or naval agencies operating on nonappropriated funds.

§ 416.6 *Charges.* Charges will be assessed for the transportation of traffic qualifying under § 416.1 (b) and (c). Rates to be charged will be determined by the Chief of Staff, United States Air Force. Such charges will be reasonable and, except as provided in § 416.7, not less than the current commercial rates, including taxes, if any, in tariffs filed with the Civil Aeronautics Board by United States civil air carriers for transportation and accommodations of a comparable nature between corresponding points.

§ 416.7 *Reimbursement.* Reimbursement by the Federal agency concerned for traffic authorized under § 416.1 (b) will be on the basis of the cost thereof as determined by the Chief of Staff, United States Air Force, in accordance with section 686 of the Economy Act of 1932 as amended. The determination of air transportation costs may consist of an hourly rate.

§ 416.8 *Procedures.* Regulations promulgated by the Secretary of the Air Force will goven in situations involving revenue traffic procedures.

§ 416.9 *Baggage*—(a) *Definitions.* (1) The term "baggage" when used in connection with travel on aircraft of the Military Air Transport Service covers all equipment, clothing (except one overcoat or raincoat), and items of any other kind carried by or accompanying a passenger and not separately waybilled as cargo.

(2) Clothing worn by a passenger, including the overcoat or raincoat mentioned in subparagraph (1) of this paragraph, is excluded from "baggage" as defined in this paragraph.

(b) *Limitations.* Baggage of all passengers proceeding on aircraft of the Military Air Transport Service will be limited to the minimum essential items. Baggage of individuals will be limited to a maximum weight of 65 pounds. Every effort will be made to restrict the baggage weight allowance to this figure. However, in cases of demonstrated need, authorization may be given for "excess baggage" by an agency authorized to establish priority for military air movement. Such allowance of excess baggage must be included within the orders authorizing air transportation.

PART 417—TRANSPORTATION ON AIRCRAFT OTHER THAN BY MILITARY AIR TRANSPORT SERVICE

Sec.

AUTHORITY: §§ 417.1 to 417.11 issued under E. O. 9886, Aug. 22, 1947, 12 F. R. 5689, 3 CFR 1947 Supp; Order, Secretary of Defense, Dec. 31, 1948, 14 F. R. 322.

DERIVATION: Army Regulations No. 95-20, Secretary Navy Letter, Serial 653P531, Air Force Regulation 76-6, Aug. 23, 1949.

§ 417.1 *Purpose and scope.* The regulations in this part establish authorization for personnel who may ride in military aircraft other than Military Air Transport Service. Except as authorized in §§ 417.5 and 417.6, transportation on military aircraft as authorized in this part is limited to intracontinental United States and within the Territories and possessions of the United States.

§ 417.2 *Definitions*—(a) *Passenger.* Any individual traveling in an aircraft who is not a member of the assigned crew.

(b) *Competent authority.* An official bearing the title of Commanding Officer, or higher authority in the chain of command of the Army, Navy, Marine Corps, Air Force, Coast Guard (when assigned to the Operational control of the Navy), the Reserve Components of the aforementioned organizations, and the National Guard.

§ 417.3 *Uniform.* Proper uniform shall be worn under all normal conditions. Civilian clothes may be worn in exceptional circumstances when authorized by competent authority.

§ 417.4 *Authorization.* Competent authorities as listed in § 417.2 (b) may authorize personnel of the following categories to ride as passengers in aircraft under their control, without reimbursement, upon proper identification:

(a) Military personnel of the United States (including midshipmen, Army, Navy, Air Force, and Coast Guard cadets) in active Federal service, while in either a duty or leave status.

(b) Military personnel of the National Guard and the Reserve of the Army, Navy, Air Force, Marine Corps, and Coast Guard upon:

(1) Presentation of orders issued by competent authority.

(2) Presentation of proper identification on a space-available basis after all priority requirements have been satisfied. The certificate required by § 417.9 must be executed. Proper identification for the services is as follows:

Service	Reserve		Retired	
	Enlisted personnel	Officers	Enlisted personnel	Officers
Army	WD AGO Form 166 (Identification Card-Enlisted Reserve Corps).	Certification by Reserve unit commander that officer is currently a member thereof.		WD AGO Form 65 (Identification Card-Officers, Regular Army) (punched "Retired").[1]
Navy	Nav Pers 904	Nav Pers 904	Nav Pers 907	Nav Pers 907.
Marines	Nav MC 178 PD	Nav MC 178 PD	Nav MC 116 PD	Nav MC 116 PD.
Coast Guard	CG 2886A	CG 2886A	CG 2885	CG 2885.
Air Force	ADC-AF-1	ADC-AF-1		WD AGO Form 65 (Identification Card-Officers, Regular Army) (punched "Retired").[1]

[1] WD AGO Form 65 punched "inactive" will not be accepted.

(c) State National Guard officials, including State governors, lieutenant governors, adjutants general or persons specified by them in writing as being on National Guard or Federal business, provided the necessity for air travel is connected directly with the National Guard or Federal activities.

(d) Reserve Officers' Training Corps students of the Army, Navy, and Air Force, as follows:

(1) Summer camps: Reserve Officers' Training Corps students of the Army, Navy, and Air Force at summer camps or on active training duty on authorized flights upon approval of the Reserve Officers' Training Corps camp commander or upon presentation of orders from competent authority.

(2) During school year, provided:

(i) Aircraft is on an authorized, local flight. Flights of an extended nature will be approved in accordance with § 417.11.

(ii) Students are undergoing formal Reserve Officers' Training Corps and academic training during a regular school term.

(iii) Flights are not arranged for the personal convenience of the students.

(iv) Students are in proper uniform.

(e) Civil Air Patrol personnel, as follows:

(1) Civil Air Patrol senior members are authorized to be carried as passengers in military aircraft when engaged in the performance of official Civil Air Patrol duties, upon presentation of orders, and provided such transportation does not interfere with normal military activities.

(2) Civil Air Patrol cadets participating in Civil Air Patrol activities when authorized by the Commanding General, Headquarters and Headquarters Squadron, Civil Air Patrol, United States Air Force. Normally, flights will be of short orientation type not involving special hazard, and will be accomplished to permit Civil Air Patrol cadets to travel as passengers on routine training flights without additional expense to the Government.

(f) Properly registered senior explorers of the Boy Scouts of America participating in scout activities, on short orientation flights, provided:

(1) Multi-engine aircraft is used.

(2) Each senior explorer presents, through his local scout executive, a completed Boy Scouts of America Form O–1518, "Recognition and Approval for Senior Explorers Orientation Flights," which form includes a statement of parent's or guardian's consent.

(3) Prior approval is obtained from the Chief of Naval Operations for Navy aircraft and from the Commanding General, Continental Air Command for United States Air Force aircraft.

(g) Military personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard on the retired list, on a space-available basis, upon proper identification. (The certificate required by § 417.9 must be executed by retired personnel.)

(h) Persons holding the Congressional Medal of Honor, on a space-available basis, upon presentation of proper identification and valid authorization card issued by either the Departments of the Army, Navy, or Air Force. (The certificate required by § 417.9 must be executed.)

(i) Red Cross personnel and personnel of other nationally recognized welfare agencies when serving with the armed forces in the field, provided they are in uniform and when such flights are in the performance of their official duties.

(j) Commissioned officers of the Public Health Service detailed for duty with the Army, Navy, Air Force, or Coast Guard.

(k) Any person in case of an emergency involving catastrophe or possible loss of life or in an emergency when other means of transportation are not available, feasible, or adequate.

(l) Civilian employees of the Department of Defense of the United States, of other Government agencies, of Government contractors and technical advisers to military authorities when engaged in activities for the Department of Defense requiring their transportation by air or presence aboard aircraft during flight, and upon presentation of orders issued by competent authority.

§ 417.5 *Attachés and mission chiefs.* All attachés and chiefs of missions are authorized to permit personnel of the following categories to ride as passengers in aircraft under their control:

(a) Individuals listed in, and under the conditions of, § 417.4.

(b) United States Ambassadors and Ministers, or in their absence Chargé d' Affaires, and members of their staffs designated by the Ambassador, Minister, or Chargé d'Affaires for the conduct of urgent Government business, except for normal permanent change of stations of such personnel.

(c) Distinguished nationals and members of the armed forces of foreign countries.

(d) Other individuals in accordance with policy established by the Chief of Staff, United States Army, Chief of Naval Operations, or Chief of Staff, United States Air Force.

§ 417.6 *Departmental and oversea command authorization.* The Chief of Staff, United States Army; Chief of Naval Operations; Chief of Staff, United States Air Force, or the commander of any oversea echelon reporting direct to the Department of the Army, the Navy, or the Air Force, may authorize transportation in aircraft of the respective service:

(a) Of any individual, without reimbursement when the travel is primarily of official concern to the Department of Defense.

(b) Of nongovernmental passengers and cargo not within the scope of the foregoing provisions to or from places outside the continental United States, reimbursement to be made at not less than the current commercial rate including taxes, upon certification by the Department of State or one of the military departments of the Department of Defense acting therefor, that the furnishing of such transportation is in the national interest. The restrictions of § 417.7 apply.

