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TITLE 7—AGRICULTURE

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

PART 67—DETERMINATION AND CERTIFICATION OF CONDITION (SHRINKAGE OR CLEAN CONTENT) OF WOOL

SUSPENSION OF SERVICE

On July 27, 1950, there was published in the FEDERAL REGISTER (15 F. R. 4849) a notice of the proposed suspension of the service heretofore conducted by the Department of Agriculture for the determination and certification of the condition (shrinkage or clean content) of wool under the regulations in Part 67 of Title 7 of the Code of Federal Regulations, pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the so-called Farm Products Inspection Act consisting of provisions for the market inspection of farm products recurring in the annual appropriation acts for the Department of Agriculture (7 U. S. C. Supp. 414). After due consideration of all relevant matters presented pursuant to the notice and under the authority of the Agricultural Marketing Act of 1946 and the item for market inspection of farm products in the Department of Agriculture Apropriation Act, 1951, the wool certification service conducted under the regulations in said Part 67 is hereby suspended.

This order shall become effective thirty days after its publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies Chap. VI, Title I, Pub. Law 759, 81st Cong.)

Done at Washington, D. C., this 20th day of September 1950.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 50-8359; Filed, Sept. 22, 1950; 8:51 a. m.]

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

[Orange Reg. 183]

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

LIMITATION OF SHIPMENTS

§ 933.482 *Orange Regulation 183*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 25, 1950. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September

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FEDERAL REGISTER

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CODIFICATION GUIDE

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

11, 1950, and will so continue until September 25, 1950; the recommendation and supporting information for continued regulation subsequent to September 24 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 19; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this sec-

tion will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 25, 1950, and ending at 12:01 a. m., e. s. t., October 9, 1950, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51. 192; 14 F. R. 6831).

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

Done at Washington, D. C., this 21st day of September 1950.

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

[F. R. Doc. 50-8376; Filed, Sept. 22, 1950; 8:52 a. m.]

[Grapefruit Reg. 127]

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

LIMITATION OF SHIPMENTS

§ 933.483 *Grapefruit Regulation 127.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication 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; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 25, 1950. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until September 25, 1950; the recommendation and supporting information for continued regulation subsequent to September 24 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 19; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, 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 hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 25, 1950, and ending at 12:01 a. m., e. s. t., October 9, 1950, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

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

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

(v) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191; 14 F. R. 6828).

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

Done at Washington, D. C., this 21st day of September 1950.

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

[F. R. Doc. 50-8375; Filed, Sept. 22, 1950; 8:52 a. m.]

[Lemon Reg. 349]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.456 *Lemon Regulation 349*—(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 September 20, 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., September 24, 1950, and ending at 12:01 a. m., P. s. t., October 1, 1950, is hereby fixed as follows:

(i) District 1: unlimited movement;

(ii) District 2: 250 carloads;

(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 hereto 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 21st day of September 1950.

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

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage date: Sept. 17, 1950

[12:01 a. m. Sept. 24, 1950, to 12:01 a. m. Oct. 8, 1950]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.083
American Fruit Growers, Inc., Fullerton	.087
American Fruit Growers, Inc., Upland	.059
Hazeltine Packing Co	.927
Ventura Coastal Lemon Co	2.547
Ventura Pacific Co	2.724
Glendora Lemon Growers Association	1.947
La Verne Lemon Association	.766
La Habra Citrus Association	.862
Yorba Linda Citrus Association	.555
Escondido Lemon Association	1.508
Alta Loma Heights Citrus Association	.367
Etiwanda Citrus Fruit Association	.286
Mountain View Fruit Association	.271
Old Baldy Citrus Association	.696
San Dimas Lemon Association	1.484
Upland Lemon Growers Association	6.034
Central Lemon Association	.302
Irvine Citrus Association	.229
Placentia Mutual Orange Association	.202
Corona Citrus Association	.176
Corona Foothill Lemon Co	1.669

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Jameson Co	0.625
Arlington Heights Citrus Co	.358
College Heights Orange & Lemon Association	4.198
Chula Vista Citrus Association	1.082
El Cajon Valley Citrus Association	.015
Escondido Co-op. Citrus Association	.127
Fallbrook Citrus Association	.987
Lemon Grove Citrus Association	.309
Carpinteria Lemon Association	3.354
Carpinteria Mutual Citrus Association	3.853
Goleta Lemon Association	5.650
Johnston Fruit Co	7.167
North Whittier Heights Citrus Association	.488
San Fernando Heights Lemon Association	1.490
Sierra Madre-Lamanda Citrus Association	1.314
Briggs Lemon Association	2.283
Culbertson Lemon Association	1.662
Fillmore Lemon Association	.917
Oxnard Citrus Association	6.540
Rancho Sespe	.415
Santa Clara Lemon Association	4.202
Santa Paula Citrus Fruit Association	2.661
Saticoy Lemon Association	4.436
Seaboard Lemon Association	4.848
Somis Lemon Association	3.729
Ventura Citrus Association	1.687
Ventura County Citrus Association	.002
Limoneira Co	2.563
Teague-McKevett Association	.796
East Whittier Citrus Association	.502
Leffingwell Rancho Lemon Association	.500
Murphy Ranch Co	1.025
Whittier Citrus Association	.234
Chula Vista Mutual Lemon Association	.596
Index Mutual Association	.220
La Verne Cooperative Citrus Association	2.041
Orange Belt Fruit Distributors	.540
Ventura County Orange & Lemon Association	2.068
Whittier Mutual Orange & Lemon Association	.160
Evans Bros. Packing Co	.000
Lorbeer, Carroll W. C	.000
San Antonio Orchard Co	.000
Sweet, L. G	.000

[F. R. Doc. 50-8410; Filed, Sept. 22, 1950; 10:10 a. m.]

[Orange Reg. 340, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Orange Regulation 340, as amended. (a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR Part 966; 14 F. R. 3614) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) (*b*) of § 966.486 (Orange Regulation 340, 15 F. R. 6215) are hereby amended to read as follows:

(i) *Valencia oranges* * * *

(*b*) Prorate District No. 2: 1,250 carloads.

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

Done at Washington, D. C., this 20th day of September 1950.

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

[F. R. Doc. 50-8328; Filed, Sept. 22, 1950; 8:45 a. m.]

[Orange Reg. 341]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.437 *Orange Regulation 341.* (a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended, (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

der the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on September 21, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona, which may be handled during the period beginning at 12:01 a. m., P. s. t., September 24, 1950, and ending at 12:01 a. m., P. s. t., October 1, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement; (*b*) Prorate District No. 2: 1,200 carloads; (*c*) Prorate District No. 3: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement; (*b*) Prorate District No. 2: No movement; (*c*) Prorate District No. 3: No movement.

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

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

Orange Regulation 332 (7 CFR 966.478, 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

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

Done at Washington, D. C., this 22d day of September 1950.

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

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 24, 1950, to 12:01 a. m. Oct. 1, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1875
A. F. G. Corona	.0538
A. F. G. Fullerton	.8599
A. F. G. Orange	.4535
A. F. G. Riverside	.1861
A. F. G. San Juan Capistrano	.9745
A. F. G. Santa Paula	.4306
Eadington Fruit Co., Inc	5.2427
Hazeltine Packing Co	.4712
Placentia Pioneer Valencia Growers Association	.6462
Signal Fruit Association	.1345
Azusa Citrus Association	.5898
Damerel-Allison Co	.8568
Glendora Mutual Citrus Association	.4584
Puente Mutual Citrus Association	.1737
Valencia Heights Orchard Association	.4809
Covina Citrus Association	1.0406
Covina Orange Growers Association	.4692
Glendora Citrus Association	.4564
Gold Buckle Association	1.0760
La Verne Orange Association	.7656
Anaheim Citrus Fruit Association	.8578
Anaheim Valencia Orange Association	.8672
Fullerton Mutual Orange Association	1.3907
La Habra Citrus Association	1.4026
Orange County Valencia Association	.1010
Yorba Linda Citrus Association	.9556
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.0709
Citrus Fruit Growers	.2228
Cucamonga Citrus Association	.1650
Etiwanda Citrus Fruit Association	.0000
Old Baldy Citrus Association	.2517
Rialto Heights Orange Association	.0756
Upland Citrus Association	.5906
Upland Heights Orange Association	.2441
Consolidated Orange Growers	1.7342
Frances Citrus Association	1.1453
Garden Grove Citrus Association	.9601
Goldenwest Citrus Association, The	1.5368
Irvine Valencia Growers	3.0820
Olive Heights Citrus Association	2.0439
Santa Ana-Tustin Mutual Citrus Association	.8514
Santiago Orange Growers Association	3.7484
Tustin Hills Citrus Association	1.9748
Villa Park Orchards Association	2.1191
Bradford Bros., Inc	.7674
Placentia Cooperative Orange Association	.5794
Placentia Mutual Orange Association	2.3776
Placentia Orange Growers Association	1.4474
Yorba Orange Growers Association	.8078
Call Ranch	.0915
Corona Citrus Association	.6806
Jameson Co	.0000
Orange Heights Orange Association	.6383
Crafton Orange Growers Association	.6527
East Highlands Citrus Association	.1719
Fontana Citrus Association	.0974
Redlands Heights Groves	.3153
Redlands Orangedale Association	.2976
Break & Son, Allen	.0984
Bryn Mawr Fruit Growers Association	.2430
Mission Citrus Association	.2327
Redlands Cooperative Fruit Association	.4910

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orange Growers Association	0.2784
Redlands Select Groves	.6991
Rialto Citrus Association	.2999
Rialto Orange Co	.3023
Southern Citrus Association	.2123
United Citrus Growers	.1892
Zilen Citrus Co	.0501
Arlington Heights Citrus Co	.1548
Brown Estate, L. V. W	.1521
Gavilan Citrus Association	.2071
Highgrove Fruit Association	.0799
Krinard Packing Co	.2603
McDermont Fruit Co	.2177
Monte Vista Citrus Association	.3181
National Orange Co	.0495
Riverside Heights Orange Growers Association	.0914
Sierra Vista Packing Association	.0789
Victoria Ave. Citrus Association	.2507
Clarement Citrus Association	.0968
College Heights Orange and Lemon Association	.4993
Indian Hill Citrus Association	.2565
Pomona Fruit Growers Exchange	.4220
Walnut Fruit Growers Association	.6480
West Ontario Citrus Association	.3486
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	.3668
Canoga Citrus Association	.5939
Covina Valley Orange Co	.0188
North Whittier Heights Citrus Association	.9791
San Fernando Fruit Growers Association	.8187
San Fernando Heights Orange Association	1.2374
Sierra Madre-Lamanda Citrus Association	.5134
Camarillo Citrus Association	1.6353
Fillmore Citrus Association	3.8188
Mupu Citrus Association	2.2202
Ojai Orange Association	.9680
Piru Citrus Association	1.9484
Rancho Sespe	.9035
Santa Paula Orange Association	1.3091
Tapo Citrus Association	1.1365
Ventura County Citrus Association	.4268
Limoneira Co	.6335
East Whittier Citrus Association	.5819
Whittier Citrus Association	1.3203
Anaheim Cooperative Orange Association	1.3586
Byrn Mawr Mutual Orange Association	.1434
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	.7992
Foothill Citrus Union, Inc	.0553
Fullerton Cooperative Orange Association	.3293
Garden Grove Orange Cooperative, Inc	.7119
Golden Orange Groves, Inc	.2419
Highland Mutual Groves, Inc	.0000
Index Mutual Association	.5324
La Verne Cooperative Citrus Association	1.8756
Mentone Heights Association	.0416
Olive Hillside Groves, Inc	.5876
Orange Cooperative Citrus Association	2.0088
Redlands Foothill Groves	.8901
Redlands Mutual Orange Association	.2498
Ventura County Orange and Lemon Association	1.2693
Whittier Mutual Orange and Lemon Association	.1690
Babijuice Corp. of California	.2379
Banks, L. M	.4745
Bennett Fruit Co., Inc	.0345

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Borden Fruit Co	0.6761
Cherokee Citrus Co., Inc	.1481
Chess Co., Meyer W	.4780
Dunning Ranch	.0000
Evans Bros. Packing Co	.6762
Gold Banner Association	.2626
Granada Hills Packing Co	.0372
Granada Packing House	.3262
Hills Packing House, Fred A	.1124
Johnson, Fred	.0058
Knapp Packing Co., John C	.2944
L Bar S Ranch	.0000
Lawson, William J	.0096
Orange Belt Fruit Distributors	1.3644
Otte, Arnold	.0390
Pacific Citrus Distributors	.0042
Panno Fruit Co., Carlo	.4080
Paramount Citrus Association	1.0240
Patitucci, Frank L	.0000
Placentia Orchard Co	.4548
Pulos, J. J	.0207
Riverside Citrus Association	.0694
Ronneberg, Jerry L	.0012
San Antonio Orchards Co	.3657
Stephens, T. F	.1443
Summit Citrus Packers	.0069
Treesweet Products Co	.1128
Wall, E. T., Grower-Shipper	.1567
Western Fruit Growers, Inc	.7357

[F. R. Doc. 50-8421; Filed, Sept. 22, 1950; 11:46 a. m.]

PART 986—HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

SUPPLEMENTARY ALLOTMENTS OF 1950 CROP

Section 986.402 *Supplementary allotments for the 1950 hop crop*—(a) *Findings.* (1) Notice of proposed rule making with respect to supplementary allotments for the 1950 crop of hops was published in the FEDERAL REGISTER of September 6, 1950 (15 F. R. 6000), pursuant to the provisions of Marketing Agreement No. 107 and Order No. 86 regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (7 CFR 986.1 et seq.). In said notice, in which it was proposed that supplementary allotments of not over 90 percent be issued to growers for whom there is complete information as to their 1950 hop crop available to the Growers Allocation Committee, opportunity was afforded interested parties to submit to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., written data, views, or arguments for consideration prior to final rule making. No such data, views, or arguments were filed.

Therefore, after consideration of the recommendation of the Hop Control Board and other information available to the Department, it is found that supplementary allotments of 1950 crop of hops should be made on the basis as indicated in the order below.

(2) It is necessary to make effective not later than the day after publication of this section in the FEDERAL REGISTER this regulation as to supplementary allotments of 1950 crop hops for the reason that in some areas the harvesting of hops has been completed, and the prompt issuance of supplementary allotments is necessary. No preparation for this section is required which cannot be completed prior to such effective date. Therefore, good cause exists for not delaying the effective date of this section beyond the day after the publication of this section in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.).

(b) *Order.* The supplementary allotment to any grower for hops produced during the marketing season beginning August 1, 1950, shall be such as will not exceed 80 percent of such grower's probable 1950 salable allotment, as provided in § 986.6 (c) (2) (ii) (*b*) of this part: *Provided*, That, when complete information on the 1950 hop crop production of any grower is available to the Growers Allocation Committee, a supplementary allotment such as will not exceed 90 percent of that grower's probable salable allotment of 1950 crop hops shall be issued, upon application, to such grower.

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

Issued at Washington, D. C., this 20th day of September 1950, to be effective on the day after this document is published in the FEDERAL REGISTER.

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

[F. R. Doc. 50-8357; Filed, Sept. 22, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 7]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17-12 *Green Civil Airway No. 2*, is amended to read in part:

From—	To—	Minimum altitude
Buffalo, N. Y	Rochester, N. Y	2,100
Rochester, N. Y	Syracuse, N. Y	2,100

2. Section 60.17-14 *Green Civil Airway No. 4*, is amended to read in part:

From—	To—	Minimum altitude
St. Peters (INT), Mo	St. Louis, Mo	1,800
St. Louis, Mo	Wood River (INT), Ill.	1,800

3. Section 60.17-106 *Amber Civil Airway No. 6*, is amended to read in part:

From—	To—	Minimum altitude
Mansfield, Ohio	Int. W. crs. Wellington, Ohio (VAR) and NE. crs. Columbus, Ohio.	2,600
Int. W. crs. Wellington, Ohio (VAR) and NE crs. Columbus, Ohio.	Elyria, Ohio (Rbn)	2,200

4. Section 60.17-107 *Amber Civil Airway No. 7*, is amended to read in part:

From—	To—	Minimum altitude
Bedford (INT), Mass	Boston, Mass	1,700

5. Section 60.17-209 *Red Civil Airway No. 9*, is amended to read in part:

From—	To—	Minimum altitude
San Diego, Calif.[1]	El Centro, Calif. (eastbound).	8,000
El Centro, Calif	Barrett Lake, Calif. (FM) (westbound).	8,000
Barrett Lake, Calif. (FM).	Jamel, Calif. (Rbn) (westbound).	6,000
Jamel, Calif. (Rbn)	San Diego, Calif. (westbound).	3,300

[1] 3,000 feet—Minimum Crossing Altitude at San Diego, eastbound.

