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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Production and Subsistence Loans

PART 343—PROCESSING

Part 343 in Title 6, Code of Federal Regulations (13 F. R. 9421), is amended to read as follows:

Sec.
343.1 General.
343.2 Definitions.
343.3 Loan forms and routines.
343.4 Approval or rejection of loans.
343.5 Loan closing.
343.6 Revision in the use of loan funds.

AUTHORITY: §§ 343.1 to 343.6 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 343.1 to 343.6 contained in FHA Instruction 441.3.

§ 343.1 *General.* Sections 343.2 to 343.6 set forth the requirements and procedures for the preparation and execution of documents and for other routines in connection with making Production and Subsistence loans.

§ 343.2 *Definitions.* (a) "Applicant" is any individual who applies for a Production and Subsistence loan, regardless of whether he has previously obtained or is presently indebted for a loan.

(b) "Initial Adjustment Loan" is a Production and Subsistence loan based upon a farm and home plan and made to an applicant who is not indebted for a Production and Subsistence loan based upon such a plan or is not indebted for a Rural Rehabilitation loan.

(c) "Subsequent Adjustment Loan" is a Production and Subsistence loan based upon a farm and home plan and made to an applicant who is indebted for a Production and Subsistence loan based upon such a plan or is indebted for a Rural Rehabilitation loan.

(d) "Annual Loan" is a Production and Subsistence loan not based on a farm and home plan. The terms "Initial" and "Subsequent" are not used in connection with annual loans.

§ 343.3 *Loan forms and routines*—(a) *Applications for loans.* Applications for Production and Subsistence loans will be made to the County Office as follows:

(1) Applicants for annual loans will execute Form FHA–197, "Application for FHA Services," and Form FHA–197A, "Supplement to Application for FHA Services."

(2) Applicants for initial adjustment loans will execute Form FHA–197.

(3) Applicants for subsequent adjustment loans will execute only Form FHA–49, "Certifications—Production and Subsistence Loans." If current financial information is not available in the County Office records, such applicants will be required to complete Table A of Form FHA–14, "Farm and Home Plan."

(b) *Form FHA–49, "Certifications—Production and Subsistence Loans."* Form FHA–49 will be executed by the applicant and the County Committee for each loan without regard to whether such form has been executed in connection with loans made previously. If the applicant is determined to be ineligible, the County Committee will indicate the reasons for the rejection on the form.

(c) *Form FHA–14, "Farm and Home Plan."* In making adjustment loans, Form FHA–14 will be developed.

(d) *Form FHA–14A, "Schedule of Long-Time Farm and Home Improvements."* Form FHA–14A will be prepared in connection with adjustment loans to record improvements and adjustments that have been agreed upon, but which will not be completed during the planned year.

(e) *Form FHA–31, "Promissory Note."* Form FHA–31 will be executed by the borrower for the full amount of each advance. The amount of each advance and the scheduled repayments thereon will be in multiples of $5. The time limitations for repayment schedules run from the date of the loan check instead of the date of the note. Form FHA–31 will be dated as of the date of execution by the applicant, and the original only will be executed.

(f) *Form FHA–5, "Loan Voucher."* The applicant will be required to execute Form FHA–5 for the total amount of each advance.

(g) *Immediate and future advances.* Production and Subsistence loan dockets

(Continued on p. 4973)

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may be submitted for (1) immediate disbursement of the full amount of the loan, or (2) disbursement in two advances with both loan vouchers being submitted together, one providing for an amount to be disbursed immediately and the other providing for the remainder to be disbursed on a designated date in the future, at least thirty days but not more than 120 days from the submission of the loan docket, or (3) disbursement in one advance on a designated date in the future, at least thirty days but not more than 120 days from the submission of the loan docket. However, the proposed disbursement date of the loan scheduled for future payment must not extend beyond the current fiscal year.

(h) *Form FHA–87, "Report of Lien Search."* Applicants are required to obtain and pay the cost of lien searches, the result of which searches will be recorded on Forms FHA–87. Instructions for obtaining the lien search report will be given to the applicant at the time the loan application is filed. Applicants should select the source through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(i) *Form FHA–30. __, "Crop and Chattel Mortgage."* The applicant will be required to execute Form FHA–30.__ as security for the loan.

(j) *Form FHA–32, "Subordination Agreement."* (1) The applicant will obtain, from the landlord or other parties of interest, a subordination agreement on Form FHA–32 in connection with each Production and Subsistence loan, whenever required as provided in § 342.5 (a) of this chapter (13 F. R. 9420). In lieu of obtaining Form FHA–32 from the landlord, the subordination may be obtained by inserting the following language, which is included in Form FHA–81, "Flexible Farm Lease," in any lease agreement: "In consideration of loan(s) to be made by the Farmers Home Administration, the landlord hereby subordinates in favor of the Farmers Home Administration any interest or lien he now has or may acquire in or on the livestock, farm equipment, and crops of the tenant during the term of the lease or any extension or renewal thereof; except that this subordination does not apply to the landlord's interest in the crops grown in any year for current rent for that year."

(2) If a subordination is required and cannot be obtained immediately, it must be obtained by the applicant and returned to the County Office before the loan is closed.

(k) *Form FHA–80, "Assignment of Proceeds from the Sale of Agricultural Products."* Assignments of the proceeds from the sale of farm, dairy, or other agricultural products, when required, will be executed by the applicant on Form FHA–80 or other form approved by the representative of the Office of the Solicitor. (R. S. 3690, secs. 21, 44 (a) (2) and (3), (b), (c), 60 Stat. 1072, 1068, 1069; 7 U. S. C. 1007, 1018 (a) (2) and (3), (b), (c), 31 U. S. C. 712)

§ 343.4 *Approval or rejection of loans.* (a) If a loan is approved, the loan approving official will set forth any special conditions of approval or special security requirements.

(b) If a loan is rejected, the approving official will indicate the reasons for the rejection. The County Supervisor will notify the applicant by letter of the rejection with the return of the original of Form FHA–31 and any executed security instruments. (Sec. 44 (b), 60 Stat. 1069; 7 U. S. C. 1018 (b))

§ 343.5 *Loan closing*—(a) *Check delivery.* Only bonded employees of the Farmers Home Administration will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly, indicating where and when he many expect delivery of the check, or will mail the check to him, or, when a supervised bank account is required and the depository bank does not require the applicant's endorsement for deposit, he may deposit the loan check in the supervised bank account and furnish the applicant a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit.