(c) Of Members of Congress or high Government officials, without reimbursement, whose travel is primarily of official concern to the Department of Defense and should be screened and approved by the chairman of the congressional committee upon which the Member of Congress is serving or, in the case of officials of other Government agencies, the head of the Governmental department to which the official is attached, and the request then forwarded, preferably in writing, by such committee chairman or department head to the secretary of the military department (Army, Navy, or Air Force) sponsoring the transportation. Cases not sponsored by any of the three military departments will be referred to the Office of the Secretary of the Air Force.

(d) In cases not covered by paragraph (c) of this section, the Department of the Air Force and the Department of the Navy may provide air transportation with reimbursement therefor and subject to other restrictions thereon in accordance with the provisions of applicable law, when the traffic is of official concern to other Government departments or agencies, or to the legislative or the judicial branch of the Government, except as noted in § 417.7. Requests for transportation in this category should be directed to the Department of the Air Force.

§ 417.7 *Competition with commercial air transportation.* As a general policy, the aviation organization of the armed forces shall not be placed in a position of competing with United States commercial air transportation; therefore, in no case will air transportation under the provisions of § 417.6 (b) and (d) be provided on any given route if the Civil Aeronautics Board certifies that, in its opinion, United States civil air carriers adequate to handle such traffic are in operations on that route.

§ 417.8 *Delegation of authority.* The transportation of individuals in the categories indicated in paragraphs (a) and (b) of this section is determined to be on matters of concern to the armed forces, and the following commanders are authorized to permit these individuals to travel in military aircraft on a nonreimbursable basis:

Department of the Army: Chief of Staff, United States Army; Oversea commanders; Zone of interior army commanders; Chief, Army Field Forces.

Department of the Navy: Chief of Naval Operations; Commanders-in-chief of fleets; Commandant, Marine Corps; Commander, Air Force, Atlantic Fleet; Commander, Air Force, Pacific Fleet; Chief of Naval Air Training; Commanders, sea frontiers; Commanders, naval air bases; Commandant, Coast Guard (when assigned Navy for operational control).

United States Air Force: Major air commands, including the Commanding General, Civil Air Patrol.

Delegation of this authority below the commands listed above is not authorized.

(a) Accredited representatives of informational media (i. e., press, radio, news, etc.) on assignments to cover Department of Defense activities. (In addition, these representatives may be furnished transportation in the event of spot news stories of transcendent national interest for which commercial or charter facilities cannot be obtained.)

(b) Inspection personnel of the Civil Aeronautics Administration when engaged in the examination of rated pilot personnel of the armed forces for civil pilot certificates or ratings.

§ 417.9 *Certification.* In all cases when transportation is authorized in accordance with § 417.4 (b) (2), (g) and (h), the following certificate will be accomplished on each individual:

I ---------- hereby certify that my request for, and acceptance of, transportation via military aircraft is not for personal gain nor will the business conducted in connection with this trip result in any form of remuneration to the undersigned.

Witnessed:

----

§ 417.10 *Release from claim for injury or death.* Personnel specified in §§ 417.4 (k), 417.5 (c) and 417.8 (a) will be required to sign the release form specified below, unless otherwise exempted when physically or mentally unable or in an emergency, under the provisions of §§ 417.1 to 417.11.

RELEASE

(Place)

(Date)

Know All Men By These Presents: Whereby, I, ----------
(Full name)
am about to take a flight or flights as a passenger in certain Army, Navy, and/or Air Force aircraft on ----------;
(Date or dates)
and whereas I am doing so entirely upon my own initiative, risk, and responsibility; now, therefore, in consideration of the permission extended to me by the United States through its officers and agents to take said flight or flights, I do hereby, for myself, my heirs, executors, and administrators, remise, release, and forever discharge the Government of the United States and all of its officers, agents, and employees, acting officially or otherwise, from any and all claims, demands, actions, or causes of action, on account of my death or on account of any injury to me which may occur from any cause during said flight or flights or continuances thereof, as well as all ground and flight operations incident thereto.

(Signature)

(Witness)

(Witness)

(Name of person to be notified in emergency)

(Address of person to be notified in emergency)

§ 417.11 *Additional authorization.* Cases arising at Army, Navy, or Air Force installations not covered by regulations contained in §§ 417.1 to 417.11 will be referred to the Chief of Staff, United States Army; Chief, Naval Operations; or Director of Maintenance, Supply, and Services, Headquarters United States Air Force, Washington 25, D. C., Attention: Transportation Division, depending on the installation involved, with complete information for decision.

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

[SEAL] CHARLES WELLBORN, Jr.,
Rear Admiral, U. S. Navy,
Deputy Chief of Naval Operations, (Administration).

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50-781; Filed, Jan. 27, 1950; 8:45 a. m.]

Chapter V—Department of the Army

JOINT PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS

The Joint Procurement Regulations, formerly published as Parts 801 to 813 of Chapter VIII, Title 10, are amended by the addition of §§ 802.112, 805.305, 805.407–18, and 805.407–19, as follows:

§ 802.112 *Classified procurements; check list.* DD Form 254 (Security Requirements Check List) shall be used in precontract negotiations when applicable for procurements by formal advertising and by negotiation, when it is necessary for contractors and subcontractors to have access to classified matter. (See § 805.305.)

§ 805.305 *Classified contracts; check list.* DD Form 254 shall be prepared, in accordance with the instructions thereon and accompany all contracts and subcontracts classified top secret, secret, confidential, or restricted, and all contracts and subcontracts involving access to classified matter by a contractor or subcontractor. In addition to the initial completion of the form, necessary changes in security classification will be made as appropriate and will be reflected on the form when lower downgrading action is taken in accordance with applicable regulations. This form shall not be considered a part of the contract but shall be used to implement the "Security Requirements Clause" and any secrecy agreement which may be existent.

§ 805.407–18 *Escalation article for nonstandard steel items. (Applicable only within Department of the Army.)* (a) The escalation article set forth below is authorized for inclusion in fixed-price contracts for nonstandard steel items. This article will only be included in contracts awarded as a result of negotiation; and

(1) When the items being procured are nonstandard and made wholly or in major part from steel.

(2) When the contractor is an "integrated steel producer" or an "operator of a steel foundry."

(b) Authority is granted to include this escalation article in applicable contracts without obtaining prior approval insofar as use of the article is concerned as required by § 804.301.

CONTRACT ARTICLE

(a) The contractor represents and warrants that the prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increase in either:

(1) The contractor's rates of pay for labor employed by him; and/or

(2) The price of basic steel.

The contractor further represents and warrants that the net price or prices paid or to be paid within this contract for like quantities of materials do not and shall not exceed those paid or to be paid by any other company, agency, organization, or individual at the time of any delivery to the Government under this contract.

(b) In the event that, at any time during the performance of this contract, the contractor shall pay rates of pay for labor em-

ployed by him in excess of or less than those in effect as of the date of this contract, or the basic price of steel shall increase or decrease over that in effect as of the date of this contract, then in either such event the unit prices set forth in this contract may be revised upward or downward in accordance with the provisions of paragraph (c) hereof, with respect to units delivered subsequent to the effective date of any such increase or decrease by an amount equivalent to the estimated increase or decrease in cost per undelivered unit occasioned by such actual increase or decrease in labor wage rates and/or in the price of the basic steel.

(c) Not later than twenty (20) days after change in labor costs or any increase or decrease of steel prices as referred to in paragraph (b) hereof has been agreed to or accepted by the contractor, the contractor shall notify the contracting officer of any such increase or decrease, and with such notification shall submit supporting data to substantiate such increase or decrease as follows:

(1) Individual hourly wage rates being revised, showing basic wage and revised wage rate by class.

(2) Estimated number of hours upon which these revised wage rates will apply.

(3) Estimated total increase or decrease in labor costs due to increases or decreases in wage rates only.

(4) Individual steel prices being revised, showing basic price and revised price by class.

(5) Estimated number of pounds upon which these revised steel prices will apply.

(6) Estimated total increase or decrease in basic steel costs due to revision in price only.

(7) Estimated total increase or decrease in contract consideration due to increases or decreases in labor rates and/or price of basic steel.

(8) Shall be signed by a responsible official of the contractor.

(d) Upon the basis of such data, and such other data as may be available to the contracting officer or as shall be furnished to him upon request to the contractor, a price adjustment to reflect the increase or decrease in costs as referred to in paragraph (b) hereof shall be determined by mutual agreement between the contractor and the contracting officer, and shall be set forth in an amendment to this contract. In the event that the contractor fails to give notice of any decrease as referred to in paragraph (b) hereof, a downward adjustment shall be later effected with respect to units delivered subsequent to the effective date of any such decrease.

(e) One or more price adjustments may be agreed upon at any time during the performance of this contract, in accordance with the provisions of this article. In no event, however, shall any price adjustments be made:

(1) For increased or decreased costs resulting from an increase or decrease as related to the original contract estimates in number of hours of labor, or in amounts of material; or

(2) Which would increase or decrease the estimated dollar amount of profit per unit originally included in the contract price.