6. Section 60.17-211 *Red Civil Airway No. 11*, is amended to eliminate:

From—	To—	Minimum altitude
Ardmore Okla. (Rbn)	Tulsa, Okla	2,700
Bedford (INT), Mass	Boston, Mass	1,700

7. Section 60.17-213 *Red Civil Airway No. 13*, is amended to read in part:

From—	To—	Minimum altitude
Franklin (INT), Mass.	Bedford (INT), Mass.	1,800

8. Section 60.17–221 *Red Civil Airway No. 21*, is amended to eliminate:

From—	To—	Minimum altitude
Pittsburgh, Pa.	New Alexandria (INT), Pa. (eastbound).	4,000
New Alexandria (INT), Pa.	Pittsburgh, Pa. (westbound).	2,600
New Alexandria (INT), Pa.	North Altoona, Pa.	4,500
North Altoona, Pa.	Selinsgrove, Pa. (Rbn).	4,500

9. Section 60.17–221 *Red Civil Airway No. 21*, is amended to read in part:

From—	To—	Minimum altitude
Int. E. crs. Pittsburgh, Pa. and W. crs. Altoona, Pa.	Tyrone (INT), Pa.	4,500
Tyrone (INT), Pa.	Selinsgrove, Pa. (Rbn).	4,500

10. Section 60.17–229 *Red Civil Airway No. 29*, is amended to read in part:

From—	To—	Minimum altitude
Harrisburg, Pa.	Int. S. crs. Harrisburg, Pa. and NE. crs. Arcola, Va.	2,500
Int. S. crs. Harrisburg, Pa. and NE. crs. Arcola, Va.	Int. S. crs. Harrisburg, Pa. and W. crs. Baltimore, Md.	2,000

11. Section 60.17–234 *Red Civil Airway No. 34*, is amended by adding:

From—	To—	Minimum altitude
Int. E. crs. Charleston, W. Va. (VAR) and N. crs. Pulaski, Va.	Pulaski, Va.	6,000

12. Section 60.17–237 *Red Civil Airway No. 37*, is amended by adding:

From—	To—	Minimum altitude
Int. E. crs. Huntington, W. Va. and W. crs. Charleston, W. Va. (VAR).	Charleston, W. Va. (VAR).	2,500
Charleston, W. Va. (VAR).	Roanoke, Va.	6,500

13. Section 60.17–259 *Red Civil Airway No. 59*, is amended by adding:

From—	To—	Minimum altitude
Garden City, Kans.	Gage, Okla.	4,000

14. Section 60.17–260 *Red Civil Airway No. 60*, is amended to eliminate:

From—	To—	Minimum altitude
Saratoga (INT), Calif.	Moffett, Calif.	5,000

15. Section 60.17–272 *Red Civil Airway No. 72*, is amended by adding:

From—	To—	Minimum altitude
Idlewild, N. Y.	Int. SE. crs. Idlewild, N. Y. and SW. crs. Islip, N. Y. (VAR).	1,500

16. Section 60.17–277 *Red Civil Airway No. 77*, is amended to read in part:

From—	To—	Minimum altitude
Lynchburg, Va.	Int. of Red Civil Airway No. 77 and NW. crs. Blackstone, Va.	3,000
Int. of Red Civil Airway No. 77 and NW. crs. Blackstone, Va.	Richmond, Va.	2,000

17. Section 60.17–292 *Red Civil Airway No. 92*, is added to read:

From—	To—	Minimum altitude
Int. SE. crs. Newark, N. J. and SW. crs. Islip, N. Y. (VAR).	Islip, N. Y. (VAR).	1,500
Islip, N. Y. (VAR).	Int. NE crs. Islip, N. Y. (VAR) and SW crs. Moosup, Conn. (VAR).	1,600
Int. NE crs. Islip, N. Y. (VAR) and SW. crs. Moosup, Conn. (VAR).	Moosup, Conn. (VAR).	1,800
Moosup, Conn. (VAR).	Logan Airport, Boston, Mass.	1,700

18. Section 60.17–294 *Red Civil Airway No. 94*, is added to read:

From—	To—	Minimum altitude
Providence, R. I.	Otis, Mass. (Rbn)	1,500
Otis, Mass. (Rbn)	Hyannis, Mass. (Rbn)	1,500

19. Section 60.17–602 *Blue Civil Airway No. 2*, is amended to read in part:

From—	To—	Minimum altitude
Mercer (INT), Pa.	Erie, Pa.	3,000

20. Section 60.17–614 *Blue Civil Airway No. 14*, is amended to eliminate:

From—	To—	Minimum altitude
Mt. Laguna, Calif. (Rbn).	Oceanside, Calif. (Rbn).[1]	9,000

[1] 6,000 feet—Minimum crossing altitude at Oceanside, southeast-bound.

21. Section 60.17–614 *Blue Civil Airway No. 14*, is amended by adding:

From—	To—	Minimum altitude
Int. W. crs. El Centro, Calif., and bearing 150° mag. from Julian, Calif. (Rbn).	Julian, Calif. (Rbn).	9,000

22. Section 60.17–615 *Blue Civil Airway No. 15*, is amended to read in part:

From—	To—	Minimum altitude
Portsmouth (INT), Ohio.	Columbus, Ohio.	2,400

23. Section 60.17–621 *Blue Civil Airway No. 21*, is amended to read in part:

From—	To—	Minimum altitude
Charleston, W. Va.	Parkersburg, W. Va. (VAR).	2,500

24. Section 60.17–627 *Blue Civil Airway No. 27*, is amended to read in part:

From—	To—	Minimum altitude
Rocky Point (INT), Alaska.	King Salmon, Alaska.[1]	10,300
King Salmon, Alaska.	Bethel, Alaska.	7,500

[1] 6,700 feet—Minimum crossing altitude at King Salmon, southeast-bound.

25. Section 60.17–631 *Blue Civil Airway No. 31*, is amended to eliminate:

From—	To—	Minimum altitude
New Florence (INT), Mo.	Kirksville, Mo.	2,100

26. Section 60.17–637 *Blue Civil Airway No. 37*, is amended by adding:

From—	To—	Minimum altitude
Medicine Bow (INT), Wyo.	Casper, Wyo.	11,000

27. Section 60.17–639 *Blue Civil Airway No. 39,* is amended to read in part:

From—	To—	Minimum altitude
Paynesville, W. Va. (Rbn).	Int. S. crs. Charleston, W. Va., and E. crs. Charleston, W. Va. (VAR).	5,000
Int. S. crs. Charleston, W. Va., and E. crs. Charleston, W. Va. (VAR).	Charleston, W. Va.	2,500

28. Section 60.17–660 *Blue Civil Airway No. 60,* is amended to read:

From—	To—	Minimum altitude
Saratoga (INT), Calif.	Moffett, Calif.	5,000
Moffett, Calif.	Int. NE. crs. Moffett, Calif., and W. crs. Stockton, Calif.	5,000

29. Section 60.17–670 *Blue Civil Airway No. 70,* is added to read:

From—	To—	Minimum altitude
Ardmore, Calif. (Rbn).	Tulsa, Okla.	2,700

30. Section 60.17–212 *Red Civil Airway No. 12,* is amended by adding:

From—	To—	Minimum altitude
Philipsburg, Pa.	Williamsport, Pa.	4,000

31. Section 60.17–647 *Blue Civil Airway No. 47,* is amended by adding:

From—	To—	Minimum altitude
Philipsburg, Pa.	Bradford, Pa. (Rbn).	2,000
Bradford, Pa. (Rbn).	Dunkirk, N. Y. (Rbn).	4,200

32. Section 60.17–673 *Blue Civil Airway No. 73,* is added to read:

From—	To—	Minimum altitude
Brookville, Pa. (Rbn).	Bradford, Pa. (Rbn).	4,000
Bradford, Pa. (Rbn).	Buffalo, N. Y.	4,500

33. Section 60.17–1001 *Direct Routes; Northeast United States* is amended to read in part:

From—	To—	Minimum altitude
Utica, N. Y.	Int. NE. crs. Elmira, N. Y., and S. crs. Syracuse, N. Y.	3,500

34. Section 60.17–1001 *Direct routes; Northeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Philipsburg, Pa.	Williamsport, Pa.	4,500
Bradford, Pa.	Philipsburg, Pa.	4,000

35. Section 60.17–1002 *Direct routes; Southeast United States* is amended by adding:

From—	To—	Minimum altitude
Asheville, N. C.	Blacksburg (INT), N. C.	6,500
Charlotte, N. C.	Int. of direct crs. between Charlotte, N. C., and Raleigh, N. C., with SE. crs. Greensboro, N. C.	2,100
Int. of direct crs. between Charlotte, N. C., and Raleigh, N. C., with SE. crs. Greensboro, N. C.	Raleigh, N. C.	2,000
Greenville, S. C.	Hendersonville (INT), N. C. (north-bound).	6,200
Hendersonville (INT), N. C.	Greenville, S. C. (south-bound).	5,200

36. Section 60.17–1002 *Direct routes; Southeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Greenville, S. C.	Hendersonville (INT), N. C.	8,000
Raleigh, N. C.	Charlotte, N. C.	2,100

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

These rules shall become effective October 1, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-8288; Filed, Sept. 22, 1950; 8:45 a. m.]

Subchapter C—Procedural Regulations

[Regs., Serial No. PR-7]

PART 303—RULES OF PRACTICE IN AIRCRAFT ACCIDENT INQUIRIES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of September 1950.

At the present time, the procedural regulations of the Board do not contain provisions which make known to the public its procedures in aircraft accident inquiries. The purpose of this part is to fill that gap by making available to the public information concerning the procedures followed by the Board in such inquiries. Part 303 is not intended to prescribe any new procedures, for it is designed merely to codify and publish the procedures which the Board has followed for many years.

An aircraft accident inquiry is held solely for the purpose of discovering the facts, conditions, and circumstances concerning an aircraft accident in order to determine the probable cause of the accident and to ascertain the measures which will best tend to prevent similar accidents in the future. Such inquiries are not held for the purpose of determining the rights or liabilities of private parties, and the Board makes no attempt to do so. The procedures followed by the Board in such inquiries are adapted to the special nature of the inquiries. It is believed that the Board's procedures as set forth in Part 303 are self-explanatory.

Since this part is a rule of agency procedure and practice, notice and public procedure are not necessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby promulgates a new Part 303 of the procedural regulations to read as follows, effective September 15, 1950:

Sec.

AUTHORITY: §§ 303.0 to 303.22 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 701, 702, 1004, 52 Stat. 1012, 1013, 1021; 49 U. S. C. 581, 582, 644.

§ 303.0 *Applicability of part.* The provisions of this part shall govern all aircraft accident inquiries conducted by the Civil Aeronautics Board under the authority of Title VII of the Civil Aeronautics Act of 1938, as amended, unless otherwise specifically ordered by the Board.

§ 303.1 *Nature of inquiry.* Aircraft accident inquiries are held by the Board as a part of the investigation of accidents involving aircraft in order to determine the facts, conditions, and circumstances relating to each accident and the probable cause thereof and to ascertain measures which will best tend to prevent similar accidents in the future. It is purely a fact-finding procedure, and there are no formal pleadings or issues and no adverse parties. Aircraft accident inquiries are not subject to the provisions of secs. 4, 5, 7, 8, or 10 of the Administrative Procedure Act.

INITIAL PROCEDURE

§ 303.2 *Institution of inquiry.* The Director, Bureau of Safety Investigation,

shall, on behalf of the Board, order an inquiry into an accident involving aircraft whenever he deems it necessary in the public interest.

§ 303.3 *Designation of Presiding Officer.* The Director, Bureau of Safety Investigation, shall designate in writing a Presiding Officer to conduct the inquiry.

§ 303.4 *Notice of inquiry.* The Presiding Officer shall designate a time and place for the inquiry which meets the needs of the Board and gives due consideration to the convenience of the witnesses. The time and place of the inquiry shall be published in the notices section of the FEDERAL REGISTER prior to the date of the inquiry, unless such notice is impractical or unnecessary.[1]

§ 303.5 *Investigator-in-Charge.* An employee of the Board shall be designated to serve as the Investigator-in-Charge. It shall be his responsibility to direct the investigation in the field and to serve on the Board of Inquiry.

§ 303.6 *Board of Inquiry.* The Board of Inquiry shall be composed of the Presiding Officer, the Investigator-in Charge, and such other persons as are appointed by the Director, Bureau of Safety Investigation. It shall be the duty of the Board of Inquiry to secure in the form of a public record all known facts pertaining to the cause of the accident and the surrounding circumstances and conditions from which corrective action may be formulated.

CONDUCT OF INQUIRY

§ 303.11 *Powers of Presiding Officer.* A Presiding Officer shall have the following powers:

(a) To give notice concerning and hold inquiries;

(b) To adjourn, continue, or postpone inquiries;

(c) To administer oaths and affirmations;

(d) To examine witnesses;

(e) To issue subpoenas and to take or cause depositions to be taken in accordance with the provisions of section 1004 of the Civil Aeronautics Act of 1938, as amended;

(f) To rule upon the admissibility of and receive evidence;

(g) To regulate the course of the inquiry;

(h) To dispose of procedural requests or similar matters; and

(i) To take any other action necessary or incident to the orderly conduct of such proceedings.

§ 303.12 *Examination of witnesses.* All questions shall be asked by the Presiding Officer or by other members of the Board of Inquiry. Questions from other persons shall be signed and submitted separately in writing to the Presiding Officer, and they shall be asked by the Presiding Officer if he finds them proper and relevant to the proceeding.

§ 303.13 *Evidence.* The Presiding Officer shall receive all testimony and exhibits which might be of aid in determining the cause of the accident. He may exclude any testimony or exhibits which are not pertinent to the inquiry or which are merely cumulative. He may withhold from public disclosure any evidence, pending a final determination by the Board as to whether it is in the public interest to release such evidence.

§ 303.14 *Recommendations by interested persons.* Any person may submit his recommendations as to the proper conclusions to be drawn from the testimony and exhibits submitted at the inquiry. Such recommendations may be submitted by a written brief either at or after the inquiry, provided that the Presiding Officer may in his discretion permit such recommendations to be presented orally at the close of the inquiry. Five copies of such briefs shall be submitted, and they shall be made a part of the docket.

§ 303.15 *Stenographic transcript.* A verbatim report of the inquiry shall be taken. Copies of the transcript may be obtained by any interested person from the official reporter upon payment of the fees fixed therefor.

§ 303.16 *Docket.* The docket of an inquiry shall include the transcript, exhibits, briefs, and all other information concerning the accident which the Board has not ordered to be withheld from the public. A copy of the docket shall be made available to any person for review at the Washington office of the Board. Photostatic copies of exhibits may be obtained from the Chief of the Docket Section upon paying the cost of such copies.

§ 303.17 *Investigation to remain open.* Safety investigations are never officially closed but are kept open for the submission of new and pertinent evidence. If the Director of the Bureau of Safety Investigation finds that such evidence is relevant and probative, it may be made a part of the docket, unless the Board orders it to be withheld from public disclosure.

§ 303.18 *Withholding of information.* Any person may make written objection to the public disclosure of information contained in any report or document filed pursuant to this part or the provisions of the Civil Aeronautics Act of 1938, as amended, or of information obtained by the Board pursuant to the provisions of this part or the act, stating the grounds for such objection. Whenever such objection is made, the Board shall order such information withheld from public disclosure when, in its judgment, a disclosure of such information would adversely affect the interests of such person and is not required in the interest of the public.

BOARD REPORT

§ 303.21 *Basis of report.* The Board's report as to the facts, conditions, and circumstances relating to the accident and the probable cause thereof shall be based upon the docket of the inquiry, together with any other information which has come to the attention of the Board and its staff.

§ 303.22 *Supplemental report.* Upon receipt of any newly discovered evidence, the Board, after due consideration, may issue a supplemental report if it finds that such evidence warrants such action.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-8361; Filed, Sept. 22, 1950; 8:51 a. m.]

[Regs., Serial No. PR-8]

PART 311—DISCLOSURE OF AIRCRAFT ACCIDENT INVESTIGATION INFORMATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of September 1950.

At the present time, the procedural regulations of the Board do not contain provisions regarding the disclosure by Board employees of information obtained during the course of an investigation of an accident involving aircraft. The purpose of this part is to make provision therefor and to regulate the conduct of its employees in regard to the disclosure of aircraft accident investigation information.

The Board is required by section 702 of the Civil Aeronautics Act (49 U. S. C. 582) to investigate such accidents and report the facts, conditions, and circumstances relating to each accident and the probable cause thereof, and to make such recommendations as, in its opinion, will tend to prevent similar accidents in the future.

To perform this function, the Board has appointed air safety investigators who are assigned to the investigation of aircraft accidents. However, the Board's staff of accident investigators is very small in relation to the great number of accidents which must be investigated. In the fiscal year 1949 alone, more than 7,500 accidents involving aircraft were reported to the Board. Since the Board has less than 30 field employees assigned to accident investigation duties, "on the spot" investigations of such accidents have necessarily been limited to those kinds of accidents most likely to be productive of information leading to future improvements in air safety, even though valuable information as to aviation safety might have been obtained through such investigation of all accidents. Furthermore, the Board must employ specialists in aircraft design, metallurgy, aerodynamics, power plants, meteorology, electronics, and other technical phases of aviation. However, the Board is able to employ only one or two specialists in some of these technical fields. It cannot be predicted when a major crash will occur, and all Board investigators must be instantly ready to proceed to the scene of an accident immediately after it occurs. It would, therefore, substantially interfere with the performance of the Board's accident investigation duties if its employees were compelled to testify in all the cases of which they gain personal knowledge in the per-

[1] The Board ordinarily gives personal notice to all known interested persons and also publicizes the inquiry by a press release to aviation trade journals and local newspapers near the scene of the accident.

formance of their official duties with the Board.

