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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—ACQUISITION OF A COMPETITIVE STATUS

INCUMBENTS OF POSITIONS BROUGHT INTO COMPETITIVE SERVICE

Paragraphs (e) and (f) of § 3.101 are revoked, effective upon publication in the FEDERAL REGISTER.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION

[SEAL] HARRY B. MITCHELL, *Chairman.*

[F. R. Doc. 50-6880; Filed, Aug. 4, 1950; 8:48 a. m.]

TITLE 7—AGRICULTURE

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

[Lemon Reg. 342]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.449 *Lemon Regulation 342*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this 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 lemons, 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 Lemon Administrative Committee on August 2, 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 lemons; 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 lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 6, 1950, and ending at 12:01 a. m., P. s. t., August 13, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325 carloads;

(Continued on p. 5041)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

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.

CODIFICATION GUIDE—Con.

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 341 (15 F. R. 4887), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

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

Done at Washington, D. C., this 3d day of August 1950.

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

[F. R. Doc. 50-6937; Filed, Aug. 4, 1950; 9:15 a. m.]

PART 979—IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA

LIMITATION OF SHIPMENTS

§ 979.303 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 103 and Order No. 79 (7 CFR Part 979) regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and upon the basis of the recommendation and information submitted by the South Dakota Potato Committee, established under said marketing agreement and order and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impractical 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 (5 U. S. C. 1001 et seq.) in that: (i) shipments of potatoes from the production area will begin immediately following the effective date of this section; (ii) more orderly marketing in the public interest than would otherwise prevail will be prompted by regulating such shipments of potatoes on and after the effective date hereof in the manner herein set forth; (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date hereof; (iv) the committee submitted its recommendation for regulation on the earliest date on which it had adequate information with respect to the supply and demand for potatoes and other relevant factors needed to formulate appropriate recommendations for regulation to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended; the time intervening between such date and the date when this regulation must become effective to effectuate the declared policy of the act is insufficient; good cause exists for not delaying the effective date hereof for 30 days after publication; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning 12:01 a. m., c. s. t., August 7, 1950, and ending 12:01 a. m., c. s. t., July 1, 1951, no handler shall ship table stock potatoes grown in the Eastern South Dakota production area unless such potatoes meet the requirements of U. S. No. 2 grade, or better grade, and are at least 1½ inches minimum diameter, as such grades and sizes are defined in the United States Standards for Potatoes (14 F. R. 1955, 2161).

(2) Terms used herein shall have the same meaning as when used in Order No. 79 (7 CFR 979.1 et seq.).

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

Done at Washington, D. C., this 3d day of August 1950.

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

[F. R. Doc. 50-6939; Filed, Aug. 4, 1950; 9:24 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 118—TRANSIT ALIENS

PART 165—FORMAL PETITIONS AND APPLICATIONS

TRANSIT ALIENS

JUNE 22, 1950.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of March 22, 1950 (15 F. R. 1602), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were set out in full the terms of proposed amendments to the regulations relating to transit aliens. Representations which have been received concerning the proposal have been considered. The amendatory regulations, as set out below, are hereby adopted. The adopted regulations are the same as those set out in the notice except that §§ 118.3 (c), 118.3 (g), and 118.12 have been clarified in certain respects, and § 118.3 (g) has also been revised to indicate that the furnishing of a bond by the alien to insure the maintenance of his status as a transit alien and his timely departure from the United States shall be within the discretion of the appropriate immigration officials.

PART 118—TRANSIT ALIENS

Part 118, Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

SUBPART A—SUBSTANTIVE PROVISIONS

AUTHORITY: §§ 118.1 to 118.12 issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply sec. 3, 43 Stat. 154, secs. 14, 15, 43 Stat. 162, sec. 23, 43 Stat. 165; 8 U. S. C. 203, 214, 215, 221.

CROSS REFERENCES: For consular procedure with respect to transit aliens, see 22 CFR 42.145–42.155.

For head tax on transit aliens, see Part 105 of this chapter.

For manifests, see Part 107 of this chapter.

For recording of arrivals and departures, see Part 108 of this chapter.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 118.1 *Definitions.* (a) As used in this part, the term "transit alien" means an alien admitted to the United States temporarily to proceed in continuous transit through the United States under the provisions of section 3 (3) of the Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203) and under the provisions of this part.

(b) As used in this part, the term "district director" includes officers and employees who are under the supervision of the district director and whom he may direct to assist him in performing his duties and exercising his authority under this part.

§ 118.2 *Period for which admitted.* The period for which a transit alien may be admitted to the United States shall be whatever time is necessary for him to proceed in continuous transit through the United States: *Provided:*

(a) That such period shall not in any case exceed 29 days; and

(b) That such period shall terminate whenever the alien violates or fails to

fulfill, or evidences orally or in writing or by conduct an intention to violate or to fail to fulfill, any of the conditions of admission prescribed in § 118.3.

§ 118.3 *Conditions of admission.* The conditions under which an alien may be admitted to the United States as a transit alien shall be that he:

(a) Is coming to the United States solely for the purpose of proceeding in continuous transit through the United States.

(b) Is to leave the United States within the period of his admission.

(c) Is in possession of transportation to the country of his destination and is also in possession of sufficient funds to enable him to carry out the purpose of his transit journey through the United States or has such funds available to him in the United States.

(d) Is not subject to exclusion from the United States under any of the applicable provisions of the immigration laws or regulations.

(e) Is in possession of whatever document or documents are required by the applicable Executive order or orders, or by Part 176 of this chapter or any other applicable regulations prescribing the documents to be presented by aliens entering the United States as transit aliens.

(f) Is in possession of a valid visa or other form of valid authority assuring his entry into the country of his destination if he is destined to some country other than the one whence he came.

(g) Will furnish a bond on Form I–336 in a sum of not less than $500, if such bond is required by an officer in charge or by a board of special inquiry or pursuant to an order entered on appeal from the decision of such board, to insure that he will maintain his status as a transit alien and will depart from the United States at the termination of the specific period of authorized stay or upon failure to comply with the conditions under which he is admitted, whichever occurs first, unless he is within the terms of a bond furnished on Form I–317 or I–318; *Provided*, That in lieu of such bond the Attorney General or the officer in charge of the district may require that the alien be accompanied while in transit by such number of immigration officers, guards, or attendants as will insure his passage through and out of the United States without unnecessary delay, if the expense of such accompaniment is borne by or on behalf of the alien or the carrier which brought the alien to the United States, which expense shall include the cost of transportation of the officers, guards, or attendants from the port of arrival to the port of departure and return.

§ 118.4 *Arrest and deportation of transit aliens.* (a) An alien admitted as a transit alien shall be subject to being taken into custody and made the subject of further proceedings under Parts 150, 151, and 152 of this chapter governing deportation proceedings, if:

(1) He remains in the United States for a period longer than permitted by § 118.2, or

(2) He is found to have been at the time of his entry not entitled to enter the United States as a transit alien under the Immigration Act of 1924.

(b) Notwithstanding the provisions of paragraph (a) of this section, any alien who is subject to being taken into custody under such paragraph but who is ready and willing to depart from the United States may, in the discretion of the district director having jurisdiction, be permitted to proceed promptly from the United States, his departure to be verified by an officer of the Immigration and Naturalization Service.

§ 118.5 *Prohibition against extension of stay.* No extension of the period of admission shall be granted to any alien admitted under this part.

SUBPART B—PROCEDURAL AND OTHER NON-SUBSTANTIVE PROVISIONS

§ 118.11 *Authority to admit.* If the examining immigrant inspector is satisfied beyond a doubt that an alien is admissible as a transit alien, he may admit him as such upon the furnishing of the required bond. If the examining immigrant inspector is not so satisfied that the alien applying for admission to the United States as a transit alien is admissible, he shall hold the alien for examination by a board of special inquiry.

§ 118.12 *Aliens held for board of special inquiry examination.* An alien held for examination by a board of special inquiry as provided in § 118.11 may at any time prior to hearing before such board, or before his case is forwarded to the Commissioner on an appeal from an excluding decision of such board, be permitted upon request to return to the country whence he came, or to transship at the port of arrival directly to the country of his destination, if other than the country whence he came, under such safeguards as the district director may require: *Provided*, That any such alien who desires to proceed overland to the proposed port of his departure may be permitted to do so under guard of such number of immigration officers, guards, or attendants as will insure his passage through and out of the United States without unnecessary delay, if the expense of such accompaniment is borne by or on behalf of the alien or the carrier which brought the alien to the United States, which expense shall include the cost of transportation of the officers, guards, or attendants from the port of arrival to the port of departure and return.

PART 165—FORMAL PETITIONS AND APPLICATIONS

Section 165.13a, relating to the granting or denial of extensions of stay of transit aliens, is revoked.

The regulations stated above shall become effective on the thirty-first day following the date of their publication with this order in the FEDERAL REGISTER.

The general basis for these regulations is a determination that it will be advantageous to the Government and to persons concerned to define fully the conditions under which transit aliens may enter, and remain temporarily in, the United States. The purpose of these regulations is to make available to interested persons a comprehensive statement of the requirements for the temporary admission to the United States of transit aliens.

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: July 31, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50–6873; Filed, Aug. 4, 1950; 8:47 a. m.]

PART 151—DEPORTATION PROCEEDINGS: HEARING AND ADJUDICATION

APPLICABILITY OF REGULATIONS

JULY 19, 1950.

Effective as of March 10, 1950, Part 151, Deportation Proceedings: Hearing and Adjudication, of Chapter I, Title 8 of the Code of Federal Regulations, is amended by adding the following section:

§ 151.10 *Applicability of regulations.* The provisions of this part shall be applicable to all cases of aliens arrested in deportation proceedings except those cases in which warrants of arrest were served prior to September 11, 1946, regardless of whether or not hearings in such excepted cases were held during the period beginning September 11, 1946, and ending March 9, 1950, or reopened during that period for the purpose of lodging deportation charges additional to those contained in the warrant of arrest, but any hearings required in such cases on or subsequent to March 10, 1950, shall, for administrative convenience, be conducted pursuant to the provisions of this part.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: July 31, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 50–6872; Filed, Aug. 4, 1950; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amdt. 24–1, Civil Air Regs.]

PART 24—MECHANIC CERTIFICATES

AIRMAN RATING RECORD REQUIREMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of August 1950.

Part 24 currently makes provision for packing and repair of parachutes. Such provision is now made in Part 25 which has been adopted concurrently[1] with this amendment, after compliance with the usual notice and rule-making procedures.

For the reason stated above, further notice and public procedure hereon is unnecessary.

[1] See F. R. Doc. 50–6902, *infra*.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 24 (14 CFR Part 24, as amended) effective September 5, 1950.

1. By amending § 24.40 to read as follows:

§ 24.40 *Airman Rating Record requirement.* A certificated mechanic who is directly in charge of the inspection, maintenance, or repair of certificated aircraft, aircraft engines, or their appliances, shall not engage in such service unless there is attached to his certificate the appropriate Airman Rating Record, prescribed and issued by the Administrator. Every holder of a valid mechanic certificate in effect on May 1, 1940, may perform service pursuant to such authority without an Airman Rating Record until the expiration, suspension, or revocation of such license or certificate.

2. By deleting §§ 24.41 and 24.42.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 607, 52 Stat. 1007, 1011, 49 U. S. C. 551, 557)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6903; Filed, Aug. 4, 1950; 8:51 a. m.]

PART 25—PARACHUTE RIGGER CERTIFICATES

REVISION OF PART

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of August 1950.

Currently effective Part 25 provides for the issuance of parachute technician certificates to persons meeting the prescribed qualifications for the performance of duties of parachute rigger, senior parachute rigger, and master of parachute maintenance. The part further provides for the issuance of parachute jumper and instructor ratings in addition to specifying the privileges and limitations of all such certificates and ratings.

This revision providing for the issuance of a parachute rigger certificate and a master parachute rigger certificate with appropriate parachute type ratings simplifies the requirements for the issuance of such certificates and ratings and clarifies the privileges and limitations of such certificates. The following are the types of parachutes for which ratings will be issued: Seat, back, chest, and special purpose.

This revision further provides that all parachute technician certificates issued prior to the effective date of this part shall expire on July 1, 1951, and that each holder thereof shall surrender such certificate to the Administrator who shall issue a new certificate in accordance with the provisions of this revised part. It is believed that all such holders will be able to qualify for such new certificates and ratings and that no such person will be denied a parachute rigger certificate merely because the requirements for the issuance thereof have been clarified and restated.

It will be noted that this part does not provide for the issuance of parachute jumper or parachute instructor ratings and that all such ratings in effect on the date of adoption of this part shall expire on July 1, 1951. With regard to parachute jumper ratings we do not consider it necessary in the interest of safetly to require parachute jumpers to be certificated, nor is the Board required under the Civil Aeronautics Act of 1938, as amended, to establish standards for the certification of such individuals. The privilege of instructing others in the proper methods and procedures of constructing, maintaining, repairng, inspecting, and using parachutes is included among those granted the holder of a master parachute rigger certificate.

This part further provides for the issuance of a parachute rigger certificate to an individual who has obtained part or all of the required knowledge, skill, and experience while a member or civilian employee of the armed forces of the United States. Unlike the military competence provision in effect prior to the adoption of this revision, such knowledge, skill, and experience may be obtained while a member of the reserve forces of the United States, and application for a certificate on the basis of military competence may be made either during the time the applicant is a member of such reserve forces or within 12 months from the date of his honorable discharge therefrom.

It will be further noted that Part 54 is being amended concurrently [1] with the adoption of this part to conform the definitions included therein to those adopted in this part.

Interested persons have been afforded an opportunity to participate in the making of this revision, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby adopts revised Part 25 of the Civil Air Regulations (14 CFR Part 25) effective September 5, 1950, to read as follows:

Sec.

AUTHORITY: §§ 25.0 to 25.85 is issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552.

§ 25.0 *Applicability of part.* This part establishes the certification and the general operating rules for the packing, repair, and alteration of parachutes.

§ 25.1 *Definitions.* (a) As used in this part the words listed below shall be defined as follows:

(1) *Alteration.* Alteration shall mean any change in the design of a parachute.

(2) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

(3) *Certificated parachute rigger.* A certificated parachute rigger shall mean an individual holding a parachute rigger certificate with appropriate ratings issued by the Administrator.

(4) *Maintenance.* Maintenance shall mean the upkeep and preservation of parachutes, including the component parts thereof.

(5) *Major repair.* Major repair shall mean a repair which might have an effect on the structural, functional, or handling characteristics of a parachute.

(6) *Minor repair.* Minor repair shall mean a repair other than a major repair.

(7) *Manufacturer.* Manufacturer shall mean any individual, firm, partnership, company, association, or joint stock association, including any trustee, assignee or other similar representative thereof, which

(i) Holds a type or production certificate for a parachute, or

(ii) Manufactures an approved parachute.

(8) *Parachute.* A parachute shall mean a contrivance, including its component parts, designed to retard the descent of a falling body or object through the air.

(9) *Repair.* Repair shall mean the restoration of a parachute to a condition for safe use after damage or deterioration.

(10) *To pack.* To pack shall mean to arrange properly a parachute in its container for use.

CERTIFICATION RULES

§ 25.5 *Application for certificate.* An application for a parachute rigger certificate and ratings shall be made on a

[1] See F. R. Doc. 50-6904, *infra.*

form and in a manner prescribed by the Administrator.

§ 25.6 *Issuance.* (a) A parachute rigger certificate with appropriate ratings shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) Pending a review of an application for a certificate and supplementary documents and the issuance of a certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue a temporary parachute rigger certificate with appropriate ratings to an applicant who meets the requirements of this part.

§ 25.7 *Duration.* (a) A parachute rigger certificate with appropriate ratings issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(b) A parachute rigger certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(c) A temporary parachute rigger certificate with appropriate ratings shall remain in effect for no longer than 3 months after the date of issuance.