(b) *Lien search reports.* Before a loan check is delivered, or if such check is deposited in a supervised bank account, before any of the funds are withdrawn, there must be in the County Office case folder a report of lien search on Form FHA–87, showing whether or not as of that date there are any liens on record against the property offered as security.

(c) *Security documents.* Properly bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for loans, including mortgages and similar lien instruments (when the holder of a mortgage or other lien is required to execute the instrument), affidavits, acknowledgments, and other certifications (when the mortgagee must execute such certification under State law).

(d) *Obtaining security for Production and Subsistence loans.* (1) In cases in which no capital goods are to be purchased, or when the capital goods to be purchased are not required to be covered by a lien pursuant to § 342.5 (e) of this chapter (13 F. R. 9421), the lien instrument will be taken at the time the note and voucher are executed.

(2) In cases in which capital goods are to be purchased and covered by a lien, the County Supervisor will encourage the applicant to arrange for the purchase of all such items by the time the initial mortgage is taken in order to eliminate the taking of additional mortgages. The taking of security in these cases at the time of the delivery of the loan check will be governed by the following requirements:

(i) If all of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the date of the first withdrawal of any of the loan funds from such account.

(ii) If only a part or none of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken at the time of the delivery of the loan check to the applicant.

(iii) If a part of the property which is to serve as security for the loan is yet to be purchased at the time the initial mortgage is taken, a first lien will be taken on such property at the time it is purchased.

(e) *Fees.* (1) Statutory fees for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds or from the proceeds of the loan.

(2) Whenever cash is accepted by Farmers Home Administration personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA–385, "Acknowledgment of Payment for Recording and Lien Search Fees," will be executed and given to the borrower. Farmers Home Administration personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as a credit on the borrower's indebtedness, but is accepted only for the purpose of paying the recording, filing or lien search fees on behalf of the borrower. (Sec. 44 (b), 60 Stat. 1069; 7 U. S. C. 1018 (b))

§ 343.6 *Revision in the use of loan funds.* County Supervisors may authorize changes in the use of loan funds when such changes are in the best interest of the borrower and the Government's financial interest will not be affected adversely. In such cases the intended use of loan funds must be in accord with the authorized purposes.

(a) When changes are made in the use of loan funds and the revisions affect the farm and home operations, the farm and home plan for adjustment loans will be revised. In the case of annual loans, the changes will be incorporated in the loan application. The record must show that the borrower and the County Supervisor agreed to the changes.

(b) When changes are made in the use of loan funds, no revision will be made in the repayment schedule on Form FHA–31. However, in adjustment loan cases when funds loaned for the purchase of capital goods are to be used to meet operating expenses, the borrower must agree to repay the loan during the first year in the amount equal to the additional funds used for operating expenses. County Supervisors will confirm such agreements by letters to the respective borrowers. (Sec. 44 (b), 60 Stat. 1069; 7 U. S. C. 1018 (b))

Dated: July 27, 1949.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: August 8, 1949.

A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49–6543; Filed, Aug. 11, 1949; 8:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[4th Gen. Rev. of Export Regs., Amdt. 29]

PART 371—GENERAL LICENSES

GIFT PARCELS

Section 371.21 *General license for gift parcels* is amended in the following particulars:

Paragraph (c) *Commodity, weight, other limitations,* subparagraph (3) *Commodity limitations,* subdivision (ii) is amended to read as follows:

(ii) The following commodities may not be included in any amount: Bismuth nitrate, oxide, and subnitrate, in bulk (Schedule B No. 813583); quinidine alkaloid and quinidine salts and compounds (Schedule B No. 813588); radon (Schedule B No. 813593); radium salts and compounds (Schedule B Nos. 813593, 839900); chemicals containing artificial radioactive isotopes (Schedule B Nos. 813593, 839900); and radium ore concentrates (Schedule B No. 839900).

This amendment shall become effective August 5, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: July 26, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-6540; Filed, Aug. 11, 1949; 8:45 a. m.]

[4th Gen. Rev. of Export Regs., Amdt. 30]

PART 379—EXPORT CLEARANCE

PRESENTATION FOR EXPORT

Section 379.1 *Presentation for export* is amended in the following particulars:

Paragraph (a) *Commodities; use of license or other authorization for export shipments,* subparagraph (4) *Clearance of subsequent shipments from other ports,* is amended by adding an additional unnumbered paragraph to subparagraph (4) following subdivision (ii), so that the portion of subparagraph (4) following said subdivision reads as follows:

However, as an alternative to the notification procedure set forth above, the collector holding the license is authorized to transmit the license by mail to the collector at another intended port of exit, upon written request by the licensee stating that the license will no longer be used at the port at which the license is deposited.

The procedure set forth above in this subparagraph shall not be applicable to licenses which specify that shipment is authorized for clearance at a particular port of exit.

This amendment shall become effective August 5, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: August 3, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-6541; Filed, Aug. 11, 1949; 8:46 a. m.]

[4th Gen. Rev. of Export Regs., Amdt. P. L. 11]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are deleted from the Positive List:

Dept. of Comm. Sched. B. No.	*Commodity*
	Steel mill products:
	Structural iron and steel:
	Structural shapes:
	Fabricated:
604600	Prefabricated houses (chief value steel).
	Aluminum and manufactures:
630950	Aluminum prefabricated houses (dwellings only) (aluminum chief value) (formerly 630998).

This amendment shall become effective August 5, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: August 3, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-6542; Filed, Aug. 11, 1949; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

PART 305—RECEIPT OF BONDS AND NOTES FOR ESTATE OR INHERITANCE TAXES

EDITORIAL NOTE: Part 305 has been excluded from the Code of Federal Regulations, 1949 Edition.

[1948 Dept. Circ. 833; Amdt. 1]

PART 327—OFFERING AND SPECIAL REGULATIONS GOVERNING TREASURY SAVINGS NOTES, SERIES D

SUBPART A—OFFERING OF NOTES

PAYMENT OF ACCRUED INTEREST IN PURCHASING NOTES

AUGUST 11, 1949.

1. The first paragraph of § 327.1 (13 F. R. 5004) is amended to read as follows:

§ 327.1 *Offering of notes.* The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers for sale to the people of the United States, at par and accrued interest from the first day of the month in which purchased to the day, inclusive, on which full payment is made in cash or other immediately available funds, an issue of notes of the United States, designated Treasury Savings Notes, Series D, which notes, if inscribed in the name of a Federal taxpayer, will be receivable as hereinafter provided at par and accrued interest in payment of income, estate and gift taxes imposed by the Internal Revenue Code, or laws amendatory or supplementary thereto.