The Board is not unmindful, however, of the possible hardships which confront private litigants, who often have great difficulty in establishing the facts relating to an aircraft accident. In order to preserve the wreckage, it is generally placed under guard and the public kept at a distance. However, air carriers and aircraft manufacturers are frequently invited to participate in the field investigation since their detailed technical and operating knowledge can contribute to the discovery of important evidence bearing upon the accident. Such participation in the public interest does, however, allow them a degree of access to factual information regarding the accident not accorded to injured parties or the dependents of deceased persons who, not having the requisite technical background, are not permitted to take part in the investigation of the accident, and therefore, would not have equal access to such information. It would be an injustice in such cases for the Board to withhold from injured parties the only source of the facts in an accident investigation as to facts which are known only to those participating in an accident investigation. In light of the foregoing, the Board believes it to be in the interest of the public to release to all interested parties all factual information regarding an aircraft accident in its possession and to allow its employees to testify as to facts known to them when it is convinced that such facts cannot reasonably be established by any other witness or method.

Section 205 (b) of the act authorizes the Board to cooperate with state and local authorities in connection with matters arising under the Act, and the Board believes it is in the public interest to cooperate with local authorities in investigations conducted by them in fulfillment of local governmental obligations. Therefore, the Board has decided to permit its employees to testify as to facts in coroners' investigations and grand jury proceedings conducted by a state or local government without regard to the availability of other witnesses.

The Board has consistently interpreted section 701 (e) thereof as forbidding the giving of opinion testimony by Board air safety investigators in civil suits between private litigants. The opinions of these experts, upon which the Board relies heavily in making its findings as to probable cause and recommendations in accident reports, are so inextricably entwined with the report that the basic purpose of section 701 (e) would be defeated were such opinion testimony permitted. Furthermore, apart from the provisions of 701 (e), the use of Board investigators as experts to give opinion testimony in civil suits between private parties would impose a serious burden on the Board's investigative staff, and would seriously interfere with the functioning of the Board's investigative processes. Consequently, the Board has prohibited its investigators from serving as expert witnesses or giving opinion testimony with regard to accidents investigated by them.

Since this regulation provides a rule of agency organization, procedure, and practice, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the procedural regulations by adding a new Part 311 to read as follows, effective September 15, 1950:

Sec.
311.1 Finding as to the public interest.
311.2 Release of information concerning accidents.
311.3 Disclosure of information by testimony in court.

AUTHORITY: §§ 311.1 to 311.3 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 701, 702, 52 Stat. 1012, 1013; 49 U. S. C. 581, 582.

§ 311.1 *Finding as to the public interest.* All accident reports and underlying papers in the office of the Bureau of Safety Investigation are in the custody of the Secretary of the Board subject to access by employees of the Board for purposes relating to their official duties. Employees have no control of such reports and papers, and no discretion with regard to permitting the use of them for any other purpose except as provided in this part. Employees are hereby prohibited from giving out any such reports, papers, or copies thereof to private parties or to local officers, or to testify in any court as to information in such reports or papers, or to produce such reports, papers, or copies thereof in any court (whether in answer to subpoenas duces tecum or otherwise) except as provided in this part. Making such reports or underlying papers public other than as provided in this part is deemed to be contrary to the public interest and is hereby prohibited.

§ 311.2 *Release of information concerning accidents.* Information secured by the Board concerning accidents involving aircraft may be released only as follows:

(a) *Regional offices.* Chiefs of Regions shall, upon request, release the following information concerning any accident at any time during or after the investigation of the accident:

(1) Place and date of the accident;

(2) Make, model, identification mark, and registered owner or operator of the aircraft involved;

(3) Names and addresses of the crew and other occupants of the aircraft or persons injured in the accident; and

(4) Information relating to any fatalities resulting from the accident and to the condition of injured persons (disclosure of this information must be qualified by the statement that such information is based on reports of physicians or hospitals).

(b) *The Washington office.* The Director of the Bureau of Safety Investigation or such person in the Washington office as he may designate shall, upon request, release the information described in paragraph (a) of this section. In addition, the Director or such designee shall, upon request:

(1) Release the names of witnesses and their addresses;

(2) Make replies as to facts in answer to specific inquiries, either verbal or written, concerning aircraft accidents, and shall furnish copies of documents in accident files, provided the expense of making such copies is borne by the recipient. In both instances, however, any suggestion, opinion, or recommendation made by any employee of the Board or any employee of the Civil Aeronautics Administration, when acting on behalf of the Board, shall be omitted; and

(3) Make available for inspection that portion of the file containing data pertinent to the accident but shall not make available that portion of the file containing any opinion, suggestion, or recommendation of any employee of the Board or any employee of the Civil Aeronautics Administration, when acting on behalf of the Board.

§ 311.3 *Disclosure of information by testimony in court.* No Board employee shall make public by testimony in court aircraft accident information obtained by him in the performance of his official duties, except in accordance with the following:

(a) *Testimony of employees.* Employees may serve as witnesses for the purpose of testifying to the facts observed by them in the course of accident investigations in those cases in which an appropriate showing has been made that the facts desired to be adduced are not reasonably available to the party seeking such evidence by any other method, including the use of discovery procedures against the opposing party. Employees shall testify only as to facts actually observed by them in the course of accident investigations and shall not give opinion evidence as expert witnesses.

(b) *State and local investigations.* Employees may testify in a coroner's inquest and a grand jury proceeding by a state or local government only as to facts actually observed by them in the course of accident investigations and shall not give opinion evidence as expert witnesses.

(c) *Testimony by deposition.* Insofar as possible, testimony of employees will be made available only through depositions taken at times and places reasonably fixed so as to avoid substantial interference with the performance of the duties of the employees concerned.

(d) *Request for testimony of employees.* A request for testimony of a Board employee relating to an aircraft accident shall be addressed to the General Counsel of the Board, who shall have power to approve or deny such a request. Such request shall set forth the reasons for desiring the testimony and facts showing that it conforms to the Board policies set forth above.

(e) *Procedure in the event of a subpoena.* If any employee receives a subpoena to produce accident reports or underlying papers or to testify in court as to accident information, the employee shall immediately notify the Director, Bureau of Safety Investigation by telegram. He shall give the title of the case, and identify the accident by name; the name of the judge, if available, and the title and address of the court; the date on which he is directed to appear; the name, address and telephone number, if available, of the at-

torney representing the party initiating the request: the scope of the testimony, if known, and whether or not the evidence is available elsewhere. The Director will immediately, upon receipt of notice that an employee has been subpoenaed, inform the General Counsel of the Board. The General Counsel will either give the employee permission to testify or make arrangements with the court to have him excused from testifying. Until one of these actions is taken the employee shall appear in court in response to the subpoena and respectfully decline to testify or to produce the records called for, on the grounds that this part prohibits such conduct.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-8362; Filed, Sept. 22, 1950; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.115]

PART 45 — VISAS: DOCUMENTATION OF ALIENS UNDER THE DISPLACED PERSONS ACT OF 1948, AS AMENDED

VISA REGULATIONS

CROSS REFERENCE: For regulations of the Displaced Persons Commission see 8 CFR Parts 700-710, Chapter IV (15 F. R. 3864). For regulations of the Immigration and Naturalization Service, see 8 CFR, Chapter I, Parts 105, 120 and 171 (15 F. R. 4440).

Chapter I, Title 22 of the Code of Federal Regulations is amended by the addition of the following new part:

Sec.
45.1 Definitions.
45.2 Classes of applicants under the Displaced Persons Act.
45.3 Applications for visas: Qualifications.
45.4 Preference and priorities.
45.5 Procedure in issuing or refusing visas.
45.6 Exemptions.
45.7 Assurances under section 3 (b) and section 3 (c) of the Displaced Persons Act.
45.8 Good-faith affidavit.
45.9 Disqualification to receive visas.
45.10 Visas: Numerical limitations.
45.11 Quota control.

AUTHORITY: §§ 45.1 to 45.11 issued under sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 222, 458. Interpret or apply 62 Stat. 1009-1014, Pub. Law 555, 81st Cong.; 50 U. S. C. App., Sup., 1951-1963.

§ 45.1 *Definitions.* For the purposes of this part all pertinent terms which are defined in § 42.101 of this chapter shall have the meaning ascribed thereto in § 42.101. As used in this part, the term:

(a) "Displaced Persons Act" means the Displaced Persons Act of 1948, approved June 25, 1948 (62 Stat. 1009), as amended and extended by Public Law 555, 81st Congress, 2d Session, approved June 16, 1950.

(b) "Commission" means the Displaced Persons Commission established under the Displaced Persons Act.

(c) "Displaced person" shall have the meaning ascribed thereto in section 2 of the Displaced Persons Act.

(d) "Eligible displaced person" shall have the meaning ascribed thereto in section 2 of the Displaced Persons Act and § 45.2 (a).

(e) "Eligible displaced orphan" shall have the meaning ascribed thereto in section 2 (e) of the Displaced Persons Act and § 45.2 (b).

(f) "Sec. 2(f) orphan" shall have the meaning ascribed thereto in section 2 (f) of the Displaced Persons Act and § 45.2 (c) (1).

(g) "German ethnic origin" refers to a person who

(1) Was born in Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Roumania, Russia, or Yugoslavia or areas which were under the control and domination on June 16, 1950, of any such countries, except those parts of Germany and Austria under military occupation on such date by the Union of Soviet Socialist Republics; and

(2) Resided, on January 1, 1949, in the western (American, British, or French) zones of Germany or Austria or western (American, British, or French) sectors of Berlin or Vienna; and

(3) Is a refugee or expellee who is characteristically Germanic, a status which shall be determined upon the basis of the following combination of factors, the presence or absence of any particular one of which shall not in itself be considered as conclusive, but any combination of which may be considered as providing satisfactory evidence of Germanic origin:

(i) Antecedents emigrated from Germany;

(ii) Uses German or any German dialect as the common language of the home or for social communication;

(iii) Resided in the country of birth in an area predominantly populated by persons of Germanic stock or origin who have retained German social characteristics and group homogeneity, as distinguished from the surrounding population;

(iv) Evidences common attributes or social characteristics of the Germanic group in which he resided in the country of birth such as educational institutions attended, church affiliation, social and political associations and affiliations, name, business or commercial practices and associations, and secondary languages or dialects.

(h) "Within the third degree of consanguinity" means lineal and collateral consanguinity computed according to the rules of the common law. Lineal consanguinity is the direct line of descent and those within the third degree of such consanguinity include the child, grandchild, great grandchild, parent, grandparent, and great grandparent. Collateral consanguinity is the relationship of persons descended from the same common ancestor and those within the third degree of such consanguinity include the brother, sister, nephew, niece, uncle, aunt, first cousin, second cousin, grandnephew, grandniece, great uncle, great aunt, child of great uncle or great aunt, and child of first cousin.

(i) "Country of last residence" as used in section 2 (d) and 3 (c) of the Displaced Persons Act means the country of the alien's residence in which he had established his domicile, or in which he had the right to reside permanently and the right to work.

(j) "World War II" shall be considered to have started on September 1, 1939.

(k) "Applicant" means an alien applying for an immigration visa under the provisions of the Displaced Persons Act and under the regulations contained in this part.

(l) "Principal applicant" means an applicant for whom an assurance of employment is provided or who confers derivative status on a spouse or minor dependent children.

(m) "Firmly settled", "firmly settled or resettled", or "firmly settled or firmly resettled" as used in sections 2 (c) (1), 3 (b) (3), 3 (b) (4), and 3 (c) (4), of the Displaced Persons Act are considered to be synonymous and shall have the meaning ascribed thereto in the regulations of the Commission (see 8 CFR 702.5 (15 F. R. 3867)): *Provided*, That a former member of the Polish Army as defined in section 3 (b) (3) of the Displaced Persons Act and as classified in § 45.2 (d) (2) who has not applied for British naturalization shall not be considered firmly settled or resettled if he registered for an immigration visa with a United States consular officer in Great Britain prior to June 16, 1950: *And provided further*, That a Greek refugee as defined in section 3 (b) (4) of the Displaced Persons Act and as classified in § 45.2 (d) (3), shall be considered firmly settled or firmly resettled if such refugee returned to his former habitual residence in Greece prior to January 1, 1950, or, if afforded the opportunity to return, he freely chose another place of residence prior to that date.

(n) "Unmarried" means not married at the time of issuance of a visa to the applicant, whether or not previously married.

(o) "Under 21 years of age" means under 21 years of age as of the time of issuance of a visa to the applicant.

(p) "Farm worker" means a person who engages in activities or performs services in his own behalf or as an employee of another person, trust, estate, partnership, corporation, or public agency in connection with farming in any of its branches and, among other things, includes the cultivation and tillage of the soil, dairying, the raising, production, cultivation, growing, harvesting, and processing of any agricultural or horticultural commodities including (1) crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: gum spirits of turpentine and gum resin, (2) maple syrup or maple sugar, and (3) mushrooms, the ginning of cotton, the raising, shearing, feeding, caring for, training, management, and slaughtering of livestock, bees, poultry, fur-bearing animals, and wildlife on a farm, the hatching of poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to, or in conjunction with such farming operations,

including planting, handling, drying, packing, freezing, grading, processing (if such service is performed as an incident to ordinary farming operations, or in the case of fruits and vegetables as an incident to the preparation of such fruits and vegetables for market), storing, the preparation for market, delivery to storage or to market or to carriers for transportation to market, and the operation, management, conservation, improvement, or maintenance of the farm and the tools and equipment used in connection therewith, and including further the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes: *Provided, however*, That the foregoing shall not include services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for processing or distribution for consumption.

(q) "British Isles" and "Great Britain" as used in section 3 (b) (3) of the Displaced Persons Act and in the regulations contained in this part are construed to be synonymous, and shall include England, Scotland, Wales and Northern Ireland.

(r) "Until July 1, 1952" as used in section 2 (f) of the Displaced Persons Act means not later than midnight of June 30, 1952.

(s) "Natives of Greece" as used in section 3 (b) (4) of the Displaced Persons Act means aliens chargeable to the quota of Greece under section 12 (a) of the Immigration Act of 1924.

(t) "Nationals of Greece" as used in section 3 (b) (4) means aliens who are citizens of Greece regardless of their place of birth.

(u) "Area or country in Europe" as used in section 3 (c) of the Displaced Persons Act shall include the Azores, the British Isles, the Dodecanese Islands, Iceland, Madeira, Svalbard, and all islands in the Mediterranean under the sovereignty of European countries.

(v) "Department" means the Department of State of the United States of America.

§ 45.2 *Classes of applicants under the Displaced Persons Act*—(a) *Eligible displaced persons*—(1) *IRO Displaced persons and refugees.* This class shall consist of aliens who (i) are displaced persons or refugees as defined in Annex I of the Constitution of the International Refugee Organization and are the concern of such organization; (ii) on or after September 1, 1939, and on or before January 1, 1949, entered Germany, Austria or Italy; (iii) on January 1, 1949, were in Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna, or in the American zone, the British zone, or the French zone of either Germany or Austria, or who had temporarily absented themselves therefrom for reasons which show special circumstances justifying such absence; and (iv) have not been firmly resettled.

(2) *Persecutees: Residents of Germany and Austria.* This class shall consist of persons as defined in section 2 (c) of the Displaced Persons Act who (i) resided in Germany or Austria; (ii) were victims of persecution by the Nazi government and were detained in Germany or Austria, or were obliged to flee from and subsequently returned to one of such countries; and (iii) have not been firmly resettled.

(3) *Venezia Giulia refugees.* This class shall consist of persons as defined in section 2 (g) of the Displaced Persons Act who (i) were residents of Venezia Giulia prior to May 6, 1945; (ii) on or after May 6, 1945, departed from those parts of Venezia Giulia placed under the sovereignty or administration of Yugoslavia under the terms of the treaty of peace with Italy signed at Paris February 10, 1947; (iii) on June 16, 1950, were not *de jure* Italian citizens; and (iv) on July 1, 1947, were in Italy or in the United States-United Kingdom zone of the Free Territory of Trieste, or in the American sector, the British sector, or the French sector of either Berlin or Vienna, or in the American zone, the British zone or the French zone of either Germany or Austria. Not more than 2,000 immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under this subparagraph.

(4) *Section 2 (d) persecutees.* This class shall consist of persons as defined in section 2 (d) of the Displaced Persons Act who (i) have been displaced from the country of their birth, or nationality, or their last residence since January 1, 1946; (ii) fled into Italy or the American sector, the British sector, or the French sector of either Berlin or Vienna, or the American zone, the British zone, or the French zone of either Germany or Austria; (iii) cannot return to the country of their birth, nationality, or last residence because of persecution or fear of persecution on account of race, religion, or political opinions; and (iv) whose admission into the United States for permanent residence is recommended by or on behalf of the Secretary of State and the Secretary of Defense. Not more than 500 immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under this subparagraph.