(d) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occuring during the effective period of the certificate.

§ 25.8 *Exchange of certificates.* All parachute technician certificates and special ratings issued prior to the effective date of this part shall expire on July 1, 1951. Each certificate holder shall, on or before July 1, 1951, surrender such certificate to the Administrator who shall issue a new certificate with appropriate ratings in accordance with the provisions of this part.

§ 25.9 *Display.* A parachute rigger shall, upon request, present his airman certificate for examination by any authorized representative of the Civil Aeronautics Board or Administrator or by any State or local law enforcement officer.

§ 25.10 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated parachute rigger, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 25.21 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal parachute rigger privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 25.22 *Age.* An applicant shall be at least 18 years of age.

§ 25.23 *Education.* An applicant shall be able to read, write, speak, and understand the English language: *Provided,* That a citizen of Puerto Rico, or an applicant who is employed by an air carrier outside the United States, need not be able to read, write, speak, or understand the English language except that a certificate issued to such an applicant shall be valid only in Puerto Rico, or only while employed by an air carrier outside of the United States, as the case may be.

§ 25.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for all oral and written examinations shall be at least 70 percent. The practical examination shall be accomplished to the satisfaction of the authorized representative of the Administrator.

§ 25.25 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a statement signed by a certificated master parachute rigger, or an individual in charge of a military parachute department that he has received an additional 5 hours of instruction in the subject or subjects failed and is considered competent to pass the examination or test.

§ 25.26 *Type ratings.* The following type ratings shall be issued: (a) seat, (b) back, (c) chest, (d) special purpose.

§ 25.27 *Rating competence.* An applicant for a type rating shall have packed at least 20 parachutes of the type for which the rating is sought in accordance with the manufacturer's packing instructions and under the supervision of a certificated master parachute rigger holding a rating for such type or an individual holding an appropriate military rating, and shall demonstrate to an authorized representative of the Administrator competence in the packing, maintenance, repair, and inspection of such type.

§ 25.28 *Substantiation of experience.* An applicant shall present evidence satisfactory to the Administrator to substantiate the experience qualifications for the parachute rigger certificate or rating applied for.

QUALIFICATIONS FOR A PARACHUTE RIGGER CERTIFICATE

§ 25.40 *General.* An applicant for a parachute rigger certificate shall meet the following experience, knowledge, and skill requirements.

§ 25.41 *Experience.* An applicant for a parachute rigger certificate with appropriate ratings shall have packed satisfactorily at least 20 parachutes of each type for which a rating is sought, in accordance with the manufacturer's packing instructions, and under the supervision of a certificated master parachute rigger holding a rating for such type or an individual holding an appropriate military rating.

§ 25.42 *Knowledge.* An applicant for a parachute rigger certificate shall satisfactorily accomplish an oral, written, and practical examination on the construction, packing, maintenance, repair, inspection, and use of, and the manufacturer's instructions with respect to, at least one type of parachute in common civilian use, and the provisions of this part.

§ 25.43 *Skill.* An applicant shall demonstrate to an authorized representative of the Administrator that he has the ability to pack, maintain, inspect, and repair at least one type of parachute in common civilian use.

§ 25.44 *Military competence.* The Administrator may issue a parachute rigger certificate and appropriate ratings to an applicant who satisfactorily accomplishes a written examination on the provisions of this part and presents reliable documentary evidence showing:

(a) That he is a member of the regular or reserve armed forces of the United States; or that he is a civilian employee of the regular armed forces of the United States; or that he is a United States citizen and is either a member or civilian employee of the regular armed forces of a foreign government; or that he has been honorably discharged or released from such status within 12 months preceding the date of application; and

(b) That he is serving, or has, within 12 months preceding the date of application, served in such organization or organizations as a parachute rigger; and

(c) That he meets the experience requirements of this part for the issuance of an appropriate parachute rigger certificate.

§ 25.45 *Privileges.* A certificated parachute rigger may maintain, pack, inspect, and perform minor repairs on any type of parachute for which he is rated.

QUALIFICATIONS FOR A MASTER PARACHUTE RIGGER CERTIFICATE

§ 25.60 *General.* An applicant for a master parachute rigger certificate shall meet the following experience, knowledge, and skill requirements.

§ 25.61 *Experience.* An applicant for a master parachute rigger certificate shall:

(a) Have had at least 5 years of experience as a parachute rigger; and

(b) Have packed satisfactorily not less than 100 parachutes of each of two types in common civilian use.

§ 25.62 *Knowledge.* An applicant shall satisfactorily accomplish an oral and practical test covering the construction, inspection, packing, maintenance, repair, use of, and the manufacturer's instructions with respect to, at least two different types of parachutes in common civilian use.

§ 25.63 *Skill.* An applicant shall demonstrate to an authorized representative of the Administrator that he has the ability to pack, maintain, inspect, and repair at least two types of parachutes in common civilian use and has the ability to supervise others in the accomplishment of such operations.

§ 25.64 *Privileges.* A certificated master parachute rigger may:

(a) Maintain, pack, inspect, repair, and alter any type of parachute for which he holds a rating; and

(b) Instruct other individuals in the proper methods and procedures of constructing, packing, maintaining, and using the types of parachutes for which he holds ratings.

OPERATING RULES

§ 25.80 *General.* No individual shall pack, repair, maintain, alter, or inspect a parachute for use in connection with any civil aircraft used in air commerce without an appropriate certificate and rating issued in accordance with the provisions of this part, except as provided in §§ 25.81 through 25.85: *Provided,* That a certificated parachute rigger need not hold a rating for the parachute nor comply with the provisions of §§ 25.81 through 25.85 if the parachute is to be used exclusively by him for exhibition jumps or testing.

§ 25.81 *Facilities and equipment.* A certificated parachute rigger shall have available the following minimum facilities and equipment:

(a) A smooth-top table measuring at least 3 feet by 40 feet,

(b) A compartment where parachutes may be suspended vertically for drying and airing,

(c) Sufficient packing tools and other equipment to pack, maintain, and repair the type of parachute being serviced, and

(d) Adequate housing facilities for the proper performance of the duties of a parachute rigger and for the protection of tools and equipment.

§ 25.82 *Performance standards.* No certificated parachute rigger shall:

(a) Pack or perform any maintenance, repair, or alteration on any type of parachute unless rated for such type,

(b) Pack any parachute which is not in a safe condition for emergency use,

(c) Pack any parachute unless such parachute has been thoroughly dried and aired,

(d) Pack any parachute in a manner not specified in the manufacturer's instructions,

(e) Make any alteration not specifically authorized by the manufacturer or the Administrator, or in any way deviate from the procedures approved by the manufacturer or Administrator for the maintenance, repair, alteration, packing, or inspection of parachutes.

§ 25.83 *Seal.* Each certificated parachute rigger shall have a seal bearing an individual identifying mark assigned by the Administrator and a seal press available for use. When packing or repacking any parachute, the certificated parachute rigger shall seal each pack with his individual seal in accordance with the manufacturer's recommendations for the particular type of parachute.

§ 25.84 *Required records*—(a) *Operation record.* Each certificated parachute rigger shall keep a bound record of all packing, inspection, maintenance, repair, and alteration operations performed or supervised by him on parachutes other than those in military service. This record shall contain the type and make of parachute, its serial number, the name and address of its owner, the kind and extent of the operation performed, the date and place where performed, and the results of any drop test made. Where major repairs and alterations are performed, each certificated parachute rigger shall execute such major repair and alteration forms as may be prescribed by the Administrator and shall deliver copies of such forms to the owner of the parachute and to the Administrator. These records shall be retained for at least two years after the date of the last entry therein.

(b) *Parachute packing record.* Each certificated parachute rigger packing a parachute other than that used in military service shall enter on the parachute packing record attached to the parachute the date and place of such packing or repacking and a notation of any defects found upon inspection. The rigger shall sign such record and enter thereon the number of his parachute rigger certificate.

§ 25.85 *Recent experience requirements.* No certificated parachute rigger shall exercise the privileges of his parachute rigger certificate unless he is familiar with the current manufacturers' instructions pertinent to the particular operation, and

(a) Has performed the duties of a parachute rigger under the terms of his certificate and ratings for at least 90 days within the preceding 12-month period, or

(b) Has demonstrated to an authorized representative of the Administrator that he is competent to perform the duties of a parachute rigger under the terms of his certificate and ratings.

NOTE: The reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6902; Filed, Aug. 4, 1950; 8:51 a. m.]

[Amdt. 54-1, Civil Air Regs.]

PART 54—PARACHUTE LOFT CERTIFICATES AND RATINGS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of August 1950.

Currently effective Part 54 contains definitions of certain terms used in that part and in Part 25, Parachute Technician Certificates, which is a related part. In view of the fact that Part 25 is being revised[1] and that such revision has included different definitions, it is considered advisable to amend Part 54 to include these newer definitions.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 54 (14 CFR, Part 54, as amended) effective September 5, 1950:

1. By amending § 54.22 introductory text and paragraph (c) to read as follows:

§ 54.22 *Agencies authorized to perform maintenance, repairs, alterations and inspections.* Maintenance, repairs, alterations and inspections of parachutes may be performed by:

* * * * *

(c) The manufacturer of the parachute; or

2. By amending § 54.30 to read as follows:

§ 54.30 *Parachute.* A parachute shall mean a contrivance, including its component parts, designed to retard the descent of a falling body or object through the air.

(a) *Canopy.* That part of a parachute combination which is designed to retard the descent of a falling body or object.

(b) *Harness.* That part of a parachute combination which is designed to enfold or carry the body or object and to serve as an attachment between the canopy and the body or object.

(c) *Container.* That part of a parachute combination designed to hold or contain a folded canopy.

(d) *Accessory.* That part or parts of a parachute combination necessary to complete a unit as designed by the manufacturer and approved by the Administrator.

3. By amending § 54.31 to read as follows:

§ 54.31 *Manufacturer.* Manufacturer shall mean any individual, firm, partnership, company, association, or joint stock association, including any trustee, assignee or other similar representative thereof, which

(a) Holds a type or production certificate for a parachute, or

(b) manufactures an approved parachute.

4. By amending § 54.32 to read as follows:

§ 54.32 *Maintenance.* Maintenance shall mean the upkeep and preservation of parachutes, including the component parts thereof.

5. By amending § 54.33 to read as follows:

§ 54.33 *Minor repair.* Minor repair shall mean a repair other than a major repair.

6. By amending § 54.34 to read as follows:

[1] See F. R. Doc. 50-6902, *supra.*

§ 54.34 *Major repair.* Major repair shall mean a repair which might have an effect on the structural, functional, or handling characteristics of a parachute.

7. By amending § 54.35 to read as follows:

§ 54.35 *Alteration.* Alteration shall mean any change in the design of a parachute.

8. By amending § 54.36 to read as follows:

§ 54.36 *Repair.* Repair shall mean the restoration of a parachute to a condition for safe use after damage or deterioration.

9. By deleting §§ 54.37 and 54.38.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply Secs. 601, 607, 52 Stat. 1007, 1011, 49 U. S. C. 551, 557)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 50-6904; Filed, Aug. 4, 1950; 8:51 a. m.]

[Supp. 9, Amdt. 2]

PART 60—AIR TRAFFIC RULES

TRAFFIC PATTERNS

The traffic patterns for LaGuardia Airport, New York, New York-International (Idlewild) Airport, New York, and Newark Airport, New Jersey, published on February 4, 1949, in 14 F. R. 481 and amended on September 20, 1949, in 14 F. R. 5745 are hereby revised. This revision has been approved by authorized representatives of the Air Transport Association of America, Airline Pilots Association and Aircraft Owners and Pilots Association, and is adopted without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedures Act would be impracticable and contrary to the public interest, and therefore is not required.

1. Section 60.18-2 is revised to read:

§ 60.18-2 *Traffic patterns for LaGuardia, New York International, and Newark Airports (CAA rules which apply to § 60.18 (d)).* Operators of aircraft taking off from or landing at LaGuardia Airport, New York; New York-International (Idlewild) Airport, New York; or Newark Airport, New Jersey, shall adhere to the following traffic patterns and altitudes made a part thereof, unless otherwise authorized or directed by air traffic control:

(a) All aircraft shall be operated to follow a standard left-hand rectangular traffic pattern which, for each runway, is contained within a five-mile radius of the center of the airport.

(b) Landing aircraft shall be operated so as to join the traffic pattern at or above an altitude of 1200 feet mean sea level, weather permitting.

2. Sections 60.18-3 and 60.18-4 are revoked.

3. Section 60.18-5 is renumbered 60.18-3.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. August 15, 1950.

DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-6896; Filed, Aug. 4, 1950; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Rent Procedural Reg. 2, Amdt. 5]

PART 840—PROCEDURE

MISCELLANEOUS AMENDMENTS

Rent Procedural Regulation 2 (§§ 840.101 to 840.153[1]) is hereby amended in the following respects:

1. The first paragraph is amended to read as follows:

Pursuant to the authority of the Housing and Rent Act of 1947, as amended (Pub. Laws 129, 422 and 464, 80th Cong.; Pub. Laws 31 and 574, 81st Cong.) in order to provide for orderly procedures the following rules are prescribed for adjustments, administrative review and interpretations under the maximum rent regulations:

2. Section 840.103 is amended by inserting "(a)" before the first sentence thereof, by changing the period at the end of the paragraph to a comma and adding the words "except as provided in paragraph (b) of this section" and by adding a new paragraph (b). Said section as amended will read as follows:

§ 840.103 *Method of filing, form, contents and service.* (a) A landlord's petition or tenant's application for adjustment or other relief provided by a maximum rent regulation shall be filed only with the Area Rent Director of the Office of the Housing Expediter for the defense-rental area within which the housing accommodations involved are located. Petitions and applications shall be filed upon forms prescribed by the Housing Expediter and pursuant to instructions stated on such forms and must be accompanied by affidavits or other documents setting forth all of the evidence upon which the petitioner or applicant relies in support of the facts alleged in his petition or application and by proof of service upon the other party or parties. A landlord's petition and tenant's application and all accompanying documents shall be filed in an original and one copy and shall be served upon the other party or parties in the manner prescribed by § 840.106, except as provided in paragraph (b) of this section.

(b) Notwithstanding any other provision of §§ 840.101 to 840.148, the Area Rent Director, in appropriate cases involving petitions for rental adjustments, may require the landlord to file additional copies of the petition for adjustment with the Area Rent Office and may dispense with the requirement that the petition and accompanying documents be served on the tenant prior to entry of an order thereon. If in such a case the petition is granted in whole or in part, the Area Rent Director shall serve copies of the petition and order on both the landlord and the tenant. Within 15 days after the issuance date of the order of increase the tenant may file with the Area Rent Office a written request for revocation or modification, together with facts and evidence supporting such request. The tenant must serve a copy of such request and accompanying documents on the landlord within 7 days after he has filed it with the Area Rent Office and the landlord shall be afforded a period of seven days from the date of such service within which to file a reply.

3. Paragraph (b) of § 840.110 is amended by adding a sentence to the proviso clause as follows: "This proviso shall not apply to proceedings under § 840.103 (b)." Said paragraph as amended will read as follows:

(b) An order entered by an Area Rent Director upon a petition or application for adjustment or other relief, or an order entered by an Area Rent Director on his initiative or upon remand of a proceeding to the Area Rent Director by the Housing Expediter pursuant to § 840.127 shall be effective and binding until changed by further order and shall be final subject only to appeal. Unless an appeal has been filed, an order entered by the Area Rent Director may be revoked or modified at any time: *Provided,* That due notice of the intention to revoke or modify was previously given to all persons affected by such order. This proviso shall not apply to proceedings under § 840.103 (b). A copy of an order entered by the Area Rent Director shall be served upon all parties to the proceedings.

