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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1948 C. C. C. Wheat Bulletin 1, Supp. 4]

PART 671—WHEAT

SUBPART—1948 WHEAT RESEAL LOAN PROGRAM

This bulletin states the requirements with respect to a program (hereinafter referred to as the wheat reseal program) to extend loans on 1948-crop wheat in farm-storage and to make farm-storage loans available on 1948-crop wheat covered by purchase agreements. The program has been formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA) as part of the 1948 Wheat Price Support Program (13 F. R. 3272, 3989, 3992, 4587, 4911, 5524 and 14 F. R. 1408, 2043). The program will be carried out by PMA under the general supervision and direction of the Manager, CCC.

Sec.

AUTHORITY: §§ 671.81 to 671.93 issued under sec. 1 (a), 62 Stat. 1247, sec. 5 (a), 62 Stat. 1072.

§ 671.81 *Applicable sections of 1948 wheat loan program.* The following sections of the 1948 Wheat Price Support Program, published in 13 F. R. 3272, 3989, 3992, 4587, 4911, 5524 and 14 F. R. 1408, 2043, shall be applicable in their entirety to the 1948 Wheat Reseal Program: § 671.1 *Administration;* § 671.8 *Determination of quantity;* § 671.9 *Determination of dockage;* § 671.10 *Liens;* § 671.14 *Interest rate;* § 671.15 *Transfer of producer's equity;* § 671.16 *Safeguarding of the wheat;* § 671.17 *Insurance;* § 671.18 *Loss or damage to the wheat;* § 671.19 *Personal liability;* § 671.21 *Removal of the wheat under loan;* § 671.22 *Release of the wheat under loan;* § 671.24 *Purchase of notes;* § 671.27 *County rates, discounts, and premiums.* Other sections of the 1948 Wheat Price Support Program Bulletin shall be applicable to the extent indicated herein.

§ 671.82 *Availability*—(a) *Area.* The reseal program will be available in all areas where farm-storage loans were available under the 1948 Wheat Price Support Program. Only farm-storage loans will be made or extended under this program.

(b) *Time.* The producer who desires to participate in the reseal program rather than to liquidate his loan or sell his wheat to CCC under his purchase agreement must make application to the county committee and sign and deliver the applicable documents to the county committee not later than June 30, 1949.

(c) *Source.* Producers desiring to participate in the reseal program should make application to the county committee which approved his loan or purchase agreement. If the producer extends his farm-storage loan, any storage payment earned at the time the loan is extended will be disbursed by sight draft drawn on CCC by the State PMA office.

Loans on wheat covered by purchase agreements will be made direct by CCC only and disbursement will be made by sight draft drawn on CCC by the State PMA office.

§ 671.83 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the wheat in 1948 as landowner, landlord, tenant, or sharecropper, and who either completed a farm-storage loan or signed a purchase agreement on farm-stored wheat of the 1948 crop.

§ 671.84 *Eligible wheat.* To be eligible, wheat must be in farm-storage, must never have been commingled with wheat produced by others, must be under loan or covered by a purchase agreement, and must meet the eligibility requirements for loans, as provided in the 1948 Wheat Price Support Program.

(Continued on p. 3195)

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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.

CODIFICATION GUIDE—Con.

(a) *Extended farm-storage loans.* The commodity loan inspector shall with the producer inspect the wheat to determine if it is eligible. If recommended by either the commodity loan inspector or the producer a sample of the wheat shall be taken and submitted for grade analysis.

(b) *Farm-stored wheat covered by purchase agreement.* If a producer makes application for a farm-storage loan on wheat covered by a purchase agreement the commodity loan inspector shall inspect the wheat and storage structure, obtain a sample if the wheat and structure appear eligible and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 671.85 *Approved storage.* Wheat covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in 1948 Wheat Price Support Program. Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1950, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1950.

§ 671.86 *Approved forms.* Approved forms shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC.

Where required by State law a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 671.87 *Quantity eligible for reseal-ing.* The quantity of wheat eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

A producer may obtain a farm-storage loan on not in excess of the quantity of wheat specified in the purchase agreement minus any quantity on which he exercises his option to sell to CCC.

§ 671.88 *Additional service fees.* When a farm-storage loan is extended, the producer will not be required to pay an additional service fee.

At the time a farm-storage loan is made to the producer on wheat covered by a purchase agreement, the producer shall pay an additional service fee of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater.

§ 671.89 *Set-offs.* If the producer is indebted to CCC, whether or not such indebtedness is listed on the county debt register, he must designate CCC as the payee of the proceeds of the loan to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he shall be required to designate such agency as payee of the proceeds as provided above. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

§ 671.90 *Storage payment*—(a) *Storage payment for 1948–49 period.* A producer who extends his farm-storage loan or who completes a loan on wheat covered by a purchase agreement will, at the time the loan is extended or new loan completed, receive a storage payment computed at the rate of 7 cents per bushel on the quantity covered under the reseal program.

(b) *Storage payment for 1949–50 period.* A producer who participates in the reseal program and keeps his wheat in storage for the full reseal storage period will, after delivery of the wheat to CCC, receive a full storage payment, provided, the wheat is delivered to CCC on or after April 30, 1950.

The amount of such storage payment is as follows:

	Cents per bushel
Area I	10
(Includes—Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, also Superior Wis.)	
Area II	10¾
(Includes — Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin, except Superior.)	
Area III	11
(Includes—Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.)	
Area IV	11½
(Includes—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.)	

If the wheat is delivered to CCC prior to April 30, 1950, the amount of the storage payment will be prorated depending upon the length of time the wheat was in store, provided delivery was not made as a result of a demand for repayment due to any fraudulent representation on the part of the producer, or the fact that the wheat was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed as follows:

Area I——1/20 of a cent a day beginning on July 1, 1949, but not to exceed 10 cents per bushel.

Area II——1/20 of a cent a day beginning on July 1, 1949, but not to exceed 10¾ cents per bushel.

Area III——1/20 of a cent a day beginning on July 1, 1949, but not to exceed 11 cents per bushel.

Area IV——1/20 of a cent a day beginning on July 1, 1949, but not to exceed 11½ cents per bushel.

§ 671.91 *Maturity and satisfaction.* Loans will mature on demand but not later than April 30, 1950. The producer will be required to pay off his loan plus interest and any storage payment on or before maturity or to deliver the mortgaged wheat to CCC.

If the settlement value of the wheat delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the wheat delivered is less than the amount due on the loan, the amount of deficiency shall be paid by the producer to CCC or may be set off against any payment which would otherwise be made to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

§ 671.92 *Loan rates.* The loan rates for the wheat covered by a purchase agreement placed under a farm-storage loan will be the same as the loan rates established for wheat in the 1948 Wheat Price Support Program Bulletin.

Any discounts or premiums established for variation in grades as shown in the 1948 Wheat Price Support Program bulletin will apply.

§ 671.93 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

ADDRESS AND AREA

Atlanta 3, Ga., 449 West Peachtree Street, NW.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Postal Building, 802 Delaware Avenue: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 1, Minn., 328 McKnight Building: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street, Room 1304: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Avenue: Arizona, California, Nevada, Utah.

Issued this 9th day of June 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-4780; Filed, June 13, 1949; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 3]

PART 4a—AIRPLANE AIRWORTHINESS

PORTABLE WATER-SOLUTION TYPE FIRE EXTINGUISHERS AND POSITION LIGHT FLASHERS

Acting pursuant to the authority stated hereinafter, the following rules are adopted. They have been coordinated with authorized representatives of the aviation industry. They are made effective without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

§ 4a.510–1 *Portable water-solution type fire extinguishers (CAA rules which apply to § 4a.510 (j)).* See § 4b.38251–4 of this chapter.

§ 4a.5827–1 *Position light flashers (CAA rules which apply to § 4a.5827).* See § 4b.5383–1 of this chapter.

These rules shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 205 (a), 601, 52 Stat. 984, 1007; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 551; Reorg. Plans III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-4734; Filed, June 13, 1949; 8:46 a. m.]

[Supp. 4]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PORTABLE WATER-SOLUTION TYPE FIRE EXTINGUISHERS AND POSITION LIGHT FLASHERS

Acting pursuant to the authority stated hereinafter, the following rules are adopted. They have been coordinated with authorized representatives of the aviation industry. They are made effective without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

§ 4b.38251–4 *Technical Standard Order TSO–C19: "Portable Water-Solution Type Fire Extinguishers" (CAA rules which apply to § 4b.38251 (a) and (b)).*—(a) *Introduction.* Under section 601 of the Civil Aeronautics Act of 1938, as amended, and §§ 4a.07, 4a.510, 4b.05, 4b.38251 (a) and (b), and 4b.51 (c) of this chapter, the Administrator of Civil Aeronautics is authorized to adopt standards for portable fire extinguishers intended for use in civil aircraft. In adopting these standards, consideration has been given to existing Government and industry standards for portable water-solution type fire extinguishers.

(b) *Directive*—(1) *Provision.* The performance requirements for portable water-solution type fire extinguishers, as set forth in sections 5 and 6 of SAE Specification AS–245 Water-Solution Type Hand Fire Extinguishers dated November 1, 1948,[1] stated below, are hereby established as minimum safety performance standards for portable water-solution type fire extinguishers intended for use in civil aircraft:

1. *Purpose.* To specify minimum requirements for a water solution type hand fire extinguisher which shall be suitable for use on incipient fires which may occur in an airplane cabin interior. The type of fire for which these units are intended is one involving combustible materials such as paper, textiles, and similar materials.

2. *Scope.* This specification covers two basic types as follows:

Type I---------- Stored pressure type.
Type II---------- Cartridge operated type.

3. *General requirements.*

3.1 *Material and workmanship.*

3.1.1 *Materials.* Materials shall be of a quality which experience or tests have demonstrated to be suitable and dependable for use in aircraft equipment and with extinguishing medium used.

3.1.2 *Workmanship.* Workmanship shall be consistent with high-grade aircraft equipment manufacturing practice.

3.2 *Identification.* The following information shall be legibly and permanently marked on the extinguisher:

(a) Name of extinguisher.
(b) SAE Spec. No. AS–245.
(c) Capacity.
(d) Test pressure of container.
(e) Manufacturer's part or model number.
(f) Manufacturer's name and/or trade mark.
(g) Operating and maintenance instructions.

3.3 *Environmental conditions.* The following conditions have been established as design requirements only. Tests shall be conducted as specified in sections 5 and 6.

3.3.1 *Temperature.* This extinguisher shall withstand, without deterioration temperatures from −40° F. to +140° F., and shall operate satisfactorily within that temperature range.

3.3.2 *Humidity.* The extinguisher shall function and shall not be adversely affected when exposed to any relative humidity in the range of from 0 to 95% at a temperature of approximately 90° F.

3.3.3 *Altitude.* The extinguisher shall function and not be adversely affected when subjected to a pressure and temperature range equivalent to −1,000 feet to +40,000 feet standard altitude, except as limited by the application of 3.3.1.

3.3.4 *Vibration.* When mounted in accordance with the extinguisher manufacturer's instructions the unit shall not be adversely affected when subjected to a vibration of 2,400 cycles per minute with a total excursion of $\frac{3}{32}$", and when subjected to a vibration of 3,000 cycles per minute with a total excursion of 0.015 inch.

4. *Detail requirements.*

4.1. *Design.*

4.1.1 The extinguisher shall consist of:

Type I: A container having a dischargeable capacity of at least 1¾ quarts, a connection for pressurizing the unit and a means of controlling the discharge of the liquid content.

Type II: A container having a dischargeable capacity of at least 1¾ quarts, a suitable holder and releasing means for the cartridge, and a means of controlling the discharge of the liquid content.

4.1.2 The container shall be designed for a minimum burst pressure of 500 p. s. i.

4.1.3 The Type I unit shall be fitted with an AN connection in accordance with AN–C–71, or equivalent, for pressurizing the unit. A pressure gage to indicate the stored pressure shall also be provided. The gage range shall be at least 100 pounds above the charged pressure of the unit at 70° F.

4.1.4 Type II units shall use as a pressurizing means a carbon dioxide filled cartridge made in accordance with Specification AN–C–105, or equivalent, but in addition suitably winterized to insure operation at −40° F. A means shall be provided to readily release the carbon dioxide from the cartridge immediately prior to the use of the units. The torque required to release the cartridge shall not exceed 25 inch-pounds. The cartridge holder shall be designed so that it cannot be assembled if the cartridge is in the wrong position. The cartridge holder shall be designed so that a simple visual inspection will indicate whether a cartridge is in the holder.

4.1.5 The extinguisher shall be provided with a valve which will control the liquid discharge. The extinguisher shall be designed so that after the unit has been placed in operation it shall be completely controllable with one hand, including starting, stopping and directing the discharge stream. The force to operate the valve shall not exceed 3 pounds if the lever type is used. If a rotary type is used the torque required shall not exceed 25 inch-pounds.

4.1.6 Type I units shall be designed so that the maximum stored pressure at 70° F. shall not exceed 175 psi. Type II units shall be designed so that the instantaneous pressure developed at 70° F. when the cartridge is released into a filled unit shall not exceed 200 psi.

4.1.7 The extinguisher shall be designed so that it cannot be overfilled with extinguishing medium.

4.1.8 The extinguisher shall be provided with a satisfactory seal to indicate tampering and/or operation.

4.2 *Liquid charge:*

4.2.1 The liquid used as the extinguishing medium shall be as free from corrosive effects as practicable.

4.2.2 The fire extinguishing liquid shall be non-toxic and non-injurious to personnel and shall not form injurious toxic fumes when discharged on a fire.

4.2.3 The fire extinguishing liquid shall not deteriorate or lose its efficiency over a one-year period.

4.2.4 The fire extinguishing liquid shall have extinguishing qualities equal to or better than an equal quantity of water when used at 70° F.

4.2.5 A wetting agent may be used provided the resulting solution complies with all requirements of the specification.

4.3 *Discharge characteristics:*

4.3.1 At 70° F. the time of effective discharge for a full extinguisher shall be not less than 30 nor more than 45 seconds.

4.3.2 At 70° F., with the extinguisher nozzle approximately 4 feet above the floor, it shall throw a stream a horizontal distance of not less than 20 feet and maintain this range for at least three-quarters of the contents.

4.3.3 The extinguisher at 70° F. shall be capable of discharging three-quarters of its contents by directing the stream in any desired direction.

4.4 *Bracket.*

4.4.1 A bracket shall be furnished from which the extinguisher can be quickly and easily removed. The bracket shall be designed to hold the charged extinguisher

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[1] Copies may be obtained from the Society of Automotive Engineers, 29 W. 39th St., New York, N. Y.

against an acceleration force of 10 g. applied in any direction.

5. *Individual performance requirements.* All extinguishers, or components of same, shall be subjected to whatever tests the manufacturer deems necessary to demonstrate specific compliance with this specification, including the following requirements:

5.1 *Hydrostatic tests.* Each container shall be hydrostatically tested to 250 psi for a one minute period and shall show no leakage or detriment effects.