(b) *Eligible displaced orphans*—(1) *Displaced orphans in general.* This class shall consist of persons as defined in section 2 (e) of the Displaced Persons Act, exclusive of Greek orphans defined therein, who (i) had not passed their 16th birthday anniversary on June 25, 1948; (ii) are orphans because of the death or disappearance of both parents, or who have been abandoned, or deserted by, or separated or lost from, both parents, or who have only one parent due to the death or disappearance of the other and the remaining parent is incapable of providing care for any such orphan and agrees to release him for emigration and adoption or guardianship; and (iii) on or before June 16, 1950, were in Italy or in the American sector, the British sector, or the French sector of either Berlin or Vienna, or the American zone, the British zone, or the French zone of either Germany or Austria.

(2) *Greek orphans.* This class shall consist of persons as defined in section 2 (e) of the Displaced Persons Act who (i) are natives of Greece; (ii) had not passed their 16th birthday anniversary on June 25, 1948; (iii) are orphans because of the death or disappearance of both parents, or who have been abandoned, or deserted by, or separated or lost from, both parents, or who have only one parent due to the death or disappearance of the other and the remaining parent is incapable of providing care for any such displaced person and agrees to release him for emigration and adoption or guardianship; (iv) on or after January 1, 1940, and on or before January 1, 1949, were forcibly removed or forced to flee from their former habitual residences in Greece as a direct result of military operations in Greece by the Nazi Government or by military operations in Greece by the Communist guerrillas; and (v) were residing in Greece on January 1, 1950.

(3) Not more than 5,000 special nonquota immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under subparagraphs (1) and (2) of this paragraph.

(c) *Other orphans and adopted children*—(1) *Section 2 (f) orphans.* This class shall consist of persons as defined in section 2 (f) of the Displaced Persons Act who (i) are under the age of 10 years at the time of issuance of the visa; (ii) prior to June 30, 1950, were residents of Germany, Luxemburg, Austria, Italy, the United States-United Kingdom zone of the Free Territory of Trieste, the United Kingdom, Ireland, Portugal, France, Switzerland, Belgium, the Netherlands, Norway, Sweden, Denmark, Finland, Greece, or Turkey; (iii) are orphans because of the death or disappearance of both parents, or because of abandonment or desertion by, or separation or loss from, both parents, or who have only one parent due to the death or disappearance of, abandonment or desertion by, or separation or loss from, the other parent and the remaining parent is incapable of providing care for any such orphan and agrees to release him for emigration and adoption or guardianship; and (iv) prior to June 30, 1951, have assurances of proper care submitted to the Commission in their behalf for admission to the United States for permanent residence with a father or mother by adoption, or with a near relative, or with a citizen of the United States, or with an alien admitted to the United States for permanent residence, or who are seeking to enter the United States to come to a public or private agency approved by the Commission. Not more than 5000 special nonquota immigration visas, in addition to the total numerical limitations provided in section 3 (a) of the Displaced Persons Act, shall be issued until July 1, 1952, to persons entitled to classification under this subparagraph.

(2) *Section 12 (c) adopted children.* This class shall consist of children as

defined in section 12 (c) of the Displaced Persons Act who (i) are chargeable either to the German or Austrian quota under the provisions of section 12 of the Immigration Act of 1924 or the provisions of section 12 of the Displaced Persons Act; (ii) had not passed their 16th birthday anniversary on June 25, 1948; and (iii) prior to May 1, 1949, were legally adopted under the laws of the country in which they resided by American citizens residing abroad temporarily. Such a child, although classifiable as a nonpreference quota immigrant, shall be accorded a top priority in the issuance of a visa notwithstanding the preferences provided by section 6 of the Immigration Act of 1924 and section 6 of the Displaced Persons Act.

(d) *Additional classes.* Immigration visas may be issued to the following additional classes pursuant to the provisions of the Displaced Persons Act:

(1) *China refugees.* This class shall consist of displaced persons and refugees as defined in Annex I of the constitution of the International Refugee Organization, except Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not, who (i) resided in China as displaced persons or refugees on July 1, 1948, or on June 16, 1950; and (ii) are still in China, or having departed therefrom, have not subsequently proceeded to, been received for, and accepted permanent residence in, any other country. Not more than 4,000 immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under this subparagraph.

(2) *Polish war veterans in Great Britain.* This class shall consist of persons as defined in section 3 (b) (3) of the Displaced Persons Act who (i) were members of the armed forces of the Republic of Poland during World War II; (ii) were honorably discharged from such forces; (iii) were residing in the British Isles on June 16, 1950; (iv) have not been firmly settled or resettled; and (v) registered for an immigration visa with a United States consular officer in Great Britain prior to, and were validly registered as of, June 16, 1950. Not more than 18,000 immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under this subparagraph.

(3) *Greek refugees.* This class shall consist of persons as defined in section 3 (b) (4) of the Displaced Persons Act who (i) are natives of Greece; (ii) on or after January 1, 1940, and on or before January 1, 1949, were forcibly removed or forced to flee from their former habitual residence in Greece as a direct result of military operations in Greece by the Nazi government or by military operations in Greece by the Communist guerrillas; and (iii) prior to January 1, 1950, had not been either firmly settled or firmly resettled. Not more than 7,500 immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under this subparagraph.

(4) *Greek preferentials.* This class shall consist of persons who (i) prior to June 30, 1950, were residents and nationals of Greece; (ii) are eligible for admission to the United States as first or second preference quota immigrants, including persons skilled in agriculture, as provided in section 6 (a) (1) of the Immigration Act of 1924; and (iii) prior to June 30, 1951, make application to an American consular officer in Greece for appropriate visas with which to apply for admission to the United States for permanent residence. Not more than 2,500 immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under this subparagraph.

(5) *Section 3 (c) "out-of-zone" refugees.* This class shall consist of persons as defined in section 3 (c) of the Displaced Persons Act who (i) on or after September 1, 1939, and prior to January 1, 1949, entered an area or country in Europe outside Italy or the American, British, or French sector of either Berlin or Vienna, or the American, British, or French zone of either Germany or Austria; (ii) establish that they are persons of European national origin displaced from the country of their birth, nationality, or last residence, as a result of events subsequent to the outbreak of World War II; (iii) are unable to return to any of such countries because of persecution or fear of persecution on account of race, religion, or political opinions; and (iv) have not been firmly resettled in any other country. During the period beginning July 1, 1950, and ending June 30, 1954, 50 per centum of the nonpreference portion of the immigration quotas as provided in section 6 of the Immigration Act of 1924, shall be available for the issuance of immigration visas to persons who are entitled to classification under this subparagraph, exclusive of the total numerical limitations provided in section 3 (a) of the Displaced Persons Act.

(6) *Persons of German ethnic origin.* This class shall consist of persons of German ethnic origin as defined in § 45.1 (g). Not more than 54,744 immigration visas, in addition to the total numerical limitations provided in section 3 (a) of the Displaced Persons Act, and including the visas issued to aliens in this class since June 25, 1948, shall be issued to persons entitled to classification under this subparagraph.

(e) *Spouses and minor children.* This class shall consist of the spouses and unmarried dependent children under 21 years of age, including adopted children and stepchildren, who intend to accompany, and propose to live with, persons described in paragraphs (a) and (d) of this section.

§ 45.3 *Application for visas: Qualifications.* (a) An applicant shall have the burden of establishing that he is entitled to the specific classification under which he makes application as well as his eligibility to receive a visa under the general immigration laws and regulations. An applicant shall not be issued an immigration visa if the consular officer knows or has reason to believe that such applicant is subject to exclusion from the United States under any provisions of the immigration laws and regulations, or (1) is not a displaced person and an eligible displaced person if applying for a visa as such, or (2) is not eligible to receive a visa under any provision of the Displaced Persons Act and the regulations contained in this part.

(b) An applicant who is an eligible displaced person or an eligible displaced orphan for whom assurances have been furnished pursuant to the provisions of the Displaced Persons Act shall not be required to furnish an affidavit, or other evidence, of support. However, if the assurances of employment, housing, or of proper care submitted in behalf of such applicant are deemed by the consular officer to be inadequate for the purposes for which they are submitted, no visa shall be issued to the applicant.

(c) In determining whether an applicant is eligible under the Displaced Persons Act, the certification and report of the Commission, prepared pursuant to section 10 of the Displaced Persons Act, shall be considered by the consular officer as establishing, in the absence of specific knowledge or substantial belief showing ineligibility, that the applicant is eligible under the provisions of the Displaced Persons Act, except so far as such report relates to the issuance of a visa under the general immigration laws and regulations. Consular officers shall not be required to reopen or review each case *de novo* in the absence of specific knowledge or substantial belief showing ineligibility under the provisions of the Displaced Persons Act, as distinguished from the question of eligibility to receive a visa under the general immigration laws and regulations. In the event the consular officer has specific knowledge or substantial belief showing ineligibility under the provisions of the Displaced Persons Act, an appropriate inquiry shall be instituted to ascertain the facts relative thereto, and, in this connection, the consular officer may interrogate the applicant or any other persons, and may consider any evidence deemed relevant to a determination of the alien's eligibility under the provisions of the Displaced Persons Act.

(d) So far as concerns applicants under the provisions of sections 3 (b), 3 (c), and 12 (c) of the Displaced Persons Act who registered with a United States consular officer prior to June 16, 1950, the burden of coming forward to claim eligibility under any of such provisions shall be borne by the applicant, and if such eligibility is established, his priority in the issuance of a visa shall be determined as of his original registration priority.

§ 45.4 *Preferences and priorities.* (a) The preferences and priorities provided within the quotas by the Immigration Act of 1924 and the regulations issued thereunder shall not be applicable in the case of any person receiving an immigration visa pursuant to the provisions of the Displaced Persons Act, except as otherwise expressly provided in this section. In lieu thereof, the follow-

ing preferences, without priority in time of issuance of visas as between such preferences or as between preference or nonpreference cases under the Displaced Persons Act, shall be granted to persons and their family dependents who are the spouses or the unmarried dependent children under twenty-one years of age, including adopted children and stepchildren of such persons:

(1) Aliens who are farm, household, construction, clothing, and garment workers and other workers needed in the locality in the United States in which such persons propose to reside, or persons possessing special educational, scientific, technological or professional qualifications.

(2) Persons who are the blood relatives of citizens or lawfully admitted alien residents of the United States, such relationship in either case being within the third degree of consanguinity computed according to the rules of the common law.

(3) Within the foregoing preference classes priority in the issuance of visas shall be given to eligible displaced persons who during World War II bore arms against the enemies of the United States or who served honorably in the labor service or guard units of the United States Army, and their family dependents who are the spouses or the unmarried dependent children under twenty-one years of age, including adopted children and stepchildren.

(b) Notwithstanding the preferences established by paragraph (a) of this section, and the preferences authorized by section 6 of the Immigration Act of 1924, top priority in the issuance of immigration visas under the German and Austrian quotas shall be granted to adopted children described in § 45.2 (c) (2). The date of registration for an immigration visa with the United States consular office shall determine the priority among such children in the issuance of visas within the classification. Immigration visas issued pursuant to this paragraph shall be charged to the nonpreference portion of such quotas.

§ 45.5 *Procedure in issuing or refusing visas under the Displaced Persons Act.* (a) Except as otherwise expressly provided in this part, consular officers shall follow the procedure prescribed in §§ 42.317–42.357 of this chapter in issuing immigration visas pursuant to the provisions of the Displaced Persons Act.

(b) Supporting documents required under § 42.327 of this chapter shall be attached to the visa application. Reports required under the provisions of sections 10 and 12 of the Displaced Persons Act with respect to eligible displaced persons and persons of German ethnic origin shall be appended to the visa in such manner as to make them readily available to officers of the Immigration and Naturalization Service. Consular officers shall insist upon presentation of birth certificates if such certificates are reasonably procurable, and in those cases in which the consular officer knows or has reason to believe that the alien was not born in the alleged country of birth, the alien shall be required to present satisfactory evidence of his birthplace. In cases where birth or police certificates are not reasonably available, secondary evidence of birthplace, character references, or other probative evidence may be accepted in lieu thereof.

(c) In the case of any applicant who is determined by the Commission to be eligible under the provisions of the Displaced Persons Act and who, for any reason, is refused an immigration visa by a consular officer, a report in writing, approved and signed by the consular officer in charge shall be submitted to the Commission for the purpose of maintaining orderly records, which report shall show the cause for rejection of the applicant and shall contain a reference to the specific provision or provisions of law on which such rejection is based. In any such case the consular officer shall notify the appropriate field representative of the Commission of the action taken.

(d) No quota immigration visa shall be issued under the provisions of the Displaced Persons Act or the regulations promulgated pursuant thereto until the visa-issuing officer shall have received an appropriate quota number for such purpose.

(e) Nonquota immigration visas issued within the numerical limitations prescribed in the Displaced Persons Act shall be numbered serially in a common series from which such numbers shall be apportioned by the Department in order to keep the issuances of such visas within the numerical limitations prescribed.

(f) Quota nationality shall be determined in accordance with the provisions of section 12 (a) of the Immigration Act of 1924, unless expressly provided otherwise in the Displaced Persons Act. However, section 12 (a) (2) of the Immigration Act of 1924, providing that the accompanying wife under certain conditions may be charged to the quota of her husband, shall not be applicable so far as concerns the Displaced Persons Act, except section 3 (c) thereof. In all such cases the accompanying wife shall be charged to the quota of her nationality. However, section 12 (a) (1) of the Immigration Act of 1924, providing that a minor child accompanied by its alien parent shall be charged to the quota of such parent, shall apply in the case of children accompanying parents under the provisions of the Displaced Persons Act.

(g) In the case of an alien applying for an immigration visa pursuant to the provisions of the Displaced Persons Act and of the Immigration Act of 1924, application Forms 256a and 256b shall be revised as follows:

(1) In the space provided in the upper left-hand corner of Form 256a and 256b, a line shall be drawn through the inapplicable words and the statement revised to read: "I claim to be an applicant under the Displaced Persons Act, and my claim is based on the following facts:".

(2) In the adjoining space provided below on Form 256a and 256b the statement shall be revised to read: "Available documents required by the Immigration Act of 1924, as amended, and the Displaced Persons Act are filed herewith and made a part hereof as follows".

(3) The clause at the lower end of the visa application form beginning with the word "Wherefore" shall be revised to read: "WHEREFORE, I apply for an Immigration Visa pursuant to the provisions of the Immigration Act of 1924 and the Displaced Persons Act".

(4) On the reverse side of Form 256a and 256b, the blank space opposite the fifth "box" shall be used to show the classification of persons under the Displaced Persons Act, except Greek preferentials as classified in § 45.2 (d) (4) and as to which the usual procedure shall be followed. In this connection, reference shall be made to the specific subsection or subdivision of the Displaced Persons Act under which the applicant is classified followed by a descriptive designation as used to identify the several classes of applicants in § 45.2, for example, "Section 2 (c)—Eligible displaced person", or "Section 2 (e)—Eligible displaced orphan", or "Section 2 (g)—Venezia Giulia refugee", or "Section 3 (b) (2)—China Refugee", or "Section 12 (a)—German ethnic origin".

(5) On the reverse side of Form 256a and 256b, the statement directly above the space provided for the signature of the visa-issuing officer shall be revised to read: "The bearer, who is of (citizen or subject) Nationality, having been seen and examined, is classified as a (insert descriptive designation used above) and is granted this Immigration Visa pursuant to the provisions of the Immigration Act of 1924 and the Displaced Persons Act".

§ 45.6 *Exemptions*—(a) *Visa fees.* No fee shall be charged for an immigration visa, or application therefor, issued to an eligible displaced person, an eligible displaced orphan, a person of German ethnic origin, or a section 12 (c) adopted child. In all other cases of applicants under the Displaced Persons Act, the issuance of an immigration visa shall be subject to payment of the prescribed fee of $1 for the application and $9 for the visa.

(b) *Contract labor and assisted immigration.* The excluding provisions of section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875–878; 8 U. S. C. 136), relating to contract labor and the payment of an alien's ticket or passage by another, or by any corporation, association, society, municipality, or foreign government, either directly or indirectly, shall not be applicable to persons whose admission into the United States is authorized under the provisions of the Displaced Persons Act: *Provided*, That the benefits of exemption from the contract-labor provision of section 3 of the Immigration Act of February 5, 1917, which are provided by section 3 (b) (5) of the Displaced Persons Act, shall not apply in the case of a person whose application under the Displaced Persons Act is based on the submission of an affidavit or other evidence of support. In lieu thereof, the applicant may submit assurances, as provided in section 45.7 of this part, in order to have the benefits of such exemption.