(f) The increase or accumulated increases in unit prices made under this article shall not exceed ten percent (10%) of the original contract unit price.

(g) Pending a determination of any price adjustment under this article, the contractor shall continue deliveries hereunder. Failure of the parties to agree upon a price adjustment pursuant to the provisions of this article shall be deemed to be a dispute as to question of fact within the meaning of the Article of this contract entitled "Disputes."

§ 805.407–19 *General escalation article. (Applicable only within Department of the Army.)* (a) The general escalation article set forth below is authorized for inclusion in fixed-price contracts, awarded as a result of either formal advertising or negotiation, for the procurement of all standard and "semi-standard" "off-the-shelf" items. "Semi-standard items" are those items which the contractor customarily offers for sale commercially, but which are being modified under this contract to meet Government specifications. This escalation article is designed primarily for use in contracts for the purchase of items from other than "integrated steel producers," "operators of a steel foundry," and "producers of aluminum." Authority is granted to include this escalation article in applicable contracts without obtaining prior approval so far as the use of this article is concerned, as required by § 804.301, as follows:

(1) *Standard "off-the-shelf" items.* This article is authorized for use in any contract for the purchase of standard "off-the-shelf" items, without limitation as to the total contract amount.

(2) *Semi-standard items.* This article is authorized for use in contracts for the procurement of "semi-standard items" where the total contract amount is not less than $1,000, nor more than $100,000, and

(i) The contract specifically designates which item or items (being modified from standard under the terms of the contract) are to be used as a basis for any increase or decrease in contract price.

(ii) The contract provides that such percentage of increase or decrease, as agreed to by the contractor and the contracting officer, shall be applied to the unit prices of all of the items under the contract.

(b) Suitable price redetermination article, in lieu of this escalation article, will be used in all instances wherein it is desired to redetermine an estimated price based upon all or any of the following, except subparagraphs (3) and/or (4) of this paragraph:

(1) Quantities of material.
(2) Hours of labor.
(3) Cost of material.
(4) Rates of labor.
(5) Overheads.
(6) General and administrative expense.
(7) Other direct and indirect costs.

Determination of subparagraphs (3) and/or (4) of this paragraph may be made through the use of this escalation article.

(c) When it is planned to include this article in contracts to be awarded as a result of formal advertising, the invitations for bids will clearly so state, and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

CONTRACT ARTICLE

(a) The contractor represents and warrants that the prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (1) the contractor's rates of pay for labor employed by him; or (2) the prices which the contractor is required to pay for material. The contractor further represents and warrants that the net price or prices paid or to be paid by the Government under this contract do not and shall not exceed those paid by any other purchaser or consignee for like quantities of the same or similar supplies. The contractor also agrees to give the Government any and all discount benefits extended by it to any other purchaser or consignee purchasing or handling like quantities of the same or similar supplies covered by this contract.

(b) In the event that, at any time during the performance of this contract, the contractor shall pay rates of pay for direct labor employed by him or prices for direct material in excess of or less than those current as of the date of this contract, provided that any such change would result in an increase or decrease of at least three percent (3%) of the then aggregate contract price of the uncompleted units of the contract then in either such event the unit prices set forth in this contract may be revised upward or downward in accordance with the provisions of paragraph (c) hereof, with respect to the units completed subsequent to the effective date of any such increase or decrease by an amount equivalent to the increase or decrease in cost per uncompleted unit occasioned by the increase or decrease in direct labor wage rates or in prices for material or both.

(c) Not later than twenty (20) days after the effective date of any increase or decrease as referred to in paragraph (b) hereof, the contractor shall notify the contracting officer of any such increase or decrease, and with such notification shall submit a supporting cost break-down. Such cost break-down will:

(1) Be prepared in accordance with recognized commerical accounting principles;

(2) Indicate changes in estimated direct labor and direct material costs resulting from any increase or decrease as referred to in paragraph (b) hereof; and

(3) Be signed by a responsible official of the contractor. Upon the basis of such notification and cost break-down, and such other data as may be available to the contracting officer or as shall be furnished to him upon request to the contractor, a price adjustment to reflect the increase or decrease in costs as referred to in paragraph (b) hereof shall be determined by mutual agreement between the contractor and the contracting officer, and shall be set forth in an amendment to this contract. In the event that the contractor fails to give notice of any decrease as required herein, a downward adjustment shall be later effected with respect to units completed subsequent to the effective date of any such decrease.

(d) Price adjustments may be agreed upon, at any time and from time to time during the performance of this contract, in accordance with the provisions of this article. In no event, however, shall any price adjustments be made:

(1) For increased or decreased costs resulting from an increase or decrease as related to the original contract estimates, in number of hours of labor, in amounts of material purchased, or in overhead charges; or

(2) Which would increase or decrease the estimated dollar amount of profit per unit originally included in the contract price.

(e) The increase or accumulated increases in unit prices made under this article shall not exceed ten percent (10%) of the original contract unit price.

(f) Pending a determination of any price adjustment under this article the contractor shall continue deliveries hereunder. Failure of the parties to agree upon a price adjust-

ment pursuant to the provisions of this article shall be deemed to be a dispute as to a question of fact within the meaning of the article of this contract entitled "Disputes."

[Proc. Cir. 84, Dec. 30, 1949] (R. S. 161, 5 U. S. C. 22; interpret or apply 62 Stat. 21, 41 U. S. C. 151–161)

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

[F. R. Doc. 50-794; Filed, Jan. 27, 1950; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

REVISION OF PART

Part 210, which was withdrawn from the Code of Federal Regulations in 14 F. R. 5746, is hereby revised and reinserted in the Code. Unless otherwise specifically provided, compliance with the provisions of this part or any amendment thereto will be required upon publication in the FEDERAL REGISTER.

Sec.
210.1 Advance notices to prospective bidders.
210.2 Notice of award.
210.3 Notice to proceed.
210.4 Appeals.

AUTHORITY: §§ 210.1 to 210.4 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161.

§ 210.1 *Advance notices to prospective bidders.* In connection with all construction projects estimated to cost $100,000 or more for which an invitation is scheduled to be issued, an advance notice to prospective bidders will be prepared and distributed sufficiently in advance of the actual issuance of the invitation to permit stimulation of interest on the part of the greatest possible number of contractors. Advance notices may also be prepared on projects estimated to cost less than $100,000 if considered desirable. Advance notices will contain in general the following information:

(a) Name and address of contracting office.

(b) Invitation number of proposed invitation.

(c) Tentative dates for issuance of invitation and opening bids.

(d) Description of the work to be performed including approximate quantities except that where a large number of items are involved only the most important items will be shown.

(e) Location of the project including state, county and nearest railhead.

(f) Time allowed for commencement and completion of the work.

(g) Bond requirements.

(h) Information on obtaining drawings, specifications and bidding papers, including any deposit required.

(i) Any other contract provisions or requirements, such as liquidated damages, considered of special interest to bidders.

§ 210.2 *Notice of award.* The successful bidder will be notified in writing of the acceptance of its bid. This notice may accompany the contract papers which are forwarded to him for execution. To avoid error, or confusing the notice of award with a notice to proceed, the notice of award will be in substantially the following form:

You are hereby notified that your bid dated ---------- in the sum of ---------- covering ---------- is accepted. A formal contract will be prepared for execution. Acceptable performance, and payment bonds (if required) must be furnished upon execution of the formal contract. If approval of the contract is required by its express terms, the contract is not fully executed until such approval is obtained.

§ 210.3 *Notice to proceed*—(a) *General.* When the contract specifies the time when the contractor is to proceed with the work under the contract, a notice to proceed will not be required. However, in any case where the contract requires the issuance of notice to proceed, the notice will be forwarded by registered mail, return receipt requested, and will fix the time for the commencement of the work and also, if appropriate, will fix the time for the completion of the work. The notice to proceed will be executed, in triplicate, and will bear the contract number in the upper right-hand corner of the notice.

(b) *Contractor's acknowledgment.* When a notice to proceed is issued, the contractor will acknowledge receipt thereof by signing and dating the acknowledgment in triplicate and returning all three copies to the contracting officer.

(c) *Commencing performance.* Contractors in no case will be required to begin performance prior to the commencement date fixed in the contract or in a notice to proceed. If they voluntarily do so they act at their own risk, if the contract is ultimately not signed (and approved when required). Contractors will not be required to commence performance until (1) the contractor has furnished performance and payment bonds, when required, and (2) the contract is signed by the contractor and the contracting officer, and approved, when approval is required.

§ 210.4 *Appeals*—(a) *Provisions for appeal.* The standard contract forms provide an orderly method of taking appeals from decisions of the contracting officer.

(b) *Findings of fact.* If the contractor appeals, the contracting officer will make thorough findings of fact and serve a copy thereof upon the contractor and invite his prompt response thereto.