4. Section 840.113 is amended by inserting "(a)" at the beginning of the first paragraph, by substituting a colon for the period at the end of said paragraph and by adding the clause *"Provided, however,* That in the case of an order entered pursuant to proceedings under § 840.103 (b) the tenant may file an appeal only from the order entered in the proceedings had upon the tenant's request for revocation or modification." Said first paragraph as amended will read as follows:

§ 840.113 *Right to appeal.* (a) Except as provided in § 840.109 (b), any landlord affected by any provision of a maximum rent regulation, or any landlord or tenant affected by an order issued by an Area Rent Director may file an appeal in the manner set forth below: *Provided, however,* That in the case of an order entered pursuant to proceedings under § 840.103 (b) the tenant may file an appeal only from the order entered in the proceedings had upon the

[1] 14 F. R. 1783, 3677, 5073, 5271, 5898.

tenant's request for revocation or modification.

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

This amendment shall become effective as of August 2, 1950.

Issued this 2d day of August 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-6881; Filed, Aug. 4, 1950; 8:50 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 789—GENERAL STATEMENT ON THE PROVISIONS OF SECTION 12 (a) AND SECTION 15 (a) (1) OF THE FAIR LABOR STANDARDS ACT, AS AMENDED, RELATING TO WRITTEN ASSURANCES

Sec.
789.0 Introductory statement.
789.1 Statutory provisions and legislative history.
789.2 "* * * in reliance on written assurance from the producer * * *".
789.3 "* * * goods were produced in compliance with" * * * the requirements referred to.
789.4 Scope and content of assurances of compliance.
789.5 "* * * acquired * * * in good faith * * * for value without notice * * *".

AUTHORITY: §§ 789.0 to 789.5 issued under 52 Stat. 1060, as amended; 29 U. S. C. and Sup., 201-219.

§ 789.0 *Introductory statement.* (a) Section 12 (a) and section 15 (a) (1) of the Fair Labor Standards Act of 1938, as amended[1] (hereinafter referred to as the act) contain certain prohibitions against putting into interstate or foreign commerce any goods ineligible for shipment (commonly called "hot goods"), in the production of which the child-labor or wage-hour standards of the act were not observed. These sections were amended by the Fair Labor Standards Amendments of 1949[2] to provide, among other things, protection against these "hot goods" prohibitions with respect to purchasers "who acquired such goods for value without notice of such violation" if they did so "in good faith in reliance on" a specified "written assurance."

(b) These amendments to the act relating to purchasers in good faith and written assurances are for the protection of purchasers. The act does not provide that a purchaser must secure such an assurance or that a supplier must give it. The amendments confer no express authority for the Department of Labor to require the use of these assurances or to prescribe their form or content. Whether any particular written assurance affords the statutory protection to a purchaser who acquires his goods in good faith and for value without notice of an applicable violation, is left for determination by the courts. Opinions issued by the Department of Labor on this question are advisory only and represent simply the Department's best judgment as to what the courts may hold.

(c) The interpretations contained in this general statement are confined to the statutory protection accorded these purchasers in section 12 (a) and section 15 (a) (1) of the act. These interpretations, with respect to this protection of purchasers, indicate the construction of the law which the Secretary of Labor and the Administrator of the Wage and Hour Division[3] believe to be correct and which will guide them in the performance of their administrative duties under the act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon re-examination of an interpretation, that it is incorrect.

§ 789.1 *Statutory provisions and legislative history.* Section 12 (a) of the act provides, in part, that no producer, manufacturer or dealer shall ship or deliver for shipment in commerce any goods produced in an establishment situated in the United States in or about which within 30 days prior to the removal of such goods therefrom, any oppressive child labor has been employed. Section 12 (a) then provides an exception from this prohibition in the following language:

> *Provided*, That any such shipment or delivery for shipment of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer, manufacturer, or dealer that the goods were produced in compliance with the requirements of this section, and who acquired such goods for value without notice of any such violation, shall not be deemed prohibited by this subsection * * *.

Section 15 (a) (1) provides, in part, that it shall be unlawful for any person to transport, offer for transportation, ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended, any goods in the production of which any employee was employed in violation of section 6 or 7 of the act or any regulation or order of the Administrator issued under section 14. Section 15 (a) (1) also provides the following exception with respect to this "hot goods" restriction:

> * * * any such transportation, offer, shipment, delivery, or sale of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer that the goods were produced in compliance with the requirements of the act, and who acquired such goods for value without notice of any such violation, shall not be deemed unlawful.

The most important portion of the legislative history of those provisions in sections 12 (a) and 15 (a) (1) which relate to the protection of purchasers is found in the following discussion of the amendment to section 15 (a) (1), contained in the Statement of the Managers on the part of the House appended to the Conference Report on the Fair Labor Standards Amendments of 1949:[4]

> This provision protects an innocent purchaser from an unwitting violation and also protects him from having goods which he has purchased in good faith ordered to be withheld from shipment in commerce by a "hot goods" injunction. An affirmative duty is imposed upon him to assure himself that *the goods in question were produced* in compliance with the act, and he must have secured written assurance *to that effect* from the producer of the goods. The requirement that he must have made the purchase in good faith is comparable to similar requirements imposed on purchasers in other fields of law, and is to be subjected to the test of what a reasonable, prudent man, acting with due diligence, would have done in the circumstances. [Emphasis supplied.]

This discussion would appear to be generally applicable also to the similar provisions of the act contained in section 12 (a).

§ 789.2 "* * * *in reliance on written assurance from the producer* * * *." In order for a purchaser to be protected under these provisions of the act, he must acquire the goods "in reliance on written assurance * * *." The written assurance specified in section 15 (a) (1) is one from the "producer" and in section 12 (a) it is one from the "producer, manufacturer or dealer."

Since the acquisition of the goods by the purchaser must be "in reliance" upon such written assurance it is obvious that the act contemplates a written assurance given to the purchaser as a part of the transaction by which the goods are acquired, and on which he can rely at the time of their acquisition. Thus, where the purchaser does not receive a written assurance at the time he acquires particular goods, he cannot be said to have acquired the goods "in reliance on" the specified written assurance merely because the producer later furnishes an assurance that all goods which the purchaser has previously acquired from him were produced in compliance with the Fair Labor Standards Act.

The assurances described in the act are assurances in writing "from" the producer or "from" the producer, manufacturer, or dealer, as the case may be. It is therefore clear that the following procedures will not amount to "written assurance from the producer" within the meaning of the act:

(1) The purchaser stamps his purchase order with the statement that the order is valid only for goods produced in compliance with the requirements of the Fair Labor Standards Act. No written statement concerning the production of the goods is made to the purchaser by the producer. The producer ships the goods which the purchaser has ordered.

[1] Pub. No. 718, 75th Cong., 3d Sess. (52 Stat. 1060), as amended by the act of June 26, 1940 (Pub. Res. No. 88, 76th Cong., 3d Sess., 54 Stat. 616); by Reorganization Plan No. 2 (60 Stat. 1095), effective July 16, 1946; by the Portal-to-Portal Act of 1947, approved May 14, 1947 (61 Stat. 84); by the Fair Labor Standards Amendments of 1949, approved October 26, 1949 (Pub. Law 393, 81st Cong., 1st Sess., 63 Stat. 910); and by Reorganization Plan No. 6 of 1950 (15 F. R. 3174), effective May 24, 1950.

[2] Pub. Law 393, 81st Cong., 1st sess. (63 Stat. 910).

[3] The functions of the Secretary and the Administrator under the act are delineated in 13 F. R. 2195, 12 F. R. 6971, and 15 F. R. 3290.

[4] H. Rept. No. 1453, 81st Cong., 1st sess., p. 31.

(2) The purchaser stamps the above statement on his purchase order and in addition notifies the producer that shipment of the goods so ordered will be construed by the purchaser as a guarantee by the producer that the goods were produced in compliance with the act. The producer ships the goods to the purchaser.

In neither of these situations can the purchase order be deemed to contain a written assurance from the producer to the purchaser. A statement concerning the circumstances under which the order will be valid is sent to the producer, but no written instrument at all is given the purchaser by the producer. Although, in these situations, the shipment of the goods by the producer may establish a contractual relationship between the parties, the conditions of the statute are not satisfied because there is in neither situation any written assurance from the producer to the purchaser that the goods were produced in compliance with applicable provisions of the act referred to in sections 12 (a) and 15 (a) (1).

§ 789.3 *"* * * goods were produced in compliance with" * * * the requirements referred to.* It is apparent from the language of the statute and the statement appended to the Conference Report[5] that the written assurance referred to is one with respect to specific goods in being, assuring the purchaser that the "goods in question were produced in compliance" with the requirements referred to in sections 12 (a) and 15 (a) (1). A written statement made prior to production of the particular goods is not the type of assurance contemplated by the statute.

A so-called "general and continuing" assurance or "blanket guarantee" stating, for instance, that all goods to be shipped to the purchaser during a twelve-month period following a certain date "will be or were produced" in compliance with applicable provisions of the act would not afford the purchaser the statutory protection with respect to any production of such goods after the assurance is given. This type of assurance attempts to assure the purchaser concerning the future production of goods. With respect to any production of goods after the assurance is given, this "general and continuing" assurance would, at most, be an assurance that the goods will be produced in compliance with the act.

The definitions of the terms "goods" and "produced" in sections 3 (i) and 3 (j) of the act,[6] respectively, should be considered in interpreting the requirement that the written assurance must relate to goods which were produced in compliance with applicable provisions of the act. These definitions make it apparent, for instance, that the raw materials from which a machine has been made retain their identity as "goods" even though these raw materials have been converted into an entirely different finished product in which the raw materials are merely a part.

Since "goods," as defined in the act, "does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof," the "hot goods" restrictions of section 12 (a) and section 15 (a) (1) do not apply to such ultimate consumers. There appears to be no need, therefore, for such consumers to secure these written assurances from their suppliers.

§ 789.4 *Scope and content of assurance of compliance.* A question frequently asked is whether a single written assurance of compliance will suffice for purposes both of section 12 (a), relating to child labor, and section 15 (a) (1), relating to wage and hour standards. A single assurance would appear to be sufficient, provided it is specific enough to meet all the conditions of the two sections. Although it is possible that the courts might find assurances referring generally to compliance "with the requirements of the act" adequate for all purposes, the safer course to pursue would be to phrase the assurance in terms of compliance with the specific sections of the act whose violation would bar the goods from interstate or foreign commerce.

The language of the statute gives support to this view. It will be noted that the written assurance referred to in section 15 (a) (1) is described as one of "compliance with the requirements of the act * * *," whereas the written assurance referred to in section 12 (a) is described as one of "compliance with this section." In view of the differences in wording of the two sections, a court might conclude that a general assurance of compliance with the act is not sufficient to include a specific assurance of compliance with section 12, on the theory that if Congress had intended an assurance of compliance with the act to be sufficient under the child-labor provisions, there would have been no reason for the use of the more specific language which it placed in section 12. Also, it is possible that a court might conclude that Congress intended, under section 15 (a) (1), that the assurance should refer specifically to the particular sections of the act mentioned therein, since unless there is some violation of one of those sections in the production of goods, a subsequent purchaser is not prohibited from putting them in commerce.

There is no prescribed form or language that must be followed in order for the written assurance of compliance to afford the desired protection. However, in view of the considerations mentioned above, the following is suggested as a guide for the type of language which would appear to provide the maximum degree of certainty that a purchaser who acquired the goods in good faith in reliance on the written assurance would receive the protection intended by the amendments:

> We hereby certify that these goods were produced in compliance with all applicable requirements of sections 6, 7, and 12 of the Fair Labor Standards Act, as amended, and of regulations and orders of the United States Department of Labor issued under section 14 thereof.

The question has also arisen as to what method should be used to give a purchaser a proper written assurance which would adequately identify the particular goods to which such assurance relates. Although other means of giving proper written assurances may be found to be more practical and convenient, it appears that one simple and feasible method of giving such assurance is for the producer to stamp or print the assurance on the invoice which covers the particular goods and which is given to the purchaser as a part of the transaction whereby the goods are acquired.

§ 789.5 *"* * * * acquired * * * in good faith * * * for value without notice * * *."* Section 12 (a) and section 15 (a) (1) of the act provide that a purchaser must acquire the goods in good faith in reliance on the specified written assurance in order to be accorded the statutory protection.

The legislative history of the amendments indicates that a purchaser's good faith is not to be determined merely from the actual state of his mind but that good faith also depends upon an objective test—that of what a "reasonable, prudent man, acting with due diligence, would have done in the circumstances." This good faith requirement is, in the words of the House Managers, "comparable to similar requirements imposed on purchasers in other fields of law." The final determination of what will amount to good faith can be made only upon the basis of the pertinent facts in each situation.

It is clear, however, that good faith, as used in the act, not only requires honesty of intention but also that a purchaser must not know, have reason to know, or have knowledge of circumstances which ought to put him on inquiry that the goods in question were produced in violation of any of the provisions of the act referred to in sections 12 (a) and 15 (a) (1).

These good faith provisions are reinforced by the requirement in sections 12 (a) and 15 (a) (1) that the purchaser must also acquire his goods "for value without notice" of an applicable violation of the act.

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[5] H. Rept. No. 1453, 81st Cong., 1st sess., p. 31.

[6] Section 3 (i) defines "goods" to mean "goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof."

Section 3 (j) defines "produced" to mean "produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State."

To illustrate the application of the above principles, let us assume that a purchaser of goods for value acquires them in reliance upon a written assurance from the producer, manufacturer, or dealer that the particular goods were produced in compliance with all applicable requirements of the act, and that the form and content of the assurance is sufficient to meet the conditions of sections 12 and 15 (a) (1) of the act. If a reasonable, prudent man in the purchaser's position, acting with due diligence, would have no reason to question the truth of the assurance that the applicable requirements had been complied with, the purchaser's reliance on such written assurance would be considered to be in good faith and without notice of any violation, and the purchaser would be protected in the event that violations of the child-labor or the wage-hour standards of the act had actually occurred in the production of such goods by the vendor or by prior producers of the goods. In such circumstances, the purchaser's protection would not be contingent on his securing separate written assurances from the prior producers or on his assuring himself that his vendor had secured specific guarantees from them with respect to compliance.

Signed at Washington, D. C., this 27th day of July 1950.

MAURICE J. TOBIN,
Secretary of Labor.

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

[F. R. Doc. 50-6811; Filed, Aug. 4, 1950; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 8—POSTAGE STAMPS AND OTHER STAMPED PAPER AND SECURITIES

PART 78—POSTAL NOTES

MISCELLANEOUS AMENDMENTS

In § 8.15 *Special-request envelopes rejected by purchaser* amend paragraph (a) by striking out the next to the last sentence reading "A new requisition on Form 3202-D, indorsed 'To replace rejected envelopes invoiced (date)' shall be sent with the report to the central accounting postmaster if replacement is desired", and by inserting in lieu thereof a sentence to read as follows: "A new requisition on Form 3202-D, endorsed 'To replace rejected envelopes invoiced (date),' shall be sent to the Bureau of Finance."

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

In § 78.1 *Authorization of postal notes* amend the proviso and legislative reference in paragraph (b) to read as follows:

Provided, That no claim for the amount of a postal note which is filed later than one year from the last day of the month of issue will be considered unless the original postal note is presented with such claim and no duplicate postal note has been issued therefor. Postal notes shall not be negotiable through endorsement.

(Sec. 207, 62 Stat. 1260, as amended; 39 U. S. C. 738a; Pub. Law 486, approved April 28, 1950)

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

[F. R. Doc. 50-6866; Filed, Aug. 4, 1950; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular 1761]

PART 108—PATENTS

PART 217—REPAYMENTS

MISCELLANEOUS AMENDMENTS

1. The section headnote and paragraph (d) of § 108.1 are amended to read as follows:

§ 108.1 *Issuance of patents; transmittal to land office.* * * *

(d) When a patent issued on or after August 1, 1950, is ready for delivery it will be transmitted to the patentee or his or her recognized agent or successor in interest.