2. Section 327.2 (13 F. R. 5004) is amended to read as follows:

§ 327.2 *General.* Treasury Savings Notes, Series D, will in each instance be dated as of the first day of the month in which payment, at par and accrued interest, if any, is received and credited by an agent authorized to issue the notes. They will mature three years from that date, and may not be called by the Secretary of the Treasury for redemption before maturity. All notes issued during any one calendar year shall constitute a separate series indicated by the letter "D" followed by the year of maturity. At the time of issue the authorized issuing agent will inscribe on the face of each note the name and address of the owner, will enter the date as of which the note is issued and will imprint his dating stamp (with current date). The notes will be issued in denominations of $100, $500, $1,000, $5,000, $10,000, $100,000, $500,000 and $1,000,000. Exchange of authorized denominations from higher to lower, but not from lower to higher, may be arranged at the office of the agent that issued the note.

3. Section 327.9 (13 F. R. 5005) is amended to read as follows:

§ 327.9 *Applications and payment.* Applications will be received by the Federal Reserve Banks and Branches, and by the Treasurer of the United States, Washington, D. C. Banking institutions and security dealers generally may submit applications for account of customers, but only the Federal Reserve Banks and their Branches and the Treasury Department are authorized to act as official agencies. The use of an official application form is desirable but not necessary. Appropriate forms may be obtained on application to any Federal Reserve Bank or Branch, or the Treasurer of the United States, Washington, D. C. Every application must be accompanied by payment in full, at par and accrued interest, if any. The amount of accrued interest payable by the purchaser will be computed at the rate at which interest accrues on the notes ($0.80 per month per $1,000 par amount) for the actual number of days in the month in which the purchase is made. One day's accrued interest in a 31-day month is $0.02581 per $1,000, in a 30-day month $0.02667, in a 29-day month $0.02759 and in a 28-day month $0.02857. Any form of exchange, including personal checks,

will be accepted subject to collection, and should be drawn to the order of the Federal Reserve Bank or of the Treasurer of the United States, as payee, as the case may be. The date funds are made available on collection of exchange will govern the issue date of the notes. Any depositary, qualified pursuant to the provisions of Treasury Department Circular No. 92, Revised, as amended, will be permitted to make payment by credit for notes applied for on behalf of itself or its customers up to any amount for which it shall be qualified in excess of existing deposits.

(40 Stat. 288, as amended; 31 U. S. C. 752)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 49-6602; Filed, Aug. 11, 1949; 9:25 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter VII—Department of the Air Force

Subchapter B—Aircraft

REVOCATION, REDESIGNATION AND REVISION OF REGULATIONS

The material contained in Parts 822 and 823 is hereby revoked. Part 825—Use of United States Air Force Bases Overseas by Civil Aircraft (Domestic or Foreign)—is hereby redesignated Part 823 and the material contained in §§ 825.1 to 825.13 is redesignated §§ 823.1 to 823.13. The following revised Part 822 is hereby added:

PART 822—USE OF CONTINENTAL AIR FORCE BASES BY OTHER THAN AIR FORCE AIRCRAFT

Sec.
822.1 Policy.
822.2 Definitions.
822.3 Conditions of use.
822.4 Emergency and alternate use.
822.5 Use of Air Force installations by aircraft of foreign registry.
822.6 Ground-controlled approach equipment for training.
822.7 Applications.
822.8 Agreement.
822.9 Aircraft permit.
822.10 Additional construction.
822.11 Maintenance and other charges.
822.12 Landing and parking fees.
822.13 Sale of supplies and services to civil aircraft.
822.14 Insurance.
822.15 Forms.

AUTHORITY: §§ 822.1 to 822.15 issued under sec. 5, 44 Stat. 570, 53 Stat. 795, 207 (f), 208 (e), 61 Stat. 503, 504; 49 U. S. C. 175, 22 U. S. C. 259, 5 U. S. C. Sup. II, 626 (f), 626c (e); Transfer Order 6, Jan. 9, 1948, 13 F. R. 218; Transfer Order 14, May 27, 1948, 13 F. R. 3094.
DERIVATION: AFR 87-7, July 1, 1949.

§ 822.1 *Policy.* As a general rule, airports established and designated by competent authority for the primary purpose of supporting the operation of Air Force aircraft will not be used to support the operation or maintenance of commercial or private aircraft. In cases when a lease so provides, or where no suitable civil airport exists, when the security of Air Force operations, facilities, or equipment will not be jeopardized, and where there will be no interference with Air Force operations, the general rule may be relaxed to permit the operation of certain air carriers when the need for such operations is clearly indicated and is approved by the Civil Aeronautics Board. Under no conditions will Air Force airfield services or facilities be made available for the use of civil aircraft in competition with private enterprise. Commanding officers are authorized to permit the landing at active airfields under their jurisdiction of aircraft which are exempt from the payment of landing fees specified in § 822.12 without reference to Headquarters, United States Air Force, provided such aircraft are not housed or based at the installation. When Air Force airfields are in inactive status, operators of aircraft may be permitted, when airfield facilities are available, to use such facilities, subject in each case to the approval of the Chief of Staff, United States Air Force, and under regulations which hereafter may be prescribed by the Chief of Staff, United States Air Force. The fees set forth in § 822.12 (b) apply in this case. Air Force air navigation facilities in certain cases may be approved for regular, provisional, or alternate use. When airfields are leased by the Government for use in common with others, owners of private and commercial aircraft may obtain permission to use the facilities in accordance with the terms of the particular lease. Aircraft owned or operated by other government agencies are not commercial or private aircraft; therefore, unless an installation has been closed to transient aircraft, as much assistance and service as practicable will be afforded aircraft of other government agencies.

§ 822.2 *Definitions*—(a) *Air Force.* Will be interpreted to mean United States Air Force.

(b) *Airport.* A tract of land or water which is adapted for the landing and take-off of aircraft and which provides facilities for their shelter, supply, and repair; a place used regularly for receiving or discharging passengers or cargo by air.

(c) *Air base.* An establishment which comprises the installations, facilities, and activities required by and provided for the operation, maintenance, repair, and supply of air units.

(d) *Air navigation facilities.* Includes any airport, emergency landing field, light or other signal structure, radio directional finding facilitiy, radio or other electrical communication facility, and any other structure or facility used as an aid to air navigation.

(e) *Regular airport.* An airport used as a regularly scheduled stop on a route.

(f) *Provisional airport.* An airport approved for the purpose of providing adequate service to a community when the regular airport serving that community is not available. (Planes may be dispatched.)