6. *Qualification tests.* As many extinguishers as deemed necessary by the manufacturer to demonstrate that all extinguishers will comply with the requirements of this section shall be tested. The tests of each extinguisher shall be conducted consecutively and after the tests have been initiated, no servicing (except recharging and repressurizing) or adjustments shall be permitted. For both types of extinguishers, these tests shall be conducted with a fully charged unit. The Type I units shall be pressurized to the recommended pressure at 70° F. The Type II units shall have the cartridge inserted in the holders.

6.1 *High temperatures.* The extinguisher shall be subjected to a temperature of 140° F. for a period of 6 hours and then discharged. The discharge characteristics shall not vary more than 25 percent from the figures in section 4.3.

6.2 *Low temperature.* The extinguisher shall be subjected to a temperature of −40° F. for a period of 6 hours and then discharged. The discharge characteristics shall not vary more than 40 percent from the figures in section 4.3.

6.3 *Vibration.* The extinguisher shall be placed in its bracket which shall be attached to a vibration stand. The vibration tests shall be conducted at 2,400 cycles per minute with a total excursion of 3/32 inch and at 3,000 cycles per minute with a total excursion of 0.015 inch. The assembly shall be vibrated for a three hour period with its major axis vertical and for a similar period with its major axis horizontal. At the completion of the vibration tests, the extinguisher and bracket shall be examined to determine that no looseness in the units nor damage to a part has resulted. The extinguisher shall be discharged to determine compliance with the discharge characteristics of section 4.3.

6.4 *Fire tests.* The extinguishing medium shall be tested to determine compliance with the requirements of section 4.2.4.

(2) *Application.* (i) When portable fire extinguishers are required by the Civil Air Regulations, water-solution type fire extinguishers complying with the specifications appearing in this Technical Standard Order are hereby approved for use in the compartments aft of the pilot compartment(s) in all civil aircraft in applications wherein the hazard is greatest from Class A fires (involving paper, textiles, and similar combustible materials). When substitution of portable water-solution type fire extinguishers for other types is contemplated for Class A fire protection, it shall be on a basis of one minimum 1¾-quart water-solution type fire extinguisher for each 1 quart carbon tetrachloride or the 2-pound carbon dioxide-type extinguisher. Portable water-solution type fire extinguishers already approved by the Administrator may continue to be installed in aircraft:

(*a*) For which an application for original type certificate is made prior to the effective date of this order,

(*b*) The prototype of which is flown within one year after the effective date of this order, and

(*c*) The prototype of which is not flown within one year after the effective date of this order if due to causes beyond the applicant's control.

(ii) If an alteration involving a change in type or model of portable water-solution fire extinguisher is made within nine months after the effective date of this order, previously approved types of portable water-solution type fire extinguishers may be installed. However, in any such change made after the nine month period, new types of portable water-solution type fire extinguishers installed shall meet the specifications contained herein.

(c) *Specific instructions*—(1) *Marking.* In addition to the identification information required in the referenced specification, each portable water-solution type fire extinguisher shall be permanently marked with the Technical Standard Order designation, CAA-TSO-C19, to identify the extinguisher as meeting the requirements of this order in accordance with the manufacturers' statement of conformance outlined below. This identification will be accepted by the Civil Aeronautics Administration as evidence that the established minimum safety requirements for portable water-solution type fire extinguishers have been met.

(2) *Data requirements.* None.

(3) *Effective date.* After June 1, 1949, specifications contained in this order will constitute the basis for Civil Aeronautics Administration approval of portable water-solution type fire extinguishers for use in certificated aircraft.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this order, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Aircraft Service, Office of Aviation Safety, Civil Aeronautics Administration. These requests should be addressed to the nearest Regional Office of the Civil Aeronautics Administration, Attn: Superintendent, Aircraft Branch.

(5) *Conformance.* (i) The manufacturer shall furnish to the Civil Aeronautics Administration, Aircraft Service, Attn: A-298, Washington 25, D. C., a written statement of conformance signed by a responsible official of his company, setting forth that the portable water-solution type fire extinguisher to be produced by him meets the minimum safety requirements established in this order. Immediately thereafter distribution of the extinguisher conforming with the terms of this order may be started and continued.

(ii) The prescribed identification on the portable water-solution type fire extinguisher does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the extinguisher in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Civil Air Regulations.

(iii) If complaints of nonconformance with the requirements of this order are brought to the attention of the Civil Aeronautics Administration, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Civil Aeronautics Administration, Aviation Information Staff, Washington 25, D. C.

§ 4b.51–10 *Portable water-solution type fire extinguishers (CAA rules which apply to § 4b.51 (c)).* See § 4b.38251–4.

§ 4b.5383–1 *Technical Standard Order TSO–C18: "Position Light Flashers" (CAA rules which apply to § 4b.5383)*—(a) *Introduction.* Under section 601 of the Civil Aeronautics Act of 1938, as amended, and §§ 4a.07, 4a.5827, 4b.05, and 4b.5383 of this chapter, the Administrator of Civil Aeronautics is authorized to adopt standards for position light flashers intended for use on civil aircraft. In adopting these standards, consideration has been given to existing Government and industry standards for position light flashers.

(b) *Directive*—(1) *Provision.* (i) The performance requirements for position light flashers, as set forth in sections 3.3, 3.4 (except 3.4.2) 4 (except 4.4 and 4.5) and 5 of SAE Specification AS–211, "Flasher, Position Light" dated November 1, 1948,[1] stated below, are hereby established as minimum safety performance standards for position light flashers intended for use on civil aircraft:

1. *Purpose.* To specify minimum requirements for aircraft position light flashers, the operation of which may subject the flasher to the environmental conditions specified in section 3.3.

2. *Scope.* This specification covers two types of position light flashers:

Type I: For nominal 24 volt d. c. systems.
Type II: For nominal 12 volt d. c. systems.

3. *General requirements.*

3.1 *Materials and workmanship.*

3.1.1 *Materials.* Materials shall be of a quality which experience and/or tests have demonstrated to be suitable and dependable for the purpose intended.

3.1.2 *Choice of materials.* Choice and treatment of materials shall be such as to eliminate or minimize:

1. Corrosion.
2. Fire hazard.
3. Fungus growth.

3.1.3 *Workmanship.* Workmanship shall shall be consistent with high-grade aircraft electrical equipment practice.

3.2 *Identification.*

3.2.1 *Nameplate.* The following information shall be legibly and permanently marked on the unit or attached thereto:

a Name of unit (position light flasher).
b. SAE specification AS211.
c. Voltage.
d. Normal motor current—amps.
e. Flasher contact capacity—amps.
f. Manufacturer's part number.
g. Manufacturer's serial number—(date of manufacture, optional).
h. Manufacturer's name and/or trademark.

3.2.2 *Wiring daigram.* A diagram of the internal wiring of the flasher shall be legibly marked on the unit or attached thereto.

3.3 *Environmental conditions.* The complete unit shall operate under the following environmental conditions and shall meet the following performance requirements:

3.3.1 *Temperature.* When mounted in accordance with the inaufacturer's recom-

[1] Copies may be obtained from the Society of Automotive Engineers, 29 W. 39th St., New York, N. Y.

mendations, the unit shall function over the range of ambient temperature from −35° C to +55° C. It shall not be adversely affected by exposure to temperatures in the range of −65° C to +70° C.

3.3.2 *Humidity.* The unit shall function and shall not be adversely affected by exposure to a relative humidity in the range of 5% to 90% throughout a temperature range of −35° C to +55° C.

3.3.3 *Altitude.* The unit shall function and shall not be adversely affected when subjected to a pressure and temperature range equivalent to −1000 feet to +25,000 feet standard altitude.

3.3.4 *Vibration.* The unit shall function and shall not be adversely affected when subjected to vibration of 0.060 inch double amplitude at from 600 to 3300 cycles per minute when tested complete with its bracket and/or shock mounts and with the direction of vibration perpendicular to its normal mounting surface.

3.3.5 *Dust.* The instrument shall function and shall not be adversely affected when subjected to severe sand and dust conditions.

3.3.6 *Salt spray.* The instrument shall function and shall not be adversely affected when subjected to a salt spray for a period of 100 hours.

3.4 *Radio interference.*

3.4.1 *Radio interference.* The flasher motor shall not be the source of objectionable interference under operating conditions, at any frequencies used on the aircraft, either by radiation or feed back, in radio sets installed in the same aircraft as the flasher. The flasher case shall be electrically continuous and shall be grounded to the aircraft structure.

3.4.2 *Interference suppression.* The motor circuit shall be provided with the necessary radio interference suppression features to suppress its radio interference to the limits set forth herein for conducted and radiated radio interference. In particular, these features shall include adequate filters and inclosing case construction which will prevent interference leakage through it or through joints, seams, and mating surfaces. The volume and weight of filtering equipment required shall be minimized by the application of proper electrical and mechanical design and construction.

3.4.3 *Conducted radio interference limits.* The conducted radio interference voltage produced by operation of the equipment on wiring connected to or associated with the equipment, when measured between each terminal and the ground plane, shall not exceed 200 microvolts over the frequency range of 0.15 to 0.2 of a megacycle and 50 microvolts over the frequency range of 0.2 to 20 megacycles.

3.4.4 *Radiated radio interference.* The radio interference field produced by operation of the equipment when measured with the rod or dipole antenna of the measuring instrument placed in various positions one foot from the equipment and interconnecting cable assemblies, shall not exceed the microvolt values shown in the following table:

Frequency band Mcs.:	*Microvolts*
0.15–65.0	2.5
65.0–100.0	5.0
100.0–150.0	10.0

4. *Detail requirements.*

4.1 *Input voltage.* The flasher shall perform under all conditions outlined herein, over these input voltages:

Type I: 22 to 28.5 volts d. c.
Type II: 11 to 14.5 volts d. c.

4.2 *Flashing cycle and accuracy.* The flashing cycle shall be repeated 40±4 times per minute. Each cycle shall be as follows:

Wing tip and white tail light "ON"	130°
Dark	50°
Top and bottom fuselage lights and red tail light "ON"	130°
Dark	50°

A maximum deviation of 5° from these periods is permissible.

4.3 *Current carrying capacity.* Flashing light circuits shall be capable of operating lamp loads having total values as follows:

Type I flasher: 3.0 amps.
Type II flasher: 6.0 amps.

They shall satisfactorily handle the inrush currents of the position lights they are to flash.

4.4 *Motor power consumption.* Normal Power Consumption of the motor circuit shall be no more than 10 watts.

4.5 *Life.* The flasher shall operate 500 hours with no adjustment or replacement of parts and shall operate 1,000 hours with no repair other than the replacement of the contacts in the light circuits.

5. *Individual performance requirements.*

5.1 *Individual performance test.* Each flasher unit, before shipment shall be operated at room ambient conditions to assure that it meets the requirements of 4.2 above over the whole range of input voltages specified in 4.1. It shall also be subjected to an insulation resistance test before any internal circuits to ground are completed to assure its freedom from shorts, grounds, etc. Resistance shall not be less than 10 megohms.

(ii) For the purposes of this order, the terms "motor" and "the flasher motor" contained in sections 3.2.1 and 3.4.1 of AS–211, shall be interpreted to mean any type of actuating mechanism.

(2) *Application.* (i) Position light flashers complying with the specifications appearing in this order are hereby approved for all aircraft. Position light flashers already approved by the Administrator may continue to be installed in aircraft:

(a) For which an application for original type certificate is made prior to the effective date of this order,

(b) The prototype of which is flown within one year after the effective date of this order, and

(c) The prototype of which is not flown within one year after the effective date of this order if due to causes beyond the applicant's control.

(ii) If an alteration involving a change in type or model of position light flasher is made within nine months after the effective date of this order, previously approved types of position light flashers may be installed. However, in any such change made after the nine-month period, new types of position light flashers installed on aircraft used in scheduled air carrier operation shall meet the specifications contained herein.

(c) *Specific instructions*—(1) *Marking.* In addition to the identification information required in the referenced specification, each position light flasher shall be permanently marked with the Technical Standard Order designation, CAA–TSO–C18 to identify the position light flasher as meeting the requirements of this order in accordance with the manufacturers' statement of conformance outlined below. This identification will be accepted by the Civil Aeronautics Administration as evidence that the established minimum safety requirements for position light flasher have been met.

(2) *Data requirements.* Ten copies of installation, operating, and maintenance recommendations or instructions shall be submitted by the manufacturer of the position light flasher with his statement of conformance to the Civil Aeronautics Administration, Aircraft Service, Attn: A–298, Washington 25, D. C.

(3) *Effective date.* After May 1, 1949, specifications contained in this order will constitute the basis for Civil Aeronautics Administration approval of position light flashers for use on certificated aircraft used in scheduled air carrier operation.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this order, which affect the basic airworthiness of the component, should be submitted for approval by the Director, Aircraft Service, Office of Aviation Safety, Civil Aeronautics Administration. These requests should be addressed to the nearest Regional Office of the Civil Aeronautics Administration, Attn: Superintendent, Aircraft Branch.

(5) *Conformance.* (i) The manufacturer shall furnish to the CAA, Aircraft Service, A–298, Washington 25, D. C., a written statement of conformance signed by a responsible official of his company, setting forth that the position light flasher to be produced by him meets the minimum safety requirements established in this order. Immediately thereafter distribution of the position light flasher conforming with the terms of this order may be started and continued.

(ii) The prescribed identification of the position light flasher does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the position light flasher on his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Civil Air Regulations.

(iii) If complaints of nonconformance with the requirements of this order are brought to the attention of the Civil Aeronautics Administration, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Civil Aeronautics Administration, Aviation Information Staff, Washington 25, D. C.

These rules shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 205 (a), 601, 52 Stat. 984, 1007; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 551; Reorg. Plans III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49–4735; Filed, June 13, 1949; 8:47 a. m.]

[Reg., Serial No. SR–332]

PART 24—MECHANIC CERTIFICATE

LIMITED MECHANIC CERTIFICATE WITH PROPELLER OR AIRCRAFT APPLIANCE RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of June 1949.

Special Civil Air Regulation Serial Number SR–324 provides for the issuance of a limited mechanic certificate with a propeller or appliance rating to an individual employed by a manufacturer or repair station. This regulation, as amended by SR–324–A, expires June 30, 1949. In view of the fact that present Part 24 makes no provision for the is-

suance of similar privileges, it is believed necessary to change the termination date of the special regulation until such time as a revised Part 24 is promulgated. It is expected that a proposed revision of Part 24 will be submitted for public comment within the next 30 days, and it is therefore to be expected that a revised Part 24 will be made effective within the next 6 months. The Board therefore believes that an extension of this regulation for another 6-month period is in the public interest.