(c) *Rules of the Corps of Engineers Claims and Appeals Board; introduction.* The following rules are promulgated by the Corps of Engineers Claims and Appeals Board, Office of the Chief of Engineers, for the guidance of contractors having contracts with the Corps of Engineers, and others concerned.

(1) *Rule 1: Appeals, how taken.* An appeal from the decision of a contracting officer must be in writing, addressed to the appellate authority named in the contract and filed with the officer from whose decision the appeal is taken, within the time allowed by the contract. The contracting officer will thereupon prepare findings of fact, copy to be furnished to the contractor. The contractor will then be permitted to file a brief or submit comment on such findings.

(i) *Form, size and number of papers filed.* Appeals, notices, motions, applications, stipulations, briefs, depositions, and other papers, if typewritten, filed with the Board shall be typewritten on one side of the paper only, with margin of 1½ inches on the left of the page, and, as far as practicable, shall be upon paper 8½ x 11 inches in size. The papers shall be fastened on the left side without covers or backs. Four copies of each of such papers, whether typewritten or not, except stipulations and depositions, shall be filed.

(ii) *Number to be assigned to proceedings.* The recorder shall assign a number to each appeal coming before the Board, which number will be placed on all papers in the case.

(2) *Rule 2: Form of appeals.* Each appeal shall state the particular provisions of the contract out of which the dispute arises; the exact nature of the dispute and the ruling of the contracting officer or authorized representative from which the appeal is taken, together with a statement of specific facts claimed by the appellant to sustain his appeal.

(3) *Rule 3: Time of filing to be endorsed.* When the appeal has been received by the contracting officer, he will endorse thereon the date of filing and forward the appeal through channels to the Corps of Engineers Claims and Appeals Board, Office of the Chief of Engineers.

(4) *Rule 4: Notice of hearings.* The appellant shall be given at least 10 days' notice of the time and place of hearing. Continuances will not be granted except upon written request and for good cause.

(5) *Rule 5: Place of hearing.* Ordinarily the place of hearing will be in the Office of the Chief of Engineers, Washington, D. C. If the appellant desires that a hearing be held at a place other than Washington, D. C., he shall, at the time of taking his appeal, or within a reasonable time thereafter, but before service of notice of hearing, make a written request therefor, stating the place preferred for the hearing, and stating fully the reason for such request. The representative of the Government handling the case may, within 10 days after an appeal has been filed in the office of the board, file with the board a written request for hearing at a place other than the office of the board and shall in such request state fully the reasons therefor. If the appellant does not request a hearing at a place other than at the office of the board, the board may, nevertheless, on its own motion hold a hearing at another place.

(6) *Rule 6: Absence of parties or counsel.* The unexcused absence of appellant or his counsel at the time and place set for the hearing of any proceeding will not be the occasion for delay, but the hearing will proceed and the case

will be regarded as submitted on the part of the absent party.

(7) *Rule 7: Application for rehearings.* Rehearing, further hearing or reconsideration of a decision, may be had, if in the judgment of the board sufficient reason therefor appears.

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

[F. R. Doc. 50-795; Filed, Jan. 27, 1950; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

MAILING OF MATTER WITHOUT STAMPS AFFIXED

In § 35.4 *Mailing of matter without stamps affixed.* (13 F. R. 8906), make the following changes:

1. Redesignate the portion of paragraph (a) following the heading as subparagraph (1).

2. Add a new subparagraph (2) to paragraph (a) to read as follows:

(2) Metered mail should be presented at the post office or station thereof in order to expedite dispatch. Where permit holders wish to mail first-class matter in street or building receptacles, they should designate such depository (usually not more than several in their immediate vicinity) and should not deposit matter elsewhere except by special arrangement with the postmaster. Such matter should be securely tied to prevent its becoming mixed with other mail.

3. Amend paragraph (b) (2) by adding subdivision (iii) to read as follows:

(iii) Mailings of third-class matter paid at the special bulk rate must be presented at the post office. Metered mail deposited at stations and branches shall be sacked separately from other mail by classes insofar as is practicable and labeled "Metered Mail" for transmission to the main office.

(R. S. 161, 396, sec. 5, 41 Stat. 583, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 273, 291a)

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

[F. R. Doc. 50-783; Filed, Jan. 27, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 975]

[AO 179-A6]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of a public hearing to be held at the Carter Hotel, Prospect Avenue, Cleveland, Ohio beginning at 10:00 a. m., e. s. t., February 13, 1950, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement as heretofore approved and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR, 975.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic conditions which relate to the proposed amendments hereinafter set forth:

The following amendments have been proposed by the Milk Producers Federation of Cleveland:

Proposal No. 1. Delete § 975.6 (b) (1) and substitute therefor the following:

(1) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.85
March and April	1.00
July	1.15
January, February, August, September	1.30
October, November, December	1.45

Proposal No. 2. Delete § 975.7 (b) and substitute therefor the following:

(b) With respect to the actual weight of (1) milk, cream, or any other item named in Class I milk and Class II milk which is moved directly to the marketing area from a pool plant located outside the marketing area, and (2) Class I milk and Class II milk disposed of outside the marketing area from a pool plant so located, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone:	*Cents per hundredweight*
Not more than 45 miles	0
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
More than 90 miles but not more than 105 miles	22
More than 105 miles but not more than 120 miles	23
More than 120 miles but not more than 135 miles	24
More than 135 miles but not more than 150 miles	25
More than 150 miles	26

The following amendment has been proposed by the Wayne Co-operative Milk Producers, Inc., of Fort Wayne, Indiana, and the Milk Producers Federation of Cleveland:

Proposal No. 3. Delete § 975.8 (b) and substitute therefor the following:

(b) *Location adjustments to producers.* In making payments pursuant to paragraph (a) (1) and (2) of this section a handler may deduct not more than twelve cents per hundredweight with respect to all milk received from producers at a plant located outside the marketing area which is more than 30 miles by the shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator.

The following amendments have been proposed by the Wayne Co-operative Milk Producers, Inc., of Fort Wayne, Indiana:

Proposal No. 4. Amend § 975.6 (b) (1) to read as follows:

(1) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.85
March, April, July, August	1.00
January, February	1.15
September, October, November, December	1.45

Proposal No. 5. Amend § 975.7 (b) to read as follows:

(b) With respect to the actual weight of (1) milk, cream, or any other item named in Class I milk and Class II milk which is moved directly to the marketing area from a pool plant located outside the marketing area, (2) Class I milk and Class II milk disposed of outside the marketing area from a pool plant so located, and (3) all milk moved from a pool plant of a cooperative association during the delivery periods of April, May and June, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone:	*Cents per hundredweight*
Not more than 45 miles	0
More than 45 miles but not more than 60 miles	29
More than 60 miles but not more than 75 miles	31
More than 75 miles but not more than 90 miles	33
More than 90 miles but not more than 105 miles	34
More than 105 miles but not more than 120 miles	35
More than 120 miles but not more than 135 miles	36
More than 135 miles but not more than 150 miles	37
More than 150 miles	38

Provided, That such adjustment shall be limited to an amount of milk, cream or other items so moved which could be derived from the milk received from producers at such plant.

The following amendment has been proposed by the United Dairy Company of Lodi, Ohio:

Proposal No. 6. Delete the proviso in § 975.6 (d) (2) and substitute therefor the following: "*Provided*, That the price of skim milk used to produce evaporated or condensed milk (or skim milk) in hermetically sealed cans shall be determined by subtracting from the price computed pursuant to paragraph (a) (1) of this section eight cents, 0.035 times the price of butterfat computed prior to the proviso in subparagraph (1) of this paragraph and dividing the resulting amount by 0.965. *Provided further*, That in the months of April, May and June there shall be subtracted from the price computed pursuant to paragraph (a) (1) of this section fifteen cents."

The following amendments have been proposed by the Cleveland Milk Market Survey Committee:

Proposal No. 7. Amend § 975.3 (c) (2) to read as follows:

(2) If such plant furnished to a pool plant described in paragraph (a) (1) of this section less than 10 percent of its dairy farm supply of butterfat or skim milk in any month except April, May, June, or July and less than 50 percent of such supply during more than one of the months of October, November, December, and January: *Provided*, That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this subparagraph: *And provided further*, That this subparagraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

Proposal No. 8. Amend § 975.5 (b) (2) to read as follows:

(2) Class II milk shall be all skim milk and butterfat used to produce sweet or sour cream; any milk product not specified in Class I milk or Class III milk and containing 8% or more of butterfat; or cottage cheese.