(g) *Alternate airport.* An airport specified in the flight plan, to which an aircraft may proceed when a landing at the point of first intended landing becomes inadvisable. (Planes may not be dispatched.)

(h) *Domestic aircraft.* Those aircraft owned by nationals of the United States or United States corporations, either within or without the United States, and primarily registered with and certified by United States Civil Aeronautical authorities.

(i) *Foreign aircraft.* Those aircraft owned by a foreign national or a foreign corporation and primarily registered with and certified by a foreign nation.

(j) *Military aircraft.* Those aircraft operated by or for the military agencies of any government.

(k) *State aircraft.* Those aircraft operated by, or for the exclusive use of, the agencies of the government concerned.

(l) *Civil aircraft.* Those aircraft (domestic or foreign) operated by civil persons, individual or corporate, of any government, in other than military or state operations.

(m) *Permit.* Embraces the use of Air Force installations when leasing of, and easements for rights-of-way in, real property are not involved.

(n) *Schedule.* Means one landing and one take-off.

§ 822.3 *Conditions of use.* The use of Air Force airfields by aircraft other than Air Force will be subject to the following conditions:

(a) That operators of aircraft using air navigation facilities owned or operated by the Air Force will be required to comply with the air and ground rules and regulations promulgated by the Department of the Air Force, the Chief of Staff, United States Air Force, or the commanding officer of the establishment to which the facilities being employed pertain. Violations thereof will be reported to the Chief of Staff, United States Air Force.

(b) That no over-riding military considerations, as may be determined by the Chief of Staff, United States Air Force, exist for denying such use.

(c) That adequate civil airfield facilities are not reasonably available to the operator of the aircraft.

(d) That no military facilities, personnel, or special stocks of matériel will be maintained solely for the purpose of rendering assistance to civil aircraft. Such facilities, personnel, and stocks of matériel will be based upon military requirements.

(e) That operators of aircraft using Air Force airfields will carry proper certification as hereinafter described.

(f) Appropriate fees will be charged the operators of aircraft for the use of military facilities as provided in § 822.12.

(g) Commanding officers of Air Force bases will be responsible that all customs, immigration, agriculture, public health, and applicable local laws and regulations are fully complied with by operators of aircraft as soon as possible after landing. Clearance of take-offs will not be issued until the regulations have been complied with.

(h) Customs, immigration, sanitation, and local officials concerned will be contacted by commanding officers of Air Force installations, and regulations and procedure mutually acceptable will be made standing operating procedure at the installation concerned. Any liabilities created by this action, such as fees, overtime services, etc., are obligations of the transient aircraft.

(i) The use of Air Force installations by commercial and private operators under the conditions set forth above will be at the risk of the operators and no responsibility will entail on commanding officers to provide additional operating facilities other than the use of the airfield. The United States Government will assume no liability or responsibility arising by reason of the condition of the landing area, radio aids, or adjacent establishment; or by the acts of its agents in connection with the control of flight or flights involved; or in connection with the granting of the right to use such Air Force installations. In this connection, each operator making use of Air Force aviation facilities must file a "hold harmless agreement," as hereinafter set forth, signed by a responsible officer or authorized agent of the company. For continuing use of an Air Force aviation facility, this agreement must be filed in advance with the commanding officer of the installation or installations concerned. In the case of emergency landings, this agreement must be executed by the pilot immediately upon landing.

(j) No services or supplies will be furnished except in emergencies, and except as provided in the act of May 31, 1939 (53 Stat. 795; 22 U. S. C. 259).

§ 822.4 *Emergency and alternate use*—(a) *Conditions.* Emergency and alternate use of Air Force airfields by commercial air carriers may be provided at Air Force controlled airfields when weather or other emergency conditions prevail, making the scheduled terminal airport unsafe, or when the military situation so requires, subject to the following conditions:

(1) If an Air Force airfield is to be used as an alternate stop to discharge passengers and cargo, prior authority must be obtained from the commanding officer of the airfield and a flight plan filed with him prior to the time of departure of the particular aircraft.

(2) If an Air Force airfield is named in the flight plan as an alternate by reason of weather, radio clearance will be obtained from the airfield when a decision is made en route to use it as the alternate airport.

(3) Emergency landings may be made without clearance. When such landings are made, the pilot will submit a written report to the commanding officer of the airfield establishing the emergency conditions and indicating reasons why clearance could not be obtained.

(b) *Notification.* The commanding officer must be notified immediately when decision to use his field is made and advised of the estimated time of arrival of the aircraft involved. The pilot of the aircraft concerned must be made familiar, prior to take-off for the scheduled airport, with the communications and radio facilities and applicable traffic regulations at the alternate airport.

§ 822.5 *Use of Air Force installations by aircraft of foreign registry*—(a) *Restrictions and conditions.* In so far as applicable, the restrictions and conditions set forth in §§ 822.1 to 822.4 also will apply to this section.

(b) *Civil aircraft of foreign registry.* Air base and air navigation facilities owned or operated by the Air Force may be made available for the use of operators of civil aircraft of foreign registry in case of necessary and unforeseen landing, to insure the continuance of such aircraft on its course to the nearest commercial airport, or when specifically authorized by the Chief of Staff, United States Air Force.

(c) *Government-owned aircraft of foreign registry.* Air base and air navigation facilities owned or operated by the Air Force may be made available for the use of operators of government-owned aircraft of foreign registry upon request by the aircraft commander to the Chief of Staff, United States Air Force, or such officer as he may designate, or commanding officers of Air Force bases.

(d) *Health, customs and immigration clearance.* Whenever an aircraft of foreign registry makes its first landing in the United States at an installation under the jurisdiction of the Air Force, the commanding officer of the installation will notify immediately the nearest United States Public Health, Customs, and Immigration authorities and will detain the aircraft, its crew, and passengers until released under instructions of those authorities.

§ 822.6 *Ground-controlled approach equipment for training.* In order to make available a ground-controlled approach equipment for the training of commercial operators, Headquarters, United States Air Force approves in principle the use of Air Force ground-controlled approach equipment for that purpose at such installations as may be approved from time to time by the Chief of Staff, United States Air Force. Application for the use of an Air Force installation for this purpose will be forwarded through channels to the Director of Installations, Headquarters, United States Air Force, Washington 25, D. C., for approval. In general, approval will be granted only in the case of installations on which the major activity is of a similar nature to commercial carrier operation or consists primarily of administrative flying. Details of training and scheduling of operations will be subject to the approval of the commanding officer of the installation concerned. Servicing of commercial aircraft, extended layovers, or use for other than routine training is not approved. Landing fees will not be charged.