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

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective July 1, 1949:

A mechanic certificate with a propeller or aircraft appliance rating, excepting a parachute rating, may be issued by the Administrator of Civil Aeronautics to an individual who is employed and designated by either a manufacturer holding a currently effective propeller or aircraft appliance production certificate or by an applicant for, or the holder of, a repair station certificate with a propeller or aircraft appliance rating. The individual must be in direct charge of the inspection, overhaul, or repair of propellers or aircraft appliances, and his experience and employment record must indicate that he is competent to engage in such activity. The individual to whom a certificate is issued shall exercise the privileges of his certificate only with respect to the work performed for such manufacturer or repair station and through the use of facilities provided by the manufacturer or repair station.

This regulation supersedes Special Civil Air Regulation Serial Number SR–324, as amended, and shall terminate December 31, 1949.

(Secs. 205 (a), 601, 602, 607, 52 Stat. 984, 1007, 1008, 1011; 49 U. S. C. 425 (a), 551, 557)

By the Civil Aeronautics Board.

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

[F. R. Doc. 49–4784; Filed, June 13, 1949; 9:01 a. m.]

[Regs., Serial No. SR–331]

PART 40—AIR CARRIER OPERATING CERTIFICATE

PART 60—AIR TRAFFIC RULES

PART 61—SCHEDULED AIR CARRIER RULES

LONG DISTANCE DOMESTIC SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of June 1949.

Special Civil Air Regulation SR–323, as amended, expires June 15, 1949. This regulation provides special operating rules for flights of scheduled air carrier aircraft in long distance operations at altitudes above sea level in excess of 12,500 feet east of longitude 100° W. and at altitudes in excess of 14,500 feet west of longitude 100° W. Provisions for such operations will be made in a revision of current scheduled air carrier certification and operation rules which will, in the near future, be submitted for comment by interested persons in accordance with usual rule-making procedures. It is expected that such a revised part will be adopted in time to become effective on January 1, 1950. Therefore, it is deemed advisable to extend the effectiveness of the rules currently established in SR–323 until that date.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter submitted. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective June 16, 1949, to read as follows:

Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. shall comply with the applicable provisions of the Civil Air Regulations except as follows:

(a) Such flights need not comply with the requirements of § 60.305 *Right-side traffic*, § 61.731 *Deviation from route*, or any other sections of Parts 40 and 61 concerning civil airways.

(b) Such flights need not comply with the requirements of § 60.303 *Air traffic clearance*, § 60.111 *Adherence to air traffic clearances*, § 60.307 *Radio communications*, and § 61.602 *Weather reports*, except to the extent which the Administrator may prescribe.

(c) Each pilot in command engaged in these operations shall be qualified for the route, if he is qualified for operations over any regular authorized route for the air carrier involved between the regular terminals for such operation.

(d) Each dispatcher who dispatches aircraft on flights authorized by this regulation shall be qualified under § 61.553 of the Civil Air Regulations for operation over an authorized route for the air carrier involved between the regular terminals of such operations: *Provided*, That when he is qualified only on a portion of such route he may dispatch aircraft only after coordinating the dispatch with dispatchers who are qualified for the other portions of the route between the points to be served.

This regulation supersedes Special Civil Air Regulation SR–323, as amended, and shall terminate December 31, 1949.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

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

[F. R. Doc. 49–4783; Filed, June 13, 1949; 9:01 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5430]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ARBEE FOOD PRODUCTS CO.

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.71 (c 5) *Neglecting, unfairly or deceptively, to make material disclosure—Qualities or properties of product:* § 3.71 (e 5) *Neglecting, unfairly or deceptively, to make material disclosure—Scientific or relevant facts.* In connection with the offering for sale, sale, and distribution, of respondents' wheat-germ product designated "Spark - O - Life" or "Spark-O-Lite," or any other product or products of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name or names, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said product, which advertisements represent, directly or through inference, (a) that the product "Spark-O-Life" or "Spark-O-Lite" is a cure or remedy, or competent or effective treatment, for constipation, nervous trouble, digestive disorders, stomach or bowel trouble, neuritis, common headache, aching muscles or joints, tired or exhausted feeling, or lack of pep, energy, or vitality, or that consumers thereof will enjoy greater health, energy, vitality, or that its use will correct vitamin deficiencies, unless such representations are expressly limited to those unusual cases in which such conditions are due solely to a very minor vitamin B, deficiency and where the long and continued use of said product as a food supplement in the quantities recommended may tend to overcome said conditions and unless such advertisement discloses that such conditions are most frequently due to other causes and that in such cases said product is ineffective; (b) that the product "Spark-O-Life" or "Spark-O-Lite" is a cure or remedy, or competent or effective treatment, for rheumatism, arthritis, or migrane headache (c) that the product "Spark-O-Life" or "Spark-O-Lite" is the richest vitamin G food or that it is rich in phosphorus, magnesium, calcium, or iron; or, (d) that vitamin E is valuable in human nutrition; or which advertisements fail to comply with the affirmative requirements set forth in prohibition (a) above; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, David M. Lorenz et al. trading as Arbee Food Products Company, Docket 5430, May 24, 1949]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 24th day of May A. D. 1949.

In the Matter of David M. Lorenz and Bernhard W. Alden, Individually and as Copartners Trading Under the Name of Arbee Food Products Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, exceptions thereto, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and conclusion that the respondents have violated the Federal Trade Commission Act:

It is ordered, That the respondents, David M. Lorenz and Bernhard W. Alden, individually and as copartners trading as Arbee Food Products Company or under any other name or names, their agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of their wheat-germ product designated "Spark-O-Life" or "Spark-O-Lite," or any other product or products of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name or names, do forthwith cease and desist from directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any other means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

(a) That the product "Spark-O-Life" or "Spark-O-Lite" is a cure or remedy, or competent or effective treatment, for constipation, nervous trouble, digestive disorders, stomach or bowel trouble, neuritis, common headache, aching muscles or joints, tired or exhausted feeling, or lack of pep, energy, or vitality, or that consumers thereof will enjoy greater health, energy, vitality, or that its use will correct vitamin deficiencies, unless such representations are expressly limited to those unusual cases in which such conditions are due solely to a very minor vitamin B_1 deficiency and where the long and continued use of said product as a food supplement in the quantities recommended may tend to overcome said conditions and unless such advertisement discloses that such conditions are most frequently due to other causes and that in such cases said product is ineffective;

(b) That the product "Spark-O-Life" or "Spark-O-Lite" is a cure or remedy, or competent or effective treatment, for rheumatism, arthritis, or migraine headache;

(c) That the product "Spark-O-Life" or "Spark-O-Lite" is the richest vitamin G food or that it is rich in phosphorus, magnesium, calcium, or iron;

(d) That vitamin E is valuable in human nutrition.

(2) Disseminating, or causing the dissemination of, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said product, which advertisement contains any of the representations prohibited in paragraph (1) hereof or which fails to comply with the affirmative requirements set forth in paragraph (1) (a) hereof.

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

By the Commission. Commissioner Mason, in accordance with the views he expressed in Docket 5070, American Dietaids Company, Inc., et al., concurs in all of the foregoing except that portion of paragraph (a) of the order requiring affirmative disclosure.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-4748; Filed, June 13, 1949; 8:58 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52238]

PART 3—DOCUMENTATION OF VESSELS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

CRUISING LICENSES; SPECIAL TONNAGE TAX AND LIGHT MONEY

1. Section 3.53 (d), Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.53 (d)), as amended, is further amended by adding "Bahama Islands" immediately before "Canada" in the list of countries at the end of that paragraph, since the President of the United States has found that yachts of the United States are granted the reciprocal privileges described in section 5 of the act of May 28, 1908, as amended (46 U. S. C. 104), in ports of the Bahama Islands.

(R. S. 161, secs 2, 3, 23 Stat. 118, 119, sec. 5, 35 Stat. 425, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 104. Sec. 102, Reorganization Plan No. 3 of 1946; 3 CFR, 1946 Supp., ch. IV)

2. Section 4.22, Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.22), as amended, is further amended by the insertion of "Israel" immediately after "Ireland (Eire)" and preceding "Italy"; by the insertion of "Morocco" immediately after "Mexico" and preceding "Muscat (Oman)"; and by the insertion of "Union of South Africa" immediately after "Turkey" and preceding "Union of Soviet Socialist Republics" in the list of nations at the end of that section. The amendments relating to Israel and the Union of South Africa are effective only from April 18, 1949, and April 19, 1949, respectively.

(R. S. 161, 4219, as amended, 4225, as amended, sec. 3, 23 Stat. 119; 5 U. S. C. 22, 46 U. S. C. 3, 121, 128. Sec. 102, Reorganization Plan No. 3 of 1946; 3 CFR, 1946 Supp., ch. IV)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: June 6, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-4749; Filed, June 13, 1949; 8:58 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 106]

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

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, Item 61b, is amended to read as follows:

(61b) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 (1) the City of West Palm Beach, Florida, in the Palm Beach County, Florida, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 62, is amended to describe the counties in the Defense-Rental Area as follows:

Bay County, except (1) the portion bounded on the north by the line beginning at the western boundary of Bay County at the Northwest corner of Section 31, Township 2 South, Range 17 West, and running thence east along section lines to the water's edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County, and (2) the portion described as follows: Beginning at the East boundary line of said Bay County at the Southeast corner of Section 25, Township 6 South, Range 12 West and running thence north along the East boundary line of Bay County to the Northeast Corner of Section 24, thence West along North Section lines of Sections 24, 23 and 22, to the Gulf of Mexico waters' edge, and thence in a Southeasterly direction meandering along the waters' edge of said Gulf of Mexico to the point of beginning.

Gulf County, except the portion described as follows: Beginning at the shore line of St. Joseph's Bay and South Section line of Section 22, Township 7 South, Range 11 West,

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386, 14 F. R. 17, 93, 143, 271, 337, 456, 627, 632, 695, 856, 918, 979, 1005, 1033, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 2897, 3079.

in Gulf County, Florida, and thence East along said Section line of Section 22 to the Southeast Corner of Section 22, thence Northwest to the Southwest Corner of Section 15, involving the Southwest half of Section 22, thence North along the West Section line of Sections 15 and 10 to the Southeast Corner of Section 4, thence Northwest to the Southeast Corner of Section 32, involving the Southeast half of Section 4, thence Northwest to the Southeast Corner of Section 30, Township 6 South, Range 11 West, thence Northwest to the Northwest Corner of Section 30 and Bay County line, then South along Bay County line to waters' edge of the Gulf of Mexico, thence in a Southeasterly direction meandering along the waters' edge of said Gulf of Mexico and St. Joseph's Bay to the point of beginning.

This decontrols from §§ 825.1 to 825.12 Beacon Hill Beach and Mexico Beach, portions of the Panama City, Florida, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, said Beacon Hill Beach and Mexico Beach being more particularly described in Schedule A, Item 62, as hereby amended.

3. Schedule A, Item 66a, is amended to read as follows:

(66a) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 (1) the City of Daytona Beach, Florida, in the Daytona Beach, Florida, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative, in accordance with section 204 (c) of said act.

(Sec. 204 (d), 64 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 9, 1949.

Issued this 9th day of June 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-4781; Filed, June 13, 1949; 8:52 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 101]

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

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, Item 61b, is amended to read as follows:

(61b) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 (1) the City of West Palm Beach, Florida, in the Palm Beach County, Florida, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 62, is amended to describe the counties in the Defense-Rental Area as follows:

Bay County except (1) the portion bounded on the north by the line beginning at the western boundary of Bay County at the Northwest corner of Section 31, Township 2 South, Range 17 West, and running thence east along section lines to the water's edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County, and (2) the portion described as follows: Beginning at the East boundary line of said Bay County at the Southeast Corner of Section 25, Township 6 South, Range 12 West and running thence north along the East boundary line of Bay County to the Northeast Corner of Section 24, thence West along North Section lines of Sections 24, 23 and 22, to the Gulf of Mexico waters' edge, and thence in a Southeasterly direction meandering along the waters' edge of said Gulf of Mexico to the point of beginning, * * *

Gulf County, except the portion described as follows: Beginning at the shore line of St. Joseph's Bay and South Section line of Section 22, Township 7 South, Range 11 West, in Gulf County, Florida, and thence East along said Section line of Section 22 to the Southeast Corner of Section 22, thence Northwest to the Southwest Corner of Section 15, involving the Southwest half of Section 22, thence North along the West Section line of Sections 15 and 10 to the Southeast Corner of Section 4, thence Northwest to the Southeast Corner of Section 32, involving the Southeast half of Section 4, thence Northwest to the Northwest Corner of Section 30, Township 6 South, Range 11 West, thence Northwest to the Northwest Corner of Section 30 and Bay County line, then South along Bay County line to waters' edge of the Gulf of Mexico, thence in a Southeasterly direction meandering along the waters' edge of said Gulf of Mexico and St. Joseph's Bay to the point of beginning.

This decontrols from §§ 825.81 to 825.92 Beacon Hill Beach and Mexico Beach, portions of the Panama City, Florida, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, said Beacon Hill Beach and Mexico Beach being more particularly described in Schedule A, Item 62, as hereby amended.

3. Schedule A, Item 66a, is amended to read as follows:

(66a) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 (1) the City of Daytona Beach, Florida, in the Daytona Beach, Florida, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative, in accordance with section 204 (c) of said act.

(Sec. 204 (d), 64 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 9, 1949.

Issued this 9th day of June 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-4782; Filed, June 13, 1949; 8:52 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter E—Mechanical Equipment for Mines; Tests for Permissibility; Fees

PART 32—MOBILE DIESEL POWERED EQUIPMENT FOR NON-COAL MINES

DEFINITIONS; GENERAL REQUIREMENTS

In Federal Register Document 49-2607 appearing on pages 1671 through 1677 of the issue of Friday, April 8, 1949 (vol. 14, no. 67), the first sentence of § 32.2, paragraph (d), subparagraph (1), shown in the third column of page 1672 is corrected to read "legible drawings" instead of "eligible drawings" as shown in the original document.

The first sentence of § 32.4, paragraph (d), subparagraph (1), shown in column 2 of page 1673 is corrected to read "that resistance" instead of "at resistance" as shown in the original document.

THOS. H. MILLER,
Acting Director.

Approved: June 1, 1949.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 49-4730; Filed, June 13, 1949; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

ELECTION OF OPTIONAL SETTLEMENT BY BENEFICIARY

1. In § 6.65, the unnumbered paragraph following paragraph (e) is amended to read as follows:

§ 6.65 *Election of optional settlement by beneficiary.* * * *

(e) * * *

If the insured has selected settlement under option 1, a beneficiary who has elected to receive payment under option

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[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6451, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328, 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1869, 1932, 2061, 2062, 2085, 2177, 2237, 2413, 2440, 2441, 2515, 2607, 2608, 2695, 2898, 3079.

