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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 122]

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

LIMITATION OF SHIPMENTS

§ 933.348 *Orange Regulation 122—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq., 11 F. R. 9471) 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 compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 16, 1947, and ending at 12:01 a. m., e. s. t., June 23, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)) or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 11th day of June 1947.

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

[F. R. Doc. 47-5665; Filed, June 13, 1947; 8:48 a. m.]

[Lemon Reg. 225, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.332 *Lemon Regulation 225, as amended—(a) Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), 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, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons

(Continued on p. 2835)

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[Suspension Order S-57]

PART 807—SUSPENSION ORDERS

ROBERT CALLAHAN

Robert Callahan, 522 East Main Street, Grandview, Washington, on or about the 15th day of January, 1947, began construction of a six-unit auto court, approximately 16' x 100' in size, located at the east end of Main Street in Grandview, Washington, at an estimated cost of \$6,000, without authorization. The beginning and carrying on of construction, as aforesaid, was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.57 *Suspension Order No. S-57.* (a) Neither Robert Callahan, his successors or assigns, nor any other person shall do any further construction upon the six-unit auto court, approximately 16' x 100' in size, located at the east end of Main Street in Grandview, Washington, including the putting up, completing or altering of the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Robert Callahan shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Robert Callahan, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,

By JAMES V. SARCONI,
Authorizing Officer.

[F. R. Doc. 47-5729; Filed, June 13, 1947;
10:16 a. m.]

[Veterans' Housing Program Order 1, Direc-
tion 6]

PART 809—VETERANS' HOUSING PROGRAM
ORDERS

RECONSTRUCTION IN RUTLAND COUNTY,
VERMONT

The following direction is issued pursuant to Veterans' Emergency Housing Program Order 1.

Until further notice, it is not necessary to get authorization under Veterans' Housing Program Order 1 for restoration jobs on buildings or other structures covered by VHP-1 in the Rutland County, Vermont, area, if the restoration is made necessary by damage caused by the flood which occurred on June 2 and 3, 1947. This direction is limited to the restoration of structures to substantially the same size and condition as on June 1, 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING
EXPEDITER,

By JAMES V. SARCONI,
Authorizing Officer.

[F. R. Doc. 47-5724; Filed, June 13, 1947;
10:15 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs,
Department of the Interior

Subchapter T—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds

[Order No. 2332]

PART 241—ISSUANCE OF PATENTS IN FEE,
CERTIFICATES OF COMPETENCY, SALE OF
CERTAIN INDIAN LANDS, AND REINVEST-
MENT OF PROCEEDS

MISCELLANEOUS AMENDMENTS

Order No. 420 (not codified) and Order No. 498, 25 CFR, 1939 Supp., 241.12a, are repealed.

Sections 241.1, 241.2, and 241.34 are amended, a subheading is inserted immediately following § 241.48, and §§ 241.49, 241.50, and 241.51 are added, to read as follows:

§ 241.1 *Application for patent in fee.* Any Indian 21 years of age or over may apply for a patent in fee for any land held by him under a trust patent. Application should be made on Form 5-105 or such other form as the Commissioner of Indian Affairs may prescribe. The application must be filed with the Superintendent of the Indian agency having jurisdiction over the land which the applicant seeks to have patented in fee. The application must contain full information regarding the competency of the applicant and his ability to manage his own affairs. (R. S. 161, 34 Stat. 182, 34 Stat. 1034, Pub. Law 687, 79th Cong., 60 Stat. 939; 5 U. S. C. 22, 25 U. S. C. 349, 1a)

§ 241.2 *Issuance of patents in fee.* (a) Except as provided in paragraph (d) of this section, the issuance of a patent in fee to any Indian holding land held under a trust patent is discretionary, and no patent in fee will be issued to any applicant unless he submits satisfactory evidence that he is competent and capable of managing his own affairs.

(b) The location of the land covered by the application in relation to other trust or restricted Indian land may be taken into consideration in acting upon the application.

(c) Except as provided in paragraph (d) of this section, any application for a patent in fee may be denied when it appears that the applicant is not qualified to receive a patent in fee or when the land applied for lies within an area largely occupied and used by Indians whose lands are held in a trust or restricted status. Whenever an application for a patent in fee is denied, the applicant shall be notified in writing of that fact. The notice shall contain a statement of the reasons for denying the application and shall inform the applicant of his right of appeal.

(d) The issuance of patents in fee to adult mixed-blood Indians owning land within the White Earth Reservation in the State of Minnesota is mandatory upon application being made by such adult mixed-blood Indians. No evidence of the competency of the applicant to handle his own affairs shall be required. (R. S. 161, 34 Stat. 182, 34 Stat. 1034, Pub. Law 687, 79th Cong., 60 Stat. 939; 5 U. S. C. 22, 25 U. S. C. 349, 1a)

§ 241.34 *Removal of restrictions, application.* Application for the removal of restrictions and for approval of sales of lands must be made in triplicate on approved form Five Civilized Tribes, 5-484, and submitted to the Superintendent for the Five Civilized Tribes or any field clerk. These forms will be furnished free of charge by the Superintendent or field clerk. (R. S. 161, secs. 1, 9, 35, Stat. 312, 315, sec. 1, 45 Stat. 495, 46 Stat. 1471, 47 Stat. 474, secs. 1, 47 Stat. 777, Pub. Law 687, 79th Cong., 60 Stat. 935; 5 U. S. C. 22, 25 U. S. C. 409a, 1a)

SALES, REMOVALS OF RESTRICTIONS AGAINST
ALIENATION, AND CONVEYANCES OF PUR-
CHASED LANDS

Sec.

241.49 Purchased lands defined.

241.50 Sale of purchased lands.

241.51 Removal of restriction against alienation of purchased lands.

AUTHORITY: §§ 241.49 to 241.51, inclusive, issued under R. S. 161, 47 Stat. 474, Pub. Law 687, 79th Cong., 60 Stat. 939; 5 U. S. C. 22, 25 U. S. C. 1a.

§ 241.49 *Purchased lands defined.* Purchased lands are defined to include all lands held by individual Indians under deeds or other instruments of conveyance which recite that the lands shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior, irrespective of whether the lands were acquired by purchase with restricted moneys, in exchange for other restricted property, or as gifts.

§ 241.50 *Sale of purchased lands.* The Indian owner of purchased land may apply for the sale of all or any part of such land in conformity with the applicable provisions of §§ 241.17 to 241.32, inclusive. No sale or conveyance made pursuant thereto shall be valid unless approved by the Commissioner of Indian Affairs or his authorized representative.

§ 241.51 *Removal of restrictions against alienation of purchased lands.* Applications for the removal of restrictions from purchased lands shall be filed by the Indian owners with the Superintendent having jurisdiction over the lands. If the lands are not located within the territorial limits of an Indian reservation, the Indian owners may file the applications with the Superintendent most conveniently located with respect to the land. Each application shall set forth the experience which the applicant has had in the transaction of his business affairs and the reasons why a removal of restrictions is desired. An appraisal of the land shall be made. If it appears that the applicant is competent and capable of managing his affairs or that the removal of restrictions is otherwise to the best interests of the applicant, an order removing all restrictions against alienation of the land covered by the application will be issued

by the Commissioner of Indian Affairs or his authorized representative.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior

JUNE 5, 1947.

[F. R. Doc. 47-5633; Filed, June 13, 1947;
8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2330]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT, DELEGATIONS TO DIRECTOR

MAY 29, 1947.

The first sentence of paragraph (a) of § 4.276 contained in Order No. 2238 of August 16, 1946, is amended to read as follows:

§ 4.276 *Functions relating to grazing district administration.* (a) The Director of the Bureau of Land Management and the several regional administrators of that Bureau when authorized to do so by an order of the director published in the FEDERAL REGISTER, may act in relation to the following classes of matters without obtaining Secretarial approval, unless the Secretary in any particular matter determines otherwise, and subject in any event to an appeal to the Secretary according to the rules of practice.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201, Reorganization Plan No. 3 of 1946, 43 CFR 4.250)

WARNER W. GARDNER,
Acting Secretary of the Interior

[F. R. Doc. 47-5636; Filed, June 13, 1947;
8:49 a. m.]

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

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 50.75 to 50.81, inclusive, see Part 4 under Subtitle A of this title, *supra*, concerning the authority of the Director and regional administrators of the Bureau of Land Management to act in relation to certain matters without obtaining Secretarial approval.

[Circular 1623 (a)]

PART 191—MINERAL PERMITS, LEASES AND LICENSES

SPECIAL STIPULATIONS FOR LANDS IN NA- TIONAL FORESTS AND RECLAMATION PROJ- ECTS; INTERESTS HELD IN COMMON

Sections 191.6 and 191.8 are hereby amended to read as follows:

§ 191.6 *Special stipulations for lands in national forests and reclamation proj-*

ects. Applicants for permits, leases and licenses for lands in national forests will be required to consent to the inclusion therein of the stipulation on Form 4-216. Where the land has been withdrawn for reclamation purposes the applicant may be required to consent to the inclusion of a stipulation on Form 4-467 if the lands are potentially irrigable, or Form 4-467 (a) if the lands are within the flow limits of a reservoir site, or Form 4-467 (b) if the lands are within the drainage area of a constructed reservoir. Other conditions may be imposed, if deemed necessary, to protect the lands withdrawn for reclamation purposes.

§ 191.8 *Interests held in common.* An association shall not be deemed to exist between the parties to a contract for development of leased lands, whether or not coupled with an interest in the lease, nor between co-lessees, but each party to any such contract or each co-lessee will be charged with his proportionate interest in the lease. No holding of acreage in common by the same persons in excess of the maximum acreage specified in the law for any one lessee or permittee for the particular mineral deposit so held will be permitted.

(41 Stat. 450, 44 Stat. 302, 1058, Pub. Law 696, 79th Cong., 60 Stat. 950, 30 U. S. C. 189, 275, 285)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior

JUNE 6, 1947.

Form 4-216 (revised June 1947)

STIPULATION

The lands embraced in this lease (permit), issued under the mineral leasing act of February 25, 1920 (41 Stat. 437), as amended, being within a national forest, the lessee (permittee) hereby agrees:

(1) Not to cut or destroy timber without first obtaining permission from the authorized representative of the Secretary of Agriculture, and to pay for all such timber cut or destroyed at rates prescribed by such representative; to avoid unnecessary damage to improvements, timber, or other cover; unless otherwise authorized by the representative of the Secretary of Agriculture, not to drill any well within 200 feet of any building standing on the leased land; and whenever required in writing by the authorized representative of the Secretary of Agriculture, to fence all sump holes and other excavations made by lessee (permittee).

(2) To do all in his power to prevent and suppress forest, brush or grass fires on the leased land and in its vicinity, and to require his employees, contractors, subcontractors, and employees of contractors or subcontractors to do likewise. Unless prevented by circumstances over which he has no control, the lessee (permittee) shall place his employees, contractors, subcontractors, and employees of contractors and subcontractors employed on the leased land at the disposal of any authorized officer of the Department of Agriculture for the purpose of fighting forest, brush, or grass fires, with the understanding that payment for such services shall be made at rates to be determined by the authorized representative of the Secretary of Agriculture, which rates shall not be less than the current rates of pay prevailing in the vicinity for services of a similar character: *Provided*, That if the lessee (permittee), his employees, contractors, subcontractors, or employees of contractors or subcontractors, caused or could have prevented the origin or spread of the said fire or fires, no payment shall be made for services so rendered.

During periods of serious fire danger to forest, brush, or grass, as may be specified by the authorized representative of the Secretary of Agriculture, the lessee (permittee) shall prohibit smoking and the building of camp and lunch fires by his employees, contractors, subcontractors, and employees of contractors or subcontractors within the leased area except at established camps, and shall enforce this prohibition by all means within his power: *Provided*, That the authorized representative of the Secretary of Agriculture may designate safe places where, after all inflammable material has been cleared away, camp fires may be built for the purpose of heating lunches and where, at the option of the lessee (permittee), smoking may be permitted.

The lessee (permittee) shall not burn rubbish, trash, or other inflammable material except with the consent of the authorized representative of the Secretary of Agriculture and shall not use explosives in such manner as to scatter inflammable materials on the surface of the land during the forest, brush, or grass fire season, except as authorized to do so on areas approved by such representative.

The lessee (permittee) shall build or construct, such fire lines or do such clearing on the leased land as the authorized representative of the Secretary of Agriculture decides is necessary for forest, brush, and grass fire prevention and shall maintain such fire tools at his headquarters on the leased land as are deemed necessary by such representative.

(3) To pay the lessor or his tenant, as the case may be, for any and all damage to or destruction of property caused by lessee's (permittee's) operations hereunder; and to save and hold the lessor harmless from all damage or claims for damage to persons or property resulting from the lessee's (permittee's) operations under this lease (permit).

(4) To address all matters relating to this stipulation to the Forest Supervisor of the National Forest in which the leased lands are located, or to such other representative as the Secretary of Agriculture may, from time to time, designate in writing delivered to the lessee (permittee).

(5) If lessee (permittee) shall construct any camp on the land, such camp shall be located at a place approved by the forest supervisor, and such forest supervisor shall have authority to require that such camp be kept in a neat and sanitary condition.

Lessee (Permittee).

[F. R. Doc. 47-5630; Filed, June 13, 1947;
8:50 a. m.]

[Circular 1624 (a)]

PART 192—OIL AND GAS LEASES

MISCELLANEOUS AMENDMENTS

1. Sections 192.4 (c) and (e), 192.40, 192.83, 192.141 and 192.145 (Circular 1624) are amended to read as follows:

§ 192.4 *Acreage limitations on options.* * * *

(c) Within the meaning of this section, options may be taken only on lands embraced in leases or applications for leases and the acreage included in any such option taken upon an application for a lease shall be chargeable from and after the date of such option.

* * * * *
(e) No acreage shall be chargeable under options taken prior to June 1, 1946, on which geological or geophysical exploration has been actually made if