(R. S. 2478; 43 U. S. C. 1201)

2. Section 108.2 is amended to read as follows:

§ 108.2 *Delivery of patents.* Original patents (issued before August 1, 1950) on file in land offices, or which have been returned to the Washington office of the Bureau of Land Management from such offices upon their discontinuance, may be procured upon proper request therefor made to the Washington office of the Bureau of Land Management.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675, sec. 327, 54 Stat. 1150; 8 U. S. C. 102, 222, 458, 727. Interpret or apply sec. 2, 43 Stat. 154, secs. 30, 34, 328, 54 Stat. 673, 674, 1151; 8 U. S. C., 202, 451, 455, 728)

3. Section 217.20 is amended to read as follows:

§ 217.20 *Surrender of receipts and duplicate certificates.* The receipts showing the payments of the money claimed must be surrendered, and also the duplicate certificates whenever such have issued; but if the same have been lost or destroyed, or are not available for any reason, a statement showing the facts must be furnished.

(Sec. 4, 21 Stat. 287; 43 U. S. C. 263)

MARION CLAWSON,
Director.

Approved: July 31, 1950.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 50-6862; Filed, Aug. 4, 1950; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Corrected S. O. 856]

PART 95—CAR SERVICE

SATURDAYS AND SUNDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of July A. D. 1950.

It appearing, that railroad freight cars are being delayed unduly in loading and unloading; or while held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, or forwarding directions; or while held for any other purpose of consignee, consignor or owner, causing a shortage of equipment and impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency requiring immediate action exists in all sections of the country. It is ordered, that:

§ 95.856 *Saturdays and Sundays to be included in computing demurrage on all freight cars.* (a) Each common carrier by railroad subject to the Interstate Commerce Act shall include all Saturdays and Sundays, occurring after the expiration of the free time published in tariffs when computing demurrage on all freight cars whether or not they are subject to monthly average agreement or any other regular settlement period. When the last day of free time begins to run 7:00 a. m., Friday, the Saturday and Sunday immediately following shall be included in computing demurrage detention time.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(c) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) *Effective date.* This order shall become effective at 7:00 a. m., August 1, 1950.

(e) *Expiration date.* This order shall expire at 7:00 a. m., February 1, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscrib-

ing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6877; Filed, Aug. 4, 1950; 8:48 a. m.]

[Rev. S. O. 856]

PART 95—CAR SERVICE

SATURDAYS AND SUNDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of August A. D. 1950.

It appearing, that railroad freight cars are being delayed unduly in loading and unloading; or while held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, or forwarding directions; or while held for any other purpose of consignee, consignor or owner, causing a shortage of equipment and impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency requiring immediate action exists in all sections of the country. It is ordered, that:

§ 95.856 *Saturdays and Sundays to be included in computing demurrage on all freight cars.* (a) Each common carrier by railroad subject to the Interstate Commerce Act shall include all Saturdays and Sundays, occurring after the expiration of the free time published in tariffs when computing demurrage on all freight cars whether or not they are subject to monthly average agreement or any other regular settlement period. When the last day of free time begins to run 7:00 a. m., Friday, the Saturday and Sunday immediately following shall be included, or when the last day of free time begins to run 7:00 a. m. Saturday, the Sunday immediately following shall be included in computing demurrage detention time.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(c) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) *Effective date.* This order shall become effective at 7:00 a. m., August 3, 1950.

(e) *Expiration date.* This order shall expire at 7:00 a. m., February 1, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

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

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6882; Filed, Aug. 4, 1950; 8:50 a. m.]

[S. O. 858]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNING LUMBER

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of August A. D. 1950.

It appearing, that carload shipments of lumber are being held at points in the United States for diversion, reconsignment, or disposition orders, thereby impending the use, control, supply, movement, distribution, exchange, interchange, and return of cars; the Commission is of opinion an emergency requiring immediate action exists in all sections of this country. It is ordered, That:

§ 95.858 *Lumber, restrictions on reconsigning*—(a) *Definition.* The term "lumber" as used in this order means lumber, veneer or forest products as listed in Items 26715 to 27135, inclusive, of Consolidated Freight Classification No. 19, supplements thereto or reissues thereof.

(b) *Holding of cars for diversion, reconsignment, or disposition orders, restricted.* Carload shipments of lumber held in cars for diversion reconsignment, or disposition orders beyond three days (72 hours), exclusive of the holidays listed in Item 7 of Agent B. T. Jones' Tariff I. C. C. 4257, after the first seven a. m. (7: 00 a. m.) after notice of arrival of the car at any point prior to delivery at the ultimate destination is sent or given the consignee or party entitled to receive same, and later reforwarded upon request of consignor, consignee, or owner, will be subject to the basis of charges shown in note 1 of this paragraph.

NOTE 1: The full local or joint (not proportional, reshipping or transshipping) tariff rate to the reforwarding point, plus the full local or joint (not proportional, reshipping or transshipping) tariff rate from the reforwarding point, in effect on the date of shipment from point of origin, plus all other applicable charges previously or subsequently accruing.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(2) The provisions of this order shall not apply to carload shipments of lumber billed from the primary point of origin prior to the effective date of this order.

(3) This order shall apply to a railroad freight car loaded with lumber stopped for partial unloading at a hold or reconsigning point when the order for the "stop for partial unloading" of such car is received by the carriers subsequent to the arrival of such car at the hold or reconsigning point.

(d) *Tariff provisions suspended; announcement required.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(e) *Effective date.* This order shall become effective at 12:01 a. m., August 3, 1950.

(f) *Expiration date.* This order shall expire at 11:59 p. m., February 2, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(g) *Reconsigning involving backhaul prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall reconsign or execute reconsigning orders when such reconsigning involves, requires or results in any backhaul, nor when such reconsigning requires or results in a car moving through or to a point where that car had previously been transported in through or continuous movement.

It is further ordered, that a copy of this order and direction be served upon each State Railroad regulatory body, upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon all other railroads not parties to that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1).

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6883; Filed, Aug. 4, 1950; 8:50 a. m.]

[S. O. 859]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of August A. D. 1950.

It appearing, that there is a critical shortage of railroad freight cars; that shippers are appropriating such cars and shipping them almost empty to other points to complete loading; that such practice is wasteful and aggravates the car shortage, depleting and diminishing the use, control, supply, distribution and interchange of such cars; the Commission is of opinion that an emergency requiring immediate action exists in the States of Oregon and Washington. It is ordered, that:

§ 95.859 *Railroad freight cars to be stopped to complete loading.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, or transport or move, any railroad freight car (whether ordered or appropriated without being ordered), which car is loaded with lumber, shingles, plywood, doors, and other lumber or forest products in Oregon or Washington and tendered to be forwarded to another point to be stopped off to complete the loading thereof, unless or until the shipper or consignor certifies on the bill of lading that the lumber, shingles, plywood, doors, and other lumber or forest products loaded in the car at the first loading point equals or exceeds twenty-five percent (25%) of the tariff minimum weight.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign commerce as well as interstate commerce.

(c) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(d) *Effective date.* This order shall become effective at 12:01 a. m., August 3, 1950.

(e) *Expiration date.* This order shall expire at 11:59 p. m., February 2, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

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

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6884; Filed, Aug. 4, 1950; 8:50 a. m.]

[S. O. 860]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS, TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of August A. D. 1950.

It appearing, that fruit and vegetable containers, box shooks and other packing material are now moving in box cars from origins in the States of Washington, Oregon, or California, to destinations in the State of California; that refrigerator cars are moving empty from the same points of origin to the same points of destination and that the substitution of refrigerator cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment. It is ordered, that:

§ 95.860 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks.* (a) (1) Except as provided in paragraph (a) (2), common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shooks or other packaging or packing materials, in carloads, from origins located in the States of California, or in the State of Oregon on or south of a line extending from Bend through Eugene, to destinations in the State of California may, at their option, furnish and transport not more than three (3) refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car,

(i) Two (2) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of 40' 7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40' 7", but not over 50' 7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Application.* The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This order shall become effective at 12:01 a. m., August 3, 1950.

(d) *Expiration date.* This order shall expire at 11:59 p. m., October 31, 1950, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

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

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

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-6885; Filed, Aug. 4, 1950; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 21]

GENERAL CREDIT TO INDIANS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given of intention to amend §§ 21.2, 21.4, 21.10, 21.15 and 21.12 (e) of the regulations approved by the Secretary of the Interior, December 18, 1945, and amended August 21, 1947, and June 25, 1948, which were promulgated under authority contained in the Acts of June 18, 1934 (48 Stat. 986), and June 26, 1936 (49 Stat. 1967), as amended and supplemented, and to add new paragraphs (f) and (g) to § 21.12, to read as hereinafter indicated:

§ 21.2 *Eligible borrowers.* Loans may be made from revolving credit funds to Indian chartered corporations; recognized tribes and bands; credit associations organized pursuant to the Oklahoma Indian Welfare Act or whose form of organization has been approved by the Commissioner of Indian Affairs; other cooperative associations whose members are not eligible to borrow from incorporated or unincorporated tribes or bands; and members of Indian tribes or their descendants of at least one-quarter degree of Indian blood. Unless otherwise authorized by the Commissioner of Indian Affairs, individual Indians shall not be eligible for loans if they are members of a corporation, tribe, or band which is conducting credit operations, or if they are eligible for loans from a credit association.

§ 21.4 *Purpose of loans.* Borrowers from the United States may use funds to make loans to individual members, cooperative associations, subordinate bands, and enterprises of their members for any purpose which will promote the economic development of the group or individual, or to finance corporate or tribal enterprises. Indian chartered corporations and recognized tribes and bands may borrow money for the purchase of cattle for relending to members under the regulations in Part 23 of this chapter.

§ 21.10 *Penalties on default.* Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken by the Commissioner:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security, and in the case of individuals and cooperative associations, the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower, or against officers of corporations, unincorporated tribes or bands, and credit and other cooperative associations.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of credit funds under the control of the borrower.

(f) Withdraw any unobligated funds from the borrower.

(g) In the case of corporations, unincorporated tribes or bands, and credit associations, require that all repayments on loans be applied to liquidate the indebtedness to the United States.

(h) In the case of credit associations, take possession of the assets of the borrower and exercise or arrange for the exercise of its powers until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

(i) In the case of corporate and tribal enterprises and cooperative associations, to liquidate or operate, or arrange for the operation of the enterprise or association, until its indebtedness is paid or until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

§ 21.12 *Tribal industrial assistance funds.* * * *

(e) Loans to Menominee Indians from Menominee tribal funds shall bear interest at a rate specified by the tribe and approved by the Commissioner of Indian Affairs.

(f) Failure of a corporation or unincorporated tribe or band to use tribal industrial assistance funds advanced under authority of paragraph (a) of this section of the regulations in this part in accordance with the purposes for which requested, shall be grounds for any one or all of the following steps to be taken by the Commissioner:

(1) Discontinue any further advances of funds requested by the corporation, tribe, or band.

(2) Require that the entire amount advanced to the corporation, tribe, or band be returned to the Treasury.

(3) Prevent further disbursement of tribal industrial assistance funds under the control of the corporation, tribe, or band.

(4) Withdraw any unobligated funds from the corporation, tribe, or band, and deposit the same in the Treasury.

(5) Require that all repayments on loans made by the corporation, tribe, or band, be used to replace funds advanced to the corporation, tribe, or band from the Treasury.

(6) In the case of corporate and tribal enterprises operated with tribal industrial assistance funds, to liquidate or operate, or arrange for the operation of the enterprise, until all tribal industrial assistance funds advanced to the corporation, tribe, or band have been replaced in the Treasury, or until the Commissioner has received acceptable assurance that the funds will be replaced, or that the enterprise will be operated in a manner satisfactory to him.

(g) Tribal industrial assistance funds may be advanced to corporations and tribes for the purchase of cattle for relending to members under the regulations in Part 23, Title 25, CFR.

§ 21.15 *Charters.* The Commissioner of Indian Affairs may issue charters to credit and other cooperative associations of ten or more members in Oklahoma whose articles of association and bylaws have been approved by him.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to Dillon S. Myer, Commissioner of Indian Affairs, Washington 25, D. C., within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated: July 31, 1950.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 50-6898; Filed, Aug. 4, 1950; 8:51 a. m.]

[25 CFR, Part 23]

REVOLVING CATTLE POOL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given of intention to amend §§ 23.2 to 23.20 inclusive of the regulations approved by the Secretary of the Interior on June 13, 1947, and amended April 27, 1948, which were promulgated under authority contained in 5 U. S. C. sec. 22 and to add new paragraphs (h) and (i) to § 23.1 (paragraphs (a) through (g) remaining unchanged). Part 23 as proposed reads as follows:

Sec.
23.1 Definitions.
23.2 Purpose of regulations.
23.3 Eligible borrowers.
23.4 Application.
23.5 Purpose of loans.
23.6 Approval of loans.
23.7 Modifications.
23.8 Interest.
23.9 Records and reports.
23.10 Maturity.
23.11 Security.
23.12 Title.
23.13 Branding.
23.14 Penalties on default.
23.15 Assignment.
23.16 Sales and exchanges.
23.17 Repayments.
23.18 Cash settlements.
23.19 Deposit of funds.
23.20 Relending by corporations and tribes.

AUTHORITY: §§ 23.1 to 23.20 issued under 5 U. S. C. sec. 22 and Public Law 525, 81st Congress.

§ 23.1 *Definitions.* The terms defined in this section shall have the meaning stated wherever used in this part.

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.

(c) "Corporation" means an Indian corporation chartered under section 17

of the act of June 18, 1934 (48 Stat. 988; 25 U. S. C. 477).

(d) "Tribe" means an unincorporated Indian tribe or band. A tribe shall be deemed any band, pueblo, or group of Indians residing on one reservation having a form of organization recognized by the Commissioner.

(e) "Loans" means loans of cattle repayable in kind and assignments of cattle under agreements requiring maintenance of the number and other operating conditions.

(f) "Corporate enterprise" means a business operated by a corporation.

(g) "Tribal enterprise" means a business operated by a tribe.

(h) "Area director" means the officer in charge of the area office of the Indian Service, or his successor in office, under which the borrower is placed for administrative purposes. The authority of the Area Director under the regulations in this part may be delegated by him in writing to his subordinates in the area office.

(i) "Superintendent" means the Superintendent of the Indian Agency under which the borrower is operating.

§ 23.2 *Purpose of regulations.* The purpose of this part is to prescribe the terms and conditions of loans of cattle by the United States to corporations and tribes, and loans of cattle by a corporation or tribe to its members. All loans shall be for the purpose of promoting the economic development of the borrower. Sections 23.3 to 23.19, inclusive, shall govern loans of cattle by the United States. Loans of cattle by corporations and tribes originating in loans of cattle to such organizations by the United States, or purchased with cash loans or advances of tribal industrial assistance funds under the regulations in Part 21 of this chapter shall be governed by the provisions of § 23.20.

§ 23.3 *Eligible borrowers.* Loans of cattle may be made only to corporations and tribes.

§ 23.4 *Application.* The application shall be submitted on a form approved by the Commissioner, and shall indicate the period of the loan, the interest, if any, to be paid, the security offered, and the procedures to be followed in handling and repaying the loan.

§ 23.5 *Purpose of loans.* Cattle loaned to corporations and tribes may be used in the operation of corporate or tribal enterprises and to make loans to individual members, in order to promote the economic development of the group or individual.

§ 23.6 *Approval of loans.* All loans of cattle shall require the approval of the Commissioner. Loan agreements must be executed on a form approved by the Commissioner. Applications may be approved either as submitted, or by issuance of commitment orders covering the terms and conditions of making the loans. Commitment orders shall be unconditionally accepted by borrowers.