2, 3, or 4 may elect to receive the commuted value of any remaining unpaid installments certain (240 less the number paid in case of option 3, or 120 less the number paid in the case of option 4); *Provided*, That where the commutation is elected under option 3 or 4 after payment under such option has commenced, and the beneficiary survives the period certain, such beneficiary shall be entitled to the resumption of monthly installments payable for life in accordance with the monthly income option previously selected by such beneficiary. The entitlement to the resumption of monthly installments will be effective as of the monthly payment date next following the expiration of the period certain. Settlement under any one of the options or payment to the beneficiary of said commuted value under option 2 or payment of said commuted value under options 3 and 4 to the beneficiary who does not survive the period certain shall be in full and complete discharge of all liability under the contract.

(Secs. 5, 300, 301, 43 Stat. 608, 624, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512, 707)

2. In § 8.77, the first unnumbered paragraph following paragraph (a) (5) is amended to read as follows:

§ 8.77 *Election of optional settlement by beneficiary*—(a) *Insurance maturing on or after August 1, 1946.* • • •

(5) • • •

A change in the mode of settlement is not authorized after payment has commenced, but, where the insured has selected settlement under option 1, a beneficiary who has elected to receive payment under option 2, 3, or 4 may elect to receive the commuted value of any remaining unpaid installments certain: *Provided*, That where the commutation is elected under option 3 or 4 after payment under such option has commenced, and the beneficiary survives the period certain, such beneficiary shall be entitled to the resumption of monthly installments payable for life in accordance with the monthly income option previously selected by such beneficiary. The entitlement to the resumption of monthly installments will be effective as of the monthly payment date next following the expiration of the period certain. Settlement under any one of the options or payment to the beneficiary of said commuted value under option 2 or payment of said commuted value under option 3 or 4 to the beneficiary who does not survive the period certain shall be in full and complete discharge of all liability under the contract.

• • • • • •

(Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 49-4729; Filed, June 13, 1949; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9120]

PART 1—PRACTICE AND PROCEDURE

HANDLING OF MOTIONS AND INITIAL AND PROPOSED DECISIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of June 1949;

The Commission having under consideration a notice of proposed rule making adopted August 18, 1948, looking toward the revision of Part 1 of the Commission's rules and regulations relating to the handling of motions and initial and proposed decisions;

It appearing, that no comments have been filed with respect to this notice of proposed rule making; and

It further appearing, that it is in the public interest to revise the Commission's procedure with respect to the handling of motions and initial and proposed decisions;

Now, therefore, it is ordered, Pursuant to the provisions of section 4 (i) and 303 (r) of the Communications Act of 1934, as amended, and section 3 (a) (2) of the Administrative Procedure Act that Part 1 of the Commission's rules and regulations be amended as set forth below. These rules shall be effective immediately. Since the amendments provided for herein relate to procedure alone, the requirements of section 4 of the Administrative Procedure Act are inapplicable. In any case in which the procedure described in Subpart G is applicable, this procedure will be applied with respect to any proceeding in which a recommended decision has not yet been submitted to the Commission by the presiding officer on the effective date.

Released: June 3, 1949.

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

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1.821 Requests for orders to take; time of filing; contents.
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AUTHORITY: §§ 1.741 to 1.896 issued under sec. 4 (i), 48 Stat. 1066; 303 (r); 50 Stat. 191; 47 U. S. C. 154 (i) and 303 (r).

§ 1.741 *Action by Commission.* In cases designated for formal hearing, all motions, petitions and other pleadings requesting final disposition of any case on its merits, those having the nature of an appeal to the Commission, those changing the issues upon which the hearing was ordered, and those requesting change or modification of a final order made by the Commission, shall be acted upon by the Commission. All other motions, petitions and other pleadings shall be acted upon in accordance with §§ 1.742 to 1.750.

§ 1.742 *Action by Motions Commissioner or Commissioner designated to preside at a hearing.* In cases designated for formal hearing all motions, petitions and other pleadings, except those subject to Commission action under § 1.741,

shall be acted upon by the Motions Commissioner or, if a Commissioner has been designated to hear the case, by such Commissioner. When such Commissioner is not available, the Motions Commissioner may act.

§ 1.743 *Action by Hearing Examiner.* (a) After a Hearing Examiner has been designated to preside at a hearing, all motions, petitions and other pleadings, except those described in paragraph (b) of this section, which would be acted upon by the Motions Commissioner in accordance with § 1.742, shall be acted upon by the Hearing Examiner. If the Hearing Examiner is not available, the Motions Commissioner may act.

(b) Petitions to intervene, to dismiss an application or proceeding, or any motion or petition filed after an initial decision is issued will be acted upon in accordance with the provisions of either §§ 1.741 or 1.742.

§ 1.744 *Motions calendar: Time of calling and place; continuances.* (a) There shall be a weekly Motions calendar consisting of two parts:

(1) Motions to be acted upon by the Motions Commissioner; and

(2) Motions to be acted upon by presiding officers.

(b) Each part of the motions calendar shall be called at the offices of the Commission at such times as the Motions Commissioner shall designate.

(c) The Motions Commissioner or Commissioner designated to preside at a hearing or a Hearing Examiner may continue any motion, petition or other pleading, and may upon notice, hear any motion at any time.

§ 1.745 *Time for filing motions.* Unless it is found that irreparable injury would be caused to one of the parties or the public interest so requires, no motion, petition, or other pleading shall be called, considered, or determined in the absence of consent by all parties unless it shall have been on file, accompanied by proof of service upon all parties, for a period of four days.

§ 1.746 *Oppositions.* Any party or the General Counsel of the Commission may file a pleading in opposition within the time specified in § 1.745 and may be heard thereon on the day designated for hearing of the motion, petition, or other pleading.

§ 1.747 *Procedure in Motions calendar.* Upon the request of any party or the General Counsel of the Commission, oral argument with respect to any contested matter on the Motions calendar may be heard before the Motions Commissioner, the Commissioner designated to preside at a hearing, or the Hearing Examiner. Failure of any party to request oral argument shall be deemed a waiver of his rights thereto; except that such request may be made after an opposition is filed by any other party. If oral argument is waived by any party, such motion or opposition shall be considered together with any pleadings or briefs which may be filed in support thereof. The waiving of oral argument by any party shall not preclude oral argument by any other party who makes timely request therefor. A motion duly served on all parties may be granted without oral argument if no opposition thereto has been timely filed, unless, in the discretion of the Motions Commissioner, the Commissioner designated to preside, or the Hearing Examiner, oral argument appears necessary prior to action, in which event, he may order such argument. If oral argument has not been requested by any party, the Motions Commissioner, the Commissioner designated to preside, or the Hearing Examiner may, in his discretion, order oral argument.

§ 1.748 *Number of copies.* Seven copies of each motion, petition or opposition thereto shall be filed unless the subject matter requires consideration by the Commission en banc or a Board or Committee of Commissioners, in which event 15 copies shall be filed.

§ 1.749 *Rulings.* Each motion or petition shall be disposed of by written order of which public notice shall promptly be given. The order upon contested motions or petitions shall contain a brief statement of the reasons for the ruling therein, unless such order is self-explanatory, or is merely the affirmance of a prior denial in which reasons have been given.

§ 1.750 *Review of adverse ruling.* (a) Any interested party may obtain review by the Commission of an adverse ruling with respect to any petition or motion by (1) filing within two days a petition for review; or (2) by stating his exception on the record in the hearing and requesting that it be carried forward therein.

(b) Failure to make timely request for review or to state an exception on the record, shall be deemed a waiver of any right to review.

Subpart G—Rules Relating to Hearings and Decisions

§ 1.801 *Informal hearings.* The Commission may upon petition by any person or upon its own motion hold such informal hearings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties or the formulation or amendment of its rules and regulations. For such purposes it may subpena witnesses and require the production of testimony as in formal hearings but the procedure to be followed shall be such as in the opinion of the Commission will best serve the purposes of such hearing.

Formal Hearings

§ 1.802 *Official reporter; transcript.* The Commission will designate from time to time an official reporter for the taking down and transcribing of hearing proceedings. No transcript of the testimony taken, or argument had, at any hearing will be furnished by the Commission, but will be open to inspection under § 0.206 of the statement of places for submitting applications and other requests and securing public information. Copies of such transcript, if desired, may be obtained from the official reporter upon payment of the charges therefor.

§ 1.803 *Notice of hearing.* Reasonable notice of hearing will be given to all parties to a proceeding. Such notice shall include:

(a) A statement as to the time, place and nature of the hearing. If the time and place are not specified in the initial notice, the notice will indicate that the time and place will be designated by subsequent notice.

(b) A statement as to the legal authority and jurisdiction under which the hearing is to be held.

(c) A statement of the matters of fact and law involved.

Continuances and Prehearing Conferences

§ 1.811 *Continuances and extensions.* Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted upon motion for good cause shown, unless the time for performance or filing is limited by statute.

§ 1.812 *Postponement or change of place.* The Commission or the presiding officer may recess or adjourn a hearing for such time as may be deemed necessary, and may change the place thereof.

§ 1.813 *Prehearing conferences.* (a) The Commission or the presiding officer on its or his initiative, or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) The necessity or desirability of prior mutual exchange between or among the parties of prepared testimony and exhibits;

(6) In cases arising under Title II of the act, the necessity or desirability of amending the pleadings and offers of settlement or proposals of adjustment.

(b) Action taken at the conference, including agreements made by the parties as to any of the matters considered, may be recorded for appropriate use at the hearings.

Depositions

§ 1.821 *Requests for orders to take; time of filing; contents.* Motions to take depositions shall be filed not less than 15 days before the proposed date for taking of the depositions, and shall set forth the names and addresses of the witnesses, a specific statement as to each witness of the matters and facts concerning which it is expected such witness will testify, the place where, the time

when, the officer before whom, and the reason why such deposition should be taken. Such motion shall be accompanied by a proposed order with sufficient copies to be served on all parties. The order shall state the name and address of each witness, the matters and facts concerning which it is expected such witness will testify, the place where, the time when and the designated officer before whom the witness is to testify. Copies of orders to take depositions shall be mailed by the Secretary to all parties to the proceeding at least seven days prior to the date fixed for the taking thereof.

§ 1.822 *Record of examination; oath; objections.* The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise. Any objection made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to such objection. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

§ 1.823 *Submission to witness; changes; signing.* When the testimony is fully transcribed the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless upon a motion to suppress the Commission holds that the reason given for the refusal to sign requires rejection of the deposition in whole or in part.

§ 1.824 *Certification and filing by officer; copies.* The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and two copies thereof together with the original and two copies of all exhibits by registered mail to the Secretary of the Commission.

§ 1.825 *Objections to depositions.* (a) Except as provided in paragraph (b) and (c) of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence, if the witness were then present and testifying.

(b) Objection to the competency of a witness, or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(c) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath, or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

§ 1.826 *Time of filing.* All depositions shall be filed with the Commission not later than 3 days before the date of the hearing in which they are to be offered as evidence. The presiding officer at any hearing may, on motion which shall show diligence on the part of the moving party, waive the requirements of this section.

§ 1.827 *Inclusion in record.* (a) No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing.

(b) The deposition of a person who is a party in interest to an application will not be admitted in evidence unless it is shown that the witness is dead or seriously ill or that the requirement to produce the witness at the hearing would cause undue hardship.

SUBPENAS

§ 1.831 *Who may sign and issue.* Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing may be signed and issued as follows:

(a) Hearings before the Commission en banc or before a Committee of Commissioners: By a Commissioner;

(b) Hearings before a presiding officer: By a Commissioner or by the presiding officer.

§ 1.832 *Request; verification content.* A subpena, other than one directed by the Commission on its initiative, will be issued only upon request in writing made prior to the hearing, or on the record during the course of a hearing. Any request for a subpena shall be supported by a showing of the general relevance and materiality of the evidence sought. A request for a subpena to compel a witness to produce documentary evidence shall be in writing, duly subscribed and verified, and shall specify with particularity the books, papers and documents desired and the facts expected to be proved thereby. Prompt notice, including a brief statement of the reasons therefor, will be given of the denial, in whole or in part, of a request for a subpena.

§ 1.833 *Witness fees.* Witnesses who are subpenaed and respond thereto are entitled to the same fees including mileage as are paid for like service in the courts of the United States. The party at whose instance the testimony is taken shall pay such fees at the time the subpena is served.

§ 1.834 *Service of subpenas; return.* (a) A subpena may be served by a United States marshal or his deputy or by any other person who is not a party and is not less than 18 years of age. Service of a subpena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by law. If the subpena is issued on behalf of the United States or an officer or agency thereof fees and mileage need not be tendered.

(b) If service of the subpena is made by a person other than a United States marshal or his deputy, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpena in accordance with the form thereon. In case of failure to make service the reasons for the failure shall be stated on the original subpena. In making service, the original subpena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him. The original subpena, bearing or accompanied by the required return, affidavit, or statement, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpena, to the official before whom the person named in the subpena is required to appear.

HEARINGS AND DECISION

§ 1.841 *Applicability.* Sections 1.843, 1.851 and 1.858 shall apply only to (a) cases which have been designated for hearing on or after December 11, 1946; (b) cases which were designated for hearing prior to December 11, 1946, and which after the record was closed were designated for further hearing on and after December 11, 1946, before a Commissioner or a Hearing Examiner appointed pursuant to the Administrative Procedure Act; and (c) cases designated for a hearing prior to December 11, 1946, if consolidated with a case designated for hearing on or after said date.

§ 1.842 *Order of procedure.* At hearings on a formal complaint or petition, or in a proceeding for any instrument of authorization which the Commission is empowered to issue, the complainant, petitioner, or applicant, as the case may be, shall open and close. At hearings on revocation or modification of a station license under section 312 of the act, on suspension of an operator's license under section 303 of the act, or other like proceedings instituted by the Commission, the Commission shall open

and close. At all hearings under Title II of the act, other than hearings on formal complaints, petitions or applications, the respondent shall open and close unless otherwise specified by the Commission. In all other cases, the Commission or presiding officer shall designate the order of presentation. Interveners shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission, or presiding officer, shall designate at what stage such intervenors shall be heard.

§ 1.843 *Designation of presiding officers.* (a) There shall be designated to preside at hearings one or more Commissioners, or a Hearing Examiner appointed pursuant to section 11 of the Administrative Procedure Act.

(b) So far as practicable, Hearing Examiners designated as presiding officers shall be assigned to cases in rotation, due consideration being given to the following factors: (1) The grade classification of the Hearing Examiner, (2) the nature of the case to be heard, (3) the specialized experience of the Hearing Examiner, and (4) the extent of the Hearing Examiner's workload.

(c) Unless the Commission determines that due and timely execution of its functions requires otherwise, presiding officers shall be so designated, and notice thereof made public, at least 10 days prior to the date set for hearing. In the event that a presiding officer deems himself disqualified and desires to withdraw from the case he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing. Any party or the General Counsel of the Commission may request the presiding officer to withdraw on the grounds of personal bias or other disqualification. The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification, and the presiding officer may file a response thereto. Such affidavit shall be filed not later than 5 days before the commencement of the hearing, unless for good cause shown, additional time is necessary; but in no event later than the close of the first day of the hearing. If the presiding officer believes himself not disqualified he shall so rule and proceed with the hearing. If the person seeking disqualification excepts to the ruling, he shall so state at the time the ruling is made, and the presiding officer shall certify the question together with the affidavit and any response filed in connection therewith, to the Commission. The Commission may rule on the question without hearing or it may require testimony or argument on the issues raised. The affidavit, response, testimony and decision thereon shall be part of the record in the case. Unless objection is made and exception is taken as required by this section, the right to request withdrawal of the presiding officer shall be deemed waived.