§ 45.7 *Assurances under sections 3 (b) and 3 (c) of the Displaced Persons Act.*—(a) *Assurances in lieu of affidavits of support.* In lieu of affidavits of support or other evidence of support, a person authorized to be admitted under sections 3 (b) and 3 (c) of the Displaced Persons Act may submit to consular officers assurances by a citizen or citizens of the United States in such form as is prescribed in this section, which shall provide that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment, and that such person and the members of his family who shall accompany and who propose to live with him shall not become public charges and will have housing without displacing some other person from such housing. Either form of evidence shall be acceptable and either may be used for different individuals, except that an affidavit of support may be submitted by an alien resident of the United States as well as by a citizen of the United States. The term "citizen or citizens of the United States" shall include (1) domestic corporations, partnerships or other firms having their principal place of business within the United States; and (2) American public or voluntary agencies recognized by the Department for this purpose: *Provided,* That a voluntary agency within the meaning of this part shall be an agency which provides services in connection with the immigration, settlement, or welfare of aliens: *And provided further,* That the officer or member of such corporation, partnership, firm, or agency who executes the assurance in its behalf shall be a citizen of the United States.

(b) *Assurance of employment.* (1) The assurance that an applicant will be suitably employed without displacing some other person from employment shall provide such information as may be required to satisfy the responsible consular officer that (i) suitable activities for salary, wages, or other gain are to be made available to the applicant by, through, or on behalf of the individual or agency furnishing the assurance; (ii) the wages or compensation offered are not less than the prevailing rate for like activity in the community where the employment is pursued; (iii) the employment is of a permanent or indefinite nature and will be available at the time of the arrival of the applicant in the United States; and (iv) that no person will be removed from employment because of the activities to be performed by the applicant.

(2) Assurance that an applicant will, as his principal activity, attend regular sessions at a school in the United States and that he will undertake studies appropriate to his age and prior scholastic attainment shall, for the purposes of the Displaced Persons Act, be deemed to be assurance that the applicant will be suitably employed.

(3) If the employment is to be provided by an individual other than the person furnishing the required assurances, a statement in triplicate from the prospective employer, preferably on the business stationery of such employer, shall accompany the assurances, which statement shall contain a specific offer of employment, and shall indicate the place, nature, and anticipated duration, and other pertinent data relative thereto. The original of such statement shall accompany Form 256a; the duplicate thereof shall be attached to Form 256b; and the third copy given to the alien.

(c) *Assurance of housing.* The assurance that the principal applicant and the members of his family who will accompany him and who propose to live with him will have housing without displacing some other person from such housing shall provide such information as may be required to satisfy the responsible consular officer that (i) adequate housing will be available to the applicants upon arrival in the United States, and (ii) no occupant of such housing will be displaced therefrom in order to accommodate the occupancy of such applicants.

(d) *Assurance against becoming a public charge.* The assurance against becoming a public charge shall provide such information as may be required to satisfy the responsible consular officer that neither the principal applicant nor any of the members of his family who will accompany him and who propose to live with him will become a public charge.

(e) *Assurance of transportation.* In the case of an applicant who is ineligible for transportation provided by the International Refugee Organization, or by the Commission, the consular officer shall be satisfied, prior to the issuance of a visa to the applicant, that adequate arrangements will be made for the transportation of such applicant from his place of foreign residence to his destination in the United States, and in support thereof the consular officer may require the submission of such supplemental assurances as he deems necessary.

(f) *Forms of assurances.* (1) The assurances referred to in paragraphs (b), (c), (d) and (e) of this section shall be in such written form as may be prescribed by the Department and, except for the assurances submitted by public agencies or voluntary agencies approved by the Department, shall be sworn to or affirmed before a notary public or other person authorized to administer oaths or affirmations. Assurance forms may be obtained from such public agencies or voluntary agencies or from the Visa Division, Department of State, Washington 25, D. C.

(2) The assurance form prescribed for the purpose of this section shall contain the following statement immediately preceding the jurat: "I am furnishing this assurance fully mindful of the provisions of section 15 of the Displaced Persons Act providing that any person or persons who knowingly violate or conspire to violate any provision of such Act, except section 9, shall be guilty of a felony, and upon conviction thereof shall be fined not less than $500 or more than $10,000, or shall be imprisoned not less than two or more than ten years, or both."

(g) *Adequacy of assurances.* If the consular officer is satisfied that the assurances submitted pursuant to the provisions of this section meet the requirements of the Displaced Persons Act and the regulations contained in this part, he may proceed to a further consideration of the applicant's eligibility under the provisions of the Displaced Persons Act, and his eligibility to receive an immigration visa under the general immigration laws and regulations. If the consular officer is not satisfied that the assurances meet such requirements, he may require the sponsor to provide additional information relative thereto. If such additional information is not submitted within a reasonable time, or if submitted, does not meet the requirements of the Displaced Persons Act and the regulations contained in this part, the consular officer shall discontinue consideration of the application based on such assurances, and shall notify the applicant and the sponsor of his action.

(h) *Named and unnamed assurances.* Assurances submitted to a consular officer as provided in this section may be either named assurances (identifying the particular applicant by name), or unnamed assurances (not identifying the applicant by name but requesting admission of an alien having specific skills or other qualifications): *Provided,* That in the case of an applicant under section 3 (c) of the Displaced Persons Act only named assurances may be submitted.

(i) *Public agencies and voluntary agencies.* For the purpose of this section, public agencies and voluntary agencies shall include only such agencies as are recognized by the Department, and consular officers shall not accept assurances from any agency not so recognized and included in an approved list thereof furnished by the Department. Assurances submitted by public agencies or voluntary agencies shall conform to all the applicable requirements prescribed in this section.

(j) *Assurances: section 2, orphans*—(1) *Greek orphans.* Assurances required by subsection (e) of section (2) of the Displaced Persons Act in the case of a Greek orphan shall be submitted to the Commission in accordance with the regulations thereof as contained in 8 CFR Parts 700–710 (15 F. R. 3864). In areas where the operations of the Commission do not extend, such assurances, upon being validated by the Commission, will be forwarded to the appropriate consular office.

(2) *Section 2 (f) orphans.* The procedure prescribed in subparagraph (1) of this paragraph shall be applicable in the cases of orphans defined in subsection (f) of section (2) of the Displaced Persons Act except that the assurance required thereunder may be given either by a citizen of the United States or by an alien admitted to the United States for permanent residence, and shall be submitted to the Commission prior to June 30, 1951: *Provided,* That no immigration visa shall be issued subsequent to June 30, 1952, to an orphan defined in subsection (f) of section 2 of the Displaced Persons Act.

§ 45.8 *Good-faith affidavit.* (a) An applicant applying for an immigration

visa under the provisions of section 3 (b) or 3 (c) of the Displaced Persons Act whose admission is based on the submission of an assurance of suitable employment shall execute a signed statement under oath or affirmation that he accepts and agrees in good faith to abide by the terms of employment provided in such assurances. Consular officers are authorized to administer the required oath or affirmation without fee.

(b) The affidavit provided for in paragraph (a) of this section shall be executed in duplicate in accordance with the terms of a prescribed form to be furnished by the Department. The original of such affidavit shall be attached to Visa application Form 256a, and a duplicate copy thereof shall be attached to Form 256b.

§ 45.9 *Disqualification to receive visas.* (a) No visa shall be issued to any applicant whose admission under the Displaced Persons Act is based on the submission of an assurance of suitable employment unless the applicant shall first execute the good-faith affidavit required by section 6 of the Displaced Persons Act and the regulations contained in this part.

(b) No alien shall be issued a visa of any kind under the general immigration laws and regulations or under the provisions of the Displaced Persons Act if the consular officer knows or has reason to believe that the alien has willfully made a misrepresentation for the purpose of gaining admission into the United States as an eligible displaced person. In any case involving a reasonable doubt, the consular officer shall communicate with the Department with a view to obtaining an advisory opinion, and shall submit with his communication all the pertinent facts on which such doubt is based.

(c) No applicant shall be issued an immigration visa as an eligible displaced person, as a person of German ethnic origin, or as a section 12 (c) adopted child, in the absence of a written report from the Commission concerning his character, history, and eligibility as required by sections 10 and 12 of the Displaced Persons Act.

(d) No applicant shall be issued an immigration visa if the consular officer knows or has reason to believe that the applicant, subject to the exemptions expressly provided in § 45.6 (b), is excluded from admission to the United States under any of the provisions of the immigration laws and regulations, or if the consular officer knows or has reason to believe that the applicant is not entitled to the specific classification under which he makes application.

(e) No applicant shall be issued an immigration visa if the consular officer knows or has reason to believe that:

(1) The applicant is or has ever been a member of the Communist, Nazi or Fascist party or of a political or subversive group of an ideological character similar to that of any of said parties;

(2) The applicant adheres to, advocates, or follows, or has adhered to, advocated, or followed, the principles of any political or economic system or philosophy directed toward both the destruction of free competitive enterprise and the revolutionary overthrow of representative governments;

(3) The applicant is or has been a member of any organization which has been designated by the Attorney General of the United States as a Communist organization;

(4) The applicant is or has been a member of or participated in any movement which is or has been hostile to the United States or the form of Government of the United States;

(5) The applicant has advocated or assisted in the persecution of any person because of race, religion, or national origin;

(6) The applicant voluntarily bore arms against the United States during World War II. This provision shall apply to aliens who voluntarily bore arms against the United States on the Western front, including North Africa and Italy, but shall not apply to aliens, other than German nationals, who were forced against their will to serve in the German armed forces or auxiliary organizations.

(f) No visa shall be issued to an applicant coming within the provisions of sections 3 (b) or 3 (c) of the Displaced Persons Act in the absence of a thorough security check. An appropriate report thereon shall be placed in the applicant's file.

(g) No immigration visa shall be issued to a person coming within the provisions of section 2 (d) of the Displaced Persons Act and classified as a persecutee in § 45.2 (a) (4) in the absence of an appropriate instruction from the Department.

§ 45.10 *Numerical limitations on visas.* (a) In accordance with the provisions of the Displaced Persons Act, a total of 400,744 immigration visas, including visas previously issued under the Displaced Persons Act of 1948, may be issued as follows:

(1) Not more than 341,000 to eligible displaced persons and eligible displaced orphans, and certain other classes.

(2) Not more than 54,744 to persons of German ethnic origin and their spouses and children.

(3) Not more than 5,000 to nonquota orphans under 10 years of age.

(b) Within the 341,000 immigration visas authorized by section 3 (a) of the Displaced Persons Act and referred to in paragraph (a) (1) of this section, numerical limitations on the issuance of visas to designated classes shall apply as follows:

(1) Eligible displaced orphans	5,000
(2) China refugees and their spouses and children	4,000
(3) Polish veterans and their spouses and children	18,000
(4) Greek refugees and their spouses and children	7,500
(5) Greek preferentials	2,500
(6) Venezia Giulian refugees and their spouses and children	2,000

(c) In the event that all of the special classes of persons enumerated in paragraph (b) of this section do not receive the total of 39,000 visas authorized for such classes, the unused portion shall be made available to qualified aliens classifiable as eligible displaced persons to the extent of such unused portion but not in excess of 341,000.

(d) The number of immigration visas which may be issued to "out-of-zone" refugees pursuant to the provisions of section 3 (c) of the Displaced Persons Act shall be determined by the current numerical limitations on the quotas of the countries concerned.

(e) All persons receiving visas pursuant to the provisions of the Displaced Persons Act shall be charged to their proper quota on a current-year or a future-year basis, except the 5,000 eligible displaced orphans for whom special nonquota immigration visas are provided by section 3 (b) (1) of the Displaced Persons Act, and the 5,000 orphans under the age of 10 years for whom special nonquota immigration visas are provided by section 2 (f) of that Act, and other applicants who qualify for nonquota status under the general immigration laws.

(f) The number of immigration visas which may be issued to adopted children pursuant to the provisions of section 12 (c) of the Displaced Persons Act, exclusive of those which may be issued to such adopted children who qualify as persons of German ethnic origin, shall be determined by current numerical limitations on the immigration quotas of Germany and Austria.

(g) A quota number used in issuing an immigration visa to a particular applicant shall not be used in the issuance of a visa to any other applicant even though the original recipient thereof fails, for any reason, to use his immigration visa.

(h) A replace visa may be issued to the original applicant under the same number of the same quota, or to a nonquota applicant, during the effective period of the particular provisions of the Displaced Persons Act under which the applicant was classified and was issued his original visa: *Provided*, That in applying therefor the applicant is found to be still qualified to receive a replace visa under the same provisions of the Displaced Persons Act as were originally applicable to his case. If the original visa was allotted from a current quota, no replace visa may be issued subsequent to the quota year in which such original visa was issued.

§ 45.11 *Quota control.* The following rules are prescribed to govern the administration of immigration quotas under the Immigration Act of 1924 as affected by the Displaced Persons Act:

(a) The first fifty per centum of the quota of each nationality for each of the fiscal years beginning July 1, 1950, shall be made available for the issuance of immigration visas to qualified applicants of the first-preference quota class specified in section 6 (a) (1) of the Immigration Act of 1924.

(b) The remainder, if any, of the fifty per centum of each quota referred to in paragraph (a) of this section shall be made available for the issuance of immigration visas to qualified applicants of the second-preference quota class specified in section 6 (a) (2) of the Immigration Act of 1924.

(c) Any portion of the first fifty per centum of each annual quota referred to in paragraph (a) of this section not required for the issuance of immigration visas to qualified applicants entitled to first or second preference under the provisions of sections 6 (a) (1) or 6 (a) (2) of the Immigration Act of 1924, shall be made available to aliens qualifying for nonpreference status under the provisions of section 3 (c) of the Displaced Persons Act and section 6 (a) (3) of the Immigration Act of 1924: *Provided*, That not more than fifty per centum of such unrequired portion shall be made available to applicants qualifying under the provisions of section 3 (c) of the Displaced Persons Act.

(d) Twenty-five per centum of the quota of each nationality, for each of the fiscal years beginning July 1, 1950, and ending June 30, 1954, shall be made available for the issuance of immigration visas to qualified applicants under all provisions of the Displaced Persons Act, except section 3 (c) thereof, and for persons whose cases are adjusted under section 19 (c) of the Immigration Act of February 5, 1917, as amended, and for persons whose cases are adjusted under section 4 of the Displaced Persons Act: *Provided*, That beginning July 1, 1954, as much as fifty per centum of any quota may be used in any fiscal year for persons covered by this paragraph.

(e) During the fiscal years beginning July 1, 1950, and ending June 30, 1954, twenty-five per centum of each annual quota, exclusive of the fifty per centum (first preference immigrants) referred to in paragraph (a) of this section, and the twenty-five per centum (displaced persons) referred to in paragraph (d) of this section, shall be made available first for the issuance of immigration visas to qualified applicants entitled to preference under the provisions of section 6 (a) (2) of the Immigration Act of 1924, and second to qualified applicants under the provisions of section 3 (c) of the Displaced Persons Act: *Provided*, That not more than fifty per centum of the quota numbers not required for issuance to qualified applicants under the provisions of section 6 (a) (2) of the Immigration Act of 1924 shall be made available for issuance to qualified applicants under the provisions of section 3 (c) of the Displaced Persons Act: *Provided further*, That any residue of such twenty-five per centum shall be made available for issuance to qualified applicants entitled to nonpreference status under the provisions of section 6 (a) (3) of the Immigration Act of 1924.

(f) The reduction of a quota as required by the enactment of private acts by the Congress shall operate to reduce that particular portion of each annual quota from which a quota number is most readily available.

This order shall become effective upon publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is unnecessary because the regulations contained in this order involved foreign-affairs functions of the United States.

JAMES E. WEBB,
Acting Secretary of State.

SEPTEMBER 20, 1950.

Recommended, so far as the provisions of the Immigration Act of 1924 and the Alien Registration Act, 1940, are concerned:

J. HOWARD MCGRATH,
Attorney General.

SEPTEMBER 15, 1950.

[F. R. Doc. 50-8366; Filed, Sept. 22, 1950; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 533—GRATUITY UPON DEATH

SPECIAL DETERMINATION CONCERNING ABSENCE WITHOUT LEAVE

Amend the second sentence of paragraph (a) (1) of § 533.8 to read as follows:

§ 533.8 *Special determinations*—(a) *Absence without leave.* (1) * * *. The 6 months' death gratuity is not a part of a member's "pay and allowances," therefore, if a member dies during an absence without leave, whether or not such absence is excused as unavoidable, payment of the 6 months' death gratuity at the rate of pay accruing to such member at the date of death is authorized if otherwise payable. * * *

[C2, AR 35-1370, 2 Aug. 1950] (R. S. 161; 5 U. S. C. 22. Interprets or applies secs. 1, 2, 41 Stat. 367, as amended, sec. 5, 53 Stat. 557, as amended, sec. 4, 60 Stat. 964, as amended; 10 U. S. C. 456, 903; 37 U. S. C. 33)

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

[F. R. Doc. 50-8338; Filed, Sept. 22, 1950; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Federal Security Agency

PART 402—BUSINESS ENTERPRISES PROGRAM FOR THE BLIND

ADOPTION OF CERTAIN REGULATIONS

Pursuant to the authority conferred by the Omnibus Appropriation Act 1951, P. L. 759, approved September 6, 1950, governing Federal reimbursement for one-half of necessary expenditures for acquisition of vending stands and other equipment to be controlled by the State Agency for the use of blind persons, the regulations prescribed pursuant to the Labor-Federal Security Appropriation Act, 1948, approved July 8, 1947 (12 F. R. 4044), are hereby adopted and prescribed as the regulations under the Omnibus Appropriation Act 1951, with the following changes:

1. Section 402.2 (a), formerly § 601.2 (a), is hereby changed to read as follows:

(a) "Act" means Public Law 759, approved September 6, 1950, known officially as the "Omnibus Appropriation Act 1951."