§ 23.7 *Modifications.* Modifications of loan agreements shall be handled through the same channels as the original agreements.

§ 23.8 *Interest.* Interest may be charged on loans of cattle by the United States at a rate as nearly equivalent as possible to one head for each ten head loaned for a period not exceeding twenty-five years.

§ 23.9 *Records and reports.* Corporations and tribes shall keep separate records and accounts of their cattle loans, and make reports as directed by the Commissioner.

§ 23.10 *Maturity.* The period of maturity of loans of cattle shall be determined according to the circumstances, except that twenty-five years shall be the maximum.

§ 23.11 *Security.* Corporations and tribes shall furnish security, if available, up to an amount adequate to protect the loan. Loans may be secured by the assignment of notes, chattel mortgages, income, liens (except on trust or restricted land), and such other securities as the Commissioner may require.

§ 23.12 *Title.* Title to all cattle loaned to corporations and tribes, the increase therefrom, cattle received in repayment of loans made by the corporations and tribes, and any "lieu" cattle to replace animals loaned, shall be in the United States in trust for the corporation or tribe until the cattle are loaned to individual members under the provisions of § 23.20.

§ 23.13 *Branding.* All cattle loaned by the United States for use only in corporate or tribal enterprises shall be branded or marked "ID" and with the brand or mark of the enterprise.

§ 23.14 *Penalties on default.* Unless otherwise provided in the loan agreement, failure of a corporation or tribe to conform to the terms of its loan agreement will be deemed grounds for any one or all of the following steps to be taken by the Commissioner:

(a) Take possession of any or all collateral given as security.

(b) Prosecute legal action against the corporation or tribe or against officers of the corporation or tribe.

(c) Declare the loan immediately due and payable.

(d) Prevent further loans of cattle under the control of the corporation or tribe, repossess any cattle which have not been reloaned, and require that repayments on loans made by the corporation or tribe be applied to liquidate its indebtedness to the United States.

(e) In the case of corporate and tribal enterprises, liquidate or operate, or arrange for the operation of the enterprise until its indebtedness is paid, or until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

§ 23.15 *Assignment.* A corporation or tribe may not assign its loan agreement or any interest therein to a third party without the written consent of the Commissioner.

§ 23.16 *Sales and exchanges.* Superintendents may grant corporations and tribes permission to sell or exchange cattle for which repayment has not been made, provided the interest of the United States in the loan will not be jeopardized.

§ 23.17 *Repayments.* Repayments of cattle to the United States shall be made to a bonded Government disbursing agent or his authorized representative, who shall issue receipts for all such payments. With the prior approval of the Commissioner, cattle repaid to the United States may be sold under applicable authority governing the sale of Government-owned property.

§ 23.18 *Cash settlements.* When authorized by the Commissioner, corporations, tribes, cooperative associations, and individual Indians indebted to the United States for loans of cattle, may settle obligations in cash in lieu of cattle, and any obligation payable in cattle which is not yet due may be converted to a cash obligation. The value of the livestock for the purpose of any such cash settlement or conversion shall be based on prevailing market prices in the area and shall be ascertained by a committee composed of three members, one of whom shall be selected by the superintendent, one of whom shall be selected by the chairman of the tribal council, and one of whom shall be selected by the other two members.

§ 23.19 *Deposit of funds.* The proceeds of the sales of cattle repaid to the United States, and of cash accepted in lieu of cattle, shall be deposited in the United States Treasury to the credit of the revolving fund established pursuant to the acts of June 18, 1934 (48 Stat. 986), and June 26, 1936 (49 Stat. 1967), as amended and supplemented, in accordance with instructions of the Commissioner.

§ 23.20 *Relending by corporations and tribes.* Corporations and tribes receiving either loans of cattle from the United States, or cash loans from the revolving credit fund and advances of tribal industrial assistance funds under the regulations in Part 21 of this chapter for the purchase of cattle for relending to members, may make loans of cattle as follows:

(a) *Purpose.* All loans shall be to promote the economic development of the borrower.

(b) *Eligibility.* Loans may be made to individual members of the corporation or tribe of one-quarter or more degree of Indian blood, except that individuals need not be of at least one-quarter degree of Indian blood in order to receive loans of cattle purchased with tribal industrial assistance funds.

(c) *Application.* The application shall be on a form approved by the Commissioner.

(d) *Approval.* All loans shall require approval of the Area Director, unless the Commissioner authorizes the Superintendent, the corporation, or the tribe to approve loans up to a specified number of cattle. Loan agreements must be executed on a form approved by the Commissioner. Applications shall be approved as submitted, or by the issuance of a commitment order covering the terms and conditions of making the loan. Commitment orders shall be unconditionally accepted by borrowers.

(e) *Modifications.* Modifications of loan agreements shall be handled through the same channels as the original loan agreement.

(f) *Interest.* Interest may be charged at a rate as nearly equivalent as possible to one head for each ten head loaned for a period not exceeding eight years.

(g) *Maturity.* Ten years shall be the maximum on loans of cattle.

(h) *Security.* Borrowers shall mortgage all cattle borrowed from a corporation or tribe to the lender as security for any unpaid indebtedness, unless the Area Director determines that the repayment of such indebtedness is otherwise reasonably assured. Mortgages shall be filed in accordance with State law. Borrowers shall furnish other security, if available, up to an amount adequate to protect the loan. Liens on trust or restricted land may be taken as security.

(i) *Title.* Title to all cattle loaned shall be in the name of the borrower.

(j) *Branding.* All cattle loaned, the increase therefrom, and any "lieu" cattle replacing animals loaned shall be branded or marked with the brand or mark of the borrower.

(k) *Penalties on default.* Unless the loan agreement otherwise provides, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken at the option of the lender:

(1) Take possession of any or all collateral given as security, and, in accordance with State law, the cattle loaned, increase therefrom, and any "lieu" cattle replacing animals loaned.

(2) Prosecute legal action against the borrower.

(3) Declare the loan immediately due and payable.

(l) *Assignment.* A borrower may not assign a loan agreement or any interest therein to a third party without the consent of the lender.

(m) *Sales and exchanges.* The lender, with the approval of Superintendent, may grant borrowers permission to sell or exchange cattle for which repayment has not been made, provided the interests of the lender in the loan will not be jeopardized. Partial releases in connection with such transactions shall be filed in accordance with State law.

(n) *Repayments.* Repayments shall be made to an authorized representative of the lender, who shall issue receipts for all repayments. With the approval of the Superintendent, lenders may accept from borrowers, their heirs, successors, or assigns, cash in lieu of cattle. Cash repayments shall be used for the purchase of suitable replacements by the corporation or tribe, unless otherwise authorized by the Area Director.

(o) *Number loaned.* Indian boys and girls enrolled in 4–H Club work may receive loans of from one to ten head of cattle for use in connection with their club projects. Other borrowers may receive loans of not less than ten head nor more than fifty head of beef cattle. Dairy cattle may be loaned in units of less than ten head.

(p) *Preference.* Preference shall be given to applicants in the following order:

(1) *Beef cattle.* First preference shall be given to applicants who have less than fifty head of cattle of breeding age, and who are equipped to handle up to fifty head. Second preference shall be given to applicants without cattle who have not previously participated in the program, but who are equipped to handle a cattle enterprise. Third preference shall be given to applicants who have fifty head or more cattle of breeding age, but less than one hundred head, but this group shall not receive loans until all applicants having less than fifty head of cattle of breeding age and who are equipped to handle this size unit, have received loans.

(2) *Dairy cattle.* Applicants for cattle to supply milk for home consumption shall receive preference over applicants for cattle to undertake commercial dairy operations.

(g) *Restrictions.* Loans to applicants owning one hundred or more head of beef cattle of breeding age shall not be approved without the consent of the Commissioner. Not more than fifteen head of dairy cattle of breeding age may be loaned to any one individual without the consent of the Commissioner.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to Dillon S. Myer, Commissioner of Indian Affairs, Washington 25, D. C., within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated: July 31, 1950.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 50-6897; Filed, Aug. 4, 1950; 8:50 a. m.]

Bureau of Land Management

[43 CFR, Part 200]

MINERAL DEPOSITS IN ACQUIRED LANDS

NOTICE OF PROPOSED AMENDMENT OF THE REGULATIONS CONCERNING FUTURE AND FRACTIONAL INTEREST LEASES

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the act of August 7, 1947 (61 Stat. 913), it is proposed to amend the regulations governing the issuance of future and fractional interest leases. A tentative draft of the proposed regulations, 43 CFR 200.7, is attached as Appendix A, and a draft of a Supplemental Agreement, Form 4–1155, to be executed by each applicant under these proposed regulations, is attached as Appendix B.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed new offer and lease form and the change in the regulations to the Director of the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice.

Upon receiving the recommendation of the Director of the Bureau of Land Managemnt, together with all responses received pursuant to this notice, the Secretary of the Interior will determine whether the proposed regulations, 43 CFR 200.7, and the Supplemental Agreement should be adopted. Should the Secretary of the Interior decide that such form and regulations be adopted they will be duly published in the FEDERAL REGISTER.

DALE E. DOTY,
Assistant Secretary of the Interior.

JULY 31, 1950.

APPENDIX A

Section 200.7 is completely revised as follows:

§ 200.7 *Leases for future or fractional interests*—(a) *General.* The Secretary may issue leases for future or fractional interests in mineral deposits covered by the act, whenever in his judgment the public interest will be best served thereby. Noncompetitive leases will be issued only for land not on the known geologic structure of a producing oil or gas field. In leasing lands in which the fractional or other interest owned by the United States is different for different tracts, separate leases may be issued for the different interest or a single lease may be issued with separate development, production and royalty requirements for the different interests. Where the United States owns only a future interest in the mineral deposits in part of the lands covered by an application and has present ownership, either total or fractional, in the mineral deposits in the remainder of the lands, separate leases will be issued, one for the future interests and the other for the presently owned interests. An application must conform to §§ 200.4 and 200.5.

(b) *Applications for leases for future mineral interests, including future fractional interests.* A future interest lease, whether the future interest of the United States is whole or fractional, will be issued only to an applicant who shows that he either owns all or substantially all the present mineral rights or holds a lease, operating agreement or other contract covering all or substantially all of those rights, providing for the development of the mineral deposits in the lands covered by his application. If the application is made by one claiming ownership of the present mineral interest, it shall also be accompanied by a certified abstract of title, going back to the title of the predecessor in interest of the United States who created such mineral interest, showing such ownership. If made by someone who holds the leasehold or operating rights to the present mineral interest, it shall, in addition to the abstract of title, also be accompanied by three certified copies of the lease, or other contract under which such rights were acquired from the owner of the present mineral interest. In lieu of an abstract a certificate of title may be furnished.

(c) *Supplemental agreement as consideration for issuance of lease on future interest in oil and gas deposits.* As part of the consideration for the issuance of

a future interest oil and gas lease and as supplemental thereto, the applicant shall execute and file in triplicate Form 4–1155 "Supplemental agreement to lease of future interests in oil and gas deposits". Such agreement will be effective as of the date the lease issues. Such agreement will govern the relationship of the applicant and the United States between its effective date and the respective dates when each future interest covered thereby vests in the United States. Where the United States owns a fractional share of the present interest, together with the entire future interest, then, for the purpose of the supplemental agreement, the United States shall be deemed to own a future interest to be covered by the supplemental agreement only to the extent of the fractional share of the present interest not held by it. The lease when issued, shall be effective for the present interest held by the United States as of the date for which the lease issues. In such cases or where the United States owns only part of the future mineral interest the percentage of royalty specified in the agreement shall apply to the fractional future interest in that proportion. In lieu of a provision in the agreement for the payment of royalty by the future interest lease holder the applicant, if not the owner of the present mineral interest, may obtain and file with the Bureau of Land Management an instrument executed in duplicate by the present mineral owner conveying or assigning to the United States the royalty interest set forth in the agreement applicable to the particular term of years which will elapse before the United States becomes the owner of the mineral rights. If found acceptable, one original of such assignment will be returned to the applicant for recordation at his expense. In such case, the supplemental agreement should have endorsed on it by the applicant the statement that the assignment of such royalty interest to the United States is recognized by the holder of the agreement.

(d) *Applications for fractional interest oil and gas leases, excepting future fractional interest.* An application for a fractional interest lease should include a statement showing whether applicant owns the entire operating rights to the fractional mineral interest not owned by the United States in each tract covered by the application, and if not so owned, the extent of his ownership, the names of the parties who own the remainder of the operating rights to such fractional interests. Ordinarily, the issuance of a lease to an applicant, who upon such issuance would own less than a majority interest of the operating rights in any such tract, will not be regarded as in the public interest and such application will be rejected.

APPENDIX B

Form 4–1155

Acquired lands
Serial No. _____
Effective Date _____

No. 151—3

AGREEMENT SUPPLEMENTAL TO LEASE OF OIL AND GAS LANDS UNDER THE ACT OF AUGUST 7, 1947

(61 Stat. 913, 30 U. S. C. 351)

This agreement, made and entered into, in quadruplicate, by and between the United States of America, through the Bureau of Land Management, hereinafter called the lessor, and _____ hereinafter called the lessee, witnesseth:

Whereas, an oil and gas lease with the above Serial Number covering certain future interests in oil and gas rights in the lands described therein is issued concurrently herewith as requested in an application filed by lessee,

Now, therefore, as part of the consideration for the issuance of said lease and as supplemental thereto, the lessee hereby agrees:

SECTION 1. *Rights and obligations of lessee.* (a) To pay to the United States an annual rental in advance at the rate of 25 cents an acre or fraction thereof for the lands subject to said lease, until said lease becomes effective as to the respective tracts therein described or until production is had on the leased lands. Such rental shall not be prorated for the year or years in which said lease becomes effective or the year production is had.

(b) To pay the United States a royalty, until said lease becomes effective as to the respective tracts therein described, on all oil and gas produced from or allocated to the respective tracts subject to said lease, in value or, at the option of lessor, in kind, delivered free of cost and in merchantable condition, at the applicable following per centums: When the interval from the date of receipt of said lease application to the date that ownership of the mineral estate will vest in the United States is:

	Percent
Not more than 5 years	5
More than 5 years, but not more than 10 years	4
More than 10 years, but not more than 15 years	3
More than 15 years	1

Where the United States owns only part of the future mineral interest in any tract covered by this agreement the percentage of royalty specified in the agreement shall apply to the fractional future interest in that tract in that proportion.

(c) To compensate the United States in full for any loss in royalty caused by drainage from the leased lands. The amount of such compensatory royalty shall be determined under instructions of the Secretary and shall be due and payable monthly on the last day of the calendar month next following the calendar month in which the drainage occurred.

(d) To furnish the Geological Survey all reports necessary to enable it to compute the royalty payable hereunder in accordance with the operating regulations (30 CFR 221).

(e) To make rental, royalty, or other payments to the lessor, to the order of the Treasurer of the United States, and unless otherwise directed by the Secretary of the Interior, such payments to be tendered to the Director of the Bureau of Land Management, Washington 25, D. C.

(f) To furnish and maintain a corporate surety bond conditioned upon compliance with the terms and conditions of this agreement, in the penal sum of $1,000 prior to discovery of oil or gas on the lands described in the lease and to substitute a like bond after discovery for not to exceed $5,000, if required by the Bureau of Land Management.