And

Amend § 975.5 (b) (3) (i) to read as follows:

(i) Used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); butter; butter oil; cheese (except cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim milk or butterfat disposed of for livestock feed;

Proposal No. 9. Amend § 975.5 (g) (2) (i) to read as follows:

(i) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 120 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (b) (1) (i) of this section, not including such Class I milk transferred to pool plants or to nonpool plants; or

Proposal No. 10. Amend § 975.5 (g) (3) to read as follows:

(3) Subtract from the pounds of butterfat in other source milk the following:

(i) The pounds of butterfat in other source milk used in the manufacture of ice cream, imitation ice cream, and other frozen desserts and mixes for similar products (liquid or powdered),

(ii) The pounds deducted pursuant to subparagraph (2) of this paragraph, and

(iii) The pounds of butterfat in storage cream made from producer milk which is used in the manufacture of ice cream, imitation ice cream and other frozen desserts and mixes for similar products (liquid or powdered);

Proposal No. 11. Amend § 975.6 (c) (2) to read as follows:

(2) The price of skim milk shall be the simple average (using the midpoint of any price range as one price) of the carlot prices per pound of spray process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area for the weeks ending within the delivery period as reported by the Department of Agriculture, less 5.5 cents, multiplied by 8.5.

Proposal No. 12. Amend § 975.6 (d) (2) by adding another proviso to read as follows: "*And provided further*, That the price per hundredweight of skim milk used for animal feed shall be determined as follows: From the average carlot price per pound of roller process nonfat dry milk solids for animal feed at Chicago as published for the delivery period by the Department of Agriculture subtract 5.5 cents and multiply the remainder by 8.5. The effective price shall be that price stated in full cents and nearest to the product so obtained."

Proposal No. 13. Amend § 975.7 (d) (1) by deleting therefrom the exception which appears at the end and reads as follows: "except those in default in payments required pursuant to § 975.8 (e) for the preceding delivery period."

The following amendments have been proposed by the Elm Farm Dairy of Medina, Ohio:

Proposal No. 14. Amend § 975.1 (f) to read as follows:

(f) "Cleveland, Ohio Marketing Area" hereinafter called the "marketing area" means all territory, including but not being limited to all municipal corporations, within Cuyahoga County; the Township of Willoughby in Lake County; and the Townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette and Montville in Medina County; all in the State of Ohio.

Proposal No. 15. Amend § 975.7 (b) and § 975.8 (b) by adding a proviso at the end of said sections to read as follows: "that such adjustment shall not apply to a bottling plant that disposes of milk or milk products on a route or routes operated wholly or partially within the marketing area."

Proposal No. 16. Amend § 975.7 (b) and § 975.8 (b) so as to change the mileage zones contained in said sections to read as follows:

Mileage zone:	*Cents per hundredweight*
Not more than 35 miles	0
More than 35 miles but not more than 50 miles	15
More than 50 miles but not more than 65 miles	17
More than 65 miles but not more than 80 miles	19
More than 80 miles but not more than 95 miles	21
Within each 15-mile zone thereafter an additional 1 cent.	

The following amendment has been proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 17. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement, and the order, as amended, now in effect may be procured from the Market Administrator, Room 41, Old Federal Building, Columbus, Ohio, or from the Hearing Clerk, United States Department of Agriculture in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: January 25, 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-800; Filed, Jan. 27, 1950; 8:49 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 10]

NET LAYING SHIPS

RANGE LIGHTS

Whereas, section 306, Title 33, United States Code, provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said section 306, Title 33, United States Code, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of naval vessels known as Net Laying Ships, AN–78 Class, has been made in the Navy Department and, as a result of such study, it has been determined that because of their special construction it is not possible for Net Laying Ships, AN–78 Class, to comply with the requirements of the statutes enumerated in said section 306, Title 33, United States Code.

Now, therefore, I, Francis P. Matthews, Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that the type of naval vessels known as Net Laying Ships, AN–78 Class, are naval vessels of special construction and that on such vessels, with respect to the position of the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in Section 306, Title 33, United States Code. Further, I do find and certify that it is feasible to locate the said additional white light (commonly termed the range light), if such light is installed, forward of the masthead light in such position that the said additional white light and the masthead light shall be in line with the keel and the after light shall be at least fifteen feet higher than the forward light and the vertical distance between the two lights shall be less than the horizontal distance. I further direct that the aforesaid additional white light, if such light is installed, shall be located in the manner above described and I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 23d day of January A. D. 1950.

FRANCIS P. MATTHEWS,
Secretary of the Navy.

[F. R. Doc. 50–782; Filed, Jan. 27, 1950; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 71]

PROMETHEUS TRADING CO.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of Christ Peters doing business as Prometheus Trading Company, 111 W. 42d Street, New York, New York.

This proceeding was instituted on October 27, 1949, by the mailing of a charging letter to the above named respondent individually and doing business as Prometheus Trading Company, wherein the Office of International Trade charged respondent with having violated section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the regulations promulgated thereunder, (1) by filing certain applications, to which numbers 1292414, 1251133, 1424895, 1424897 and 1494244 were assigned, for export licenses to make shipments of certain gift parcels on behalf of specific donors in the United States to specific donees in Greece, which applications were false and fraudulent in that, contrary to the representations made therein by respondent, the lists of donors and donees submitted as parts thereof were false and misleading in material respects, and were known to be so by respondent, and (2) by exporting 455 bags of rice from the United States to Greece under the purported authority of a general license by filing with the Collector of Customs at the Port of New York shipper's export declaration OQ–4000891 to which respondent attached a false and misleading list of donors and donees, known to be so by respondent.

It appears that Christ Peters, the sole proprietor of Prometheus Trading Company, an unincorporated business organization, after receiving the above mentioned charging letter submitted to the Office of International Trade, with the advice of counsel and through such counsel, a statement to the effect that he admits, for the purposes of this compliance proceeding, the charges made in said charging letter of October 27, 1949, that he waives all right to a hearing on such charges, and that he consents to the entry of an order revoking all outstanding export licenses issued to him or his company and denying to him and his company the right to obtain or use, or to participate directly or indirectly in obtaining or using export licenses, including general licenses, for a period of 30 days from the date of such order, and further, that such order shall extend to any person, firm, corporation or other business organization in which said Christ Peters shall have a controlling interest or with which said Christ Peters shall hold a position of responsibility.

It further appears that said statement submitted by Christ Peters, together with the report of the investigation conducted and evidence secured in the matter by the Office of International Trade, have been submitted for review to the Compliance Commissioner for the Office of International Trade and that he has found that such evidence shows that a substantial number of the donors and donees listed in the above mentioned license applications and shipper's export declaration were falsely listed, that respondent thus violated the provisions of section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and that the proposed suspension of license privileges for a period of 30 days is reasonable. The Compliance Commissioner has accordingly recommended that the consent of Christ Peters to such suspension of license privileges be approved and that such suspension be ordered.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the investigation report, the evidence collected, and the record in this matter, and it appears that such findings are reasonable and that such recommendations should be adopted. Now, therefore, it is ordered as follows:

(1) All unexpired export licenses issued to Christ Peters or Prometheus Trading Company are hereby revoked and shall be returned at once to the Office of International Trade for cancellation.

(2) Christ Peters is hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, for a period of 30 days from the date of this order.

(3) Such denial of export license privileges shall extend not only to said Christ Peters but also to any person, firm, corporation or other business organization with which said respondent may be related by ownership, control or other connection in the conduct of export trade.

Dated: January 24, 1950.

JAMES C. FOSTER,
Director,
Commodities Division.

[F. R. Doc. 50–796; Filed, Jan. 27, 1950; 8:45 a. m.]

United States Weather Bureau

REGIONAL OFFICES

ORGANIZATION

Effective February 1, 1950, the regional offices of the Weather Bureau, formerly maintained at Atlanta, Georgia; Seattle, Washington; and Los Angeles, California; are closed and a new regional office is established at Salt Lake City, Utah. With this change, the Weather Bureau regional offices are as follows:

Region 1—New York, N. Y.
Region 2—Fort Worth, Tex.
Region 3—Kansas City, Mo.
Region 4—Salt Lake City, Utah.
Region 5—Anchorage, Alaska.

All field stations in the State of Ohio, heretofore under the jurisdiction of the Kansas City Regional Office, will henceforth be under the New York Regional Office.

Field stations formerly under the jurisdiction of the Atlanta Regional Office will be reassigned for jurisdiction as follows:

(a) Stations in the States of North Carolina and South Carolina will henceforth be under the New York Regional Office; and

(b) Stations in the States of Tennessee, Mississippi, Alabama, Georgia, and Florida will henceforth be under the Fort Worth Regional Office.

All stations heretofore under the jurisdiction of the Seattle and Los Angeles Regional Offices will henceforth be under the Salt Lake City Regional Office.

(5 U. S. C. 22)

[SEAL] F. W. REICHELDERFER,
Chief of Bureau.

Approved:

C. V. WHITNEY,
Acting Secretary of Commerce.

[F. R. Doc. 50-787; Filed, Jan. 27, 1950; 8:46 a. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE-AGREEMENT NEGOTIATIONS WITH CHILE

Pursuant to section 4 of the Trade Agreements Act, approved June 12, 1934, as amended (48 Stat. 945, ch. 474, Public Law 307, 81st Cong.), and to paragraph 4, of Executive Order 10082 of October 5, 1949 (14 F. R. 6105), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to conduct trade-agreement negotiations with Chile. It is proposed to enter into negotiations with Chile with a view to adding to the concessions contained in schedules XX (United States) and VII (Chile) to the General Agreement on Tariffs and Trade.