2. Section 402.16, formerly § 601.16, is hereby changed to read as follows:

§ 402.16 *Limitation on amount of Federal reimbursement.* Federal reimbursement under the act and regulations in this part shall not exceed one-half the necessary cost of acquisition of vending stands or other equipment for the program: *Provided*, That such Federal reimbursement shall not exceed $700 for any one vending stand or for any one business enterprise irrespective of the number of operators placed in such vending stand or business enterprise; except that such Federal reimbursement shall not exceed $800 for a vending stand requiring special candy refrigerating equipment, or $1,000 for a vending stand requiring special cooking or cold drink refrigerating equipment, provided that in the case of an out-of-door stand, each of the foregoing maxima is increased by twenty percent.

3. Section 402.27, formerly § 601.27, is hereby changed to read as follows:

§ 402.27 *Continued operation of programs under plans submitted previous to the issuance of the regulations in this part.* Insofar as they are not inconsistent with the act or the regulations in this part, plan materials submitted pursuant to regulations previously issued, Part 402, Chapter IV, formerly Part 601, Chapter VI, of Title 45, shall be of the same force and effect, and shall be subject to the same terms and conditions as though submitted under the regulations in this part.

(39 Stat. 929 as amended, 49 Stat. 1559, sec. 7, 57 Stat. 374; 20 U. S. C. 11-30, 107-107f, 29 U. S. C. 37)

Date: September 19, 1950.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 50-8315; Filed, Sept. 22, 1950; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9508]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

ORDER AMENDING RULES

In the matter of Amendment of Parts 2 and 4 of the Commission's rules and regulations Governing STL stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of September 1950;

The Commission having under consideration a proposal to amend Parts 2 and 4 of the Commission's rules and regulations governing STL stations; and

It appearing, that Notice of Proposed Rule Making setting forth the proposed amendment was issued by the Commission on November 28, 1949, and was duly published in the FEDERAL REGISTER (14 F. R. 7274), which notice provided that interested parties might file written data, views, or comments concerning the said proposal on or before December 30, 1949; and

It appearing, that comments were filed by Parkersburg Broadcasting Co., Parkersburg, W. Va.; Maricopa Broadcasters, Inc., Phoenix, Arizona; WIBC, Inc., Indianapolis, Indiana; Bay Broadcasting Company, Inc., Bay City, Michigan; McClatchy Broadcasting Company, California; The Fort Industry Co., Detroit, Michigan; Isle of Dreams Broadcasting Corporation, Miami, Florida; which comments supported the adoption of the said amendments in the form proposed;

It further appearing, that comments were filed by the following parties which supported the adoption of the said amendments with the following modifications: (1) National Broadcasting Company proposed that the rules be revised, "to permit an STL station * * * to transmit the same program simultaneously to the transmitters of both its AM station and its FM station," which recommendation has been incorporated in the rules hereby adopted; and further proposed international broadcast stations remain eligible to become licensees of STL stations, which recommendation is unsupported by any showing of present or future need for such facilities by international broadcast stations, and therefore has not been adopted; (2) American Broadcasting Company, Inc. and KTOK, Inc., which proposed that the rules be revised to permit a licensee of both an FM and an AM broadcast station in the same city to use its STL station as an auxiliary to both such stations, which recommendation has in effect been incorporated in the rules hereby adopted; (3) Davenport Broadcasting Company (KSTT) which proposed that AM STL stations be licensed in the 940–952 Mc band, which proposal is outside the scope of the Notice of Proposed Rule Making herein and would require a reallocation of the 940–952 Mc band, and therefore has not been adopted; (4) A. Earl Cullum, Jr., which proposed that, "the entire STL spectrum be available for transmission of audio programs, whether for Standard, FM, or TV stations," which proposal is outside the scope of the Notice of Proposed Rule Making herein, would require a reallocation of frequencies in several parts of the spectrum, and is unsupported by any facts showing the need for such reallocation, and therefore has not been adopted; and

It further appearing, That from consideration of all the comments filed with the Commission and on the basis of its own further considerations of the matter, it now appears proper to make final the adoption of the amendment with minor changes designed to permit any licensee of an FM and a Standard broadcast station in the same city or Metropolitan District to use a single STL station for relaying to both such broadcast stations without regard to the scheduled hours of operation thereof;

Accordingly, it is ordered, Effective October 16, 1950 that Parts 2 and 4 of the Commission's rules and regulations governing STL stations are amended as set forth below.

Released: September 8, 1950.

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

Part 2 of the Commission's rules and regulations is amended as follows: In § 2.104 (a): Delete the footnote designator "NG13" on the band 890–940 Mc in Column 7 of the Table of Frequency Allocations.

Part 4 of the Commission's Rules and Regulations is proposed to be amended as follows:

1. In § 4.1 (b) (2): Change the reference title from "ST Broadcast" to "Broadcast STL Stations (Subpart E)".

2. In § 4.11: In line 2 delete the term "ST" and substitute therefor", broadcast STL,".

3. In § 4.18 (b): In line 1 delete the words "and ST broadcast" and substitute therefor ", broadcast STL,".

4. Subpart E of Part 4 is amended to read as follows:

SUBPART E—RULES GOVERNING BROADCAST STL STATIONS

DEFINITION AND ALLOCATION OF FREQUENCIES

§ 4.501 *Definitions.* (a) FM Broadcast STL Station: A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

(b) Standard broadcast STL station: A fixed station utilizing telephony to transmit from a studio of a standard broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

(c) The term "FM broadcasting station" as used in this part of the rules includes non-commercial educational FM broadcasting stations.

(d) The abbreviation "STL" is derived from "studio-transmitter link."

§ 4.502 *Frequency assignment.* (a) An FM broadcast STL station may be licensed on one of the following frequencies:

940.5 Mc	943.5 Mc	946.5 Mc	949.5 Mc
941.0 Mc	944.0 Mc	947.0 Mc	950.0 Mc
941.5 Mc	944.5 Mc	947.5 Mc	950.5 Mc
942.0 Mc	945.0 Mc	948.0 Mc	951.0 Mc
942.5 Mc	945.5 Mc	948.5 Mc	951.5 Mc
943.0 Mc	946.0 Mc	949.0 Mc	

(b) A standard broadcast STL station may be licensed on one of the following frequencies: [1]

925.5 Mc	929.5 Mc	933.0 Mc	936.5 Mc
926.0 Mc	930.0 Mc	933.5 Mc	937.0 Mc
926.5 Mc	930.5 Mc	934.0 Mc	937.5 Mc
927.0 Mc	931.0 Mc	934.5 Mc	938.0 Mc
927.5 Mc	931.5 Mc	935.0 Mc	938.5 Mc
928.0 Mc	932.0 Mc	935.5 Mc	939.0 Mc
928.5 Mc	932.5 Mc	936.0 Mc	939.5 Mc
929.0 Mc			

[1] Shared with other services. See § 2.104 (a) of this chapter.

Stations operating in the band 925–940 Mc must accept any interference that may be experienced from the operation of industrial, scientific and medical equipment.

(c) The frequencies listed in paragraph (b) of this section may be assigned to FM broadcast STL stations in any area where insufficient space in that area is available in the band 940–952 Mc.

§ 4.503 *Frequency selection.* (a) Each application for a new station or change in an existing station shall be specific with regard to frequency. In general, the lowest suitable frequency will be assigned which, on an engineering basis, will not cause harmful interference to other stations operating in accordance with existing frequency allocations.

(b) Where it appears that interference may result from the operation of a new station or a change in the facilities of an existing station, the Commission may require a showing that harmful interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the loss of service due to the interference.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.511 *Administrative procedure.* See §§ 4.11 to 4.33, inclusive.

RULES RELATING TO LICENSING POLICIES

§ 4.531 *Licensing requirements.* (a) An FM broadcast STL station will be licensed only to the licensee of an FM broadcasting station as an auxiliary to a particular FM broadcasting station of that licensee.

(b) A standard broadcast STL station will be licensed only to the licensee of a standard broadcast station as an auxiliary to a particular standard broadcast station of that licensee.

(c) More than one FM broadcast STL or standard broadcast STL transmitter will be licensed for use with a single broadcast station only upon a specific and satisfactory showing that (1) more than one STL transmitter is required for the effective operation of a single STL circuit, due to terrain, distance of transmission, or similar circumstances; or (2) more than one STL circuit is needed for the purpose of connecting an additional studio with the transmitter and it is shown that the nature and extent of use of such additional STL circuit is such as to justify its authorization.

(d) Each station shall be licensed at a fixed location and the direction of radiation of the antenna shall be fixed.

§ 4.532 *Service.* (a) The license of an FM broadcast STL station or a standard broadcast STL station authorizes the relaying of programs from a studio to the transmitter of the broadcast station with which it is licensed, for simultaneous or delayed broadcast: *Provided, however,* That where the licensee of an FM broadcast STL station or a standard broadcast STL station is the licensee of an FM broadcast station and a standard broadcast station in the same city or metropolitan district, the license of each such STL station authorizes the relaying

to be made to either or both such broadcast stations.

(b) Each FM broadcast STL station or standard broadcast STL station will be licensed for unlimited time operation.

(c) During periods in which it is not a part of the broadcast circuit, the transmitting equipment may be used for the transmission of communications which pertain to the broadcast operations.[2] Superfluous transmissions are not permitted.

§ 4.533 *Remote control operation.* Remote control operation of broadcast STL stations will be permitted subject to the following conditions:

(a) A percentage modulation indicator or calibrated program level meter shall be provided at the operating position.

(b) The operator shall have off-and-on control of the power to the last radio stage.

(c) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

§ 4.534 *Power limitations.* Broadcast STL stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.535 *Emission authorized.* (a) Broadcast STL stations normally will be authorized to employ frequency modulation only.

(b) The maximum frequency swing[3] employed shall not be in excess of 200 kilocycles.

§ 4.536 *Directional antenna required.* Each Broadcast STL station is required to employ a directional antenna. Considering one kilowatt of radiated power as a standard for comparative purposes, such antenna shall provide a free space field intensity at one mile of not less than 435 mv/m in the main lobe of radiation toward the receiver and not more than 20 percent of the maximum value in any azimuth 30 degrees or more off the line to the receiver. Where more than one antenna is authorized for use with a single station, the radiation pattern of each shall be in accordance with the foregoing requirement.

[2] If the STL transmitter and receiver are equipped with a multiplex circuit, communications during broadcast periods may be authorized upon application therefor. Such a circuit, if used, shall be designed and operated in a manner which will not cause spurious emissions or derogation of the program transmission. Studio to transmitter and transmitter to studio communication may also be provided by equipment operated under the remote pickup broadcast station rules.

[3] The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

RULES RELATING TO EQUIPMENT

§ 4.551 *Equipment changes.* The licensee of a broadcast STL station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.561 *Frequency tolerance.* The licensee of each broadcast STL station shall maintain the operating frequency of the station within plus or minus 0.005 percent of the assigned frequency.

§ 4.562 *Frequency monitors and measurements.* The licensee of a broadcast STL station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.563 *Station inspection.* The licensee of each broadcast STL station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.564 *Station and operator license; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible, in a conspicuous place in the room in which the transmitter is located; *Provided,* That if the transmitter operator is located at a distance from the transmitter pursuant to § 4.533 the station license shall be posted in the above-described manner at the operating position.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, a verification card (Form 758–F) is acceptable in lieu of the posting of such license: *Provided further, however,* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession.

§ 4.565 *Operator requirements.* One or more radio operators holding any class of commercial radio operator license or permit shall be on duty at the place where the transmitting apparatus is located, except as provided in § 4.533, and in actual charge of its operation. Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter. The licensed operator on duty and in charge of a broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.566 *Inspection of tower lights and associated control equipment.* The licensee of each broadcast STL station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.567 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.581 *Station records.* (a) The licensee of each broadcast STL station shall maintain adequate records of the operation, including:

(1) Hours of operation.
(2) Program transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.

(b) Where an antenna or antenna support structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.582 *Station identification.* Each broadcast STL station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour, it shall either announce its call letters or make an announcement[4] which will permit it to be identified.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U. S. C. 154, 303. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.)

[F. R. Doc. 50-8346; Filed, Sept. 22, 1950; 8:47 a. m.]

[4] Such as announcement during program operation of the call letters of the broadcast station with which the broadcast STL station is operated.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Corr. Amdt. 2]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September A. D. 1950.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256), and good cause appearing therefor: It is ordered, that:

§ 95.865 *Demurrage on freight cars,* of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (c) (1) for paragraph (c) (1) thereof:

(c) *Application.* (1) The provisions of this order, subject to the following exceptions, shall apply to intrastate and interstate traffic as well as foreign traffic, including commerce with insular possessions and the territories of Alaska and Hawaii.

Exceptions. Export, coastwise (including Great Lakes) or intercoastal bulk freight (including vessel fuel coal and coke) or explosives during the period such bulk freight or explosive is held in cars at ports for transfer to vessels is not subject to this order. Bulk freight means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

Effective date. This amendment shall become effective at 7:00 a. m., September 20, 1950.

It is further ordered, That a copy of this order and direction be served upon the State railroad regulatory bodies 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. 50-8347; Filed, Sept. 22, 1950; 8:48 a. m.]

[S. O. 868-A]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW LOT RULE AND TWO-FOR-ONE RULE

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of September A. D. 1950.

Upon further consideration of Service Order No. 868 (15 F. R. 6314) and good cause appearing therefor: *It is ordered,* That Section 95.868 Service Order No. 868, Suspension of follow-lot rule and two-for-one rule be, and it is hereby suspended until 12:01 a. m., October 4, 1950.

It is further ordered, That this order shall become effective at 12:01 a. m., September 20, 1950; that a copy of this order and direction 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 50-8348; Filed, Sept. 22, 1950; 8:48 a. m.]

[Released Rates Order MC-314, FF-56]

Subchapter B—Carriers by Motor Vehicle

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Subchapter D—Freight Forwarders

PART 420—TARIFFS AND CLASSIFICATIONS

Released Rates Application No. MC-500 being under consideration, and good cause therefor appearing: It is ordered,

§ 187.202 (§ 420.25) *Released ratings; household goods*—(a) *Establishment.* All common carriers of property by motor vehicle and all freight forwarders, their duly authorized agents or the duly accredited successors to such agent, who have been, or who may hereafter be, granted authority by the Commission to transport household goods in interstate or foreign commerce, be, and they are hereby, authorized to establish and maintain by filing and posting in the manner prescribed in the Interstate Commerce Act, classification ratings and exceptions ratings for household goods dependent upon the value declared in writing by the shipper or agreed upon in writing, as the released value of the property, as follows:

	Less than truckload	Truckload or volume
Household goods, as described in note 1 below, prepaid.		
Each article released in value in accordance with the following, see note 2.		
Released value not exceeding 10 cents per pound	1	2-3-3
Released to value exceeding 10 cents but not exceeding 20 cents per pound	1¼	1-3-3
Released to value exceeding 20 cents but not exceeding 50 cents per pound	1½	1¼-2-2
Released to value exceeding 50 cents but not exceeding $2 per pound	D1	1½-1-1
Released to value exceeding $2 but not exceeding $5 per pound	3t1	D1-1¼-1¼

NOTE 1: Ratings on household goods apply only on second-hand (used) household or personal effects such as clothing, furniture or furnishings for residences with not to exceed one piano; and with each truckload or volume shipment there may also be included not to exceed one second-hand (used) freight (not driving trucks for freight vehicles or fire apparatus) or passenger automobile, or one second-hand (used) motorcycle. Ratings do not apply on articles specifically named in

.....

(insert here reference to the rule in the classification or

.....

exceptions which names articles of extraordinary value

.....

not accepted for transportation.)

nor on goods shipped for sale or speculation.

Articles not included in the above description will be subject to their less-than-truckload ratings if shipped with household goods.

NOTE 2: If consignor declines to release each article in the shipment to a value not exceeding $5 per pound, the shipment will not be accepted.

The release, which shall be deemed to relate to each article separately and not to the shipment as a whole, must be entered on shipping order and bill of lading in the following form:

"The agreed or declared value of each article in this shipment is hereby specifically stated by the shipper to be not exceeding ..... per pound."

(b) *Changes in ratings or released valuations.* Changes may be made in any ratings or packing specifications established under the authority of this order, but the commodity description may not be broadened to embrace other articles nor may any change be made in the released valuation upon which the ratings are dependent without the specific authority of the Commission.

(c) *Authority for released ratings must be shown in tariff.* Tariffs containing released ratings filed under authority of this order shall show in connection therewith the following notation:

Ratings herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order N.J. MC-314, FF-56, of September 14, 1950, subject to complaint or suspension.