SEC. 2. *Transfer of oil and gas rights.* Not to make a transfer of the future interest lease and this supplemental agreement in whole or in part without a concurrent transfer to the same extent and to the same party of the rights to the present mineral interests which were the basis for the issuance of such future interest lease and agreement, nor will he make any transfer in whole or in part of the rights to the present mineral interests which were the basis for the issuance of the future interest lease and this agreement without a transfer of the future interest lease and this agreement to the same extent and to the same party. Within 30 days after the execution of any such transfer, three certified copies of the transfer of such agreement, future interest lease, and rights to the present mineral interest shall be furnished to the Bureau of Land Management for approval of the transfer as to the future interest lease and this agreement, together with the address of the transferee, if not shown, in the transfer, and a new bond unless there is submitted the consent to the transfer of the surety on the existing bond.

SEC. 3. *Termination of operating rights.* That, if lessee holds only leasehold or operating rights to the present mineral interests, his obligations under this agreement and the right to hold the future interest lease shall cease and terminate to the same extent that such rights to the present mineral interests are released, surrendered, canceled, or otherwise terminated prior to the expiration of the present mineral interests; and to furnish to the Bureau of Land Management within 30 days after such release, surrender, or cancellation has been executed, three certified copies thereof, together with the consent of the surety, if it is only a partial release, surrender, or cancellation, to remain bound as to the interests retained, or to give notice of such termination to the Bureau of Land Management within 30 days after it occurs.

SEC. 4. *Forfeiture and default.* That if lessee shall default in performance or observance of any of the terms, covenants, or stipulations hereof, and such default is continued for a period of 30 days after service of written notice thereof by the United States, this agreement may be canceled by the Director, Bureau of Land Management; but this provision shall not be construed to prevent the exercise by the United States of any legal or equitable right which it might otherwise have. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this agreement for any other cause of forfeiture or for the same cause occurring at any other time.

SEC. 5. *Heirs and successors in interest.* That each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall enure to the heirs, executors, administrators, successors or assigns of the respective parties hereto.

SEC. 6. *Unlawful interest.* That no Member of or Delegate to the Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior shall be admitted to any share or part of this agreement, or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States, and sections 431, 432, and 433, Title 18, United States Code, relating to contracts, enter into and form a part of this agreement so far as the same may be applicable.

In witness whereof:

THE UNITED STATES OF AMERICA,
By _____
(Director of the Bureau of Land Management)

_____
_____
_____
(Lessee)

Witnesses to signature of lessee:

_____
_____

(If lessee is a corporation, the corporate seal must be affixed opposite the lessee's signature.)

The reporting requirements of this lease have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F. R. Doc. 50-6863; Filed, Aug. 4, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED LIMA BEANS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Canned Lima Beans, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and Public Law 585, 81st Congress, approved June 29, 1950. This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.169 *Canned lima beans.* (a) "Canned lima beans" means canned lima beans as defined in the definitions and standards of identity for canned vegetables (21 CFR Cum. Supp. 52.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) *Types of canned lima beans.* (1) Canned lima beans consist of either (i) the thin-seeded varietal types, such as the Henderson Bush varieties or (ii) the thick-seeded varietal types, such as the Fordhook variety.

(c) *Grades of canned lima beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects, and are of such quality with respect to character, clearness of liquor, and the aforesaid factors as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a reasonably good color; that are reasonably free from defects, and are of such quality with respect to character, clearness of liquor, and the aforesaid factors as to score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that possess a fairly clear liquor; that are fairly free from defects; that possess a fairly good character, and score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of canned lima beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with lima beans as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(e) *Recommended minimum drained weight.* (1) The drained weight recommendations in Table No. I hereof are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades.

(2) The drained weight of canned lima beans is determined by emptying the contents of the container upon a No. 8, sieve of proper diameter and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and for containers of equal or smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. I

[Recommended minimum drained weights (in ounces) of lima beans]

Container size or designation:	*Drained weight*
8-ounce Tall	5½
No. 1 (Picnic)	7
No. 1 Tall	10¾
No. 300	9¾
No. 303	11
No. 2	13½
No. 10	72
No. 303 jar	11

(f) *Sizes of lima beans in canned lima beans.* The size of lima beans is not a factor of quality of canned lima beans for the purpose of these grades. The size of a lima bean is determined by measuring the greatest width through the center at right angles to the longitudinal axis of the bean. The designations of the various sizes of lima beans packed as canned beans are shown in table No. II of this section.

TABLE NO. II

[Sizes of lima beans in canned lima beans]

Word designation	Number designation	Size of lima beans (inches in width)
Tiny	No. 1	$\frac{32}{64}$ inch in width and smaller.
Small	No. 2	Over $\frac{32}{64}$ inch to and including $\frac{36}{64}$ inch in width.
Medium	No. 3	Over $\frac{36}{64}$ inch to and including $\frac{38}{64}$ inch in width.
Large	No. 4	Larger than $\frac{38}{64}$ inch in width.

(g) *Ascertaining the grade.* (1) The grade of canned lima beans is ascertained by considering in conjunction with the other requirements of the respective grade, the respective ratings of the factors of color, clearness of liquor, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on a scale of 100. The maximum number of points that may be given such factors is:

Factor:	*Points*
(i) Color	35
(ii) Clearness of liquor	10
(iii) Absence of defects	25
(iv) Character	30
Total score	100

(3) "Normal flavor and normal odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(h) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "8 to 10 points" means 8, 9, or 10 points).

(1) *Color.* (i) "Green" means that the individual lima bean, with respect to (*a*) thin-seeded types possesses as much or more green color than Plate 19, G–1, and, with respect to (*b*) thick-seeded types possesses as much or more green color than Plate 12, L–2, as illustrated in Maerz and Paul's Dictionary of Color.

(ii) "Pale green" means that the individual lima bean, with respect to (*a*) thin-seeded types possesses less green color than Plate 19, G–1 but possesses as much or more green color than Plate 11, G–1, and, with respect to (*b*) thick-seeded types possesses less green color than Plate 12, L–2, but possesses as much or more green color than Plate 11, L–3, as illustrated in Maerz and Paul's Dictionary of Color.

(iii) "White" means that the individual lima bean, with respect to (*a*) thin-seeded types possesses less green color than Plate 11, G–1, and, with respect to (*b*) thick-seeded types possesses less green color than Plate 11, L–3, as illustrated in Maerz and Paul's Dictionary of Color.

(iv) Canned lima beans that possess a good color may be given a score of 32 to 35 points. "Good color" means that the canned lima beans possess a bright,

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

typical color, and with respect to thin-seeded types contain not less than 90 percent, by count, of green beans and not more than 10 percent, by count, may be pale green and white, of which not more than 1 percent, by count, may be white; and with respect to thick-seeded types contain not less than 90 percent, by count, of green lima beans and not more than 10 percent, by count, may be pale green and white, of which not more than 3 percent, by count, may be white beans.

(v) If the canned beans possess a reasonably good color a score of 29 to 31 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the canned lima beans possess a typical color and with respect to thin-seeded types contain not less than 50 percent, by count, of green beans and the remainder may be pale green and white, of which not more than 25 percent, by count, may be white beans; and with respect to thick-seeded types contain not less than 50 percent, by count, of green lima beans and the remainder may be pale green or white.

(vi) Canned lima beans that possess a fairly good color may be given a score of 26 to 28 points. Canned lima beans that score in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned lima beans possess a typical color and with respect to thin-seeded types may contain less than 50 percent, by count, of green beans or pale green beans or more than 25 percent, by count, of white beans; and with respect to thick-seeded types may contain less than 50 percent, by count, of green beans or pale green beans or more than 50 percent, by count, that may be white beans.

(vii) Canned lima beans that are definitely off color or fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 25 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Clearness of liquor.* (i) Canned lima beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means that the liquor may be slightly cloudy and that not more than a small amount of sediment is present.

(ii) If the canned lima beans possess a reasonably clear liquor a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be somewhat cloudy and may contain a considerable amount of sediment.

(iii) Canned lima beans that possess a fairly clear liquor may be given a score of 5 to 6 points. "Fairly clear liquor" means that the liquor may be dull in color; and may be rather viscous, creamlike or starchy.

(iv) Canned lima beans that possess a liquor that is definitely off color for any reason or contain an excessive amount of sediment may be given a score of 0 to 4 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, mashed or broken beans and from beans that are blemished or seriously blemished by discoloration, pathological injury, insect injury or blemished by other means.

(*a*) "Extraneous vegetable matter" means pods or pieces of pods, leaves, stems, and other similar vegetable matter.

(*b*) "Mashed and broken" means broken or crushed so that the bean has lost its original conformation or is broken to the extent that a cotyledon or portion thereof has become separated from the bean.

(*c*) "Loose skin" means a whole skin which has become separated from the cotyledons or loose pieces of skin aggregating the equivalent of an average size whole skin.

(*d*) "Loose cotyledon" means a whole cotyledon which has become separated from the skin or loose pieces of a cotyledon aggregating the equivalent of an average size cotyledon.

(*e*) "Blemished" means blemished by discoloration, pathological injury, insect injury or blemished by other means to such an extent that the aggregate blemished area materially affects the appearance of the bean.

(*f*) "Seriously blemished" means blemished to such an extent that the aggregate blemished area seriously affects the appearance or eating quality of the bean.

(ii) Canned lima beans that are practically free from defects may be given a score of 22 to 25 points. "Practically free from defects" means that for each 12 ounces drained weight there may be present extraneous vegetable matter having an aggregate area of not more than 3/16 square inch (1/2" x 3/8") on one surface of the piece or pieces; not more than 5 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; and not more than 4 percent, by count, may be blemished or seriously blemished beans and of such 4 percent not more than 1/8 thereof or 1/2 percent, by count, may be seriously blemished.

(iii) If the canned lima beans are reasonably free from defects a score of 20 to 21 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that for each 12 ounces drained weight there may be present extraneous vegetable matter having an aggregate area of not more than 1/4 square inch (1/2" x 1/2") on one surface of the piece or pieces; not more than 10 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; and not more than 6 percent, by count, may be blemished or seriously blemished beans and of such 6 percent not more than 1/8 thereof or 1 percent, by count, may be seriously blemished.

(iv) Canned lima beans that are fairly free from defects may be given a score of 18 to 19 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that for each 12 ounces drained weight there may be present extraneous vegetable matter having an aggregate area of not more than 1/2 square inch (1" x 1/2") on one surface of the piece or pieces; not more than 15 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; and not more than 8 percent, by count, may be blemished or seriously blemished beans and of such 8 percent not more than 1/4 thereof or 2 percent, by count, may be seriously blemished.

(v) Canned lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* (i) The factor of character refers to the tenderness and maturity of the product.

(ii) Canned lima beans that possess a good character may be given a score of 27 to 30 points. "Good character" means that not less than 90 percent, by count, of the lima beans are in the early stages of maturity; and possess a tender texture; and the remainder are at least in the fairly early stage of maturity and possess a reasonably tender texture.

(iii) If the canned lima beans possess a reasonably good character a score of 24 to 26 points may be given. "Reasonably good character" means that not less than 50 percent, by count, of the lima beans are in the early stages of maturity; and possess a tender texture; and the remainder are at least in the fairly early stage of maturity or nearly mature and possess at least a fairly tender texture.

(iv) Canned lima beans that possess a fairly good character may be given a score of 21 to 23 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the lima beans may be nearly mature and possess a fairly tender texture, may be firm and mealy but not hard, or may be soft but not mushy.

(v) Canned lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(i) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned lima beans the grade of such

lot will be determined by averaging the total scores of all containers, if

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for canned lima beans.*

Size and kind of container	------
Container marks or identification	------
Label	------
Net weight (ounces)	------
Vacuum (inches)	------
Drained weight (ounces)	------
Variety (thin or thick seeded)	------
Size	------
Color:	
Percent green	------
Percent pale green	------
Percent white	------

Factors		Score points	
I. Color	35	(A)	32-35
		(B)	1 29-31
		(C)	1 26-28
		(D)	1 0-25
II. Clearness of liquor	10	(A)	9-10
		(B)	7- 8
		(C)	5- 6
		(D)	1 0- 4
III. Absence of defects	25	(A)	22-25
		(B)	1 20-21
		(C)	1 18-19
		(D)	1 0-17
IV. Character	30	(A)	27-30
		(B)	24-26
		(C)	1 21-23
		(D)	1 0-20
Total score	100		

Grade	------
Normal flavor and odor	------

1 Indicates limiting rule.

Issued at Washington, D. C., this 1st day of August 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-6901; Filed, Aug. 4, 1950; 8:51 a. m.]

[7 CFR, Part 940]

PEACHES GROWN IN COUNTY OF MESA IN COLORADO

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND THE FIXING OF THE RATE OF ASSESSMENT FOR THE 1950-51 FISCAL YEAR

Consideration is being given to the following proposals which were submitted by the Administrative Committee, established under the marketing agreement and Order No. 40 (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $6,750.00 are likely to be incurred by said committee during the fiscal year beginning May 1, 1950, and ending April 30, 1951, both dates inclusive, for its maintenance and functioning under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler shall pay in accordance with the provisions of the aforesaid marketing agreement and order during the aforesaid fiscal year, the rate of assessment at $0.01 per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 940)

Issued this 2d day of August 1950.

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

[F. R. Doc. 50-6900; Filed, Aug. 4, 1950; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1950, 37th Supp.]

TRANSPORTATION INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

JULY 28, 1950.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the act of Congress approved March 23, 1910, 36 Stat. 241 (U. S. Code, title 6, secs. 6-13), as an acceptable surety on Federal bonds. An underwriting limitation of $224,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-6886; Filed, Aug. 4, 1950; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CORRECTION TO SMALL TRACT CLASSIFICATION ORDER NO. 228

JULY 26, 1950.

Notice of Small Tract Classification Order, California No. 228, published in 15 F. R. 4379, is corrected as follows:

Paragraph 4, section (a), third line: change "1950" to "1949."

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 50-6861; Filed, Aug. 4, 1950; 8:45 a. m.]

Office of the Secretary

[Order 2509, Amdt. 7]

ACQUISITION OF REAL ESTATE BY CONDEMNATION

DELEGATIONS OF AUTHORITY

JULY 31, 1950.

A new section, numbered 28 and reading as follows, is added to Order No. 2509:

SEC. 28. *Acquisition of real estate by condemnation.* (a) The Solicitor of the Department of the Interior is authorized to exercise the power of the Secretary of the Interior under section 1 of the act of August 1, 1888 (25 Stat. 357), as amended (40 U. S. C., 1946 ed., Supp. III, sec. 257), to acquire real estate for the United States by condemnation, under judicial process, whenever in the opinion of the Solicitor it is necessary or advantageous to the Government to do so, and the Solicitor is authorized to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation.

(b) The Solicitor of the Department of the Interior is authorized to exercise the power of the Secretary of the Interior under section 1 of the act of February 26, 1931 (46 Stat. 1421, 40 U. S. C., 1946 ed., sec. 258a), to sign declarations of taking.

(Issued under section 2, Reorganization Plan No. 3 of 1950, 15 F. R. 3174)

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 50-6864; Filed, Aug. 4, 1950; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 3718, 3867]

SOUTHWEST AIRWAYS CO. AND UNITED AIR LINES, INC.; SOUTHWEST RENEWAL, UNITED SUSPENSION CASE

NOTICE OF REOPENED HEARING

In the matter of the renewal of the temporary certificate of public convenience and necessity for route No. 76 held by Southwest Airways Company, its amendment to include Salinas, Calif., and Klamath Falls, Oreg., as intermediate points thereon for a period of five years, and the temporary suspension of the certificate of public convenience and necessity held by United Air Lines, Inc., insofar as said certificate authorizes the holder to provide air transportation of persons, property, and mail to Eureka-Arcata, Red Bluff, Santa Barbara, and Monterey, Calif., for a period of five years or less and to Salinas, Calif., and Klamath Falls, Oreg., for an indefinite period.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (h), and 1001 thereof, and the orders of the Board in this proceeding, including, inter alia, Serial Nos. E–4292 adopted June 6, 1950, and E–4315 adopted June 16, 1950, that the record in this proceeding will be reopened and further hearing held on August 14, 1950, at 10:00 a. m., e. d. t., in the South Lounge of the Hotel Carlton, 923 Sixteenth Street NW., Washington, D. C., before Hearing Examiner Paul N. Pfeiffer.