There is annexed hereto a list of articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the proposed trade-agreement negotiations, which list has been approved by the President. In the case of an article in the list with respect to which the corresponding product of Cuba may be subject to preferential treatment, the negotiations referred to will involve the elimination, reduction, or continuation of the preference, perhaps with an adjustment or specification of the rate applicable to the product of Cuba.

No tariff concession will be considered in the negotiations on any article which is not included in the annexed list unless it is subsequently included in a supplementary public list approved by the President. No duty or import tax imposed under a paragraph or section of the Tariff Act or Internal Revenue Code other than the tariff paragraph listed with respect to such article will be considered for a possible decrease, although an additional or separate duty on an article included in an annexed list, which is imposed under a paragraph or section other than that listed, may be bound against increase as an assurance that the concession under the listed paragraph or section will not be nullified.

In return for a modification in the duty on the products specified in the annexed list, the Government of Chile has suggested that it may be prepared to grant concessions on canned soups and on hops.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082 of October 5, 1949, information and views as to any aspect of the proposals announced in this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.

By direction of the Interdepartmental Committee on Trade Agreements this 27th day of January 1950.

CARL D. CORSE,
Chairman, Interdepartmental Committee on Trade Agreements.

LIST OF ARTICLES IMPORTED INTO THE UNITED STATES WHICH IT IS PROPOSED SHOULD BE CONSIDERED IN TRADE AGREEMENT NEGOTIATIONS WITH CHILE

The following list contains descriptions of articles imported into the United States which it is proposed should be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade agreement negotiations which are proposed with Chile.

For the purpose of facilitating identification of the articles listed, reference is made to the paragraph number in the Tariff Act of 1930. The descriptive phraseology is limited to a narrower scope than that covered by the numbered tariff paragraph. Only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that an article which as of January 1, 1950, was regarded as classifiable under a description included in the list is excluded therefrom by judicial decision or otherwise prior to the inclusion of such description in a trade agreement, the list will nevertheless be considered as including such article.

Tariff Act of 1930, par.	*Item*
765	Beans, not specially provided for, dried.

[F. R. Doc. 50-819; Filed, Jan. 27, 1950; 8:48 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE-AGREEMENT NEGOTIATIONS WITH CHILE

SUBMISSION OF INFORMATION TO COMMITTEE

Closing date for applications to be heard, February 27, 1950. Closing date for submission of briefs, February 27, 1950. Public hearings open, March 9, 1950.

The Interdepartmental Committee on Trade Agreements has issued on this day a notice of intention to conduct trade-agreement negotiations with Chile[1] to which is annexed a list of articles imported into the United States which are to be considered for possible concessions in the negotiations.

The notice of intention to negotiate states that it is proposed to enter into these negotiations with a view to adding to the concessions contained in schedule XX (United States) and VII (Chile) to the General Agreement on Tariffs and Trade and that, in the case of an article in the list with respect to which the corresponding product of Cuba may be subject to preferential treatment, the negotiations referred to will involve the elimination, reduction, or continuation of the preference, perhaps with an adjustment or specification of the rate applicable to the product of Cuba. The notice of intention to negotiate states that the Government of Chile has suggested that it may be prepared to grant concessions on canned soups and on hops.

The Committee for Reciprocity Information hereby gives notice that information and views in writing in regard to the foregoing proposals shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, February 27, 1950, and all applications for oral presentation of views in regard thereto shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, February 27, 1950.

Such communications shall be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C." Ten copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard. The first hearing will be at 10:00 a. m. on March 9, 1950, in the Hearing Room in the Tariff Commission Building, 8th and E Streets NW., Washington, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Copies of the list attached to the notice of intention to negotiate may be obtained from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Commerce. As indicated in the notice of intention to negotiate, no tariff concession will be considered on any product which is not included in the list annexed thereto unless it is subsequently included in a supplementary public list.

[1] See Interdepartmental Committee on Trade Agreements, *supra*.

By direction of the Committee for Reciprocity Information this 27th day of January 1950.

EDWARD YARDLEY,
Secretary, Committee for Reciprocity Information.

[F. R. Doc. 50-818; Filed, Jan. 27, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2307]

NEW ENGLAND POWER CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of January A. D. 1950.

Notice is hereby given that a joint application has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary, New England Power Company ("NEPCO"). Applicants designate sections 6 (b) and 10 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than Febuary 8, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 8, 1950, said application, as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

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

NEPCO proposes to issue and sell for cash to NEES 140,000 shares of its Common Stock (par value $20 per share) in the aggregate par value of $2,800,000. Such additional shares are to be offered to NEES, the sole stockholder of NEPCO, at the price of $25 a share, an aggregate of $3,500,000. NEES proposes to acquire such shares and will use available cash for such purpose.

NEPCO presently has outstanding $3,500,000 of short-term promissory 2¼% notes. The proceeds from the sale of additional shares of Common Stock will be applied to the payment of such indebtedness.

The application states that the Massachusetts Department of Public Utilities, the Vermont Public Service Commission and the New Hampshire Public Service Commission has jurisdiction over the proposed issuance and sale of common stock by NEPCO.

Incidental services in connection with the proposed transactions by NEPCO and NEES will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. The cost to NEPCO and NEES of such services is estimated not to exceed $2,000 and $500, respectively. Total expenses to be borne by NEPCO are estimated at $6,480.

Applicants request that the Commission's order become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-785; Filed, Jan. 27, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24821]

GRAIN FROM THE WEST TO TEXAS

APPLICATION FOR RELIEF

JANUARY 25, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3832.

Commodities involved: Grain, grain products and related articles, also seeds, carloads.

From: Points in the West.

To: Points in Texas, including Rio Grande River crossings, for export.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-788; Filed, Jan. 27, 1950; 8:46 a. m.]

[S. O. 844, Special Directive 15]

WHEELING AND LAKE ERIE RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR PENNSYLVANIA RAILROAD CO.

On January 24, 1950, the Pennsylvania Railroad certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in Paragraph (b) of Service Order No. 844, the Wheeling and Lake Erie Railway Company is directed:

To furnish weekly to the mines listed below sufficient cars suitable for the loading and transportation of "Run-of Mine" locomotive fuel coal for the Pennsylvania Railroad, in the amounts shown:

Mine:	*Amount (tons)*
Dorothy	1,740
Duncanwood	390
Georgetown	540
Dun Glen No. 11	2,880

No cars may be supplied these mines for loading of other than railroad locomotive fuel coal in the grade called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Pennsylvania Railroad is supplied.

A copy of this Special Directive shall be served on the Wheeling and Lake Erie Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 25th day of January A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-790; Filed, Jan. 27, 1950; 8:46 a. m.]

[S. O. 844, Special Directive 16]

UNITY RAILWAYS CO.

FURNISHING CARS FOR FUEL COAL FOR PENNSYLVANIA RAILROAD CO.

On January 24, 1950, the Pennsylvania Railroad certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in Paragraph (b) of Service Order No. 844, the Unity Railways Company is directed:

To furnish weekly to the Renton mine sufficient cars suitable for the loading and transportation of 1,140 tons of "Run-of-Mine" locomotive fuel coal for the Pennsylvania Railroad.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in the grade called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Pennsylvania Railroad is supplied.

A copy of this Special Directive shall be served on the United Railways Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 25th day of January A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-791; Filed, Jan. 27, 1950; 8:47 a. m.]

[S. O. 844, Special Directive 17]

MONONGAHELA RAILWAY CO.

FURNISHING CARS FOR LOCOMOTIVE FUEL COAL FOR PENNSYLVANIA RAILROAD CO.

On January 24, 1950, the Pennsylvania Railroad certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in Paragraph (b) of Service Order No. 844, the Monongahela Railway Company is directed:

To furnish weekly to the mines listed below sufficient cars suitable for the loading and transportation of "Run-of-Mine" locomotive fuel coal for the Pennsylvania Railroad, in the amounts shown:

Mine:	*Amount (tons)*
Moffitt	2,370
Jamison No. 11	450
Louise & Bunker	240
Maiden	360
National	3,300
Pursglove No. 8 & No. 15; Consol. No. 93 and Artwright	60
Rosedale No. 1, No. 4, No. 7 & Mon	4,050
Eleanor	60
Baker-Keener	300
Maple Sterling	930
Merryman	30
Monark	4,050
Gabbert	90

No cars may be supplied these mines for loading of other than railroad locomotive fuel coal in the grade called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Pennsylvania Railroad is supplied.

A copy of this Special Directive shall be served on the Monongahela Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 25th day of January A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-792; Filed, Jan. 27, 1950; 8:47 a. m.]

[S. O. 844, Special Directive 18]

PENNSYLVANIA RAILROAD CO.

FURNISHING CARS TO DESIGNATED MINES ON ITS LINES FOR LOCOMOTIVE FUEL COAL

On January 24, 1950, the Pennsylvania Railroad certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in Paragraph (b) of Service Order No. 844, the Pennsylvania Railroad is directed:

To furnish weekly to the individual mines listed in Appendix A sufficient cars suitable for the loading and transportation of "Run-of-Mine" locomotive fuel coal for the Pennsylvania Railroad, in the amounts shown.