(d) If a presiding officer becomes unavailable to the Commission before the taking of testimony has been concluded, another presiding officer will be designated by order as provided in paragraph (a) of this section. If a presiding officer becomes unavailable to the Commission after the taking of testimony has been concluded, the record shall be certified by the Secretary to the Commission.

§ 1.844 *Authority of presiding officers.* Presiding officers, with respect to cases assigned to them, from the date of their designations until the submission of their decisions or the transfer of the cases to the Commission, and in addition to and in accordance with the authority elsewhere specified in the rules in this part, shall have authority to:

(a) Administer oaths and affirmations,

(b) Examine witnesses,

(c) Rule upon questions of evidence,

(d) Take or cause depositions to be taken,

(e) Regulate the course of the hearing, maintain discipline and decorum and exclude from the hearing any person found in contemptuous conduct,

(f) Require the filing of memoranda of law, and the presentation of oral argument with respect to any question of law upon which he is required to rule during the course of the hearing,

(g) Issue subpenas authorized by law,

(h) Hold conferences for the settlement or simplification of the issues by consent of the parties,

(i) Dispose of procedural requests or similar matters,

(j) Make decisions or recommended decisions in conformity with the Administrative Procedure Act.

§ 1.845 *Hearing before more than one person.* If more than one person is designated to preside at a hearing, the terms "presiding officer", "Commissioner designated to preside" or "Hearing Examiner" shall apply to all such persons, and authority to act shall be vested in a majority thereof, except as otherwise provided by order of the Commission.

§ 1.846 *Closing of the hearing.* The record of hearing shall be closed by an announcement to that effect, at the hearing, by the presiding officer when the taking of testimony has been concluded. In the discretion of the presiding officer, the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be prepared: *Provided*, The parties to the proceeding stipulate on the record that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. The record in any hearing which has been adjourned may not be closed by such officer prior to the adjourned date except upon 10 days' notice to all parties to the proceeding and to the General Counsel of the Commission.

§ 1.847 *Certification of transcript.* After the close of the hearing the complete transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the office of the Secretary of the Commission. Notice of such certification shall be served on all parties to the proceedings.

§ 1.848 *Corrections to transcripts.* Within ten days after the date of notice of certification of the transcript, any party to the proceeding or the General Counsel may file with the presiding officer a motion requesting the correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties to the proceedings. Within five days, other parties and the General Counsel may file a pleading in support of or in opposition to such motion. Thereafter, the presiding officer shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties and made a part of the record. The presiding officer, on his initiative, may specify corrections to be made in the transcript on 5 days' notice.

§ 1.849 *Proposed findings and conclusions.* (a) Each party to the proceeding and the General Counsel of the Commission may file proposed findings of fact and conclusions, briefs or memoranda of law: *Provided, however*, That the presiding officer may direct the filing of proposed findings of fact and conclusions, briefs or memoranda of law. Such proposed findings of fact, conclusions, briefs, and memoranda of law shall be filed within 20 days after the record is closed, unless additional time is allowed.

(b) All pleadings and other papers filed pursuant to this section shall be accompanied by proof of service thereof upon all the other counsel.

(c) In the absence of a showing of good cause therefor, the failure to file proposed findings of fact, conclusions, briefs, or memoranda of law, when directed to do so, may be deemed a waiver of the right to participate further in the proceeding.

§ 1.850 *Contents of findings of fact and conclusions.* Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed on the record (with appropriate citations to the transcript of record or exhibit relied on for each evidentiary fact) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be separately stated. Proposed findings of fact and conclusions submitted by a person other than an applicant may be limited to those issues in connection with the hearing which affect the interests of such person.

§ 1.851 *Initial and recommended decisions.* (a) Except as provided in paragraph (b) of this section, the presiding officer shall prepare an "Initial Decision" which shall be transmitted to the Secretary of the Commission who shall make it public immediately and file it in the docket of the case.

(b) In the order designating the presiding officer, or by subsequent order, the Commission may direct that the record in any case be certified to it for initial decision. If a case is certified to the Commission for initial decision, the presiding officer shall first prepare a recommended decision which shall be transmitted to the Secretary and which shall be made public at the time of the issuance of the Commission's initial decision, except that if the case involves rule mak-

ing or the determination of an application for an initial license, no recommended decision shall be prepared unless it is otherwise ordered by the Commission. If a presiding officer is not required to prepare an initial or a recommended decision, he shall, upon the completion of the testimony, transmit the record of the case to the Secretary.

(c) Each initial and recommended decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record; each initial decision shall also contain the appropriate rule or order, and the sanction, relief or denial thereof; and each recommended decision shall contain recommendations as to what disposition of the case should be made by the Commission. Each initial decision will show the date upon which it will become effective in accordance with the rules in this part in the absence of exceptions, appeal or review.

(d) The authority of the presiding officer over the proceedings shall cease when he has filed his initial or recommended decision, or, if it is a case in which he is to file no decision, when he has certified the case to the Commission for decision.

§ 1.852 *Waiver of initial or recommended decision.* At the conclusion of the hearing or within 20 days thereafter, all the parties to the proceeding and the General Counsel may agree to waive an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. The Commission may, in its discretion, grant the request, in whole or in part, if such action will best conduce to the proper dispatch of business and to the ends of justice.

§ 1.853 *Appeal and review of initial decision.* (a) Within 20 days after the date on which public announcement of an initial decision is made, any of the parties or the General Counsel of the Commission may appeal to the Commission by filing exceptions to the initial decision and such decision shall not become effective and shall then be reviewed by the Commission, whether or not such exceptions may thereafter be withdrawn. The time for filing such exceptions may be extended for good cause shown.

(b) The Commission may on its initiative provide, by order adopted within 20 days after the time for filing exceptions expires, that an initial decision shall not become final, and that it shall be further reviewed or considered by the Commission.

(c) In any case in which an initial decision is subject to further review in accordance with paragraphs (a) or (b) of this section, the Commission may take any one or more of the following actions:

(1) Schedule the proceedings for oral argument;

(2) Require the filing of briefs;

(3) Prior to or after oral argument or the filing of briefs, reopen the record and remand the proceedings to the presiding officer to take further testimony or evidence;

(4) Prior to or after oral argument or the filing of briefs remand the proceedings to the presiding officer to make further findings or conclusions; and

(5) Prior to or after oral argument or the filing of briefs, issue a supplemental initial decision.

(d) No initial decision shall become effective before 40 days after public announcement thereof is made unless otherwise ordered by the Commission. The timely filing of exceptions or the further review or consideration of an initial decision on the Commission's initiative shall stay the effectiveness thereof until the Commission's review thereof has been completed. If the effective date of an initial decision falls within any further time allowed for the filing of exceptions it shall be postponed automatically until 20 days after time for filing exceptions has expired.

(e) If no exceptions are filed, and the Commission has not ordered the review of an initial decision on its initiative, the initial decision shall become effective, an appropriate notation to that effect shall be entered in the docket of the case and public notice thereof shall be given by the Commission. The provisions of § 1.726 (c) shall not be applicable with respect to this paragraph.

§ 1.854 *Exceptions; oral arguments.* (a) Each exception to an initial decision or to any part of the record or proceeding in any case, including rulings upon motions or objections, shall point out with particularity alleged errors in the decision or ruling and shall contain specific references to the page or pages of the transcript or hearing, exhibit or order on which the exception is based. Any objection not saved by exception filed pursuant to this section, is waived.

(b) Within the period of time allowed herein for the filing of exceptions any party or the General Counsel of the Commission, may file a statement in support of an initial decision in whole or in part, which shall be similar in form to a statement of exceptions.

(c) Exceptions or supporting statements may be accompanied by a separate brief or memorandum of law in support thereof, and may contain a request for oral argument before the Commission. After the filing of exceptions to a decision, any other party or the General Counsel of the Commission may file a reply brief and a request for oral argument, (1) within 10 days after expiration of the time for filing exceptions, or (2) within 10 days after all parties have filed exceptions whichever period expires earliest. A request by an exceptor for oral argument shall be made within the time allowed for filing exceptions except, if such request has not been so made and a reply brief is filed, an exceptor may request such argument within five days after the filing of the reply brief. If no request for oral argument is filed within the time allowed herein, the parties will be deemed to have waived the right to oral orgument.

(d) Within 10 days after any party or the General Counsel has filed a request for oral argument, notice of intention to appear and participate therein shall be filed by the other parties and the General Counsel. If the Commission on its initiative designates an initial decision for oral argument, all parties who wish to participate, including the General Counsel shall, within 5 days thereafter, file written notice of intention to appear and participate in oral argument. Failure to file the written notice shall constitute a waiver of the right to participate in oral argument.

§ 1.855 *Limitation of matters to be reviewed.* Upon review of any initial decision, the Commission may, in its discretion, limit the issues to be reviewed to those findings and conclusions to which exceptions have been filed, or to those findings and conclusions specified in the Commission's order of review issued pursuant to § 1.853 (b).

§ 1.856 *Number of copies.* Fifteen copies of proposed findings of fact and conclusions, exceptions, supporting statements or briefs shall be filed.

§ 1.857 *Final decision of the Commission.* After opportunity has been afforded for the filing of proposed findings of fact and conclusions, exceptions, supporting statements, briefs and for the holding of oral argument as provided in the rules in this part, the Commission will issue a final decision in each case in which an initial decision has not otherwise become final. The final decision shall contain findings of fact and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record; shall contain a ruling on each relevant and material exception filed and the appropriate rule or order and the sanction, relief or denial thereof.

§ 1.858 *Separation of functions.* (a) Except as provided by section 5 of the Administrative Procedure Act, no presiding officer shall consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or subject to the supervision or direction of any officer, employee or agent engaged in the performance of investigative or prosecuting functions for the Commission.

(b) Except as provided by section 5 of the Administrative Procedure Act, no officer, employee or agent engaged in the performance of investigative or prosecuting functions for the Commission in any case shall, in that or a factually related case, participate or advise in the decision, recommended decision or Commission review of any decision, except as a witness or counsel in public proceedings.

(c) Paragraphs (a) and (b) of this section shall be applicable, but not limited to the following:

(1) Proceedings to revoke a license or permit,

(2) Proceedings to suspend a license or permit,

(3) Applications for renewal of licenses,

(4) Applications for consent to the assignment of a construction permit or a license,

(5) Applications for consent to the transfer of control of a corporation which holds a construction permit or license,

(6) Proceedings initiated by the Commission, on its own motion, or by any

person other than the licensee or permittee to modify a license or permit,

(7) Proceedings in which a matter listed in this paragraph has been consolidated for hearing with a matter not listed therein,

(8) Any other proceedings designated by the Commission.

(d) Every Commission order designating a matter for hearing shall indicate whether paragraph (a) or (b) of this section shall be applicable to the particular proceeding. Any party who objects to such designation, or to any other procedure relating to the hearing, shall, at least 5 days prior to the date set for hearing, file a statement setting forth the grounds for his objection and specifying the procedures considered necessary and appropriate in the proceeding. Any other party may file an answer, at least 1 day prior to the date set for hearing, to such objection and specification, and may set forth such additional procedure as he considers necessary and appropriate.

§ 1.859 *The record.* The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision.

EVIDENCE

§ 1.871 *Rules of evidence.* Except as otherwise provided herein, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

§ 1.872 *Cumulative evidence.* The introduction of cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.

§ 1.873 *Further evidence during hearing.* At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be submitted by any party to the proceeding.

§ 1.874 *Documents containing matter not material.* If material and relevant matter offered in evidence is embraced in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the same shall present to other counsel, and to the presiding officer, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter in proper form, it may be received in evidence, and become a part of the record. Other counsel will be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

§ 1.875 *Documents in foreign language.* Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding, or in response to any order, shall be filed in the language in which it is written together with an English translation thereof duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed, shall be accompanied by a separate copy of the translation.

§ 1.876 *Copies of exhibits.* No document or exhibit, or part thereof shall be received as, or admitted in, evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies shall be furnished to other counsel unless the presiding officer otherwise directs.

§ 1.877 *Mechanical reproductions as evidence.* Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by the rules of the Commission, and the same shall be identified and offered in duplicate in the same manner as other exhibits.

§ 1.878 *Tariffs as evidence.* In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules on file.

§ 1.879 *Proof of official record; authentication of copy.* An official record, or entry therein when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by an officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

§ 1.880 *Proof of lack of record.* The absence of an official record or entry of a specified tenor in an official record may be evidenced by a written statement signed by an officer, or by his deputy, who would have custody of the official record, if it existed, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office accompanied by a certificate as provided in § 1.879. Such statement and certificate are admissible as evidence that the records of his office contain no such record or entry.

§ 1.881 *Other proof of official record.* Sections 1.879 and 1.880 do not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.

REHEARINGS

§ 1.891 *Cross reference.* Special rules relating to petition for reconsideration or rehearing concerning matters arising under Title III of the Communications Act are set forth in §§ 1.386 and 1.390.

§ 1.892 *Who may file.* A petition for rehearing may be filed by any party to the hearing. Any person not a party to the hearing desiring to file a petition for rehearing shall state his interest in the proceeding and show good reason why it was not possible for him to participate in the hearing.

§ 1.893 *Contents; relief requested.* (a) Petitions for rehearing shall state with particularity in what respect the decision, order, or requirement or any matter determined therein is claimed to be unjust, unwarranted, or erroneous, and with respect to any finding of fact shall specify the pages of record relied on. If the existence of newly discovered evidence is claimed, the petition shall be accompanied by a verified statement of the facts, together with the facts relied on to show that the petitioner, with due diligence, could not have known or discovered such facts at the time of the hearing.

(b) The petition for rehearing may request (1) reconsideration, either in cases decided after hearing or in cases of application granted without hearing under Title III of the act; (2) oral argument; (3) reopening of the proceeding; (4) amendment of any findings, or (5) other relief. Such petition shall be specific as to the form of relief sought and, subject to this requirement, may contain alternative requests.

§ 1.894 *Time for filing.* Petitions for rehearing shall be filed within 20 days after public notice is given of the order or action complained of. The Commission for good cause shown may grant an extension of time within which to file such petition for rehearing with respect to matters arising under Title II of the Communications Act.

§ 1.895 *Opposition.* An opposition to any petition for rehearing may be filed within 10 days after the filing of such petition.

§ 1.896 *Special calendar when granted.* In case any petition for rehearing is granted, whether the taking of additional testimony is ordered or otherwise, the case shall be placed upon a special calendar and consideration of the same shall be expedited.