§ 822.7 *Applications*—(a) *Information required of applicant.* In the submission of applications to the Civil Aeronautics Board, the following information and data are required of the applicant in every case in order that Headquarters, United States Air Force can initiate appropriate action for issuance of a revocable license in the event the application is approved:

(1) Approximate number of landings that will be made by the licensee each month.

(2) Average length of time aircraft will remain at the air base.

(3) A layout map of the area desired by the applicant for erection of buildings, installation of gasoline servicing pits, and other necessary maintenance and operating facilities. The location of the facilities will be shown and listed on the map with numerical references for identification purposes. The layout map will show specifically that part of existing parking apron or other part of the air base which the applicant desires to use for aircraft parking purposes. Property will clearly be identified by citing ownership and pertinent provisions of leases in effect at the time the application is made.

(4) A list and description of Government facilities which the applicant desires to use and believes can be made available without interference with military activities.

(5) Summary of the type of operations to be conducted by the applicant and justification for use of the Air Force installation.

(6) List of suitable civil airfields, if any, in the area which might serve the applicant.

(7) Type of Civil Aeronautics Board certificate held, if any.

(8) Name of insurance company, type of insurance policy, and amount carried.

(b) *Information provided for applicant.* Subject to the provisions of current directives, base commanders are authorized to furnish appropriate information to accredited representatives of responsible applicants. This information normally will be limited to such unclassified data as may be available and required for submission by the applicant to the Civil Aeronautics Board. Cooperative survey of available facilities, or of space for location of facilities required to establish joint use of an airfield under the control of the Air Force, may be conducted at the discretion of the local base commander. Facts only will be furnished.

(c) *Channels of communication.* The following procedure has been arranged between the Chief of Staff, United States Air Force, and the Civil Aeronautics Board, Department of Commerce, Washington 25, D. C.:

(1) The commercial air carrier seeking permission to conduct regularly scheduled operations on an Air Force controlled airfield will submit the information required under paragraph (a) of this section, to the Civil Aeronautics Board, with its application, in triplicate, for authority to serve the particular location involved. The Civil Aeronautics Board, under its existing authority, will pass upon the necessity for the contemplated operations and will forward the application, if favorably considered, to the Air Force for determination as to the possibility of effecting coordination with existing military activities.

(2) Applications transmitted by the Civil Aeronautics Board will be referred by Headquarters, United States Air Force to the air force or command having jurisdiction over the airfield prior to final determination of approval or disapproval with respect to scheduled use of Government facilities.

(3) Upon receipt of the application from the Civil Aeronautics Board, the major air command having jurisdiction over the installation will be directed to furnish comments and recommendations and obtain the comments of the base commander involved. Final approval or disapproval of the operations will be made, for Chief of Staff, United States

Air Force, by the Director of Installations.

(4) If the application is approved, the Director of Installations (except as otherwise provided in paragraph (e) of this section) will authorize the Chief of Engineers to negotiate the necessary agreement and prepare an appropriate instrument for use of the facilities. The Civil Aeronautics Board will be informed of this action and will be authorized to notify the applicant. Likewise, if the application is rejected, the Civil Aeronautics Board will be informed. Any permit, lease, or other form of agreement will be subject to revocation without previous notice. As a matter of policy, however, reasonable advance notice will be given when consistent with the military situation.

(d) *Issuance of leases.* If the application involves interest in real property and is favorably considered by the Chief of Staff, United States Air Force, the Chief of Engineers, Department of the Army, will be requested to issue a revocable lease to the applicant. The Civil Aeronautics Board will be informed, at the same time, that such lease has been requested. The Chief of Engineers will be informed of the conditions desired by the Air Force to be included in the lease. Commencement of operations will not be authorized until the lease or a right-of-entry has been issued.

(e) *Issuance of permits.* If the application is favorably considered by the Chief of Staff, United States Air Force, a revocable permit will be issued for the Air Force by the Director of Installations. The Civil Aeronautics Board will be informed, at the same time, that such permit has been issued. Commencement of operations will not be authorized until the permit has been issued.

§ 822.8 *Agreement.* All operators of civil aircraft and foreign military and state aircraft will be required to execute Air Force Form 180, "Agreement Covering Other than Air Force Aircraft Operations at Air Force Bases within the Continental United States," prior to the inauguration of their operation. In the event the operator of a civil aircraft lands at any Air Force installation without official authorization, the commanding officer of the installation concerned is responsible for obtaining an executed agreement from the operator and is authorized to execute same on behalf of the Air Force after obtaining Air Force approval prior to the take-off of the aircraft in question. In case of an emergency landing, prior Air Force approval will not be required. This certificate will be executed in triplicate. The original will be retained by the individuals or airline executing the agreement; one copy will be forwarded through military channels to the Director of Installations, Headquarters, United States Air Force, Washington 25, D. C.

§ 822.9 *Aircraft permit.* The commanding officer of each civil aircraft (domestic or foreign registry) and government-owned aircraft of foreign registry, using Air Force installations, is required to carry at all times Air Force Form 181, "Aircraft Permit to Use Air Force Bases within the Continental United States". Any restrictions imposed by the Air Force will be noted on the reverse side of this form by the individual executing this permit as the authorized Air Force official.

§ 822.10 *Additional construction.* In the event Air Force facilities which will serve as administrative and service facilities for the applicant are available and unoccupied, consideration will be given to including these properties in a lease for such purpose. If the facilities are not available, it will be necessary for the applicant to provide his own facilities without the assistance of the Government. Construction plans must be coordinated with the base and field command and be approved by them, and must also have the approval of the Chief of Staff, United States Air Force. The Air Force will not assume any obligations or responsibility toward providing the required facilities.

§ 822.11 *Maintenance and other charges.* (a) Joint users of an Air Force installation will be required to reimburse the Government for maintenance and operating charges occasioned by their use of Government facilities. This will be accomplished by the payment of a proportionate share of the costs, reasonable leasing rate, or by fixed landing or other fees. These arrangements will be stipulated in the lease or permit. In the event the Department of the Air Force does not have exclusive control of the airfield, it will be necessary for the applicant to make arrangements with the lessor and the owner or co-owners of the landing area and other property which may be involved. Property maintenance and other charges then will be governed in accordance with existing agreements. In many cases, airfields currently occupied by the Air Force are leased from municipalities on a concurrent use basis. In such cases, the lease normally provides for maintenance and operating cost in one of three ways:

(1) All costs assumed by the lessor.