(d) *Notation required on receipt or bill of lading.* The value declared or agreed upon by the shipper as the released value shall be stated in each bill of lading or receipt issued for property accepted for transportation at the released ratings herein authorized to be established and maintained.

(e) *Carriers and freight forwarders affected.* This order does not constitute authority for the establishment of released ratings on any description of traffic or over the line of any carrier or freight forwarder other than as herein specifically indicated.

(f) *Lawfulness of ratings.* The Commission does not hereby approve the lawfulness, except under sections 20 (11), 219 and 413 of the Interstate Commerce Act, of any ratings which may be filed under authority of this order.

(g) *Application denied in other respects.* The said application, insofar as it requests authority other than that granted by paragraphs (a) to (f) of this section is hereby denied.

(Sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended, 56 Stat. 285; 49 U. S. C. 12, 304, 1003. Interprets or applies sec. 20, 24 Stat. 386, as amended, 49 Stat. 563, as amended, 56 Stat. 295; 49 U. S. C. 20, 319, 1013)

Dated at Washington, D. C., this 14th day of September 1950.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8331; Filed, Sept. 22, 1950; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice is hereby given, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), approved June 11, 1946, that the administrative rule herein set forth is proposed in accordance with the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR 984.1 et seq.), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule, consideration will be given to written data, views, or arguments pertaining thereto which are submitted to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on October 2, 1950.

The Walnut Control Board, established pursuant to the provisions of the aforesaid marketing agreement and order, at a duly called meeting in Los Angeles on August 30, 1950, unanimously adopted the following estimates:

(1) The quantity of merchantable walnuts to be produced and packed during the 1950–51 marketing year is 950,000 bags of 100 pounds each;

(2) The handler carryover as of August 1, 1950, is 173,000 bags of 100 pounds each, of which 74,400 bags were certified for handling, subjected to surplus control and assessed under the 1949–50 program pursuant to the marketing order;

(3) The trade carryover as of August 1, 1950, is 64,000 bags of 100 pounds each; and

(4) The trade demand in the continental United States, Alaska, Hawaii, Puerto Rico, Canal Zone, and Cuba (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act) with consideration for the foregoing estimate of trade carryover is 850,000 bags of 100 pounds each.

The board by unanimous vote recommended that for the 1950–51 marketing year the salable percentage of merchantable walnuts be fixed as 75 percent and the surplus percentage as 25 percent.

Other statistics, information, and data relating to current crop conditions, production, usage, and foreign trade which were considered by the board in making its recommendation were submitted to the Department.

Important aspects of the current walnut production and marketing situation are:

(1) As of September 1 a prospective walnut crop of 64,600 tons which would be 27 percent smaller than the 1949 record large crop and 2 percent smaller than the 1939–48 average;

(2) A handler carryover on August 1, 1950, 173,000 bags of 100 pounds each, which is by far the largest August 1 handler carryover since 1933, and compares with 72,940 bags on August 1, 1949, and 26,111 bags on August 1, 1948;

(3) An estimated trade carryover on August 1, 1950, of 64,000 bags of 100 pounds each as compared with an August 1 trade carryover of 54,000 bags in 1949 and 23,500 bags in 1948; and

(4) The estimated trade demand of 850,000 bags of 100 pounds each for the 1950–51 marketing year as compared with 807,600 bags acquired by the trade in 1949–50 and 826,700 bags in 1948–49.

Consideration has been given to the board's estimates and recommendation and to other pertinent data available to the Department, and it is proposed to accept such estimates and recommendation.

A summary of the computation in justification of the recommended percentages follows:

	100-pound bags
Merchantable production	950,000
Handler carryover subject to surplus contribution	98,600
Total subject to surplus contribution	1,048,600
25 percent surplus (262,150).	
75 percent salable	786,450
Handler carryover not subject to surplus contribution	74,400
Total available to trade	860,850
Less: Trade demand estimate	850,000
Allowance for handler carryover, Aug. 1, 1951	10,850

It is provided in § 984.4 of the aforementioned marketing agreement and order that a withholding percentage shall be announced, that it shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage adjusted to the nearest whole number. On the basis of the proposed salable percentage of 75 percent and surplus percentage of 25 percent, the withholding percentage would be 33 percent.

Therefore, such proposed administrative rule is as follows:

§ 984.202 *Salable, surplus, and withholding percentages for merchantable walnuts during the 1950–51 marketing year.* For merchantable walnuts, during the 1950–51 marketing year, the salable percentage shall be 75, the surplus percentage shall be 25, and the withholding percentage shall be 33 percent.

Issued at Washington, D. C., this 19th day of September 1950.

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

[F. R. Doc. 50-8358; Filed, Sept. 22, 1950; 8:50 a. m.]

[7 CFR, Part 997]

HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice is hereby given, pursuant to the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Congress, 60 Stat. 237), approved June 11, 1946, that the administrative rule herein set forth is proposed in accordance with the provisions of Marketing Agreement No. 115 and Order No. 97 regulating the handling of filberts grown in Oregon and Washington.

Prior to the final issuance of such administrative rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the 10th day after the date of the publication of this notice in the FEDERAL REGISTER, except that if said 10th day after publication should fall on a holiday or Sunday, such submission may be received by the Director not later than the close of business on the next following work day.

The Department, on the basis of information supplied by the Filbert Control Board and other available data, has estimated trade demand, or the quantity of merchantable unshelled filberts which the domestic trade will receive from handlers during the 12 months beginning August 1, 1950, as 9,500,000 pounds. A handler carryover of 2,068,700 pounds, which had been certified as salable prior to August 1, 1950, was reported by the Board. By subtracting this quantity from the estimated trade demand of 9,500,000 pounds, a quantity of 7,431,300 pounds remains to be satisfied from the 9,519,400 pounds representing the Control Board's estimate of merchantable production from the 1950 crop, plus handler carryover not certified for shipment on August 1, 1950. A salable percentage of 92.5 percent and a surplus percentage of 7.5 percent would permit the handling of sufficient merchantable unshelled filberts to satisfy the estimated trade demand and would leave a handler carryover on August 1, 1951, of about 1,374,100 pounds. This would compare with the large handler carryover of 2,068,700 pounds on August 1, 1950, which had contributed to surplus. For the purpose of determining the quantity to be withheld as surplus in respect to each quantity of merchantable filberts handled, the agreement and order provides for the computing and announcing of a withholding percentage. Such percentage is the ratio of the surplus percentage to the salable percentage and in this instance would be eight percent.

The proposed rule is as follows:

§ 997.200 *Salable, surplus, and withholding percentages of merchantable unshelled filberts during the 1950–51 marketing year.* For the fiscal year beginning August 1, 1950, the salable percentage of merchantable unshelled filberts shall be 92.5 percent, the surplus percentage shall be 7.5 percent, and the withholding percentage shall be eight percent.

Issued at Washington, D. C., this 19th day of September 1950.

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

[F. R. Doc. 50-8356; Filed, Sept. 22, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 12770]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 39 N., R. 4 W.,
Sec. 32,
T. 3 N., R. 6 W.,
Sec. 2, S½NE¼.
T. 3 N., R. 15 W.,
Sec. 2, N½, N½SW¼, SW¼SW¼;
Sec. 16;
Sec. 32;
T. 39 N., R. 16 W.,
Sec. 32, lots 1 and 2, NE¼.
T. 24 N., R. 21 W.,
Sec. 2, lot 4, S½NW¼.

The area described aggregates 2,790.59 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the

Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8339; Filed, Sept. 22, 1950; 8:46 a. m.]

[Misc. 55179]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA & SALT RIVER MERIDIAN

T. 1 N., R. 5 W.,
Sec. 2, SW¼, W½SE¼.
T. 6 S., R. 6 W.,
Sec. 32, E½SE¼, SW¼SE¼.
T. 12 S., R. 6 W.,
Sec. 36, NE¼NE¼, S½NE¼, S½.
T. 16 S., R. 8 W.,
Sec. 2, S½.
T. 4 S., R. 10 W.,
Sec. 10, SW¼SW¼;
Sec. 13, N½;
Sec. 15;
Sec. 16, SE¼NW¼;
Sec. 18, lots 1 and 2, E½NW¼;
Sec. 20, N½, SW¼, NW¼SE¼.
T. 4 S., R. 11 W.,
Sec. 11, NW¼NE¼, NW¼, SE¼SE¼;
Sec. 20, E½, W½;
Sec. 21, E½NW¼, NE¼, S½;
Sec. 27;
Sec. 28, E½, E½SW¼, NW¼SW¼, SW¼SW¼;
Sec. 29, NE¼.
T. 10 S., R. 13 W.,
Sec. 2, lot 4, S½N½, S½.
T. 12 S., R. 14 W.,
Sec. 32, NW¼, NE¼SE¼.
T. 16 N., R. 14 W.,
Sec. 16, NW¼;
Sec. 32, W½.
T. 16 N., R. 15 W.,
Sec. 2.
T. 10 S., R. 16 W.,
Sec. 16, N½.
T. 13 S., R. 17 W.,
Sec. 36.
T. 10 S., R. 7 E.,
Sec. 32, SE¼SW¼, SE¼.
T. 13 S., R. 30 E.,
Sec. 6, lots 4, 5, 6, 7, SE¼NW¼, E½SW¼, S½NE¼, SE¼.

The areas described aggregate 7,897.85 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other non-mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8340; Filed, Sept. 22, 1950; 8:46 a. m.]

[Misc. 53013]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN

T. 9 N., R. 50 E.,
Sec. 33.

The area described aggregates 640 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other non-mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as

amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Billing, Montana.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8341; Filed, Sept. 22, 1950; 8:46 a. m.]

[Misc. 55193]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 18 E.,
Sec. 12, N½NW¼, SE¼NW¼;
Sec. 23, S½SW¼.
T. 14 N., R. 26 E.,
Sec. 23, NW¼.
T. 24 S., R. 57 E.,
Sec. 31, N½SE¼;
Sec. 32, N½SW¼, N½SE¼, SE¼SE¼, SE¼NE¼.

The areas described aggregate 680 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8342; Filed, Sept. 22, 1950; 8:46 a. m.]

[Misc. 55190]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 15 S., R. 13 E.,
Sec. 36, NE¼NE¼.
T. 18 S., R. 14 E.,
Sec. 16, S½.

T. 19 S., R. 14 E.,
Sec. 2, S½SW¼;
Sec. 3, SE¼SE¼;
Sec. 10, N½N½;
Sec. 11, NW¼NW¼.

The areas described aggregate 680 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing lows or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Portland, Oregon.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8343; Filed, Sept. 22, 1950; 8:46 a. m.]

[Misc. 55183]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 19, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 54 N., R. 64 W.,
Sec. 25, SE¼NE¼.
T. 22 N., R. 68 W.,
Sec. 24, S½NE¼.
T. 53 N., R. 69 W.,
Sec. 10, SW¼NE¼.
T. 24 N., R. 70 W.,
Sec. 13, NE¼NW¼.
T. 53 N., R. 73 W.,
Sec. 14, SW¼NE¼.
T. 50 N., R. 74 W.,
Sec. 21, SE¼SE¼;
Sec. 22, SE¼NE¼;
Sec. 23, SE¼SW¼;
Sec. 27, NW¼NW¼.
T. 48 N., R. 83 W.,
Sec. 9, NW¼SW¼;
Sec. 20, NE¼NW¼.
T. 21 N., R. 84 W.,
Sec. 36.
T. 22 N., R. 84 W.,
Sec. 16.
T. 23 N., R. 84 W.,
Sec. 36, W½W½.
T. 22 N., R. 85 W.,
Sec. 16.
T. 19 N., R. 88 W.,
Sec. 16.
T. 17 N., R. 91 W.,
Sec. 16, N½, N½SW¼, SW¼SW¼.
T. 58 N., R. 96 W.,
Sec. 36.
T. 16 N., R. 100 W.,
Sec. 36, N½, E½SE¼.
T. 15 N., R. 105 W.,
Sec. 16, W½NW¼.
T. 24 N., R. 105 W.,
Sec. 16.

The areas described aggregate 5,440.00 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8344; Filed, Sept. 22, 1950; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OREGON

NOTICE OF HEARING WITH REGARD TO PROPOSED WITHDRAWAL OF LANDS IN CONNECTION WITH THE WARNER VALLEY WILDLIFE MANAGEMENT AREA

Notice is hereby given that a public hearing will be held by James F. Doyle, or such other employee of the Bureau of Land Management as may be designated by the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior, at 10:00 a. m. on Wednesday, October 25, 1950, in the Courtroom, Lake County Courthouse, Lakeview, Oregon, with respect to a proposed withdrawal of certain public lands. The proposed order of withdrawal, including a description of the lands involved, is as follows:

"By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

"Subject to valid existing rights, the following described public lands in Lake County, Oregon, are hereby withdrawn from all forms of appropriation under public-land laws, including the mining laws, but not mineral leasing laws, and reserved for use by the Department of the Interior as a wildlife refuge, breeding ground, and management area for all forms of wildlife; and for administration of grazing and other uses not incompatible with wildlife use.

WILLAMETTE MERIDIAN

T. 34 S., R. 24 E.,
Sec. 25, lots 1 to 8, inclusive, W½NE¼, E½SW¼, and W½SE¼.
T. 36 S., R. 24 E.,
Sec. 36.
T. 37 S., R. 24 E.,
Sec 1, lots 4 and 6, SW¼NE¼, E½SW¼, N½SE¼, and SW¼SE¼.
T. 38 S., R. 24 E.,
Sec. 22;
Sec. 25, lot 7, S½NE¼, and NW¼SE¼;
Sec. 27, lots 11 to 13, inclusive;
Sec. 36, lot 5 and E½W½.
T. 40 S., R. 24 E.,
Sec. 1, lots 1 to 6, inclusive, and lot 8, SW¼NE¼, and S½;
Sec. 2, lots 1 to 9, inclusive, and lots 15 to 17, inclusive, and SW¼NE¼.
T. 34 S., R. 25 E.,
Sec. 1, S½;
Secs. 12 to 15, inclusive;
Secs. 22 to 29, inclusive;
Sec. 30, lots 1 to 3, inclusive, and lots 5 to 12, inclusive, S½NE¼, SE¼SW¼, SE¼;
Sec. 31, lots 1 to 9, inclusive, SE¼NE¼, SE¼SW¼, SE¼;
Secs. 32 to 34, inclusive;
Sec. 35, lots 1 to 3, inclusive, and lots 7 to 14, inclusive;
Sec. 36, lot 5.
T. 35 S., R. 25 E.,
Sec. 1, that part of lot 17 in NW¼NW¼;
Sec. 2, lots 7 to 22, inclusive, and SW¼SW¼;
Sec. 3, lots 6 to 12, inclusive, S½SW¼, and S½SE¼;
Sec. 4, lots 2 to 14, inclusive, SE¼SW¼, and S½SE¼;
Sec. 5, lot 2, and lots 4 to 13, inclusive, N½NE¼, NE¼NW¼, SW¼SW¼;
Sec. 6, lots 1, 2, 8, and 9, E½SE¼;
Sec. 7, lots 13 to 19, inclusive;
Sec. 8, lot 3, NE¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 9, NE¼, NE¼NW¼, S½NW¼, and S½;
Sec. 10, N½, N½S½, and S½SE¼;
Sec. 17, NE¼NE¼, S½NE¼, and SE¼;
Sec. 18, lots 11 and 12;
Sec. 19, lots 4 to 9, inclusive;
Sec. 20, lots 1 to 6, inclusive, SE¼NW¼, and E½SW¼;
Sec. 29, W½;
Sec. 30, lots 5, 8, 12, 13, and 18.
T. 38 S., R. 25 E.,
Sec. 31, lots 3 and 5, lots 7 to 9, inclusive, lots 12 and 13, NE¼SE¼, and S½SE¼.
T. 39 S., R. 25 E.,
Sec. 31, lots 1, 2, and 8.
T. 40 S., R. 25 E.,
Secs. 5 to 8, inclusive.
T. 33 S., R. 26 E.,
Sec. 2, lots 1, 4, 8, and 9, and SW¼SW¼;
Sec. 10, NE¼, N½SE¼, and SE¼SE¼;
Sec. 11, lot 3 and W½NW¼;
Sec. 14, lots 1 to 3, inclusive, and NW¼NW¼;
Sec. 21;
Sec. 24, lots 1 and 2, and SE¼SE¼;
Sec. 25, lots 1 and 2, and NE¼;
Sec. 26, lot 1;
Sec. 28, lot 4, NW¼NE¼, and NW¼SE¼;
Sec. 32, lots 1 to 3, inclusive, N½S½, and SW¼SW¼;
Sec. 33, lots 1 to 5, inclusive, lots 8, 12, and 13, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 35, lots 1 and 2, and SE¼NE¼.
T. 34 S., R. 26 E.,
Sec. 3, lots 1 to 4, inclusive, S½N½, SW¼, and W½SE¼;
Secs. 4 to 9, inclusive;
Sec. 10, NW¼;
Secs. 17 to 19, inclusive;
Sec. 20, W½;
Sec. 30, lots 1 to 9, inclusive,

together with all Federal riparian ownership lands adjoining such subdivisions within the beds of Hart Lake, Crump Lake, Jones Lake, Anderson Lake, Turpin Lake, and Bluejoint Lake.