The scope of the issues involved in this reopened hearing will be limited to the following:

1. The effect of the proposed merger between Southwest Airways Company and West Coast Airlines, Inc., upon the substitution-suspension issues in this proceeding.

2. The effect of the proposed suspensions in this proceeding upon the rights of certain of the pilot and co-pilot members of the intervenor, Air Line Pilots Association, International.

Notice is further given that any person desiring to be heard in this proceeding must have filed with the Board on or before August 14, 1950, a statement setting forth the issues of fact and law which he desires to controvert.

For further details with respect to this proceeding, interested persons are referred to the pertinent orders of the Civil Aeronautics Board and the other material on file in the docket.

Dated at Washington, D. C., August 1, 1950.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 50–6895; Filed, Aug. 4, 1950; 8:50 a. m.]

[Docket No. 4515]

MID-WEST AIRLINES, INC.

NOTICE OF HEARING

In the matter of compliance with section 401 (l) (1) of the Civil Aeronautics Act by Mid-West Airlines, Inc.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (l) (1), 1001, and 1002 (b) thereof, a hearing in the above-entitled proceeding is assigned to be held on August 9, 1950, at 10:00 a. m., e. d. s. t., in Room C–116, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner J. Earl Cox.

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

1. Has Mid-West Airlines, Inc., violated the Civil Aeronautics Act by failing to comply with the requirements of section 401 (l) (1) with respect to minimum rates of compensation of its pilots?

2. If such violation has occurred should the Board issue an order directing the respondent to cease and desist from any violation of the Civil Aeronautics Act or take other appropriate action?

For further details as to the matters involved reference can be made to the order instituting this proceeding (Serial No. E–4300) adopted by the Board on the 8th day of June 1950, the report of the prehearing conference, and other papers contained in the docket of this proceeding.

Dated at Washington, D. C., July 31, 1950.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 50–6894; Filed, Aug. 4, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1410]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

On June 5, 1950, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application for an emergency certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to the public. On July 7, 1950, Applicant filed an amendment to said application, requesting that the word "emergency" be deleted wherever it appeared therein. On July 24, 1950, the Commission granted to Applicant temporary authorization to proceed with construction of the proposed facilities.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on June 23, 1950 (15 F. R. 4064–4065).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on August 22, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

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

Date of issuance: August 1, 1950.

By the Commission.

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

[F. R. Doc. 50–6878; Filed, Aug. 4, 1950; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, field organization and final delegations of authority, is amended as follows:

1. Subparagraph (r) is added to section III b 7, as follows:

(r) To execute, on behalf of the PHA, as authorized by section 10 (h) of the United States Housing Act of 1937, as amended, amendments to the contract for loan and annual contributions in respect to locally owned P. L. 412 projects in permanent financing and amendments to the contract for financial assistance in respect to locally owned P. L. 671 projects, between a Local Housing Authority and the PHA, to permit the Local Housing Authority to increase its payments in lieu of taxes to an amount not in excess of ten per cent of annual shelter rents.

2. Paragraph 11 is added to section III b, as follows:

11. Effective June 19, 1950, in respect to Farm Labor Camps and other properties transferred to the PHA from the Secretary of Agriculture pursuant to the provisions of section 205 of Public Law 475 (81st Cong.):

(a) To execute on behalf of the PHA extensions of existing revocable use permits, and to execute new revocable use permits to Local Housing Authorities and to present operators.

Approved: July 31, 1950.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 50–6865; Filed, Aug. 4, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25293]

SOYBEAN OIL FROM PENSACOLA, FLA., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

AUGUST 2, 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: R. E. Boyle, Jr., Agent, for and on behalf of the St. Louis-San Francisco Railway Company and other carriers named in the application.

Commodities involved: Soybean oil, carloads.

From: Pensacola, Fla.

To: New Orleans, La.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 933, Supplement 97.

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. 50-6874; Filed, Aug. 4, 1950; 8:48 a. m.]

[4th Sec. Application 25294]

GRAIN FROM OMAHA, NEBR., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

AUGUST 2, 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: L. E. Kipp, Agent, for and on behalf of the Chicago, Burlington & Quincy Railroad Company and other carriers parties to the application.

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

From: Omaha, Nebr.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3712, Supplement 23.

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. 50-6875; Filed, Aug. 4, 1950; 8:48 a. m.]

[4th Sec. Application 25295]

LUBRICATING OIL FROM PENNSYLVANIA TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

AUGUST 2, 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: L. C. Schuldt, Acting Agent, for and on behalf of The Baltimore and Ohio Railroad Company and other carriers named in the application.

Commodities involved: Petroleum lubricating oil, tank-car loads.

From: Points in Pennsylvania.

To: St. Louis, Mo.

Grounds for relief: Competition with motor-water carriers.

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. 50-6876; Filed, Aug. 4, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2432]

COLUMBIA GAS SYSTEM, INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of August A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of $90,000,000 principal amount of Series B debentures due 1975; and

The Commission having, by order dated July 25, 1950, permitted said declaration, as amended, to become effective, subject to the condition, among others, that the proposed sale of debentures shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all legal fees and expenses in connection with the proposed transactions; and

Columbia having, on August 1, 1950, filed a further amendment to said declaration in which it is stated that it has offered the debentures for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to Columbia,[1] percent of principal	Interest rate (percent)	Cost to Columbia (percent)
Morgan Stanley & Co.	101.88	3	2.89384
Halsey, Stuart & Co., Inc.	101.707	3	2.90351

[1] Exclusive of accrued interest from Aug. 1, 1950.

The amendment further stating that Columbia has accepted the bid of Morgan Stanley & Co. for the debentures as set forth above and that the debentures will be offered for sale to the public at a price of 102.308% of principal amount thereof, resulting in an underwriter's spread of 0.428%; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said debentures, and redemption prices thereof, the interest rate thereon and the underwriter's spread;

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said debentures be, and the same hereby is, released, and that the said declaration, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in

Rule U-24 of the general rules and regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over all legal fees and expenses in connection with the proposed transaction be, and the same hereby is, continued.

By the Commission.

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

[F. R. Doc. 50-6867; Filed, Aug. 4, 1950; 8:46 a. m.]

[File No. 70-2440]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of July A. D. 1950.

In the matter of Attleboro Steam and Electric Company, Central Massachusetts Electric Company, Gardner Electric Light Company, Worcester Suburban Electric Company, New England Power Company, Worcester County Electric Company, File No. 70-2440.

Attleboro Steam and Electric Company ("Attleboro"), Central Massachusetts Electric Company ("Central"), Gardner Electric Light Company ("Gardner"), Worcester Suburban Electric Company ("Worcester Suburban"), New England Power Company ("NEPCO"), and Worcester County Electric Company ("Worcester County"), all subsidiary companies of New England Electric System ("NEES"), a registered holding company, having filed separate applications pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, with respect to the following proposed transactions:

Applicant companies propose to issue, from time to time but not later than September 30, 1950, additional unsecured promissory notes, due May 31, 1951. Applicants' notes presently outstanding and proposed to be issued, together with the total amount of notes to be outstanding, are shown in the following table:

Name	Presently outstanding	Proposed to be issued	Total to be outstanding
Attleboro	$380,000	$60,000	$440,000
Central	900,000	100,000	1,000,000
Gardner	450,000	50,000	500,000
Worcester Suburban	2,050,000	50,000	2,100,000
NEPCO	4,400,000	6,100,000	10,500,000
Worcester County	4,550,000	1,500,000	6,050,000
Total	12,730,000	7,860,000	20,590,000

The notes are to be issued pursuant to bank loan agreements, as amended, entered into by the applicant companies and certain other subsidiary companies of NEES, as described in Holding Company Act Release Nos. 8253 and 9527.

The applicant companies have agreed to reduce the amount of bank notes outstanding to the extent of any permanent financing, except indebtedness to NEES, and to reduce the amount of bank notes authorized by this Commission but not issued prior to such financing, to the extent of the excess of such financing over the amount of notes then outstanding. In addition, it is indicated that the amount of promissory notes authorized to be issued by NEPCO will be reduced by the amount received by NEES in the event it sells its investment in the common shares of its subsidiary, Fall River Electric Light Company.

The applicant companies state that the proceeds to be derived from said unsecured promissory notes will be used to replenish any depletion of working capital occasioned by the construction of property already in progress and to finance proposed construction through September 30, 1950.

Incidental services in connection with the notes proposed to be issued will be performed by New England Power Service Company, an affiliate service company, at the actual cost thereof. The total amount of expenses in connection with the proposed transactions are estimated to be $100 for each of the applicant companies, an aggregate of $600.

The Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issuance of notes by the applicant companies and, in addition, the Public Service Commission of the State of New Hampshire and the Vermont Public Service Commission have approved the notes proposed to be issued by NEPCO.

The applicant companies request that the Commission's order herein be and become effective upon issuance.

Said applications having been filed on July 19, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said applications within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions meet the exemption requirements of section 6 (b) of the act and the Commission deeming it appropriate that said applications be granted without the imposition of any terms and conditions other than those contained in Rule U-24 and the Commission also deeming it appropriate to grant said applicant companies' request that the order herein become effective forthwith upon its issuance:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said applications, be, and the same hereby are, granted forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

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

[F. R. Doc. 50-6868; Filed, Aug. 4, 1950; 8:46 a. m.]

[File No. 70-2442]

COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS CO. OF WEST VIRGINIA

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of July 1950.

Notice is hereby given that a joint application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Natural Gas Company of West Virginia ("Natural Gas"). Applicants have designated sections 6 (b), 9 and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 10, 1950, at 5:30 p. m., e. d. 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 August 10, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules 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 are summarized as follows:

Natural Gas proposes to issue and sell to Columbia $1,400,000 principal amount of 3¼% installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Natural Gas to finance its 1950 construction program.

The applicant states that the issue and sale of the proposed notes by Natural Gas is subject to the jurisdiction of the Public Service Commission of West Virginia and that the order of said Commission will be supplied by amendment to the instant application.

By the Commission.

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

[F. R. Doc. 50-6869; Filed, Aug. 4, 1950; 8:47 a. m.]

[File No. 54-178]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of July A. D. 1950.

The Commission, by Order dated January 10, 1950, having approved a plan, as amended, providing for the liquidation and dissolution of The United Light and Railways Company ("Railways"), a registered holding company, and its regis-

tered holding company subsidiary, Continental Gas & Electric Corporation ("Continental"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, which plan, inter alia, provides that the distribution by Railways to its common stockholders of the common stock of Iowa-Illinois Gas and Electric Company ("Iowa-Illinois") will be made by a depositary to be selected by Railways, after notice to the Commission of the method used in selecting such depositary and the fees to be paid; and that the rights of Railways' stockholders to receive such distribution of the stock of Iowa-Illinois shall expire on a date to be fixed by Railways with the approval of the Commission, after which date the unclaimed shares of stock will be sold and the net proceeds together with dividends received by the depositary upon the shares sold, shall be paid to the stockholders entitled thereto or held for their benefit until December 31, 1955, as provided in the amended plan; and

Railways having filed a supplemental application, designated Supplemental Application No. 9, stating that it requested bids from three New York and two Chicago banks, including Iowa-Illinois' New York and Chicago transfer agents, of the charges to be made for their services for acting as such depositary, that the bid of The First National Bank of Chicago, Iowa-Illinois transfer agent, will provide the necessary depositary service at the lowest cost, and that Railways proposes, subject to the approval of the Commission, to select The First National Bank of Chicago, Illinois, as such depositary and to pay it a fee of $4,900; and said supplemental application further stating that Railways proposes to fix December 1, 1951, as the date on which the rights of stockholders to receive the securities to be distributed shall expire; and applicant having requested that our order herein become effective upon its issuance; and

It appearing that the other fees and expenses, consisting of $2,100 to Bankers Trust Company, Railways' transfer agent, and $500 for miscellaneous, printing, mailing, mimeographing, etc., to be incurred in connection with the transaction are not unreasonable; and

The Commission finding that the selection of the depositary and the fixing of December 1, 1951, as the date on which the rights of stockholders to receive the securities of Iowa-Illinois to which they are entitled in the proposed distribution shall expire are in accordance with the plan, and that the standards of the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder have been satisfied, and observing no basis for adverse findings with respect thereto, and deeming it appropriate in the public interest and in the interest of investors to grant said supplemental application and said request for acceleration of the effective date of this order:

It is ordered, That said supplemental application be, and it hereby is, granted, and that this order shall become effective upon its issuance.

By the Commission.

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

[F. R. Doc. 50-6870; Filed, Aug. 4, 1950; 8:47 a. m.]

[File No. 70-2428]

THOMAS KENWORTHY ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of July A. D. 1950.

In the matter of Thomas Kenworthy, John S. Cooper, Halbert McN. Jones, et al., File No. 70-2428.

Thomas Kenworthy and certain other individuals comprising two separate groups, John S. Cooper and Clark Cooper, Jr. (the "Cooper Group") and Halbert McN. Jones, Elizabeth M. Jones, Mary Ellen Jones, Halbert McN. Jones, Jr., Mrs. Mary J. McCoy, Ina McN. Avinger, Edwin Morgan, Anna B. Evans and James A. Jones (the "Jones Group"), having filed an application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 (the "act") with respect to the following proposed transaction:

Kenworthy and the individuals comprising the Cooper and Jones groups propose to acquire from certain other individuals, respectively, 17,500 (17.8 percent), 6,386 (6.5 percent), and 15,000 shares (15.3 percent) of the 98,240 outstanding shares of common stock of Pennsylvania & Southern Gas Company ("Pennsylvania & Southern"), a public utility holding company, for a cash consideration of $5.00 per share. Of the outstanding common stock of Pennsylvania & Southern, 42,146 shares (42.9 percent) are owned by Mark Anton, H. Emerson Thomas, R. Gould Morehead, and Sylvester C. Smith, Jr. (the "Anton Group"), who have filed with the Commission a statement for the purpose of qualifying for an exemption pursuant to Rule U-9, and who, among others, are included in the selling group. After consummation of the proposed acquisition none of the members of the Anton Group will own any common stock of Pennsylvania & Southern, except H. Emerson Thomas who will retain 5,000 shares of his present holdings of such stock.

The companies in the Anton Group holding company system are five gas utility companies and Pennsylvania & Southern and its subsidiaries. The filing states that it is contemplated that Pennsylvania & Southern will, after consummation of the proposed acquisition, file a statement with the Commission for the purpose of qualifying for an exemption pursuant to Rule U-9;

It appearing from the filing that each of the buyers proposes to pay brokers commissions of 25 cents per share to Lewis C. Dick Company, of Philadelphia, and of 12½ cents per share to Bioren & Co., of Philadelphia; that Bioren & Co. is also to receive from each of the sellers a brokers commission of 10 cents per share; and that legal fees and expenses estimated at $500 in connection with the proposed acquisition will be paid by Lewis C. Dick Company; and

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

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the act are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, as amended:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and, subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be and it hereby is, granted forthwith.

By the Commission.

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

[F. R. Doc. 50-6871; Filed, Aug. 4, 1950; 8:47 a. m.]

[File No. 812-680]

PENNSYLVANIA INDUSTRIES, INC.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of August A. D. 1950.

Notice is hereby given that Pennsylvania Industries, Inc. (hereinafter referred to as the Company, has filed an application pursuant to sections 6 (c) and 17 (b) of the Investment Company Act of 1940 (hereinafter referred to as the act) for an order of the Commission exempting from section 17 of the act the transaction herein described.