(2) Cost divided proportionately between the Department of the Air Force and other users.

(3) All costs assumed by the Department of the Air Force.

(b) If conditions in paragraph (a) (1) of this section exist, all charges against the contemplated user would be determined by the lessor. If conditions in paragraph (a) (2) of this section exist, they would be determined in accordance with the provisions of the lease. If conditions in paragraph (a) (3) of this section exist, charges would be determined by the Government and payment made to the Government for the duration of the Government's lease.

§ 822.12 *Landing and parking fees.* (a) *General.* Landing fees and parking fees will be charged in the case of all aircraft engaged in air commerce (commercial carriage of passengers or cargo, or use of plane for business purposes) and will apply for any use of an Air Force air navigation facility, including regular, provisional, alternate, and emergency landings. Landing fees and parking fees are based upon aircraft weights and frequency of operations. The aircraft weight is the maximum gross takeoff weight permitted by the appropriate aeronautical authority of the country of manufacture of aircraft. The maximum gross weights permitted are shown on the airworthiness certificate carried in all commercial aircraft. Calculation of fees will be based on weights computed to the nearest one thousand pounds, considering five hundred pounds and above to increase the weight to the next higher one thousand pound bracket. In the event no airworthiness certificate or aircraft permit is available, the commanding officer of the base will estimate the maximum gross weight based upon the best information available to him and use this figure in determining the fees to be charged. The payment of landing fees covers the use of air navigation facilities as defined in § 822.2. If not otherwise provided by civil agencies of the United States Government, Air Force meteorological services and communication facilities for the handling of arrival and departure reports, air traffic control messages, and position reports also may be used at no additional cost. Communication facilities will not be made available to passengers of civil aircraft except in an emergency as determined by the commanding officer.

(b) *Fees to be charged.* The following fees will be charged at active and inactive Air Force installations within the Continental limits of the United States, which are owned outright by the Department of the Air Force. They will be charged at all Air Force installations held under other rights of occupancy, provided the instrument which authorized occupancy does not prohibit such charges to be assessed. Where existing licenses, permits, or leases continue in effect, the fees fixed therein will be continued until expiration or revocation; renewals will conform to the fees as outlined below:

(1) *Landing fees.*

From 1 to 90 Landings per Month per Individual Company

	Amount per landing
Up to and including 25,000 pounds	$2.50.
Over 25,000 pounds	$2.50 plus 3⅓ cents per 1,000 pounds in excess of 25,000 pounds.

Next 90 Landings per Month per Individual Company

	Amount per landing
Up to and including 25,000 pounds	$1.66⅔.
Over 25,000 pounds	$1.66⅔ plus 3⅓ cents per 1,000 pounds in excess of 25,000 pounds.

In Excess of 180 Landings per Month per Individual Company

	Amount per landing
Up to and including 25,000 pounds	$0.83⅓.
Over 25,000 pounds	$0.83⅓ plus 3⅓ cents per 1,000 pounds in excess of 25,000 pounds.

(2) *Hangar parking fees.* Twenty cents per thousand pounds, minimum $3.00, for each 24-hour period or fraction thereof, when used on emergency, temporary, or intermittent and non-exclusive basis, and when covered by a permit issued on the Air Force Form 181.

(3) *Outside parking fees.* Ten cents per thousand pounds, minimum $1.00, for each 24-hour period or fraction thereof; the charges to start six hours after the plane lands.

(4) *Fees for protracted use.* Fees for protracted use or lease of real estate, building space, etc., will be as determined by negotiations between the Office, Chief of Engineers, and the company concerned.

(5) *Emergency storage.* No other civil aircraft will be stored at Air Force bases except in a true emergency.

(c) *Fees not to be charged.* Landing fees will not be charged for the following aircraft:

(1) Military aircraft of the United States or foreign governments.

(2) Other government aircraft (non-commercial) owned and operated by agencies of the Federal Government or foreign governments.

(3) Non-commercial aircraft owned and operated by States, Territories, or Municipalities.

(4) Private aircraft owned and operated by military personnel on active duty and not for any business or air commerce purpose.

(5) Private or executive aircraft operated by contractors to the Government or by persons or firms having legitimate official business with Government activities in the immedite vicinity of the installation.

§ 822.13 *Sale of supplies and services to civil aircraft*—(a) *General.* Commanding officers of Air Force installations are authorized to make emergency sales of aircraft fuel, oil, equipment, and supplies, and to furnish mechanical service, temporary shelter, and other assistance, for cash, in emergencies where such supplies or assistance is required in order that aircraft may continue on its course to the nearest airport operated by private enterprise. The extent and amounts of aircraft fuel, oil, equipment, supplies, mechanical services, and shelter furnished to operators of aircraft will be as determined by the commanding officer of the installation concerned. This determination will be based upon the nature of the mission or flight the aircraft is engaged in and will be subject to the following restrictions and conditions:

(1) Complete engines, airplane wings, and other major items of equipment will not be sold nor furnished.

(2) Civil aircraft damaged to such an extent that major repairs are required may be given emergency storage at the request of the pilot, provided necessary facilities are available, at prescribed rates for shelter; but a major or minor overhauling of civil aircraft will not be made at Air Force installations by Air Force personnel.

(3) Damaged aircraft may, when facilities are available, be stored in its original damaged condition, but the Government will not assume any responsibility for its safekeeping and the owner will be required to take charge of it and remove it from Government storage at the earliest practicable date.

(4) Authorized sales will be made in accordance with current directives.

(b) *Sales and service*—(1) *Supplies.* All articles will be sold and assistance furnished at the fair market value prevailing locally, but in no case will aviation supplies be sold for less than the cost price plus 15 per cent for transportation, handling, etc. In cases when similar supplies are not available in nearby localities the price charged will be cost price plus 15 per cent, except as otherwise provided for herein. On all supplies furnished to civil aircraft operators on which the charges to be made are based on official Air Force stock lists, a three per cent overhead will be added. On all aviation supplies, except gasoline and oil, the price listed in Air Force stock lists will be considered as the cost price. Cost prices on aviation gasoline and oil will be published by Headquarters, Air Matériel Command, United States Air Force, based on the prevailing contract price.

(2) *Mechanical services.* Mechanical services furnished will be charged for on the same basis as the local rate for similar work, or at such rates as may be determined by Air Force installation commanders. Headquarters, Air Matériel Command, United States Air Force, will publish hourly rates for mechanical services which will be used in all cases when a fair local value for such services cannot be determined.

(3) *Emergency shelter.* Charges for emergency shelter of civil aircraft will be on the same basis as set forth in § 822.12.