No cars may be supplied these mines for loading of other than railroad locomotive fuel coal in the grade called for by railroad purchase orders unless and until the required tonnage of locomotive fuel coal certified as necessary by the Pennsylvania Railroad is supplied.

A copy of this Special Directive shall be served on the Pennsylvania Railroad through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the Office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 25th day of January A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A

Name of mine	Operating company	Amount (tons)
Bolivar	Bolivar Fuel Co	180
Bostonian No. 9	Evans Coal Co	360
Catfish (Acquilina)	Catfish Hollow Coal Co	300
Cavalier B	Cavalier Coal Co	1,620
Cavalier (regular)	do	480
Decker No. 2 and No. 3	Powell Coal Co	720
Diamond Smokeless or Cambria	Imperial Coal Co	360
Eureka No. 37 and No. 40	Berwind White CM Co	120
Graceton	Coal Mining Co. of Graceton, Inc.	270
Hillcrest No. 3	Wolfe Contracting & Mining Co.	2,010
Haskin	Gahagen Coal Co	420
Kenbrook (West Freedom No. 2)	West Freedom Mining Co.	1,380
Lampkie	Lampkie Bros	1,170
Lancashire No. 12	Barnes & Tucker Co	30
Lindsey	Lindsey Coal Mining Co.	750
Lloyd No. 3 and No. 4	Wingart Contract Co	1,260
Lobb	Lobb & Allayand	510
Lucerne	Rochester & Pittsburgh Coal Co.	180
Minns	Minns Bros	240
Militant & Cooper Smokeless	Bradford C. Co	540
Proctor No. 3	New Shawmut Mining Co.	1,770
Reitz 2-3-4-5	Reitz Coal Co	300
Sherman	Coal Hill M. Co	960
Virginian No. 14	L. C. S. Collieries Co	60
Taylor	Taylor Bros	120
North Central	No. Central Coal Co	60
Bear Run	Dahlin Bros	150
Benezette	J. C. McCullough	210
Sterling Run	John E. Rydesky	1,080
Cherry Run	Superior Cherry Run Coal Corp.	60
Traister No. 2	Read Coal Co	1,800
Troy 9-C	Dunlo Coal Co	60
Glen Fisher	Glen Fisher Coal Co	60
Rimer	G. & S. Coal Co	750
Mercury	Burket & Marsh	2,040
Carlin	R. S. Carlin, Inc	90
Bigan	M. H. Bigan Coal Co	30
S-B-S	S. B. & S. Coal Co	330
Armstrong	Leechburg Mining Co	1,200
Bulger	Bulger Block Coal Co	870
Butler Jct	Eastern Gas & Fuel Associates.	1,980
Delmont	Delmont Fuel Co	660
Dickson	Farrar & Nagode	1,080
Dorg	Dorg Mining Co	210
Export, Adams, McCullough	Westmoreland Coal Co	1,080
Florence	Harmon Creek C. Corp	4,410
Foster No. 4 and No. 5	Leechburg Mining Co	4,230
Francis	Greensburg-Connallsville Coal & Coke.	6,090
Gilpin & Valley	Avanmore Coal & Coke Co.	4,800
Graff No. 1 & No. 2	Westmoreland Mining Co.	2,520
Hankey	Hankey Farms Co	900
Hanlin	Jefferson Coal & Coke Co.	3,090
Kiski Valley	Kiski Valley Coal Co	1,320
Langeloth	Union Coal Co	510
Lewis	Pine Run Co	720
Lindley	Pittsburgh Consolidated Coal Co.	4,740
Maher No. 4	Maher Coal & Coke Co	1,050
Washington	Hillman Coal & Coke Co.	2,010
Park	Park Coal Co	4,860
Hough & Fricano	Hough & Fricano	390
Superior de John	Superior Fuel Co	120
Cochran	Cochran Coal Co	90
Salina	General Refractories Co	240
Ednie-Balbo	Balbo Bros	870
Ella	Ella Coal Co	60
Rich Hill	McClain Coal Co	240
Patoka	Patoka Coal Co	300
Fleck	Fleck Bros. Coal Co	60
Penn Valley	Penn Valley CM Co	720
Primrose No. 3 and No. 2	McDonald Mining Co	780
Schlegal	A. Schlegal	450
Seger	Atlantic Crushed Coke Co.	510
Standard No. 5 and No. 9	Standard Coal Co	5,160
Webco	Westmoreland Brick Co	1,140
A. & A	A. & A. Coal Co	60
Belle Valley	Tomer Coal Co	1,350
Betsy	North American Coal Corp.	1,830
Cadis	Pittsburgh Consolidated Coal Co.	6,750
Cross Creek	R. G. P. Coal Co	1,140
Florence	Y. & O. Coal Co	1,740
Sunset	Sunset Coal Co	390
Kish	Kish Coal Co	30

Name of mine	Operating company	Amount (tons)
Rider No. 5	Bruns Coal Co.	1,170
Yonker	Beatty Coal Co.	120
Fulton	North American Coal Corp.	390
Healy	Cleveland Cliffs I. Co.	1,110
Powhatan	North American Coal Corp.	150
Rosehill No. 3	Rosehill Coal Co.	660
Sterling	John M. Hirst Coal Co.	420
Sunnyhill No. 8	Snyder & Swenson	870
Webb	Cambria M. Co.	4,080
Costanzo	Costanzo C. M. Co.	540
Locust Grove	West Virginia & Pittsburgh C. Co.	5,820
Harcliff No. 3	Harcliff Coal Co.	960
C & D McShane	McShane Contracting Co.	3,540
Richland	Costanzo Coal Mining Co.	120
Birch Creek	Birch Creek Coal Co.	1,620
Chinook	Ayrshire Patoka Collieries	4,860
Enoco	Enoco Collieries, Inc.	1,620
Green Valley & Wabash.	Snow Hill Coal Corp.	2,310
Knox No. 1 & No. 2	Knox Consolidated Coal Co.	2,820
Regent	Sterling Midland C. Co.	240
Sycamore, Sullivan and Airline No. 5.	Maumee Collieries Co.	720
Victory	Pyramid Coal Corp.	1,560
Shasta	Shasta Coal Corp.	1,710

[F. R. Doc. 50-793; Filed, Jan. 27, 1950; 8:47 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 10]

NORTHERN PACIFIC RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Homer C. King, Agent, the Northern Pacific Railway Company because of blizzards and a derailment affecting operations on their line between Jamestown, North Dakota, and Mandan, North Dakota, is unable to transport traffic routed over its line in that territory: It is ordered, that:

(a) *Rerouting or diversion of traffic.* The Northern Pacific Railway due to accumulation of freight cars resulting from blizzard conditions and a derailment between Jamestown, North Dakota, and Mandan, North Dakota, is hereby authorized to reroute or divert traffic over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) *Effective date.* This order shall become effective at 3:00 p. m., January 24, 1950.

(e) *Expiration date.* This order shall expire at 11:59 p. m., February 10, 1950, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., January 24, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-789; Filed, Jan. 27, 1950; 8:46 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 14275]

WILLIAM WEIL

In re: Bank account and stock owned by William Weil, also known as Willy Weil. F-28-27804-A-1/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 William Weil, also known as Willy Weil, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to William Weil, also known as Willy Weil, by Grace National Bank of New York, 7 Hanover Square, New York 5, New York, arising out of a checking account, entitled Willy Weil, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. Three (3) shares of no par value capital stock of Chatham Building Corporation, Chicago, Illinois evidenced by a certificate numbered 154, registered in the name of William Weil, and presently in the custody of Department of State, Division of Protective Services, 515 22d Street, NW., Washington, D. C., together with all declared and unpaid dividends thereon, and

c. Eight (8) shares of capital stock of Chatham State Bank of Illinois, evidenced by a certificate numbered 233, registered in the name of William Weil, and presently in the custody of Department of State, Division of Protective Services, 515 22d Street, NW., Washington, D. C., together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on January 16, 1950.

For the Attorney General.

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

[F. R. Doc. 50-805; Filed, Jan. 27, 1950; 8:50 a. m.]

[Vesting Order 14248]

MARGUERITE BRAUNSTEIN

In re: Estate of Marguerite Braunstein, deceased. File No. F-28-24093-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 Helene Braunstein, 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 Marguerite Braunstein, 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 Francis J. Mulligan, Public Administrator of New York County, as Administrator, acting under the judicial supervision of the Surrogate's Court of 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, admin-

istered, 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 16, 1950.

For the Attorney General.

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

[F. R. Doc. 50-801; Filed, Jan. 27, 1950; 8:49 a. m.]

[Vesting Order 14250]

OSWALD ENDER

In re: Estate of Oswald Ender, deceased. File No. D-28-1937; E. T. sec. 1927.

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 Anna Ender whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That such property is in the process of administration by the Treasurer of the City of New York, as depositary, 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 named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on January 16, 1950.