[F. R. Doc. 49-4750; Filed, June 13, 1949; 8:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 150]

ARREST AND DEPORTATION

INTERROGATION OF ALIENS UNDER INVESTIGATION IN CONNECTION WITH DEPORTATION PROCEEDINGS; ADMISSIBILITY AT DEPORTATION HEARINGS OF STATEMENTS MADE DURING INVESTIGATIONS; ADVICE TO ALIENS CONCERNING DISCRETIONARY RELIEF

MAY 27, 1949.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rules relating to interrogation of aliens under investigation in connection with deportation proceedings, admissibility at deportation hearings of statements made during investigation, and advice to aliens concerning discretionary relief. In accordance with subsection (b) of said section 4 interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1–1237, Temporary Federal Office Building X, 19th and East Capitol Streets, Washington 25, D. C., written data, views, or arguments relative to this proposed action. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. Paragraph (c) of § 150.1 *Investigations*, Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended to read as follows:

(c) *Interrogation of aliens under investigation.* It is desirable that all statements secured from the alien or any other witness during the investigation, which are to be used as evidence, should be taken down in writing; and the investigating officer should ask the person interrogated to sign the statement. Whenever such a recorded statement is to be obtained from any person, the investigating officer shall identify himself to such person and the interrogation of that person shall be under oath or affirmation. Whenever a recorded statement is to be obtained from a person under investigation he shall be warned that any statement made by him may be used as evidence in any subsequent proceeding. The fact that such statements are not taken in accordance with the provisions of this paragraph shall not render such statements or admissions inadmissible in any subsequent proceeding.

2. The second sentence of paragraph (c) *Procedure; notice of charges; right to apply for discretionary relief*, of § 150.6 *Hearing*, is amended to read as follows: "The presiding inspector shall further advise the alien of the provisions of paragraph (g) of this section, concerning applications for the privilege of departure in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, in all cases except (1) those in which the alien is charged with being subject to deportation upon one of the grounds mentioned in section 19 (d) of the said act, and (2) those in which the alien was admitted to the United States as a nonimmigrant visitor under section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7; 22 U. S. C. 1446; Pub. Law 402, 80th Cong.)."

3. Paragraph (i) *Use of statements or admissions made during investigation*, of § 150.6 *Hearing*, is revoked.

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

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

Approved: June 8, 1949.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 49–4746; Filed, June 13, 1949; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 139]

[No. 10122]

STANDARD TIME ZONE INVESTIGATION

MODIFICATION OF BOUNDARY LINE

JUNE 6, 1949.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 6th day of June A. D. 1949.

Upon further consideration of the record in the above-entitled proceeding and consideration of the petition of the Chamber of Commerce, Junior Chamber of Commerce, and Retail Merchants Association of Chattanooga, Tenn., for reopening of this proceeding and extension of the United States Standard Eastern Time Zone so as to include Hamilton County, Tenn.; and good cause appearing therefor:

It is ordered, That the said proceeding be hereby reopened for further consideration to determine whether the orders of the Commission, dated October 24, 1918, and thereafter, defining the boundary line between the United States Standard Eastern and Central Time Zones, and restated by order of the Commission, dated May 19, 1928, and further modified by subsequent orders, particularly that of August 25, 1947, should be further modified so that Hamilton County, Tenn., or any of the remainder of the State of Tennessee now in the United States Standard Central Time Zone should be included within the United States Standard Eastern Time Zone.

It is further ordered, That pursuant to section 4 of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), anyone wishing to make representations in favor of or against the changes proposed may do so through the submission of written data, views, or arguments, as more fully explained in the attached notice. The original and five copies of such submission should be filed with the Commission on or before July 10, 1949.

And it is further ordered, That copies of this order and the attached notice be served upon the petitioners, the Governor and Railroad and Public Utilities Commission of the State of Tennessee, the County Court Clerk of Hamilton County, Tenn., the Mayor of Chattanooga, Tenn., the railroads engaged in interstate commerce located in whole or in part in that State, and upon all those who have written to the Commission concerning this matter; and that notice be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary of the Commission for public inspection, and by filing copies of the said order and notice with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of the proposed modification of the outstanding orders in the above-entitled proceeding so as to redefine the limits of the United States standard eastern and central time zones, under authority of the Standard Time Act, 40 Stat. 450–451; 41 Stat. 280, 1446; 42 Stat. 1434; 62 Stat. 646; 15 U. S. C. 261–265.

By order issued with previous reports in this proceeding, 51 I. C. C. 273, (1918) restated in 142 I. C. C. 279 (1928); and as further modified by subsequent orders, in particular the order of August 25, 1947, issued with the twenty-seventh supplemental report (269 I. C. C. 57), the boundary line between the eastern and central zones was defined so as to run along the east side of the line of the Cincinnati, New Orleans & Texas Pacific Railway to the North line of Rhea County Tenn., thence southeasterly and southwesterly along the north and east lines of Rhea County and east lines of Hamilton County, Tenn., to the Tennessee-Georgia State line.

Upon petition of the Chamber of Commerce, the Junior Chamber of Commerce, and the Retail Merchants Association of Chattanooga to reopen this proceeding for the purpose of further extending the eastern time zone so as to include Hamilton County, of which Chattanooga is the county seat, the proceeding has been reopened.

The petitioners allege that following a favorable vote of its citizens, Chattanooga observed daylight saving time during the usual periods in 1947 and 1948, but that it was prevented from such

observance during the current summer by an act of the State Legislature prohibiting daylight saving time within the State. Petitioners refer to an unofficial ballot taken by the Mayor's office which showed a majority of the votes for the adoption of the eastern standard.

The petition further alleges that the important trade territory of Chattanooga to the south, east, and northeast is in the eastern zone and that the difference in time is a continuing handicap to business, particularly during the period when eastern cities observe eastern daylight time, bringing about a two-hour difference with Chattanooga.

Based on the averments of the petition, considered in the light of the present record, particularly the hearings of 1941 and 1947, which led to the extension of the eastern zone to include the entire State of Georgia and eastern Tennessee, the attached proposed modification of the boundary line has been prepared. The effect of such a modification would be to grant the petition and extend the eastern zone to include Hamilton County, Tenn. The operation of the Chattanooga railroad terminal on eastern time would require some changes in railroad operating exceptions, which are also shown on a tentative basis.

No oral hearing is contemplated, but anyone wishing to make representations in favor of or against the changes proposed may do so through the submission of written data, views, or arguments. The original and five copies of such submission should be filed with the Commission on or before July 10, 1949.

The Standard Time Act contemplated four time zones for the United States proper and specifically designates the standard of time to be observed within those zones with respect to the matters specified in that act. The authority of this Commission is confined to the determination of the zone limits. Statements in support of a change in the law cannot be considered. The issue is whether Hamilton County or any other portion of Tennessee now in the central zone shall be included in the eastern zone. The attached proposed modification of the boundary line has been prepared to save time and assist the parties. It does not restrict the issues. Any person may propose or support any other change in the line within the scope of the reopened proceeding or may oppose any change in the existing line. Interested railroads should check the exceptions proposed and inform the Commission whether the proposals afford a safe and convenient basis for operation of trains in the area.

A copy of this notice shall be served upon the petitioners, the Governor and Railroad and Public Utilities Commission of the State of Tennessee, the County Court Clerk of Hamilton County, Tenn., the Mayor of Chattanooga, Tenn., upon the railroads engaged in interstate commerce located in whole or in part in that State, and upon all those who have written to the Commission concerning this matter. Notice to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Division of the Federal Register.

In § 139.3 *Boundary line between eastern and central zones:*

1. Paragraph (d) is amended to read as follows:

(d) *Tennessee.* Thence southerly just east of and parallel with the line of the Cincinnati, New Orleans & Texas Pacific Railway to the north line of Rhea County, Tenn., thence southeasterly and southwesterly along the north and east lines of Rhea County to the north line of Hamilton County, Tenn., thence northwesterly and southwesterly along the north and west lines of Hamilton County to the boundary between Tennessee and Georgia.

2. In paragraph (g) *Operating exceptions,* subparagraph (1) *Lines east of the boundary excepted from the eastern zone,* is amended to make the following changes in operating exceptions as indicated:

Southern Railway—Add a new exception reading:

From: Northern limits of Chattanooga, Tenn.
To: North line of Hamilton County, Tenn.

Change existing exception between Wildwood and Sulphur Springs, Ga., to read as follows:

From: Western limits of Chattanooga, Tenn.
To: Georgia-Alabama State Line (southwest of Sulphur-Springs, Ga.).

Nashville, Chattanooga & St. Louis—Change existing exception to read:

From: West line of Hamilton County, Tenn.
To: Western limits of Chattanooga, Tenn.

Subparagraph (2) *Lines west of the boundary included in the eastern zone* is amended to cancel the following exceptions of the Southern Railway:

From: Line of Hamilton County, Tenn. (west of Mineral Park, Tenn.).
To: Eastern limits of Chattanooga, Tenn.
From: Tennessee-Georgia State Line (south of Howardville, Tenn.).
To: Ooltewah, Tenn.

[F. R. Doc. 49-4745; Filed, June 13, 1949; 8:48 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Pennsylvania Association for the blind, 1221 Race Street, Philadelphia, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 55 cents per hour, whichever is higher, and a rate of not less than 55 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 1, 1949, and expires November 30, 1949.

Pittsburgh Branch Pennsylvania Association for the Blind, 308 South Craig Street, Pittsburgh, Pennsylvania, at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 42½ cents per hour, whichever is higher, and a rate of not less than 42½ cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 1, 1949, and expires November 30, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of either of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 3d day of June 1949.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 49-4736; Filed, June 13, 1949; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 34]

DESIGNATION OF MOTIONS COMMISSIONER FOR JUNE 1949

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of May, 1949;

It is ordered, Pursuant to section 0.111 of the statement of delegations of authority, that George E. Sterling, Commissioner, is hereby, designated as Motions Commissioner for the month of June, 1949.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

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

[F. R. Doc. 49-4751; Filed, June 13, 1949; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1204]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

On April 28, 1949, Loan Star Gas Company (Applicant) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition from United Gas Pipe Line Company (United) and operation of United's Chillicothe Compressor Station, Hardeman County, Texas, all as more fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure; and no request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 13, 1949 (14 F. R. 2560).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 29, 1949, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

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

Date of issuance: June 8, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-4733; Filed, June 13, 1949; 8:46 a. m.]

[Project Nos. 175, 1925, 1988]

FRESNO IRRIGATION DISTRICT AND PACIFIC GAS AND ELECTRIC CO.

ORDER CHANGING DATE FOR ORAL ARGUMENT

In the matters of Fresno Irrigation District, Project No. 1925; Pacific Gas and Electric Company, Projects Nos. 175 and 1988.

On June 3, 1949, Fresno Irrigation District requested that the date for oral argument upon the exceptions to the presiding examiner's decision in the above-entitled matters heretofore fixed for July 21, 1949, be changed to some date after September 15, 1949. Other participants in the matters advise that they have no objection to the requested change.

The Commission orders:

The date for oral argument upon the exceptions to the decision of the presiding examiner in the above-entitled matters be and it is hereby changed to September 22, 1949, at 10:00 a. m. (e. d. s. t.), in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: June 8, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-4732; Filed, June 13, 1949; 8:46 a. m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

ORDER POSTPONING HEARING

The South Carolina Public Service Authority, licensee for Project No. 199, has requested postponement of the public hearing set in Charleston, South Carolina, for June 27, 1949, by our order dated May 6, 1949, upon the Licensee's applications for exemption from payment of annual charges for the years 1942 through 1947 for the reason that counsel for the licensee will be engaged in the trial of court cases on the date set for hearing. In addition, the licensee states that the witnesses it planned to produce at the June 27, 1949, hearing in Charleston, South Carolina, will be brought to Washington for a hearing at a later date.

The Commission orders:

The hearing heretofore ordered to be held in this matter commencing June 27, 1949, is hereby postponed from June 27, 1949, to October 11, 1949, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: June 8, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-4731; Filed, June 13, 1949; 8:46 a. m.]

[Docket No. E-6213]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF ORDER CONSENTING TO WITHDRAWAL OF RATE SCHEDULES, DISMISSING PETITION FOR VACATION OF SUSPENSION, AND TERMINATING PROCEEDINGS

JUNE 9, 1949.

Notice is hereby given that, on June 9, 1949, the Federal Power Commission issued its order entered June 8, 1949, consenting to withdrawal of rate schedules, dismissing petition for vacation of suspension, and terminating proceedings in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-4747; Filed, June 13, 1949; 8:58 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5476]

JOSEPH A. KOVAC ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 7th day of June A. D. 1949.

In the matter of Joseph A. Kovac, individually, and Lucille R. Kovac, individually, and as trustee for Elise M. Kovac and Judith A. Kovac, partners doing business under the name of Purity Products, and Purity Brand Products, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Earl J. Kolb, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, June 16, 1949, at ten o'clock in the forenoon of that day (Central Daylight Saving Time), Room 1103, New Post Office Building, Chicago, Illinois.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49-4754; Filed, June 13, 1949; 8:59 a. m.]

[Docket No. 5554]

NOEL'S GAY GAMES, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 7th day of June A. D. 1949.

In the matter of Noel's Gay Games, Inc., a corporation, and Guy E. Noel, an individual and officer of Noel's Gay Games, Inc.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Frank Hier, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, June 15, 1949, at ten o'clock in the forenoon of that day (Central Daylight Saving Time), in Room 216, Post Office Building, Indianapolis, Indiana.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49-4752; Filed, June 13, 1949; 8:58 a. m.]

[Docket No. 5654]

THOMAS A. WALSH MFG. CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 8th day of June A. D. 1949.

In the matter of Thomas A. Walsh, Jr., and Marjorie C. Walsh, individuals and partners, trading as Thomas A. Walsh Manufacturing Co.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Friday, June 17, 1949, at ten o'clock in the forenoon of that day (Central Standard Time), in Court Room No. 1, Douglas County Court House, Omaha, Nebraska.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49-4753; Filed, June 13, 1949; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2787]

BARNHART-MORROW CONSOLIDATED

ORDER FOR AND NOTICE OF HEARING AND STATEMENT OF ISSUES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of June A. D. 1949.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether the registration of Barnhart-Morrow Consolidated common capital stock $1 par value should be suspended or withdrawn; File No. 1-2787.

I. The Division of Corporation Finance of the Commission asserts as follows:

A. That Barnhart-Morrow Consolidated (hereinafter called the issuer) located at No. 1020 Subway Terminal Building, Los Angeles, California, a corporation organized under the laws of the State of California, is the issuer of Common Capital Stock, $1 par value, and that the said issuer registered 694,977 shares of the said Capital Stock on the Los Angeles Stock Exchange, a national securities exchange, by filing with such Exchange on January 13, 1937, and with the Commission on January 16, 1937, an application on Form 22 pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934 and Rule X-12B-1 promulgated thereunder; that said Exchange certified on March 10, 1937, that it had approved the listing and registration of such securities and that said registration became effective on April 9, 1937, and has remained in effect to the present time.

B. That at about the time the issuer was organized in 1926, capital stock in the amount of $219,120.50 was issued to the two organizers for alleged services and for a lease interest; that such lease interest acquired from the organizers was abandoned and quit-claimed by the issuer to the lessor in the fall of 1927; that the issuer went into receivership on March 19, 1931, and continued in receivership until November 24, 1936.

C. That the alleged services and lease interest above-mentioned are reflected as "Intangible Assets" in the amount of $219,120.50 under the description "Capital Stock issued for services and leases" in the balance sheets of the financial statements contained in the issuer's annual reports filed on Form 10-K for the fiscal years ended December 31, 1945, 1946, and 1947.

D. That the net worth of the issuer is reflected as $278,247.88, $395,031.00, and $396,765.96, respectively, in the balance sheets of the financial statements contained in the issuer's annual reports on Form 10-K for the fiscal years ended December 31, 1945, 1946, and 1947.

E. That the issuer was requested by the Division of Corporation Finance to eliminate the said item in the amount of $219,120.50, represented by the stock issued for organizers' services and the abandoned lease, from the asset side of the balance sheet of the financial statements contained in its annual reports

on Form 10–K for the fiscal years ended December 31, 1945, 1946, and 1947. Such requests were made as follows: (1) With respect to financial statements included with the issuer's annual report filed on Form 10–K for the fiscal year ended December 31, 1945, as indicated in the letters of the Division of Corporation Finance dated February 21, May 27, June 30, and October 10, 1947; February 18, June 29 and September 2, 1948; (2) with respect to the financial statements included with the issuer's annual report filed on Form 10–K for the fiscal year ended December 31, 1946, as indicated in the letters of the Division of Corporation Finance dated March 12, June 29 and September 2, 1948; and (3) with respect to the financial statements included with the issuer's annual report filed on Form 10–K for the fiscal year ended December 31, 1947, as indicated in the letters of the Division of Corporation Finance dated June 29 and September 2, 1948.

F. That on June 29, 1948, the Division of Corporation Finance of the Commission advised the issuer that the institution of appropriate proceedings under the Securities Exchange Act of 1934 would be recommended unless the financial statements contained in the issuer's annual reports filed on Form 10–K for the fiscal years ended December 31, 1945, 1946, and 1947 were amended to eliminate the alleged assets in the amount of $219,120.50 referred to above; that the issuer has failed to amend such financial statements up to the present time.

G. That the asset item referred to above was included in the annual report for 1946 filed after the Division of Corporation Finance requested the issuer to amend its annual report for 1945 in that respect and was again included in the annual report for 1947 filed after the Division of Corporation Finance requested the amendment of the 1946 annual report.

H. That trading in the common capital stock of the issuer on the Los Angeles Stock Exchange from January 1, 1947, through April 30, 1949, was as follows: A total of 93,989 shares were traded (high $1.00—low 50 cents) during 1947; a total of 65,139 shares were traded (high 77½ cents—low 49 cents) during 1948; and a total of 26,700 shares were traded (high 75 cents—low 40 cents) during the period January 1, 1949, through April 30, 1949.

II. The Division of Corporation Finance further asserts:

A. That the issuer has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, Rule X–13A–1 and Rule X–13A–2 promulgated thereunder by omitting to file a true and correct annual report for the fiscal years ending December 31, 1945, 1946, and 1947 in that the issuer materially overstated its total assets and its net worth by the inclusion of the item of $219,120.50 on the asset side of the balance sheets in the financial statements contained in the annual reports on Form 10–K filed for the said years.

B. That the issuer has failed to comply with Rule 3–17 of Regulation S–X promulgated pursuant to the Securities Exchange Act of 1934 in omitting to show in its financial statements contained in the annual reports for the fiscal years ended December 31, 1945, 1946, and 1947 as a deduction from capital shares or from surplus the substantial discount on capital shares involved in the issuance of 219,120½ shares to Messrs. Morrow and Barnhardt in 1927 and omitting to indicate what provisons were made for writing off this item.

C. That the issuer has failed to comply with section 32 (a) of the Securities Exchange Act of 1934 in that in the annual reports on Form 10–K for the years ended December 31, 1945, 1946 and 1947 required to be filed under section 13 of the Securities Exchange Act of 1934 and Rule X–13A–1 and Rule X–13A–2 thereunder, the issuer, willfully and knowingly made a false and misleading statement with respect to material facts; to wit, the assets and net worth of the issuer.

D. That pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, it is necessary and appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock of the issuer on the Los Angeles Stock Exchange.

III. The Commission, having considered the aforesaid matters asserted, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

A. Whether the matters asserted in paragraph I hereof are true.

B. Whether the issuer has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, Rule X–13A–1, Rule X–13A–2 and Regulation S–X promulgated thereunder, and section 32 (a) of the Securities Exchange Act of 1934.

C. Whether pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock of the issuer on the Los Angeles Stock Exchange.

It is hereby ordered, That pursuant to section 19 (a) (2) of the said act a hearing for the purpose of taking evidence on the questions set forth in paragraph III hereof be held at 10:00 a. m., California Time on Tuesday, July 19, 1949, at the Office of the Securities and Exchange Commission located at Room 1737, U. S. Post Office and Courthouse, 312 North Spring Street, Los Angeles 12, California. Mr. Richard Townsend is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in Rule V of the rules of practice of the Securities and Exchange Commission.

Notice of such hearing is hereby given to the above-named Barnhart-Morrow Consolidated and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any such other person desiring to be heard in said proceedings should file with the Hearing Officer or the Secretary of the Commission on or before July 15, 1949, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

This order and notice shall be served on the issuer personally or by registered mail forthwith.

By the Commission.

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

[F. R. Doc. 49–4737; Filed, June 13, 1949; 8:48 a. m.]

[File No. 70–2029]

NEW YORK STATE ELECTRIC & GAS CORP. ET AL.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of June 1949.

In the matter of New York State Electric & Gas Corporation, Associated Electric Company, General Public Utilities Corporation; File No. 70–2029.

The Commission having, by order dated March 11, 1949, granted and permitted to become effective joint applications-declarations, as amended, filed pursuant to the Public Utility Holding Company Act of 1935 ("act") by General Public Utilities Corporation ("GPU"), Associated Electric Company ("Aelec"), and New York State Electric & Gas Corporation ("New York State"), wherein, among other things, GPU proposed the sale of its holdings of the common stock of its subsidiary, New York State; and

The Commission having by said order reserved jurisdiction over (a) the accounting entries to be made by GPU in connection with the proposed transactions and (b) the payment of all fees and expenses (other than the fees of the participating dealers and the dealer-manager group); and

GPU having filed a further amendment in which is contained a statement with respect to, among other things, the fees and expenses incurred in connection with the transactions; and

The Commission having examined said amendment and finding that the fees and expenses incurred for printing, accounting, dealers' meetings, filing with regulatory authorities, and similar items, are for necessary services and are not unreasonable:

It is hereby ordered, That the jurisdiction heretofore reserved with respect to the payment of all fees and expenses (other than counsel fees) be, and the same hereby is, released.

It is further ordered, That the jurisdiction heretofore reserved with respect to (a) the accounting entries to be made by GPU in connection with the transac-

tions, and (b) the fees of all counsel, be, and the same hereby is, continued.

By the Commission.

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

[F. R. Doc. 49-4739; Filed, June 13, 1949; 8:48 a. m.]

[File No. 70-2103]

CINCINNATI GAS & ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING AMENDED APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of June 1949.

The Cincinnati Gas & Electric Company ("Cincinnati"), a subsidiary of The United Corporation, a registered holding company, having filed an application-declaration and amendments thereto, pursuant to sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to, among other things, the issue and sale by it of an additional 249,334 shares of its common stock to its own common-stock holders at the rate of one share of such common stock for each nine shares of common stock held by them; and the Commission having, by order dated May 6, 1949 granted and permitted said application-declaration to become effective; and

Cincinnati having, on June 7, 1949, filed a further amendment to said application-declaration, in which it is stated that of the 249,334 shares of such common stock offered by the company, 240,170 shares, or approximately 96.3% were subscribed for upon the exercise of subscription warrants which expired on June 3, 1949, and that the remaining 9,164 shares will be sold to a group of underwriters headed by W. E. Hutton & Co.; and

The amendment further stating that the purchase price per share to be paid to the company by said underwriters will be the initial offering price per share less $1.50 per share for underwriting discounts and commissions, and the initial offering price per share will be a fixed price to be determined by agreement between the company and the underwriters and will be either:

(a) The last reported sale price of the common stock of the company, regular way, on the New York Stock Exchange prior to the making of the initial offering of the shares by the several purchasers, or

(b) A price not lower than the last bid price and not higher than the last asked price, regular way, on such exchange prior to the making of such initial offering, but in no event shall the price paid to Cincinnati by the underwriters be less than the price at which such shares were offered to stockholders under their preemptive rights, to wit, $22 per share; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the remaining 9,164 shares of the common stock:

It is hereby ordered, That the said application-declaration as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

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

[F. R. Doc. 49-4738; Filed, June 13, 1949; 8:48 a. m.]

[File No. 70-2139]

GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of June 1949.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder with respect to the following transaction:

GPU proposes to make a cash capital contribution to its subsidiary, New Jersey Power & Light Company ("New Jersey"), of $1,500,000 which will be applied by New Jersey in payment of the cost of, or in reimbursement of payments made for, the construction or improvement after April 30, 1949, of New Jersey's facilities. Such contribution will be subsequently credited by New Jersey to its capital stock account; and

Declarant having requested that the Commission find that the proposed capital contribution by GPU to New Jersey of an amount equal to $1,500,000 of the unexpended balance of the net proceeds of the sale of the shares of common stock of New York State Electric & Gas Corporation ("New York State") and the subsequent crediting by New Jersey of such $1,500,000 to its capital stock account are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that the order of the Commission herein entered certain appropriate recitals conforming to the requirements of sections 371 to 373, inclusive, and 1808 (f) of the Internal Revenue Code; and

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

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and further deeming it appropriate to grant the request of declarant with respect to the recitals conforming to the requirements of sections 371 to 373, inclusive, and 1808 (f) of the Internal Revenue Code:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

It is further ordered and recited, That the expenditure and investment by GPU, as a contribution to the capital of New Jersey, of $1,500,000 of the unexpended balance of the net proceeds from the sales of the shares of common stock of New York State, pursuant to the orders of the Commission dated March 11, March 24, and April 11, 1949, respectively, after deducting from such net proceeds the sums of $11,698,800 and $500,000 expended pursuant to the orders of the Commission dated April 1 and May 6, 1949, respectively, and the subsequent crediting of such $1,500,000 by New Jersey to its capital stock account (including any constructive issuance of stock which such crediting may be deemed to involve), are necessary or appropriate to the integration or simplification of the GPU system of which GPU and New Jersey are a part and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

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

[F. R. Doc. 49-4740; Filed, June 13, 1949; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

COTTON HAVING A STAPLE OF 1⅛ INCHES OR MORE IN LENGTH

SUPPLEMENTAL INVESTIGATION AND HEARING

The United States Tariff Commission, on this ninth day of June 1949, announces an investigation supplemental to its investigation No. 1 under section 22 of the Agricultural Adjustment Act (of 1933) as amended, and under Executive Order No. 7233 of November 23, 1935, with respect to: Cotton having a staple of 1⅛ inches or more in length.

Quotas on imports of cotton having a staple of 1⅛ inches or more in length were originally made effective on September 20, 1939 by Presidential proclamation. The President later suspended the application of the proclaimed quotas to cotton having a staple of 1 1/16 inches or more in length, so that since December 19, 1940, the quotas on long-staple cotton have applied only to cotton having a staple of 1⅛ inches or more but less than 1 1/16 inches in length. On June 9, 1947, and on July 20, 1948, the President proclaimed supplemental import quotas for the then current quota years, permitting

the entry of additional quantities of long-staple cotton.

The object of the present supplemental investigation is to determine whether the circumstances requiring the import quotas on cotton having a staple of 1⅛ inches or more in length continue to exist, or whether changed circumstances require the modification of the quotas, or of the methods of administering them, for the present quota year or for future quota years. Among specific questions which have been advanced for consideration are (a) whether imports should be subject to license for purposes of allocation to consuming mills according to their individual needs, (b) whether the quota year should be changed to begin on a date other than September 20, e. g., whether it should be put on a calendar-year basis, (c) whether the quota should be subdivided to provide limits on the amounts that may be entered quarterly, (d) whether imports should be permitted only by or for the account of consuming mills. Testimony will be received not only on the foregoing detailed questions but on any other matters relevant to the general subject as stated in the first sentence of this paragraph.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Hearing Room of the Commission at Eighth and E Streets NW., in Washington, D. C., at 10 a. m. on Thursday, July 7, 1949.

Appearances at hearing. Interested persons fay appear at the hearing either in person or by representative; if several persons have a joint interest in the subject, it is suggested that effort be made for the designation of a representative in order to avoid unnecessary repetition of testimony.

Notice issued June 9, 1949.

[SEAL] SIDNEY MORGAN,
Secretary.

[F. R. Doc. 49-4742; Filed, June 13, 1949; 9:01 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 13326]

L. GANDOLFI & CO., INC.

In re: L. Gandolfi & Co., Inc., in bankruptcy. File No. D-28-11590; E. T. sec. 15805.

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

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to all indebtedness owing to him by L. Gandolfi & Co., Inc., Bankrupt, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Saul J. Lance, Frank A. Walsh and Benjamin Siegel, as Trustees in Bankruptcy of L. Gandolfi & Co., Inc., acting under the judicial supervision of the United States District Court for the Southern District of New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4755; Filed, June 13, 1949; 8:49 a. m.]

[Vesting Order 13328]

AUGUST GERKEN

In re: Estate of August Gerken, deceased. File No. F-28-9822; E. T. sec. 16060.

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

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Elisabeth Gerken Gerdsen, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of August Gerken, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Calvert Bank, as trustee, acting under the judicial supervision of the Circuit Court of Baltimore City, Maryland;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Elisabeth Gerken Gerdsen, 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 June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4756; Filed, June 13, 1949; 8:49 a. m.]

[Vesting Order 13329]

TORAJIRO HAMANO

In re: Rights of Torajiro Hamano under insurance contract. File No. F-39-394-H-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 Torajiro Hamano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1431148, issued by The Penn Mutual Life Insurance Company, Philadelphia, Pennsylvania, to Torajiro Hamano, together with the right to demand, receive and collect said net proceeds, 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 (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4757; Filed, June 13, 1949; 8:49 a. m.]