(4) *State taxes.* In cases when a State tax is imposed on the sale of gasoline the officer making the sale is responsible that proper collection is made to cover the State tax on all sales of gasoline, and that the amount collected is noted on the statement furnished the receiving officer, in order that the proper payment may be made to the State authorities.

(5) *Requests for sales and service.* Request for commodities or services desired by civil aircraft will be made in writing by the aircraft commander who will specify in detail the kind of gasoline, oil, or supplies desired or the precise services to be furnished.

(c) *Responsibility.* The Air Force will accept no responsibility for the quality or condition of the gasoline, oil, or supplies sold, or the competence or skill of the mechanical services furnished to operators of civil aircraft. The commander of the civil aircraft or an agent designated by him, requesting mechanical services at a base, personally will supervise the performance of any services rendered and upon completion of the work and prior to clearance or take-off will release the United States from all responsibility by executing Air Force Form 34, "Certificate of Release."

§ 822.14 *Insurance.* Aircraft owners or operators, except those exempted from landing fees as outlined in § 822.12, making frequent use (more than one landing a month) of Air Force aviation facilities will be required to keep in force at their own cost and expense Aircraft Liability insurance as follows:

(a) Aircraft used only for cargo carrying will be insured for Public Bodily Injury with a limit of at least fifty thousand dollars ($50,000) for one person in any one accident, and, subject to that limit for each person, of five hundred thousand dollars ($500,000) in any one accident, and Public Property Damage Liability with a limit of at least five hundred thousand dollars ($500,000) for each accident.

(b) Aircraft used for both cargo and passenger carrying or for passenger carrying only will be insured for the same coverages as required in paragraph (a) of this section, and, in addition, for Passenger Bodily Injury Liability with a limit of at least fifty thousand dollars ($50,000) each passenger and, subject to that limit for each passenger, a limit for each accident, in any one aircraft, equal to the total produced by multiplying the limit stipulated above for each passenger by the total number of seats in the aircraft or by the total number of passengers carried, whichever is greater.

(c) All policies will provide specifically, by endorsement or otherwise:

(1) Waiver of any right of subrogation the insurance company may have against the United States by reason of any payment under the policy.

(2) That the provisions thereof are to be in full force and effect within the continental limits of the United States where the Air Force bases concerned are located.

(d) All insurance policies will be carried with an insurance company or companies duly authorized by law to engage in the insurance business in the country of domicile of the applicant.

(e) If, for any reason, the insurance as listed on the application is believed to be of a doubtful nature, or is lacking in the requirements as listed above, the office receiving the application will inform the applicant of the Air Force requirements, and will request, if considered necessary, a certified copy of the insurance policy, to be forwarded with the application to the Director of Installations, Headquarters, United States Air Force, Washington 25, D. C.

§ 822.15 *Forms.* Forms may be obtained by writing to the Deputy Chief of Staff, Matériel, Headquarters, United States Air Force, Attention: Director of Installations, AFMIF-2C, Washington 25, D. C.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-6535; Filed, Aug. 11, 1949; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 421—ADMINISTRATION AND DISPOSITION OF CERTAIN PROPERTY ACQUIRED BY THE BUREAU OF RECLAMATION FROM THE WAR ASSETS ADMINISTRATION AND OTHER FEDERAL AGENCIES

EDITORIAL NOTE: Part 421 has been excluded from the Code of Federal Regulations, 1949 Edition.

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter VIII—United States Philippine War Damage Commission

RESTATEMENT OF CHAPTER

EDITORIAL NOTE: In order to conform Chapter VIII of Title 44 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are noted:

1. The headnote to Part 801 is changed to read "Part 801—Payments and Reinvestment."

2. Present §§ 801.1 *Requisites for filing* and 801.2 *Conditions of payment* are redesignated as §§ 802.20 *Requisites for filing* and 801.3 *Conditions of payment of public property claims*, respectively.

3. The headnote to Part 802 is changed to read "Part 802—Claims."

4. Present §§ 802.7 *Conditions of payment* and 802.8 *Amount of payment* are redesignated as §§ 801.1 *Conditions of payment of private property claims* and 801.2 *Amount of payment of private property claims*, respectively.

5. Present § 802.9 is redesignated § 802.7.

6. Present § 804.1 is deleted and paragraphs (a) and (b) thereof are added as paragraphs (a) and (b) to § 803.15.

7. Present § 804.2 is redesignated § 803.8.

8. Present §§ 804.24 *Payments* and 804.25 *Reinvestment* are redesignated as §§ 801.4 *Restrictions* and 801.5 *Reinvestment*, respectively.

9. The following changes are made in Part 804:

a. Present Subpart A—General is deleted.

b. Present Subpart B is redesignated Subpart A, and §§ 804.20 to 804.23 are renumbered §§ 804.1 to 804.4, respectively.

c. Present Subpart C is redesignated Subpart B.

The chapter, with the above changes reflected, is set forth in full below. Parts 802 and 804 will be excluded from the Code of Federal Regulations, 1949 Edition, but future amendments to these parts will continue to appear in the FEDERAL REGISTER.

Part
801 Payments and reinvestment.
802 Claims.

Part
803 Rules of procedure.
804 Policy determination.

PART 801—PAYMENTS AND REINVESTMENT

Sec.
801.1 Conditions of payment of private property claims.
801.2 Amount of payment of private property claims.
801.3 Conditions of payment of public property claims.
801.4 Restrictions.
801.5 Reinvestment.

AUTHORITY: §§ 801.1 to 801.5 issued under sec. 101 (c), 60 Stat. 128; 50 U. S. C. App., 1751 (c).

§ 801.1 *Conditions of payment of private property claims.* Payment of private property claims is subject to the following conditions:

(a) To the fullest extent practicable, the Commission will require that the lost or damaged property be rebuilt, replaced, or repaired before payments of money are actually made to claimants.

(b) When the lost or damaged property has not been rebuilt, replaced, or repaired, the Commission may, at its option, make payment, in whole or in part, of the amount payable by replacing lost, damaged, or destroyed property with property of like or similar kind.

(c) If it is impossible for any reason beyond the control of the claimant or impracticable to rebuild, replace, or repair the lost or damaged property, the Commission must require that the whole of any payment or partial payment shall be reinvested in such manner as will further the rehabilitation or economic development of the Philippines.