The Company is a Delaware corporation and is a management investment company registered under the act. The Company is the beneficial owner of 15,500 shares of Prior Preferred Stock, First Series 5½ percent, and of 124,934 shares of the Common Stock of Pittsburgh Steel Company. These holdings represent 20.8 percent of the outstanding voting shares of Pittsburgh Steel Company. It is conceded in the application that Pittsburgh Steel Company is an affiliated person of the Company as defined in section 2 (a) (3) of the act.

J. H. Hillman, Jr., J. H. Hillman, III, J. H. Hillman & Sons Company, W. J. Rainey, Inc., Hecla Coal & Coke Company and Hillman Land Company are all controlled, directly or indirectly by J. H. Hillman, Jr., and are referred to

in the application as the "Hillman Group", which group owns 36,236 shares, comprising 56.09 percent of the $6 Cumulative Preferred Stock and 21,927.84 shares or 92.39 percent of the Common Stock, $25 Par Value, of the Company. The Hillman Group is therefore an affiliated person of the Company within the definition of section 2 (a) (3) of the act. This Group owns 1,520 shares of the Prior Preferred Stock, First Series, 5½ percent, 1,010 shares of Class A 5 percent Stock, 201 shares of Class B 7 percent Preferred Stock and 15,653 shares of Common Stock of Pittsburgh Steel Company, which represents in the aggregate approximately 2.7 percent of the outstanding voting shares of the Company.

Pittsburgh Steel Company has proposed a Plan of Capital Readjustment, dated June 26, 1950, whereby holders of shares of the Prior Preferred Stock, First Series, 5½ percent, and of Class A, 5 percent Preferred Stock of Pittsburgh Steel Company may, subject to certain limitations set forth in said Plan, exchange their present holdings on the following basis:

For each share of prior preferred stock, first series, 5½ percent: ½ share of prior preferred stock, first series, 5½ percent (identical stock) and 3½ shares of common stock.

For each share of class A, 5 percent preferred stock and dividend arrearages thereon, amounting to $50.625 per share: 9/10 of a share of prior preferred stock, first series, 5½ percent, and 4½ shares of common stock.

The Plan provides that the number of shares of Common Stock of Pittsburgh Steel Company to be made available for exchange under said Plan is limited to 450,000 shares (accordingly, if on July 28, 1950, more stock has been deposited for exchange than can be exchanged within the limit of the 450,000 shares of Common Stock made available, the acceptance of the shares theretofore deposited will be pro rated to the nearest full share so that only 450,000 shares of Common Stock of Pittsburgh Steel Company will be issued). The Plan further provides that any shares of Common Stock of Pittsburgh Steel Company remaining available for exchange after the close of business on July 28, 1950, will be used to complete exchanges of stock tendered for delivery after that date and shares so tendered will be exchanged upon receipt on a first-come, first-served basis, so long as the supply of Common Stock available for exchange lasts. No stock may in any event be deposited for exchange after the close of business on September 8, 1950, or after the close of business on such later date as may be fixed by future action by the Board of Directors.

The application requests exemption for a proposed transaction wherein the Company would exchange 7,750 shares of Prior Preferred Stock, First Series, 5½ percent of Pittsburgh Steel Company owned by it for 3,875 shares of Prior Preferred Stock, First Series, 5½ percent, and 27,125 shares of Common Stock. The Company asserts that participation in the voluntary capital readjustment plan to the extent of one-half of its holdings of Prior Preferred Stock will enable Pitsburgh Steel Company to eliminate dividend arrearages on its Class A, 5 percent Preferred Stock, amounting to $50.625 per share and to increase the market value of the shares of common stock held by the Company. It is further claimed that such exchange which will convert a portion of the Prior Preferred Stock, First Series, into Common Stock will result in acquisition of stock which has a much wider and more active market than the Prior Preferred.

The applicants specifically request an order of the Commission pursuant to section 17 (b) of the act exempting the proposed exchange as outlined above from the provisions of section 17 (a) of the act which makes it unlawful for an affiliated person of a registered investment company to purchase any security or property from such investment company and pursuant to section 6 (c) of the act to exempt in its entirety the transaction between the Company and Pittsburgh Steel Company.

For a more detailed statement of the matters of fact and law asserted all interested persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington 25, D. C.

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

(1) Whether the terms of the proposed exchange, including the consideration to be given and received by the Company are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether said proposed exchange is consistent with the policy of the Company as set forth in its registration statement and reports filed with the Commission and with the policy of the act;

(3) Whether the proposed exemption of the foregoing section from the provisions of section 17 (a) of the act is necessary or appropriate in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act;

(4) Whether the proposed exemption of the above transaction in its entirety under section 6 (c) of the act is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

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

It is ordered, Pursuant to section 40 (a) of said act that a public hearing of the aforesaid application be held on August 15, 1950 at 10 a. m., e. d. t., in Room 193 of the offices of the Commission, 425 Second Street NW., Washington 25, D. C.

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

Notice of such hearing is hereby given to the above-named Pennsylvania Industries, Inc., Pittsburgh Steel Company and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the hearing officer or the Secretary of the Commission, on or before August 11, 1950, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above matters or issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 50-6927; Filed, Aug. 4, 1950; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 14892]

ICHIZAEMON SUMIYOSHI

In re: Cash owned by Ichizaemon Sumiyoshi. D-39-11665-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 Ichizaemon Sumiyoshi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $267.00, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Ichizaemon Sumiyoshi, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 17, 1950.

For the Attorney General.

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

[F. R. Doc. 50-6887; Filed, Aug. 4, 1950; 8:48 a. m.]

[Vesting Order 14663 Amdt.]

JOSEPH AND PAULA FASTENMAYER

In re: Bank account and securities owned by Joseph Fastenmayer and Paula Fastenmayer and stock and safe deposit box lease owned by Joseph Fastenmayer. D-28-7149-D-1, D-28-7149-E-1, D-28-7149-F-1.

Vesting Order 14663, dated May 15, 1950, is hereby amended to read as follows:

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 Joseph Fastenmayer and Paula Fastenmayer, each of whose last known address is Niedermenchsdorf, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Joseph Fastenmayer and Paula Fastenmayer, by Hamburg Savings Bank, 1451 Myrtle Avenue, Brooklyn 27, New York, arising out of a savings account, entitled Joseph & Paula Fastenmayer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. All rights and interests created in Joseph Fastenmayer, under and by virtue of a safe deposit box lease agreement by and between Joseph Fastenmayer and the Hamburg Savings Bank, 1451 Myrtle Avenue, Brooklyn 27, New York, relating to Safe Deposit Box No. 80, located in the vaults of said bank, including particularly but not limited to, the right of access to said safe deposit box, and

c. All property of any nature whatsoever owned by Joseph and Paula Fastenmayer, located in the safe deposit box referred to in subparagraph 2 (b) hereof, and any and all rights of said persons evidenced or represented thereby, including particularly but not limited to the following:

(1) Three Hundred (300) shares of $1.00 par value capital stock of Yuma Gold Fields, Inc. (Arizona), evidenced by certificate number 165, registered in the name of Joseph and Paula Fastenmayer, together with all declared and unpaid dividends thereon,

(2) One Thousand (1,000) shares of $1.00 par value capital stock of Glenora Gold Mines, Limited, (Ontario), evidenced by certificate number 1639, registered in the name of Paula Fastenmayer and Joseph Fastenmayer, together with all declared and unpaid dividends thereon,

(3) Three (3) Rheinelbe Union, 20 year, 7% Sinking Fund Mortgage Gold bonds, each of $1,000.00 face value, and bearing the numbers, M-19883, M-20425 and M-22530, together with any and all rights thereunder and thereto,

(4) One (1) Rheinelbe Union, 20 year, 7% Sinking Fund Mortgage Gold bond of $1,000.00 face value, bearing the number M-23732 and Non-detachable Purchase Warrant for right to purchase 10 shares of common stock, together with any and all rights in, to and under, the aforesaid bond and Non-detachable Purchase Warrant,

(5) One (1) Ruhr Chemical Corporation, 6% Sinking Fund Mortgage bond, Series A, of $1,000.00 face value, bearing the number M-337, together with any and all rights thereunder and thereto,

(6) Two (2) coupons, each bearing the number 15, detached from bonds of I. G. Farbenindustrie Aktiengesellschaft, numbered A 341782 and 341973, together with any and all rights thereunder and thereto,

(7) Seven (7) United States of America Federal Reserve Notes, each of ten dollar ($10.00) denomination, bearing the following numbers:

B 26005904 B	B 98241561 A
B 42802223 B	B 34194669 B
B 41052099 B	B 19691979 B
B 02133776 B	

(8) One (1) United States of America twenty dollar gold piece, Mint date 1887,

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, Joseph Fastenmayer and Paula Fastenmayer, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: Seventy-one (71) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered LA-94688, registered in the name of Joseph Fastenmayer, together with all declared and unpaid dividend 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, Joseph Fastenmayer, the aforesaid national of a designated enemy country (Germany);

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 July 5, 1950.

For the Attorney General.

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

[F. R. Doc. 50-6888; Filed, Aug. 4, 1950; 8:49 a. m.]

[Return Order 694]

LOUISE MARY HARDY 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., Notice of Intention To Return Published, and Property

Louise Mary Hardy, Claim No. 25722; Rudolph Hardy, Claim No. 25724; Louise Marguerite Hardy, Claim No. 26271; New York, N. Y.; June 22, 1950 (15 F. R. 4038); To Louise Mary Hardy a one-fourth interest and to Rudolph Hardy and Louise Marguerite Hardy each a three-eighth interest in the following described securities presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York: Fifteen (15) National Railways of Mexico three-year 6% secured gold notes, due January 1, 1917, issued in the name of bearer, each of $45 face value bearing the numbers 23842/23856; fifteen (15) National Railways of Mexico prior lien 4½% 50 year sinking fund gold bonds, due July 1, 1957, issued in the name of bearer, each of $1,000 face value, bearing the numbers M34612, M48914, M34702/4 and M37442/51.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6889; Filed, Aug. 4, 1950; 8:49 a. m.]

[Return Order 699]

ALOISIA AFUHS

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., and Property

Aloisia Afuhs, a/k/a Louise Afuhs, a/k/a Luise Afuhs, Vienna, Austria; Claim No. 37366; $4,763.54 in the Treasury of the United States.

Two (2) United States Savings Bonds Series G, 2½% issued November 1, 1943, due November 1, 1955, registered in the name of the Alien Property Custodian, Washington, D. C., Nos. 2041138 at $500; 3940484 at $1,000, in the custody of the Federal Reserve Bank of New York, New York.

Forty (40) shares of Calaveras Copper Company (Delaware) $5.00 par value capital stock, registered in the name of Gustav Afuhs, assigned in blank by Union National Bank, trustee under Will of Gustav Afuhs, deceased, Certificate Nos. A3584 for 10 shares; A3620 for 10 shares; A3619 for 20 shares; in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

One (1) share of Cleveland Engineering Agency Company $25.00 par value capital stock, registered in the name of Gustav Afuhs, assigned to Alien Property Custodian, Washington, D. C., Certificate No. 33 for one share, in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

Two hundred (200) shares Engineer Gold Mines, Ltd., Inc. (Delaware) $5.00 par value capital stock registered in the name of Paine, Webber & Co., assigned in blank by Paine, Webber & Co., Certificate Nos. A8131 for 100 shares; A9120 for 100 shares; in custody of the Deposit and Clearance Section, Comptroller's Branch, 120 Broadway, Office of Alien Property, New York, New York.

One thousand ninety (1,090) shares of Engineer Gold Mines, Ltd., Inc. (Delaware) $5.00 par value capital stock, registered in the name of Gustav Afuhs, assigned in blank by Union National Bank, trustee under Will of Gustav Afuhs, deceased, Certificate Nos. A9278 to A9287, inclusive, for 100 shares each; B3527 for 10 shares; B3545 for 10 shares; B3810 for 40 shares; B3899 for 20 shares; B4401 for 10 shares; in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

Fifty (50) shares of Esmeralda Gold Mining Corporation (Nevada) $1.00 par value preferred capital stock registered in the name of Gustav Afuhs, assigned in blank by Union National Bank, trustee under the Will of Gustav Afuhs, deceased, Certificate No. P-26 for 50 shares; in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

One hundred (100) shares of Esmeralda Gold Mining Corporation (Nevada) $1.00 par value common stock registered in the name of Gustav Afuhs, assigned in blank by Union National Bank, trustee under the Will of Gustav Afuhs, deceased, Certificate No. 47 for 100 shares; in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

One (1) subscription warrant No. 7 for 2080 shares of Engineer Gold Mines, Ltd., Inc., Class A stock at $0.40 per share, bearing notation "Unless payment for this subscription is made in full and in cash on or before June 30, 1932, this warrant is void and of no value", in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

All right, title, interest and claim of any kind or character whatsoever of Luise Afuhs in and to the estate of Gustav Afuhs, deceased, and in and to the trust created under the Will of Gustav Afuhs, deceased.

Notice of intention to return published June 22, 1950 (15 F. R. 4038).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6890; Filed, Aug. 4, 1950; 8:49 a. m.]

[Return Order 700]

COMPAGNIE FRANCAISE DES PRODUITS CHIMIQUES & INDUSTRIELS DU SUD-EST

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., and Property

Compagnie Francaise des Produits Chimiques & Industriels du Sud-Est, a/k/a Saint-Clair, Paris, France; Claim No. 5140; $5,661.15 in the Treasury of the United States; 3 shares of $500 PV common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation, a New York corporation, presently in custody of Safekeeping Department, Federal Reserve Bank of New York.

Societe Anonyme des Matieres, Colorantes et Produits, Chimiques de St. Denis, a/k/a Saint-Denis, Paris, France; Claim No. 5141; $37,547.84 in the Treasury of the United States; 6 shares of $500 PV common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation presently in custody of Safekeeping Department, Federal Reserve Bank of New York.

Manufactures de Produits Chimiques du Nord "Etablissements Kuhlmann" a/k/a Kuhlmann, Paris, France; Claim No. 5142; $39,582.42 in the Treasury of the United States; 10 shares of $500 PV common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation presently in custody of Safekeeping Department, Federal Reserve Bank of New York.

Societe de Produits Chimiques & Matieres Colorantes de Mulhouse, a/k/a Mulhouse, Paris, France; Claim No. 5143; $2,112.78 in the Treasury of the United States; 1 share of $500 PV common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation presently in custody of Safekeeping Department, Federal Reserve Bank of New York.

All right, title and interest of the aforelisted claimants, and each of them, in and to all indebtedness, owing to them, or any of them, by Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness.

H. Peter Rossiger, a/k/a H. P. Roessiger and H. Peter Rossiger-Girard, New York, N. Y.; Claim No. 3815; 1 share of $500 PV common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation presently in custody of Safekeeping Department, Federal Reserve Bank of New York.

Notice of intention to return published April 13, 1950 (15 F. R. 2095).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 50-6891; Filed, Aug. 4, 1950; 8:49 a. m.]

[Return Order 701]

MME. VVE. LUCIEN LOREL

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

Mme. Vve. Lucien Lorel, 20, Boulevard des Moulins, Monte-Carlo, France; Claim No. 41878; June 23, 1950 (15 F. R. 4070); property to the extent owned by Cecile Chaminade immediately prior to the vesting thereof by Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the musical composition "Romanza Appassionata" (listed in Exhibit A of said vesting order) including royalties pertaining thereto in the amount of $122.30.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6892; Filed, Aug. 4, 1950; 8:49 a. m.]

[Return Order 702]

MARIANNE GOLDSCHMIDT-ROTHSCHILD

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., Notice of Intention To Return Published, and Property

Marianne Goldschmidt-Rothschild, Paris, France; Claim No. 40856; June 23, 1950 (15 F. R. 4070); $4,620.60 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C. on July 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-6893; Filed, Aug. 4, 1950; 8:50 a. m.]