[Vesting Order 13330]

MRS. YOSHI HARASE AND TADASHI HARASE

In re: Rights of Mrs. Yoshi Harase and Tadashi Harase under insurance contract. File No. F-39-5998-H-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 Mrs. Yoshi Harase and Tadashi Harase, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,044,410, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Mrs. Yoshi Harase, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), 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, Mrs. Yoshi Harase or Tadashi Harase, the aforesaid nationals of a designated enemy country (Japan);

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 (Japan).

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4758; Filed, June 13, 1949; 8:49 a. m.]

[Vesting Order 13332]

JAMES J. HEISE

In re: Estate of James J. Heise, a missing person. File No. D-28-12473.

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 Nora E. Glitscher and Grace T. Glitscher whose last known address was on October 1, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $250.08 was paid to the Attorney General of the United States by Sheldon Brandenburger, Administrator of the estate of James J. Heise, a missing person;

3. That the said sum of $250.08 was accepted by the Attorney General of the United States on October 1, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $250.08 is presently in the possession of the Attorney General of the United States and was 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 was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on October 1, 1948, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany) on such date.

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 June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4760; Filed, June 13, 1949; 8:49 a. m.]

[Vesting Order 13331]

AINOSUKE HATTORI

In re: Rights of Ainosuke Hattori under insurance contract. File No. F-39-55-H-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 Ainosuke Hattori, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7,910,627, issued by the New York Life Insurance Company, New York, New York, to Ainosuke Hattori, together with the right to demand, receive and collect said net proceeds, 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 (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4759; Filed, June 13, 1949; 8:49 a. m.]

[Vesting Order 13333]

ANNA G. HULL ET AL.

In re: Rights of Anna G. Hull et al. under insurance contract. File No. F-28-22648-H-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 Anna G. Hull, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 526,375, issued by the New York Life Insurance Company, New York, New York, to Barthold Henry Hull, together with the right to demand, receive and collect said net proceeds, 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 person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Barthold Henry Hull, 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 June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4761; Filed, June 13, 1949; 8:50 a. m.]

[Vesting Order 13334]

GOHACHI KAWANO

In re: Rights of Gohachi Kawano under insurance contract. File No. F-39-2628-H-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 Gohachi Kawano, who on or since the effective date of Executive Order 8389, as amended, and on or since December 8, 1941, has been a resident of Japan, is a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8944914, issued by the New York Life Insurance Company, New York, New York, to Gohachi Kawano, together with the right to demand, receive and collect said net proceeds, 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 (Japan);

and it is hereby determined:

3. That the national interest of the United States requires that the said Gohachi Kawano be treated as a national of a designated enemy country (Japan).

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4762; Filed, June 13, 1949; 8:50 a. m.]

[Vesting Order 13335]

WILHELM HEINRICH JOHANNES KNUDSEN

In re: Rights of Wilhelm Heinrich Johannes Knudsen under insurance contract. File No. D-28-2040-H-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 Wilhelm Heinrich Johannes Knudsen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 3383-R-357, issued by The Equitable Life Assurance Society of the United States, New York, New York, to George F. A. Knutzen, together with the right to demand, receive and collect said net proceeds, 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 June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4763; Filed, June 13, 1949; 8:50 a. m.]

[Vesting Order 13336]

MARIE KOHL

In re: Rights of Marie Kohl under insurance contract. File No. D-28-10938-H-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 Marie Kohl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 27790, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Frederick Hecking, together with the right to demand, receive and collect said net proceeds, 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 June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4764; Filed, June 13, 1949; 8:50 a. m.]

[Vesting Order 13337]

MOTO KONDO

In re: Rights of Moto Kondo under insurance contract. File No. F-39-5458-H-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 Moto Kondo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 890600, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Sajuro Kondo, together with the right to demand, receive and collect said net proceeds, 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 (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4765; Filed, June 13, 1949; 8:50 a. m.]

[Vesting Order 13347]

IKU TETSUI

In re: Rights of Iku Tetsui under insurance contract. File No. D-39-19070-H-3.

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 Iku Tetsui, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,200,193, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Rinkichi Tasaka, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), 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 (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4774; Filed, June 13, 1949; 8:51 a. m.]

[Vesting Order 13338]

TATSUO KOYANO

In re: Rights of Tatsuo Koyano under insurance contract. File No. F-39-6424-H-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 Tatsuo Koyano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 385605, issued by the West Coast Life Insurance Company, San Francisco, California, to Mike Koyano, together with the right to demand, receive and collect said net proceeds, 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 (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4766; Filed, June 13, 1949; 8:50 a. m.]

[Vesting Order 13339]

JIRO KUNISAKI

In re: Rights of Jiro Kunisaki under insurance contract. File No. F-39-5014-H-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 Jiro Kunisaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 235510, issued by the American National Insurance company, Galveston, Texas, to Jiro Kunisaki, together with the right to demand, receive, and collect said net proceeds, 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 (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4767; Filed, June 13, 1949; 8:50 a. m.]

[Vesting Order 13365]

GERHARD WIEDEMANN AND GERTRUD RIEDEL-WIEDEMANN

In re: Bank account owned by Gerhard Wiedemann and Gertrud Riedel-Wiedemann. F-28-22038-E-1.

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

1. That Gerhard Wiedemann and Gertrud Riedel-Wiedemann, whose last known address is Berlin-Lichtenrade, Winterfeldstrasse 10, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Gerhard Wiedemann and Gertrud Riedel-Wiedemann, by Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of a current account, entitled Gerhard Wiedemann and/or Gertrud Riedel-Wiedemann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, 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 June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4716; Filed, June 10, 1949; 8:52 a. m.]

[Vesting Order 13366]

MASARU AND AYAME YAMAMOTO

In re: Bank account owned by Masaru Yamamoto and Ayame Yamamoto, also known as A. Yamamoto. D-39-18438-E-1.

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

1. That Masaru Yamamoto and Ayame Yamamoto, also known as A. Yamamoto, each of whose last known address is Hiroshima, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The First National Bank of Caruthers, Caruthers, California, arising out of a savings account, account number 1229, entitled A. Yamamoto or Masaru Yamamoto, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Masaru Yamamoto and Ayame Yamamoto, also known as A. Yamamoto, the aforesaid nationals of a designated enemy country (Japan);

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 (Japan).

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4717; Filed, June 10, 1949; 8:52 a. m.]

TONY ZENKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property and Location

Tony Zenker, Bucharest, Roumania; 7228; $1,505.14 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Tony Zenker in and to the Estate of Jack L. Zenker, deceased.

Executed at Washington, D. C., on June 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4728; Filed, June 10, 1949; 8:54 a. m.]

[Return Order 347]

MARVALDI BIANCA ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims, which is incorporated by reference herein and filed herewith, and a notice of intention to return having been published on April 19, 1949 (14 F. R. 1878),

It is ordered, That the following shares of stock of the De Nobili Cigar Company, Long Island City, New York, which are identified below as to the claimant, number and type of shares claimed, and stock

certificate number, 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. This return does not include any dividends or others sums accruing to the shares prior to the effectuation of the return.

Claim No.	Claimant	Shares: Common	Shares: Preferred	Certificate Nos.
39771	Marvaldi Bianca, Rapallo, Italy	----	18	262
39772	Maria Padovani Franchetti, Rome, Italy	5	----	217
39773	Maria Giulitta, Genoa, Italy	3	----	218
		----	7	264
39774	Vittoria Grimaldi, Rome, Italy	2	----	219
3 775	Angela Maria Gras, in Gennarini, Genoa, Italy	6	----	220
		----	6	265
39777	Enrico Gras, Genoa, Italy	5	----	222
		----	6	267
39781	Giorgio Medina, Genoa, Italy	3	----	227
39782	Massimo Medina, Genoa, Italy	2	----	228
39783	Carlo Maria Carli, Rome, Italy	15	----	229
39784	Gianfilippo Carettoni, Rome, Italy	10	----	230
		----	4	269
39785	Luca Caffarena, Genoa, Italy	10	----	231
		----	10	270
39787	Eugenio Chiappe, Genoa, Italy	----	26	271
39788	Maria Costa Starico, in Canepa, Genoa, Italy	8	----	233
		----	9	273
39789	Terenzio Del Chicca, Spezia, Italy	5	----	234
39790	Giuseppina De Bellegrade, Pescia, Italy	5	----	235
		----	2	274
39793	Giuseppe De Ferrari, Genoa, Italy	7	----	238
		----	10	277
39794	Giacomo De Ferrari, Genoa, Italy	6	----	239
39796	Gladys De Risels, Genoa, Italy	----	9	279
39797	Maria Giuseppina Migone, Genoa, Italy	2	----	241
39799	Irene Minzio, Genoa, Italy	5	----	243
39801	Angelica Mazzotti, Milan, Italy	----	2	281
39802	Adele Maria Marengo, Genoa, Italy	----	10	282
39803	Anna Marazza, Pallanza (Verbania) Italy	----	10	283
39804	Maria Teresa Marazza Pallanza (Verbania) Italy	----	20	284
39805	Giovanni Marmori, Spezia, Italy	----	20	285
39807	Gianna Nissim, Florence, Italy	13	----	246
		----	10	287
39808	Nina Levi ved. Ottolenghi, Venice, Italy	10	----	247
		----	4	288
39810	Bice Oldoini Rossi, Spezia, Italy	7	----	249
		----	7	289
39811	Livietta Ollandini, Genoa, Italy	----	10	290
39813	Alberto Pongiglione, Spezia, Italy	5	----	251
		----	2	293
39814	Paolo Pontremoli, Spezia, Italy	8	----	252
39815	Bice Bertolini Paganini, Genoa, Italy	5	----	253
		----	10	294
39816	Eligio Pensa, Varenna, Italy	7	----	254
39817	Amalia Paganini, La Spezia, Italy	5	----	255
		----	2	295
39818	Elena Pontremoli, Spezia, Italy	5	----	256
		----	2	296
39819	Lea Savio, Rome, Italy	10	----	257
		----	19	297
39820	Maria Gisele Savio, Rome, Italy	10	----	258
		----	9	298
39821	Nereo Schiaretta, Genoa, Italy	5	----	259
39822	Leone Sonnino, Rome, Italy	10	----	260
		----	10	299
39823	Alberto Sonnino, Rome, Italy	3	----	261
39824	G. B. Costa Starleco, Genoa, Italy	9	----	262
		----	9	300
39825	Geroiamo Costa Starleco, Savona, Italy	9	----	263
		----	8	301
39826	Giuseppe Starico Costa, Genoa, Italy	8	----	264
		----	9	302
39827	Francesco Starleco, Genoa, Italy	11	----	265
		----	12	303
39828	Giorgio Starleco, Genoa, Italy	12	----	266
		----	12	304
39829	Mario Alberto Starleco, Genoa, Italy	11	----	267
		----	12	305
39830	Baccio Tassara, Genoa, Italy	13	----	268
		----	10	306
39831	Teresa Cipollina Tassara, Genoa, Italy	13	----	269
		----	10	307
39832	Antonio Tavoni, Modena, Italy	4	----	270
		----	8	308
39833	Luigi Vignolo, Genoa, Italy	5	----	271
39834	Angelo Viglienzoni, Genoa, Italy	----	34	309
39836	Eugenio Raffo, Milan, Italy	4	----	273
39837	Gaetana Rasponi, Rome, Italy	5	----	274
		----	10	311
39840	Agostino Saredo Parodi, Genoa, Italy	10	----	276
		----	40	314
39841	Alfredo Pensa, Genoa, Italy	----	5	315
39842	Maria Luisa Ciurlo Poli, Genoa, Italy	10	----	277
39843	Elena Poli, Genoa, Italy	10	----	278
		----	10	316
39844	Alberto Paoletti, Genoa, Italy	6	----	279
40643	Letizia Costa, ved. Furlanelli, Genoa, Italy	34	----	90
		----	36	145
39670	Maria Ovazza Momigliano, Torino, Italy	10	----	119
		----	24	172
39723	Emma Randone Tagliavini, Banca Commerciale Italiana, Naples, Italy	25	----	176
		----	10	225
39809	Franco Oliva, a/k/a Francesco Oliva, Spezia, Italy	5	----	248
39812	Adelina Laurecella Puccio, a/k/a Adele Laurecella Puccio, Savona, Italy	----	20	291

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4719; Filed, June 10, 1949; 8:52 a. m.]

[Vesting Order 13340]

RICHARD EMIL AND FREDERICH JACOB LUTZ

In re: Rights of Richard Emil Lutz and Frederich Jacob Lutz under insurance contract. Files Nos. D-28-12523-H-1, H-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 Richard Emil Lutz and Frederich Jacob Lutz, whose last known address is Germany, are residents of Germany and nationals or a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Certificates Nos. 0486, 2232 and C-0486-9282, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Paul Lutz, together with the right to demand, receive and collect said net proceeds, 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 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 June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4768; Filed, June 13, 1949; 8:50 a. m.]

[Vesting Order 13349]

IWAKICHI UMINO

In re: Rights of Iwakichi Umino under Insurance contract. File No. D-39-5659-H-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 Iwakichi Umino (a/k/a Tadaichi Kimura; Tadaichi Oura and Mutso Oura), whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,038,732, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Iwakichi Umino (a/k/a Tadaichi Kimura; Tadaichi Oura and Mutso Oura), together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

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 (Japan);

and it is hereby determined:

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

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

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise 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 June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4776; Filed, June 13, 1949; 8:51 a. m.]

[Vesting Order 13341]

AUGUSTE E. H. OFF

In re: Rights of Auguste E. H. Off under insurance contract. File No. F-28-26844-H-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 Auguste E. H. Off, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7,695,849, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Auguste E. H. Off, together with the right to demand, receive and collect said net proceeds, 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 June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4769; Filed, June 13, 1949; 8:51 a. m.]

[Vesting Order 13342]

TAMAYO OTAKE

In re: Rights of Tamayo Otake under insurance contract. File No. F-39-1270-H-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 Tamayo Otake, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 621770, issued by the General American Life Insurance Company, St. Louis, Missouri, to Tamayo Otake, together with the right to demand, receive and collect said net proceeds, 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 (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4770; Filed, June 13, 1949; 8:51 a. m.]

[Vesting Order 13345]

EMMA STRATFORD

In re: Estate of Emma Stratford, also known as Emma Schnabel and Emma Mutz, deceased. File No. D-28-10713. E. T. sec. 16678.

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

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Emma Stratford, also known as Emma Schnabel and Emma Mutz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William Schmook, as Executor, acting under the judicial supervision of the Superior Court, Riverside County, California;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 49-4772; Filed, June 13, 1949; 8:51 a. m.]

ADOLPH KAHN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Adolph Kahn, Else Sommer, Robert Kahn, Milwaukee, Wis.; 5278; $1,917.37 in the Treasury of the United States to each claimant. All right, title, interest and claim of any kind or character whatsoever of Frida Kahn, Otto Kahn, Irma Kahn, Sofie May and Ida Wehnert and each of them, in and to the estate of Julius Feibelmann, deceased, one-third thereof to each claimant.

Executed at Washington, D. C., on June 8, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4779; Filed, June 13, 1949; 8:52 a. m.]