[13 F. R. 364]

§ 801.2 *Amount of payment of private property claims.* The Commission may make payment as soon as practicable of so much of any approved claim as does not exceed $500 (1,000 Philippine pesos). The Commission reserves the right to pay the amount in installments. If the aggregate amount which would be payable to any one claimant exceeds $500, such aggregate amount approved in favor of such claimant must be reduced by 25 per centum of the excess over $500. After the time for filing claims has expired, the Commission will determine the amount of money available for further payment of claims in excess of $500, and such funds shall be applied pro rata for the payment of the unpaid balances of the amounts authorized to be paid.

[13 F. R. 364]

§ 801.3 *Conditions of payment of public property claims.* Payment of public property claims will be subject to the following conditions:

(a) To the fullest extent practicable, the Commission will require that any lost or damaged property for which it decides to pay compensation shall be rebuilt, replaced, or repaired before payment of money is actually made.

(b) The Commission will, in proper cases, pay benefits to the Philippine Government, but may, at its discretion, request the Federal Works Agency or the Corps of Engineers of the United States Army to undertake, after consultation with the Philippine Government, the rebuilding, repair, or replacement of property for which the Commission awards compensation, and may transfer to such agency or Corps of Engineers the funds necessary to pay for the work requested.

(c) The Commission may make partial payment of claims as the rebuilding or repair of the property progresses.

(d) The Commission will make no payments for lands, easements, and rights-of-way necessary for any public project, or for property transferred or work done by any other agency of the United States.

(e) Payment will be made as arranged between the Commission and the public claimant.

(f) Advance of funds may be made when the Commission determines that it is practicable to do so.

[13 F. R. 9337]

§ 801.4 *Restrictions.* (a) All payments on private property claims will be made solely in Philippine pesos regardless of the country in which the claimant is domiciled.

(b) The Commission will not authorize payment for nationals of countries which have adopted reciprocal war damage legislation covering their home territories but not foreign possessions or territories.

[13 F. R. 9339]

§ 801.5 *Reinvestment.* The commission has determined that the following shall be considered reinvestments, and the Commission may require proof that any funds paid to claimants have been so used:

(a) Investment in any type of property similar to that which was destroyed, regardless of its location in the Philippines;

(b) Purchase of other types of real or personal property in the Philippines for business, agricultural, or residential purposes;

(c) The acquisition or purchase of tools or equipment in the Philippines to enable the claimant to earn a livelihood;

(d) Investment in securities of the Republic of the Philippines or any agency or political subdivision thereof, purchased in the Philippines or from any agency or representative of the Republic of the Philippines in foreign countries;

(e) The purchase in the Philippines of the capital stock or bonds of organizations, or any partnership interest in organizations, engaged in business, production, or exploitation of natural resources in the Philippines; and

(f) Any other investment in the Philippines made with the approval of the Commission.

[13 F. R. 9339]

PART 802—CLAIMS AND PROCEDURES

SUBPART A—PRIVATE PROPERTY CLAIMS

Sec.
802.1 Requisites for filing.
802.2 Definition of terms.
802.3 Property included.
802.4 Property excluded.
802.5 Penalties.
802.6 Action on claims and right to hearing.
802.7 Other agencies.

SUBPART B—PUBLIC PROPERTY CLAIMS

Sec.
802.20 Requisites for filing.

AUTHORITY: §§ 802.1 to 802.20, issued under sec. 101 (c), 60 Stat. 128; 50 U. S. C. App., 1751 (c).

SOURCE: §§ 802.1 to 802.20 appear at 13 F. R. 364.

SUBPART A—PRIVATE PROPERTY CLAIMS

§ 802.1 *Requisites for filing*—(a) *Prescribed time.* Private property claims will be received by the Commission during the period March 1, 1947 to February 29, 1948, inclusive, in accordance with notice heretofore given (12 F. R. 813) pursuant to the provisions of sections 101 (c) and 103 (f) of the act.

(b) *Prescribed form.* All claims for loss of or damage to private property must be submitted on Private Property Claim Forms Nos. 100 and 100–A in order to receive consideration. Form 100–A is to be used when automobiles or watercraft are involved, and must be attached to and submitted with Form No. 100. Forms are available at all offices established by the Commission, and at all public school buildings throughout the Philippines. The Circular of General Information No. I–1 is available to explain the proper use of the forms, which must be legibly prepared in the English language and submitted in duplicate, or in triplicate if filed in the Washington Office.

(c) *Acknowledgment.* All copies must be acknowledged before:

(1) Officers qualified to receive acknowledgments, or

(2) The Filipino member of the Commision, Filipino employees of the Commission designated by the Commission, attorneys of the Legal Aid Office of the Department of Justice, public school teachers, and other public school officials, as provided by Republic Act No. 100, First Congress of the Republic of the Philippines, 2d Session, approved April 15, 1947.

(d) *Claimants.* Section 102 (a) of the act provides that claimants must be qualified persons who had, on December 7, 1941 (Philippine time) and continuously to and including the time of loss or damage, an insurable interest as owner, mortgagee, lien holder, or pledgee in the property destroyed or damaged.

(e) *Place of filing.* All claims must be filed with the Commission at its principal office in Manila, at its Washington Office, or at its established branch offices. A return receipt card, which is provided with Claim Form No. 100, must be self-addressed and must accompany the private property claims at the time they are filed. This card, when returned to claimant, will be his notice that the claim has been received. Claims will be considered filed when mailed if sent registered, and when received by the Commission if sent by ordinary mail. All claims mailed in the Philippines to the Commission must be addressed to its Manila Office; those mailed in the continental United States, its territories or possessions, may be addressed to the Washington Office of the Commission.

(f) *Non-acceptance of claims.* Claims not legibly prepared or defective for any other major reason will not be accepted for filing by the Commission, and will be returned to the claimant if claimant's name and address are legible. They will not be considered as filed until the claimant has returned claim forms with necessary corrections.

§ 802.2 *Definition of terms*—(a) *Qualified persons.* As defined in section 102 (b) of the act, a qualified person is:

(1) Any individual who, on December 7, 1941 (Philippine time), and continuously to the time of filing claim, was a citizen of the United States or of the Commonwealth of the Philippines or of the Republic of the Philippines, or who, being a citizen of a nation not an enemy of the United States, which nation grants reciprocal war damage payments to American citizens resident in such countries, was for 5 years prior to December 7, 1941, a resident of the Philippines;

(2) Any individual who, at any time subsequent to September 16, 1940, and prior to August 14, 1945, served honorably in the armed forces of the United States or of the Commonwealth of the Philippines, or honorably performed "service in the merchant marine" (as defined in the first section of the act entitled "An act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes," approved June 23, 1943);

(3) Any church or other religious organization; and

(4) