by rust mite or other means. Lighter shades of discoloration caused by scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

(8) "Fairly well colored" means that except for one inch in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

(9) "Fairly well formed" means that the fruit may not have the shape characteristic of the variety, but is not elongated or pointed, or otherwise deformed.

(10) "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

(11) "Damage" means any defect or injury which materially affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Ammoniation, when not occurring as light speck type similar to melanose.

(ii) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(iii) Green spots or oil spots, when materially affecting the appearance of the individual fruit.

(iv) Scab, when it cannot be classed as discoloration, or appreciably affects shape or texture.

(v) Scale, when it materially affects the appearance of the fruit.

(vi) Scars which are deep.

(vii) Scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(viii) Scars which are not smooth.

(ix) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard.

(x) Thorn scratches, when the injury is not well healed or concentrated light colored thorn injury which has caused an area of more than an average of one-fourth inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated and averaging more than 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(12) "Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

(13) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed, or otherwise deformed.

(14) "Slightly rough texture" means that the skin is not of smooth texture but is not excessively thick or materially ridged, grooved, or wrinkled.

(15) "Serious damage" means any defect or injury which seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or when dark and aggregating more than three-fourths inch in diameter or when light colored and aggregating more than 1¼ inches in diameter.

(ii) Buckskin, when aggregating more than 25 percent of the fruit surface or the fruit texture is seriously affected.

(iii) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(iv) Green spots or oil spots, when seriously affecting the appearance of the individual fruit.

(v) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture.

(vi) Scale, when it seriously affects the appearance of the individual fruit.

(vii) Scars which are very deep.

(viii) Scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(ix) Scars which are not fairly smooth.

(x) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(xi) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration:

(xii) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of one-half inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated, averaging more than 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(16) "Slightly colored" means that except for two inches in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

(17) "Very serious damage" means any defect or injury which very seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as very serious damage:

(i) Growth cracks that are seriously weakened, gummy or not healed.

(ii) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks.

(iii) Bird pecks, when not healed.

(iv) Caked melanose, when more than 25 percent in the aggregate of the surface of the fruit is caked.

(v) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit.

(vi) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(vii) Scab, when aggregating more than 25 percent of the surface of the fruit.

(viii) Scale, when covering more than 20 percent of the surface of the fruit.

(ix) Sprayburn, when seriously affecting more than one-third of the fruit surface.

(x) Sunburn, when seriously affecting more than one-third of the fruit surface.

(xi) Thorn punctures, when not healed or the fruit is seriously weakened.

(g) *Effective time and supersedure.* The United States Standards for Grapefruit contained in this section and which supersede the United States Standards for Citrus Fruits (12 F. R. 6277) insofar as such standards for citrus fruits apply to grapefruit shall become effective ten days after publication hereof in the FEDERAL REGISTER. (Pub. Law 712, 80th Cong., approved June 19, 1948).

It is hereby found that it is impractical, unnecessary, and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the packing season for grapefruit will commence early in September, and it is in the public interest that the standards be in effect at the commencement of the packing season; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

Done at Washington, D. C., this 16th day of August 1948.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-7458; Filed, Aug. 18, 1948; 8:50 a. m.]

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES STANDARDS FOR CLEANED VIRGINIA TYPE PEANUTS IN THE SHELL

On July 17, 1948, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-6379; 13 F. R. 4103), regarding proposed United States Standards for Cleaned Virginia Type Peanuts in the Shell to supersede United States Standards for Cleaned (unshelled) Virginia Type Peanuts currently in effect. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Cleaned Virginia Type Peanuts in the Shell are hereby promulgated under the authority contained in the Department

of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948).

§ 51.323 *Cleaned Virginia type peanuts in the shell*—(a) *Grades.* (1) U. S. Jumbo Hand Picked shall consist of cleaned Virginia type peanuts in the shell which are mature, dry, and free from loose peanut kernels, dirt or other foreign material, pops, paper ends, and from damage caused by cracked or broken shells, discoloration or other means. The kernels shall be free from damage from any cause. In addition, the peanuts shall not pass through a screen having 37/64 x 3 inch perforations. Unless otherwise specified, the unshelled peanuts in any lot shall not average more than 176 count per pound.

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 10.0 percent total for pops, peanuts having paper ends or damaged shells, loose undamaged peanut kernels, and dirt or other foreign material, but not more than one-twentieth of this amount, or 0.5 percent, shall be allowed for dirt or other foreign material.

(*b*) 5.0 percent for peanuts which will pass through the prescribed screen, but which are free from pops and from peanuts having paper ends or damaged shells.

(*c*) 3.5 percent for peanuts with damaged kernels, and damaged loose kernels.

(2) U. S. Fancy Hand Picked shall consist of cleaned Virginia type peanuts in the shell which are mature, dry, and free from loose peanut kernels, dirt or other foreign material, pops, paper ends, and from damage caused by cracked or broken shells, discoloration or other means. The kernels shall be free from damage from any cause. In addition, the peanuts shall not pass through a screen having 33/64 x 3 inch perforations. Unless otherwise specified, the unshelled peanuts in any lot shall not average more than 225 count per pound.

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 11.0 percent total for pops, peanuts having paper ends or damaged shells, loose undamaged peanut kernels, and dirt or other foreign material, but not more than one-twentysecond of this amount, or 0.5 percent, shall be allowed for dirt or other foreign material.

(*b*) 5.0 percent for peanuts which will pass through the prescribed screen, but which are free from pops and from peanuts having paper ends or damaged shells.

(*c*) 4.5 percent for peanuts with damaged kernels, and damaged loose kernels.

(b) *Unclassified.* Unclassified shall consist of cleaned Virginia type peanuts in the shell which fail to meet the requirements of either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Definitions.* (1) "Mature" means that the shells are firm and well developed.

(2) "Pops" means fully developed shells which contain practically no kernels.

(3) "Paper ends" means peanuts which have very soft and/or very thin ends.

(4) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality of the individual peanut or the lot as a whole. The following shall be considered as damage:

(i) Cracked or broken shells which have been broken to the extent that the kernel within is plainly visible without minute examination and with no application of pressure, or the appearance of the individual peanut is materially affected.

(ii) Discolored shells which have dark discoloration caused by mildew, staining or other means affecting one-half or more of the shell surface. Talc powder or other similar material which may have been applied to the shells during the cleaning process shall not be removed to determine the amount of discoloration beneath, but the peanut shall be judged as it appears with the talc.

(iii) Kernels which are rancid or decayed.

(iv) Moldy kernels.

(v) Kernels showing sprouts extending more than one-eighth inch from the end of the kernel.

(vi) Distinctly dirty kernels.

(vii) Kernels which are wormy, or have worm frass adhering, or have worm cuts which are more than superficial.

(viii) Kernels which have dark yellow color penetrating the flesh, or yellow pitting extending deep into the kernel.

(5) "Count per pound" means the number of peanuts in a pound. When determining the count per pound, one single kernel peanut shall be counted as one-half peanut.

(d) *Effective time and supersedure.* The United States Standards for Cleaned Virginia Type Peanuts in the Shell contained in this section and which supersede the United States Standards for Cleaned (unshelled) Virginia Type Peanuts shall become effective 30 days after publication hereof in the FEDERAL REGISTER. (Pub. Law 712, 80th Cong., approved June 19, 1948).

Done at Washington, D. C., this 16th day of August 1948.

[SEAL] F. R. BURKE,
Acting Assistant Administrator Production and Marketing Administration.

[F. R. Doc. 48-7459; Filed, Aug. 18, 1948; 8:50 a. m.]