"The public lands described above aggregate 28,818.61 acres.

"The described lands will be under the joint administration of the Fish and Wildlife Service for wildlife management and the Bureau of Land Management for grazing and other uses and shall be designated the Warner Valley Wildlife Management Area.

"This order shall take precedence over, but shall not modify, the order of the Secretary of the Interior dated July 9, 1935, establishing Oregon Grazing District No. 2, so far as it affects the above-described lands."

The hearing will be open to the attendance of all interested persons, including individuals, State and local officials, officials of Federal agencies, and representatives of individuals and organizations.

All persons wishing to be heard with respect to the proposed withdrawal should notify one of the following persons before the time designated: Marion Clawson, Director, Bureau of Land Management, Washington 25, D. C., before October 20, 1950; Daniel L. Goldy, Regional Administrator, Bureau of Land Management, Swan Island Station, Portland 18, Oregon, before October 23, 1950; or Edwin G. Bailey, Range Manager, Oregon Grazing District No. 0-1 & 0-2W½, P. O. Box 429, Lakeview, Oregon, before October 24, 1950. Those desiring to submit written statements should file them up to October 24, 1950, with the Regional Administrator, address above, from whom information as to the lands involved or other information may be obtained.

DALE E. DOTY,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1950.

[F. R. Doc. 50-8330; Filed, Sept. 22, 1950; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1440]

LOUISIANA-NEVADA TRANSIT CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 20, 1950.

Notice is hereby given that, on September 19, 1950, the Federal Power Commission issued its findings and order entered September 18, 1950, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8329; Filed, Sept. 22, 1950; 8:45 a. m.]

[Docket No. G-1475]

NIAGARA MOHAWK POWER CORP.

NOTICE OF APPLICATION

SEPTEMBER 19, 1950.

Take notice that Niagara Mohawk Power Corporation (Applicant), a New York corporation with its principal place

of business at Syracuse, New York, filed on September 11, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities hereinafter described.

Applicant proposes to construct in 1951 approximately 55 miles of 10¾-inch O. D. natural-gas transmission pipeline extending from the terminus of its existing 10-inch line in Fulton, Oswego County, New York, to Watertown, Jefferson County, New York, together with necessary appurtenances.

The proposed facilities are to be used to transport natural gas which Applicant will receive from New York State Natural Gas Corporation at the present point of interconnection of the two systems at Therm City, near Syracuse, Onondaga County, New York, to convert Applicant's present manufactured gas service in the City of Watertown to straight natural gas service, and also to provide natural gas service to communities along the route of the proposed pipeline which do not now have service, including the towns of Mexico, Pulaski, Mannsville, Adams, Adams Center, Sandy Creek and Lacona, New York.

The estimated cost of the facilities proposed by Applicant is $1,991,000. Applicant represents that it is able to secure the capital necessary to construct the proposed facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of October 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-8327; Filed, Sept. 22, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25421]

LIQUEFIED PETROLEUM GAS FROM THE SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 20, 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 carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Liquefied petroleum gas, tank carloads.

From: Points in the South.

To: Points in central, trunk line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supplement 173.

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. 50-8332; Filed, Sept. 22, 1950; 8:45 a. m.]

[4th Sec. Application 25422]

IRON AND STEEL ARTICLES FROM SOUTHERN PORTS TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

SEPTEMBER 20, 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 carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1048.

Commodities involved: Iron and steel, viz: band, beams, or channels, carloads.

From: Southern ports.

To: Nashville, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1048, Supplement 13.

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. 50-8333; Filed, Sept. 22, 1950; 8:45 a. m.]

[4th Sec. Application 25423]

LIQUEFIED PETROLEUM GAS FROM BATON ROUGE, LA., TO CINCINNATI, OHIO, AND LUDLOW, KY.

APPLICATION FOR RELIEF

SEPTEMBER 20, 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 carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Liquefied petroleum gas, in steel cylinders, carloads.

From: Baton Rouge, La.

To: Cincinnati, Ohio, and Ludlow, Ky.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supplement 172.

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. 50-8334; Filed, Sept. 22, 1950; 8:45 a. m.]

[4th Sec. Application 25424]

PULPBOARD FROM DALLAS AND SCOTTDALE, TEX., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

SEPTEMBER 20, 1950.

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

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3894.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Dallas and Scottdale, Tex.

To: New Orleans, La.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3894, Supplement 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion 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. 50-8335; Filed, Sept. 22, 1950; 8:45 a. m.]

[4th Sec. Application 25425]

OLD RAILS FROM THE SOUTH TO CHARLESTON, W. VA.

APPLICATION FOR RELIEF

SEPTEMBER 20, 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 carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 950.

Commodities involved: Old railway track rails having value for rerolling purposes only, carloads.

From: Points in the South.

To: Charleston, W. Va.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 950, Supplement 123.

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. 50-8336; Filed, Sept. 22, 1950; 8:45 a. m.]

[Rev. S. O. 562 Amdt. 3, Rev. Kings I. C. C. Order 25]

DULUTH AND NORTHEASTERN RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 25 and good cause appearing therefor: *It is ordered,* That:

King's I. C. C. Order No. 25, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date:* This order shall expire at 11:59 p. m., November 30, 1950, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., September 30, 1950, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 18, 1950.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 50-8349; Filed, Sept. 22, 1950; 8:48 a. m.]

NATIONAL LABOR RELATIONS BOARD

REVOCATION OF STATEMENT OF DELEGATION OF CERTAIN POWERS TO GENERAL COUNSEL

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and currently publishes in the FEDERAL REGISTER notification that:

The Statement of Delegation of Certain Powers of the National Labor Relations Board to the General Counsel of National Labor Relations Board, effective August 22, 1947 (13 F. R. 654), as amended February 23, 1950 (15 F. R. 1088), and August 3, 1950 (15 F. R. 5133), was revoked effective at close of business September 18, 1950.

Dated, Washington, D. C., September 20, 1950.

By direction of the Board.

FRANK M. KLEILER, *Executive Secretary.*

[F. R. Doc. 50-8345; Filed, Sept. 22, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 15033]

KURT S. WUNDT ET AL.

In re: Stock owned by Kurt S. Wundt and others. F-28-30873-D-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 Kurt S. Wundt, whose last known address is Burgstall/Murr, Krs. Backnang, Wurtemberg, Bahnhofstr. 124, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of William Wundt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Petronella Wundt, also known as Petronella Wundt von Lyncker, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the property described as follows: Seven hundred and forty (740) shares of $1.00 par value common capital stock of Schoenhofen Edelweiss Company, 1926 W. 18th St., Chicago 8, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered TCC 1341/7 for one hundred (100) shares each, and certificate numbered TCO 109 for forty (40) shares, registered in the names of William Wundt, Kurt S. Wundt and Petronella Wundt, as joint tenants, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kurt S. Wundt and the personal representatives, heirs, next of kin, legatees and distributees of William Wundt, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Petronella Wundt, also known as Petronella Wundt von Lyncker, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

6. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of William Wundt, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Petronella Wundt, also known as Petronella Wundt von Lyncker, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8269; Filed, Sept. 20, 1950; 8:50 a. m.]

[Vesting Order 15072]

GERTRUDE PFAFFMAN

In re: Stock and bond owned by Gertrude Pfaffman. F-28-29859-A-1.

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

1. That Gertrude Pfaffman, whose last known address is 19 Garten Street, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Eighty-one and seventy-one one-hundredths (81 71/100) shares of no par value preferred capital stock of Jersey Mortgage Co., 280 North Broad Street, Elizabeth, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered P798 for one (1) share and SP845 for eighty and seventy-one one-hundredths (80 71/100) shares registered in the name of Gertrude Pfaffman, presently in the custody of The National State Bank of Elizabeth, Elizabeth, New Jersey, together with all declared and unpaid dividends thereon,

b. Ten-twentieths (10/20) share of no par value common capital stock of Jersey Mortgage Co., 280 North Broad Street, Elizabeth, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered SC475, registered in the name of Gertrude Pfaffman, presently in the custody of The National State Bank of Elizabeth, Elizabeth, New Jersey, together with all declared and unpaid dividends thereon, and

c. One (1) Jersey Mortgage Co., Secured Income Bond, of $389.31 face value, due December 1, 1947, bearing the number B3110, registered in the name of Gertrude Pfaffman, presently in the custody of The National State Bank of Elizabeth, Elizabeth, New Jersey, together with any and all rights thereunder and thereto,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8270; Filed, Sept. 20, 1950; 8:50 a. m.]

[Vesting Order 15024]

CHRISTIANE LANGMAACK HUEBNER ET AL.

In re: Stock owned by Christiane Langmaack Huebner, Harald Langmaack, Christian Langmaack, Katarina Langmaack, Karl Langmaack, Helene Langmaack van den Tooren Martensen, Ella Langmaack Koehn and Dora Langmaack Seefeldt Suffa. F-28-12933-D-2.

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

1. That Christiane Langmaack Huebner, Harald Langmaack, Christian Langmaack, Katarina Langmaack, Karl Langmaack, Helene Langmaack van den Tooren Martensen, Ella Langmaack Koehn and Dora Langmaack Seefeldt Suffa, each of whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Eight ninths (8/9) interest in one hundred fifty (150) shares of $1.00 par value capital stock of Sutter Buttes Land Company, 3 Montgomery Street, San Francisco, California, evidenced by a certificate numbered 619 for one hundred fifty (150) shares of the aforesaid stock, said certificate registered in the name of Mathilde Stind Langmaack, together with an eight ninths (8/9) interest in all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christiane Langmaack Huebner, Harald Langmaack, Christian Langmaack, Katarina Langmaack, Karl Langmaack, Helene Langmaack van den Tooren Martensen, Ella Langmaack Koehn and Dora Langmaack Seefeldt Suffa, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8350; Filed, Sept. 22, 1950; 8:49 a. m.]

[Vesting Order 15070]

CARL AUGUST BERGENER

In re: Cash owned by and debt owing to Carl August Bergener, also known as Carl Bergener. F-28-19624-D-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 Carl August Bergener, also known as Carl Bergener, whose last known address is Deimolderstrasse 17, Hannover, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of the receipt and present possession of cash dividends derived from the shares of stock described in subparagraphs 2 (c), 2 (d) and 2 (e) of Vesting Order 14214, dated December

28, 1949, constituting a portion of the amount of money on deposit with the National City Bank of New York, in a blocked account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. Cash, in the amount of $3,688.39, presently in the possession of the Attorney General of the United States in Collection Account numbered 028 035 675,

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 Carl August Bergener, also known as Carl Bergener, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8351; Filed, Sept. 22, 1950; 8:49 a. m.]

[Vesting Order 15091]

JOSEPH WAGNER

In re: Estate of Joseph Wagner, deceased. File No. D-28-12881; E. T. Sec. 17044.

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 Loise Wagner and Frieda Wagner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by Paul Wagner, as executor, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin.

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 September 12, 1950.

For the Attorney General.

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

[F. R. Doc. 50-8352; Filed, Sept. 22, 1950; 8:49 a. m.]

[Vesting Order 15112]

FREDERICK W. ILG

In re: Trust under the Will of Frederick W. Ilg, deceased. File No. D-28-12346; E. T. Sec. No. 16566.

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

1. That Herman Gotlieb Pfeiffer, Johann Herman Schofer and Hedwig Gotlieb (Schofer) Vortler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided three-fourteenths (3/14) interest in real property situated in the County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. An undivided three-fourteenths (3/14) interest in real property situated in the County of Delaware, State of Pennsylvania, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. All right, title and interest of the persons named in subparagraph 1 hereof in and to:

(1) Fire Insurance Policy No. 669158 issued by the Insurance Company of North America, Philadelphia, Pennsylvania, in the amount of $4,500 and expiring May 25, 1953, which policy insures the improvements to the property described as Parcel 1 of Exhibit A, attached hereto and by reference made a part hereof,

(2) Fire Insurance Policy No. 4308606 issued by The Home Insurance Company, Philadelphia, Pennsylvania, in the amount of $6,000 and expiring July 12, 1951, which policy insures the improvements to the property described as Parcel 2 of Exhibit A, attached hereto and by reference made a part hereof, and

(3) Fire Insurance Policy No. 21541 issued by the Fire Association of Philadelphia, Philadelphia, Pennsylvania, in the amount of $12,000 and expiring September 20, 1952, which policy insures the improvements to the property described in Exhibit B, attached hereto and by reference made a part hereof.

d. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof by Land Title Bank and Trust Company, Broad and Chestnut Streets, Philadelphia, Pennsylvania, arising by reason of the collection of rents from the real property described in subparagraphs 2-a and 2-b hereof,

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

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-c and 2-d hereof,

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

Th 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 September 19, 1950.

For the Attorney General.

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

EXHIBIT A

Real property situated in County of Philadelphia, State of Pennsylvania, more particularly described as follows:

Parcel No. 1

That certain lot or piece of ground with the brick messuage or tenement thereon erected, described according to a survey made by Walter Brinton, Esq., Surveyor and Regulator of the Fifth Survey District, April 17th, 1920, as follows to wit: SITUATE on the East side of Second Street at the distance of three hundred and sixty-eight feet Southward from the South side of Ashdale Street (70 feet wide) in the Forty-second Ward of the City of Philadelphia, CONTAINING in front or breadth on the said Second Street sixteen feet and extending of that width in length or depth Eastward between parallel lines at right angles to the said Second Street, sixty-five feet to a three feet wide alley, extending Southward from Ashdale Street to the Boulevard. ----------

UNDER AND SUBJECT, nevertheless, to certain conditions and reservations as therein mentioned. ----------

TOGETHER with the free and common use, right, liberty and privilege of the aforesaid alley as and for a passageway and watercourse at all times, hereafter forever.

Parcel No. 2

That certain lot or piece of ground with the buildings and improvements thereon erected, described according to a survey and plan thereof made by F. Bloch, Esquire, Surveyor and Regulator of the Fourth District on the Twenty-seventh day of January, A. D. 1917, as follows, to wit, SITUATE on the East side of Sixth Street (Fifty feet wide) at the distance of Forty-eight feet Southward from the South side of Oxford Street (Fifty feet wide) in the Seventeenth Ward of the City of Philadelphia. ----------

CONTAINING in front or breadth on the said Sixth Street Fifteen feet eight inches and extending of that width in length or depth Eastward between parallel lines at right angles to the said Sixth Street Seventy-four feet two and three-eighths inches. The North line thereof partly crossing head of a certain proposed three feet wide alley.

TOGETHER with the free and common use, right, liberty and privilege of the said three feet wide alley leading into and from the said Oxford Street, as and for a passage-way and water course at all times hereafter forever.

EXHIBIT B

Real property situated in County of Delaware, State of Pennsylvania, and more particularly described as follows:

That certain lot or piece of ground with the buildings and improvements thereon erected, Situate on the Southwesterly side of Darby and Coopertown Road, in the Township of Haverford, County of Delaware and State of Pennsylvania, being lot numbered ninety-eight (98) on a Plan of lots of John N. M. Shiner, made by J. C. Sharpless, Engineer, dated February 28th, 1901, and described as follows: BEGINNING at a point on the Southwesterly side of said Road at the distance of two hundred and fifty feet Southeastwardly from Langhorne Avenue, as shown on said Plan, thence extending along said Road South thirty-three and two one-hundredths degrees East, fifty feet to a corner of Lot numbered ninety-nine (99), thence extending in depth, continuing the same width between parallel lines at right angles to said Road, on the Northerly line, one hundred and fifty and two hundred and seventy-five one-thousandths feet and on the Southerly line one hundred and fifty and five one-hundredths feet.

[F. R. Doc. 50-8353; Filed, Sept. 22, 1950; 8:49 a. m.]

[Return Order 566]

JULIUS ARON

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

Julius Aron, Amsterdam, Netherlands, Claim No. 6674, January 26, 1950 (15 F. R. 460), An undivided one-half interest in property described in Vesting Order No. 205, dated October 2, 1942 (7 F. R. 8669, October 27, 1942) relating to U. S. Patent Application Serial No. 375,896, now U. S. Letters Patent No. 2,342,783. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 18, 1950.

For the Attorney General.

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

[F. R. Doc. 50-8354; Filed, Sept. 22, 1950; 8:49 a. m.]

[Return Order 734]

TOSHIKO KITAGAWA MORI AND YOSHIO KITAGAWA

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

Toshiko Kitagawa Mori, Administratrix of the Estate of Yoshio Kitagawa, Deceased, San Mateo, California, Claim No. 37223, August 4, 1950 (15 F. R. 5036), $8,478.24 in the Treasury of the United States, representing the share of Sotaro Kitagawa in the property vested by Vesting Order No. 6530 as the property of Yoshio Kitagawa.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

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

[F. R. Doc. 50-8355; Filed, Sept. 22, 1950; 8:49 a. m.]