For the Attorney General.

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

[F. R. Doc. 50-802; Filed, Jan. 27, 1950; 8:50 a. m.]

[Vesting Order 14258]

FRED WILLIAM KROGER

In re: Estate of Fred William Kroger, also known as Fred William Kroeger, deceased. File No. D-28-12732; E. T. sec. 16908.

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 Friedrick Mahlke; Thea Brandt, nee Krambeck; and Auguste Schroeder, nee Krambeck, 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 in and to the Estate of Fred William Kroger, also known as Fred William Kroeger, 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 Silus Lund, as Administrator, acting under the judicial supervision of the Probate Court of Mille Lacs County, Minnesota;

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 16, 1950.

For the Attorney General.

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

[F. R. Doc. 50-803; Filed, Jan. 27, 1950; 8:50 a. m.]

[Vesting Order 14260]

CHARLES VON BEAULIEU MARCONNAY

In re: Trust under will of Charles von Beaulieu Marconnay, deceased. File No. F-28-14947.

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 Anna Hick, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Trust created under Item Five of the Will of Charles von Beaulieu Marconnay, deceased, presently being administered by Robert N. Baer, 306 Baltimore Life Building, Baltimore 1, Maryland, as trustee,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on January 16, 1950.

For the Attorney General.

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

[F. R. Doc. 50-804; Filed, Jan. 27, 1950; 8:50 a. m.]

[Vesting Order 9894 Amdt.]

MRS. PAULA WESTE

In re: Stock owned by Mrs. Paula Weste.

Vesting Order 9894, dated September 24, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 9894 the name of the registered owner "Dominick & Dominick P/A" and the certificate numbers "NY028642" and "NY029318" set forth with respect to certificates for fifty (50) and twenty-five (25) shares respectively of no par value common capital stock of Pacific Lighting Corporation, 810 South Flower Street, Los Angeles 14, California and substituting therefor the name of the registered owner "Egger & Co." and the certificate number "NY083659" for seventy-five (75) shares.

All other provisions of said Vesting Order 9894 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 16, 1950.

For the Attorney General.

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

[F. R. Doc. 50-806; Filed, Jan. 27, 1950; 8:51 a. m.]

[Vesting Order 13812, Amdt.]

ELISE GRAZIANI

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Elise Graziani, deceased, also known as Elise Eberlin.

Vesting Order 13812, as amended, dated September 12, 1949, is hereby further amended as follows and not otherwise:

1. By adding to the aforesaid Vesting Order 13812, as amended, after subparagraph 2-d a new subparagraph numbered 2-e and reading as follows:

e. One (1) share of $4.00 par value common capital stock of West Kentucky Coal Company, Sturgis, Kentucky, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered A 39566, registered in the name of H. Hentz & Co., together with all declared and unpaid dividends thereon,

2. By deleting from Exhibit A attached to and by reference made a part of said Vesting Order 13812, as amended, the words "No Par" set forth with respect to ten (10) shares of common stock of North America Company, 60 Broadway, New York, and substituting therefor the figures "10.00", and

3. By deleting from Exhibit A attached to and by reference made a part of said Vesting Order 13812, as amended the figures "10.00" set forth with respect to twenty-five (25) shares of common stock of Packard Motor Company, 1590 East Grand Boulevard, Detroit 32, Michigan, and substituting therefor the words "No Par",

All other provisions of said Vesting Order 13812, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 16, 1950.

For the Attorney General.

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

[F. R. Doc. 50-807; Filed, Jan. 27, 1950; 8:51 a. m.]

[Vesting Order 13822, Amdt.]

FLORENCE YAJIMA AND TOKUSURE YAJIMA

In re: Safe deposit box lease and contents owned by Florence Yajima and Tokusure Yajima, also known as T. Yajima and as Tokusukei Yajima.

Vesting Order 13822, dated September 12, 1949, as amended, is hereby further amended as follows and not otherwise:

By deleting from subparagraph 2 (b) subsection (2) of Vesting Order 13822, as amended, the numbers "M 8804" and "M 8798" with regard to two of the 6% Gold Debenture Bonds of The Oriental Development Company, Ltd. and substituting therefor the numbers "M 3804" and "M 8796".

All other provisions of said Vesting Order 13822, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 16, 1950.

For the Attorney General.

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

[F. R. Doc. 50-808; Filed, Jan. 27, 1950; 8:51 a. m.]

[Return Order 506]

DE DIRECTIE VAN DE STAATSMIJNEN IN LIMBURG

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

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

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

De Directie van de Staatsmijnen in Limberg, 2, v. d. Maesenstraat, Heerlen, The Netherlands, 40977, 42124; October 5, 1949 (14 F. R. 6076); Property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent Nos. 2,007,419 and 2,102,107.

Property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942), relating to United States Patent Application Serial Nos. 419,788 (now United States Letters Patent No. 2,375,898) and 405,274. This return shall not be deemed to include the rights of any licensees under the above patents and patent applications.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 20, 1950.

For the Attorney General.

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

[F. R. Doc. 50-809; Filed, Jan. 27, 1950; 8:51 a. m.]

[Return Order 520]

WALTER S. BRAUNS ET AL.

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

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

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

Walter S. Brauns, Baltimore 18, Md., 12092; $1,025.90 in the Treasury of the United States. Mary B. Chamberlain, Baltimore 18, Md., 12093; $1,025.90 in the Treasury of the United States. Ferdinand B. Keidel, Catonsville, Md., 12094; $1,025.90 in the Treasury of the United States. Louisa J. Keidel, Catonsville, Md., 12095; $1,025.90 in the Treasury of the United States.

Notice of intention to return published November 30, 1949 (14 F. R. 7214).

Executed at Washington, D. C., on January 23, 1950.

For the Attorney General.

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

[F. R. Doc. 50-811; Filed, Jan. 27, 1950; 8:52 a. m.]

PAULINE BECKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Pauline Becker, Idar-Oberstein, Germany, 41524; $14,029.55 in the Treasury of the United States; all right, title and interest of the Attorney General in and to Savings Account No. 230232 at The Guardian Trust Company, Cleveland, Ohio, entitled August or Pauline Becker, as evidenced by liquidation claim No. 7-256, and in and to any and all rights to demand, enforce and collect the same.

Executed at Washington, D. C., on January 24, 1950.

For the Attorney General.

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

[F. R. Doc. 50-812; Filed, Jan. 27, 1950; 8:52 a. m.]

EMMA ECKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emma Ecker, Perchtolsdorf, near Vienna, Austria, 37851; $11,327.40 in the Treasury of the United States.

Executed at Washington, D. C., on January 24, 1950.

For the Attorney General.

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

[F. R. Doc. 50-813; Filed, Jan. 27, 1950; 8:52 a. m.]

LETIZIA GUNETTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Letizia Gunetti in Vaccarino Torino, Italy, 35649; $1,130.04 in the Treasury of the United States.

Executed at Washington, D. C., on January 24, 1950.

For the Attorney General.

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

[F. R. Doc. 50-814; Filed, Jan. 27, 1950; 8:52 a. m.]

TOSHIKO KITAGAWA MORI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Toshiko Kitagawa Mori, Administratrix of the Estate of Yoshio Kitagawa, Deceased, San Mateo, California, 37223; $8,478.23 in the Treasury of the United States, representing the share of Tazu Kitagawa in the property vested by Vesting Order No. 6530 as the property of Yoshio Kitagawa.

Executed at Washington, D. C., on January 23, 1950.

For the Attorney General.

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

[F. R. Doc. 50-815; Filed, Jan. 27, 1950; 8:53 a. m.]

MICHELINA CIERLA SAURO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Michelina Cierla Sauro a/k/a Ciarala Michela Sauro, Ripabottoni, Italy, 26748; All right, title, interest and claim of Michelina Cierla Sauro in and to any and all causes of action arising out of the death of Crescenzo Sauro, under the common law and any Federal or State statutes, with the exception of those arising under the Workmen's Compensation Law of the State of Michigan and against the Cleveland Cliffs Iron Company, Ishpeming, Michigan. $3,288.00 in the Treasury of the United States received from the Cleveland Cliffs Iron Company, Ishpeming, Michigan, in full settlement of a claim arising under the Workmen's Compensation Law of the State of Michigan and based upon the accidental death of Crescenzo Sauro.

Executed at Washington, D. C., on January 24, 1950.

For the Attorney General.

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

[F. R. Doc. 50-816; Filed, Jan. 27, 1950; 8:53 a. m.]

[Vesting Order 14267]

FREDERICK VESTER

In re: Estate of Frederick Vester, a person presumed to be dead. File D-28-12743 E. T. sec. 16920.

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 Helena Zittel Kessler, 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 and interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Frederick Vester, a person, presumed to be dead, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Western Bank and Trust Company, as trustee, acting under the judicial supervision of the Probate Court of Hamilton County, Ohio;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on January 16, 1950.

For the Attorney General.

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

[F. R. Doc. 50-774; Filed, Jan. 26, 1950; 8:59 a. m.]