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES STANDARDS FOR TANGERINES; AMENDMENT

On June 29, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 3590) regarding the proposed issuance of amendments to the United States Standards for Tangerines (12 F. R. 2619). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the United States Standards for Tangerines are hereby amended, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948), as follows:

1. Delete subparagraph (1) of § 51.416 (a).

2. Delete subparagraph (3) of § 51.416 (a) and substitute, in lieu thereof, the following:

(3) For packages which contain more than 10 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified except that at least one decayed or very seriously damaged fruit may be permitted in any package.

3. Delete subparagraph (4) of § 51.416 (a) and substitute, in lieu thereof, the following:

(4) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects except that not more than one fruit which is decayed or very seriously damaged shall be allowed in any package.

4. Delete subdivision (i) of § 51.416 (b) (2) and substitute, in lieu thereof, the following:

(i) Each fruit of this grade shall be fairly well colored.

5. Delete subparagraph (4) of § 51.416 (b).

6. Delete subdivision (i) of § 51.416 (b) (5) and substitute, in lieu thereof, the following:

(i) Each fruit of this grade shall be reasonably well colored.

7. Delete subparagraph (2) of § 51.416 (c).

8. Delete subparagraph (6) of § 51.416 (e) and substitute, in lieu thereof, the following:

(6) "Fairly well colored" means that each fruit may have not over one inch of green color in the aggregate and the remainder of the surface shall show a good tangerine color with some portion of the surface showing a reddish tangerine blush.

9. Delete subparagraph (8) of § 51.416 (e).

10. Delete subparagraph (12) of § 51.416 (e) and substitute, in lieu thereof, the following:

(12) "Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

The foregoing amendments to the United States Standards for Tangerines contained in this section shall become

effective 30 days after the date of publication thereof in the FEDERAL REGISTER.

(Pub. Law 712, 80th Cong., approved June 19, 1948)

Done at Washington, D. C., this 16th day of August 1948.

F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-7457; Filed, Aug. 18, 1948; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5336]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SHEPHERD KNITWEAR CO., INC.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 396. (a) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* In connection with the offering for sale, sale, and distribution of knitted garments and other similar merchandise in commerce, (1) using the term "Llamora" or any other term which includes the word "llama" or any colorable simulation thereof, or using any other term of similar import or meaning on labels, in advertisements, or otherwise, to describe, designate, or refer to any product which is not composed wholly of llama wool; (2) representing by use of the words "Scottish" or "English," or any other word of similar import, that garments or materials are made in the British Isles unless such products are in fact manufactured or woven in the British Isles; and (3) using the term "Bonnie Leith" to designate or describe garments or materials of domestic origin unless in immediate conjunction therewith it is adequately disclosed through use of the words "Made in the U. S. A." that the garments or materials are of domestic origin; prohibited, subject to the provision, however, as respects the first prohibition, that in the case of products composed in part of llama wool and in part of other fibers such term may be used as descriptive of such llama-wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber or material thereof; and to the provision, as respects the second prohibition, that nothing therein shall prohibit respondent from representing that the patterns or designs thereof are similar in appearance to or in imitation of patterns styled in those countries when such is not the case. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52, Stat. 112; 15 U. S. C., sec. 45b [Cease and desist order, Shepherd Knitwear Company, Inc., Docket 5336, July 6, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 6th day of July A. D. 1948.

In the Matter of Shepherd Knitwear Company, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, the respondent's answer, a stipulation of facts agreed upon by counsel, the respondent's proposal for settlement of the proceeding, and the recommended decision of the trial examiner; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act, and having accepted the respondent's proposal for settlement:

It is ordered, That the respondent, Shepherd Knitwear Company, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of knitted garments and other similar merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Llamora" or any other term which includes the word "llama" or any colorable simulation thereof, or using any other term of similar import or meaning on labels, in advertisements, or otherwise, to describe, designate, or refer to any product which is not composed wholly of llama wool; *Provided, however*, That in the case of products composed in part of llama wool and in part of other fibers such term may be used as descriptive of such llama-wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber or material thereof.

2. Representing by use of the words "Scottish" or "English", or any other word of similar import, that garments or materials are made in the British Isles unless such products are in fact manufactured or woven in the British Isles; *Provided, however*, That nothing herein shall prohibit respondent from representing that the patterns or designs thereof are similar in appearance to or in imitation of patterns styled in those countries when such is the case.

3. Using the term "Bonnie Leith" to designate or describe garments or materials of domestic origin unless in immediate conjunction therewith it is adequately disclosed through use of the words "Made in the U. S. A." that the garments or materials are of domestic origin.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-7443; Filed, Aug. 18, 1948; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52001]

PART 17—PROTESTS AND REAPPRAISEMENTS

POWERS OF ATTORNEY TO FILE PROTESTS

Section 17.2 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 17.2 (a)), as amended by T. D. 51669, is hereby further amended by deleting the second sentence and substituting the following: "Such powers of attorney issued by a partnership shall be limited to a period not to exceed 2 years from the date of receipt thereof by the collector. All other powers of attorney may be granted for an unlimited period but shall be subject to revocation prior to the date of expiration stated therein by written notice given to and received by the collector.

(Secs. 514, 515, 624, 46 Stat. 734, 759; 19 U. S. C. 1514, 1515, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 13, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7461; Filed, Aug. 18, 1948; 8:51 a. m.]

[T. D. 52002]

PART 22—DRAWBACK

MISCELLANEOUS AMENDMENTS

1. Section 22.3 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 22.3 (a)), is hereby amended by deleting the words "to the Commissioner of Customs" in the first sentence; by adding before the period at the end of the second sentence "and shall be filed with the collector or deputy collector of customs in charge at any port of entry"; and by substituting "be delivered" for "reach the Commissioner" in the third sentence.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

2. Section 22.4, Customs Regulations of 1943 (19 CFR, Cum. Supp., 22.4), is amended as follows:

a. Paragraph (f) is amended by deleting the word "Commissioner" and by inserting in lieu thereof the words "collector or deputy collector of customs."

b. Paragraph (n) is amended by deleting the words "in the Bureau" and by

inserting in lieu thereof the words "by the collector or deputy collector."

c. Paragraph (o) is amended by deleting the words "Commissioner of Customs" in the two places where they appear, and by inserting in lieu thereof the words "collector or deputy collector."

d. Paragraph (p) is amended by inserting "or deputy collector" after the word "collector" in the first sentence and by inserting "or deputy collector" after the word "collector" in the second sentence.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 13, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7462; Filed, Aug. 18, 1948; 8:51 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

MINING LOCATIONS IN HARNEY NATIONAL FOREST

Rules and regulations governing mining locations under the mining laws of the United States within that portion of the Harney National Forest, State of South Dakota, designated as the Custer State Park Game Sanctuary.

Pursuant to the provisions of the act approved June 24, 1948 (Pub. Law 747, 80th Cong.), and by virtue of the authority vested in the Secretary of Agriculture (R. S. 161, 5 U. S. C. 22), I, Charles F. Brannon, Secretary of Agriculture, do hereby issue the following regulations as § 251.11, Title 36, Chapter II, Part 251 of the Code of Federal Regulations.

§ 251.11 *Governing mining locations under the mining laws of the United States within that portion of the Harney National Forest, State of South Dakota, designated as the Custer State Park Game Sanctuary.* (a) Whoever locates a mining claim within the Custer State Park Game Sanctuary must, within ten (10) days after posting the location notice upon such claim, file a true copy such location notice with the Forest Supervisor of the Harney National Forest at Custer, South Dakota, and further, within ten (10) days after said location notice is filed for record pursuant to the State laws of South Dakota, a true copy of the recorded location certificate must be filed with said Forest Supervisor.

(b) All mining locators shall in all developments and operations make all reasonable provisions for the disposal of tailings, dumpage, and other deleterious materials or substances in such manner as to prevent obstruction, pollution, or deterioration of the land, streams, ponds, lakes, or springs, as may be directed by the Forest Supervisor.

(c) All slash resulting from cutting or destruction of forest growth incident and necessary to mining operations must be disposed of as directed by the Forest Supervisor.

(d) The cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the marking rules and timber sale practices applicable to the Harney National Forest, and such cutting and removal of timber shall be as directed by the Forest Supervisor.

(e) No use of the surface of a mining claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed, except under the National Forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of National Forest Regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(f) When any road is to be built for mining purposes upon a mining claim, the locator must apply to the Forest Supervisor for the applicable rules and regulations governing the construction and maintenance of roads within the Harney National Forest, and such road will be built in accordance with such specifications and in such locations as the Forest Supervisor may direct.

(g) In conducting mining operations the locator, his agents, representatives, or employees, or other persons whose presence in the area or in the vicinity thereof, is occasioned by such mining operations, shall use due diligence in the prevention and suppression of fires, and shall, when requested by the Forest Supervisor, or his authorized representative, be available for service in the extinguishment and suppression of all fires occurring within the Sanctuary. *Provided*, That if such fire does not originate through any negligence on the part of the locator, his agents, representatives, or employees, or other persons whose presence in the area or in the vicinity thereof, is occasioned by such mining operations and does not threaten the structures, improvements or property incident to the mining operation, such persons shall be paid for their services at the current rate of pay of fire fighters employed by the United States.

(h) Nothing herein contained shall be construed to relieve the locator from complying with any requirements of the laws of the State of South Dakota, nor from compliance with or conformity to any requirements of any Federal law or regulation now existing or which later may be enacted or promulgated, and applicable to the subject involved herein. (R. S. 161, 5 U. S. C. 22; Pub. Law No. 747, 80th Cong.)

Issued this 13th day of August 1948.

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

[F. R. Doc. 48-7455; Filed, Aug. 18, 1948; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

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

NEW MEXICO GRAZING DISTRICTS NOS. 3 AND 4

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see F. R. Doc. 48-7433, establishing Air Navigation Site Withdrawal No. 254, under Bureau of Land Management in the Notices section, *infra*. This order takes precedence over but does not modify the orders of the Secretary of the Interior establishing New Mexico Grazing Districts Nos. 3 and 4.

[Circular No. 1691]

PART 257—LEASE OR SALE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT, RECREATIONAL, OR BUSINESS SITES

MISCELLANEOUS AMENDMENTS

Part 257 containing the regulations governing leases or sales under the act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, contained in Circular 1647, May 27, 1947 as amended by Circular 1665, November 19, 1947, is further amended to read as follows:

1. Sections 257.4, 257.8, 257.9, 257.10, 257.12, 257.18, 257.19, and 257.20 are amended by substituting the words "Regional Administrator" for the word "Director" wherever it appears.

2. Section 257.14 is amended by substituting the word "manager" for the word "Director."

(52 Stat. 609; 43 U. S. C. 662a)

MARION CLAWSON,
Director.

Approved: August 6, 1948.

C. GIRARD DAVIDSON,
Assistant Secretary.

[F. R. Doc. 48-7431; Filed, Aug. 18, 1948; 8:45 a. m.]

Appendix—Public Land Orders

[Public Land Order 512]

ARIZONA

REVOKING IN PART EXECUTIVE ORDER NO. 9104 OF MARCH 18, 1942, AS AMENDED

By virtue of the authority contained in the act of July 9, 1918, 40 Stat. 845, 848 (U. S. C., Title 10, sec. 1341), and pursuant to Executive Order No. 9337 of April 4, 1943, it is ordered as follows:

Executive Order No. 9104 of March 18, 1942, as amended by Executive Order No. 9526 of February 23, 1945, withdrawing public lands for use of the War Department as an aerial gunnery range, is hereby revoked so far as it affects the public lands in the hereinafter-described areas.

The jurisdiction over and use of such lands granted to the War Department by

Executive Order No. 9104 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 8, 1948.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 8, 1948, to January 7, 1949, inclusive, the public lands affected by this order shall be subject 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. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), 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 by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 18, 1948, to October 7, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 8, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 8, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 18, 1948, to January 7, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 8, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land 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 (Circular No. 324, May 22, 1914, 43 L. D. 254), 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 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 District Land Office, Phoenix, Arizona.

The lands affected by this order are the public lands in the following-described areas:

GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 4 W.,
Sec. 18, lots 3, 4, E½SW¼;
Sec. 19, lots 1, 2, 3, 4, E½W½;
Sec. 30, lots 1, 2, E½NW¼.
T. 6 S., R. 5 W.,
Sec. 13;
Sec. 14, E½, SW¼, S½NW¼;
Secs. 15, 16, and 17;
Sec. 18, lots 3, 4, E½SW¼, SE¼, SE¼NW¼, E½NE¼, SW¼NE¼;
Secs. 19 to 23 inclusive, and secs. 25 to 36 inclusive.
T. 7 S., R. 5 W.,
Secs. 1 to 12 inclusive.
T. 6 S., R. 6 W.,
Sec. 13, E½SE¼, SW¼SE¼, and SE¼SW¼;
Sec. 22, E½SE¼, SW¼SE¼, and S½SW¼;
Sec. 23, S½, E½NE¼, SW¼NE¼, and SE¼NW¼;
Secs. 24 to 27, inclusive, and secs. 34 to 36, inclusive.
T. 7 S., R. 6 W.,
Secs. 1 to 3, inclusive, and secs. 10 to 12, inclusive.
T. 11 S., R. 6 W.,
Sec. 3, lot 4, SW¼NW¼ and W½SW¼;
Secs. 4 to 9, inclusive;
Sec. 10, W½NW¼ and SW¼;
Secs. 13 to 21, inclusive;
Sec. 24, W½W½;
Sec. 25, W½NW¼;
Sec. 26, S½;
Sec. 27, W½ and SE¼;
Secs. 28, 29, and 30.

The areas described, including both public and nonpublic lands, aggregate 44,508.12 acres.

The lands are level and rolling to rough and mountainous in character.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

AUGUST 6, 1948.

[F. R. Doc. 48-7430; Filed, Aug. 18, 1948; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR, Part 16]

CONVERSION OF CURRENCY; CHILEAN PESO

NOTICE OF PROPOSED INSTRUCTIONS FOR THE PURPOSE OF THE ASSESSMENT OF DUTY ON MERCHANDISE IMPORTED INTO THE UNITED STATES

Notice is hereby given that, pursuant to section 251 of the Revised Statutes and sections 522 and 624 of the Tariff Act of 1930 (19 U. S. C. 66, 31 U. S. C. 372, 19 U. S. C. 1624), it is proposed to issue instructions for the conversion of the Chilean peso for the purpose of the assessment of duties on merchandise imported into the United States, the terms of which proposed instructions, in tentative form, are as follows:

To Collectors of Customs and Others Concerned:

Reference is made to cases in which appraisement has been withheld or liquidation has been suspended pending the determination of the proper rate or rates for the Chilean peso for customs purposes.

The Federal Reserve Bank certified two rates for the Chilean peso, one designated the "Official" rate and the other the "export" rate, for the period from November 30, 1937, to May 20, 1941, inclusive, after which latter date the certification of rates for the Chilean peso was temporarily suspended. It is understood from available information that Chilean law and regulations required that fixed percentages varying from 1 per cent to 20 per cent of the foreign exchange derived from the sale of various kinds of goods exported from Chile be sold or surrendered to the Central Bank of Chile at the "Official" rate of exchange while the remaining percentages varying from 80 per cent to 99 per cent could with the consent of the Exchange Control Commission or its successor, the National Foreign Trade Council, be sold at the "export" rate. In the case of exports of certain other kinds of goods (which during varying periods probably included nitrates, iodine, copper, iron ore and molybdenite) only a portion of the exchange which represented not less than the cost of production in Chile of the particular product was required to be returned to Chile. It is understood that these cost-of-production dollars were sold or surrendered at the "Official" rate, with the possible exception of those obtained for exports of nitrates and iodine, as to which commodities it appears that the exporters were sometimes permitted to liquidate a portion of their cost-of-production dollars at a rate more favorable to them than the "Official" rate.

By letter dated December 26, 1945, the Federal Reserve Bank advised the Treasury Department that it had decided to certify three rates for the Chilean peso for dates since May 20, 1941, one designated as "Official" from May 21, 1941, to July 21, 1942,

inclusive, and as "Special" thereafter; a second designated as the "Export" rate; and a third designated as "D. P." The first of the three certified rates will be designated in these instructions as "Special" but shall be deemed to mean the "Official" rate for dates prior to July 22, 1942.

The third rate certified by the Federal Reserve Bank corresponds to a third legal rate of exchange established in Chile called "Disponibilidades Propias." From time to time the Chilean Government by decree or regulation permitted various percentages of the foreign exchange (U. S. dollars) derived from the sale of certain commodities for export, after compliance with the requirement that fixed percentages varying from 1 percent to 20 percent of the foreign exchange be sold or surrendered at the "Special" rate, to be sold or surrendered at this "D. P." rate rather than at the "Export" rate. The kinds of commodities for which the remaining percentages of the exchange were convertible at the "D. P." rate rather than at the "Export" rate varied at different times and for different periods. At one time, it appears that exporters of "nationally manufactured products" were exempted from turning over any part of the exchange at the "Special" rate and could liquidate their entire proceeds at the "D. P." rate.

It is understood that during the period of dual- and multiple-rate certification the Chilean Government by various decrees and regulations has modified the percentages of exchange required to be sold or surrendered to the Central Bank of Chile in the case of various kinds of products, particularly agricultural products and ores, so that the percentages of exchange as well as the rates applicable (i. e., "Special" and "Export," or "Special" and "D. P".), varied from time to time for these commodities, and after the surrender of the required percentage at the "Special" rate, the balance of the exchange may have been surrendered at the "Export" rate during certain periods of time and at the "D. P." rate during other periods. In at least one case it appears that no part of the exchange had to be surrendered at the "Special" rate and in some few cases it is possible that proportionate use of all three rates was provided for.

It is understood that under the various regulations and decrees which changed the percentages of exchange required to be surrendered in the case of certain exports at the "Special" rate or which changed the applicability of the "Export" or "D. P." rate, as the case might be, exceptional treatment may have been allowed so that disposition could be made of the exchange proceeds of exports on the basis of their former status prior to the decree or regulation although actual shipment did not occur until after the date of the change in status. It is possible that such exceptional treatment may have been allowed because of contract or sale commitments made prior to the change of status. Furthermore, it is not possible to compile complete data on the rates applicable and the changes made as to various commodities because of the fact that such changes have been frequently, if not usually, made without public notification. In many instances products were known to have been removed from one category to another but there is no official evidence of the date the change was effected.

The regulations, decrees, or provisions thereof which allowed exceptional treatment are not sufficiently well-known, nor understood to be of sufficiently uniform application to classes of commodities, to warrant disposition different from the disposition authorized by the general instructions set forth below.

The Treasury Department is informed that changes have been made in the Chilean currency measures since the Federal Reserve Bank, in its above-mentioned letter of December 28, 1945, advised the Department of its decision to certify the three rates therein mentioned. It is understood that the question of what rates under the present system are to be certified and how such rates are applicable is under consideration. The Treasury Department does not have definite information as to the nature of the changes that have been made or when they became effective. The last date for which rates for the peso have been certified by the Bank is June 2, 1947.

In the case of any importation of merchandise exported from Chile between November 30, 1937, and June 2, 1947, both inclusive, the appraiser and collector shall proceed, respectively, with the appraisement and liquidation according to the following procedure, subject to the requirements and conditions outlined below:

1. No rate of exchange shall be used for customs purposes under these instructions except a rate or rates certified by the Federal Reserve Bank of New York for the date of exportation of the merchandise, unless there is a proclaimed value for Chilean currency which varies by less than 5 percent from any certified rate otherwise applicable. If there is a proclaimed value, it shall be used in lieu of any certified rate otherwise applicable from which such proclaimed value varies by less than 5 percent.

2. Where the appraisement is to be made in Chilean currency the appraiser shall designate in his report to the collector the class or classes of currency in which appraisement is made by using the terms applied to the currency of Chile by the Federal Reserve Bank of New York, namely, "Special" pesos, "Export" pesos or "D. P." pesos. If two or more classes of currency are used on a percentage basis, the percentages of each class shall be indicated clearly, as, for example, 10 percent "Special" pesos, 40 percent "Export" pesos, 50 percent "D. P." pesos.

3. For all purposes of appraisement and assessment of duties, the amount of any value established in pesos shall be considered to consist of "Special" pesos for the percentage of the foreign exchange which the appraiser or collector is satisfied, from information in his own files, information obtained and presented to him by the importer, or information obtained by him from other sources, represents the percentage of exchange required to be sold or surrendered to the Central Bank of Chile at the "Special" rate under the decrees or regulations pertinent to the particular class of commodity on the date of exportation, and shall be considered to consist of "Export" pesos, or "D. P." pesos for the remaining percentage where it is established to the satisfaction of the appraiser or collector that one or the other of such rates was permissible for the remaining percentage, or in appropriate percentages of "Export" and "D. P." pesos where an additional percentage of the exchange was required to be sold or surrendered at the "Export" rate and the balance at the "D. P." rate, or shall be considered to consist of pesos at the applicable single rate where it is apparent that the exchange was exempted from being turned over in any part at the "Special" rate; and the rate or rates certified by the Federal Reserve Bank for the class or classes of currency in which such value has been established shall be used; except that if the appraiser or collector has credible information that the percentages of rates which would otherwise be applicable under this paragraph were not used uniformly during any period in connection with the payment for the particular merchandise on which duty is being assessed and for all other merchandise of the same type, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved exported to the United States during the period involved. Whenever appraisement is withheld or liquidation suspended a detailed report shall be transmitted immediately to the Bureau of Customs.

When information regarding any of the Chilean currency conversion practices necessary to comply with the instructions contained herein is not available at a port other than New York, the appraiser or collector shall request the Customs Information Exchange, 201 Varick Street, New York 14, New York, to furnish such pertinent information as may be available.

It is realized that many cases may arise in which there is not available locally or through the Customs Information Exchange sufficient information from which to determine definitely what combination of rates was applicable under the Chilean laws and regulations to the importation involved. The appraiser or collector shall determine in each such case whether the facts warrant appraisement and liquidation in accordance with the instructions herein or whether action shall be suspended and a report submitted to the Bureau of Customs.

For the period from November 30, 1937, to May 20, 1941, inclusive, the "Official" rate was published in the Treasury Decisions. The "Export" rate for dates during that period will be published in a Customs Information Exchange circular in the near future. Rates have been certified for dates of exportation since May 21, 1941, only upon request made through the Customs Information Exchange, and such rates will be circularized by the Customs Information Exchange.

Where, at the time of making entry or upon the acceptance of an amended entry, information is presented to the collector or is in his possession, which establishes to his satisfaction the percentages of rates for the particular importation in accordance with the pertinent requirements of these instructions, deposit of estimated duties or of supplemental estimated duties calculated in accordance with that information shall be accepted.

Acting Commissioner of Customs.

Approved:

Secretary of the Treasury.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Prior to the issuance of the proposed instructions, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 13, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7464; Filed, Aug. 18, 1948; 8:51 a. m.]

Bureau of Internal Revenue

[26 CFR, Part 29]

INCOME TAX; NONRESIDENT ALIEN INDIVIDUALS; FOREIGN CORPORATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are pro-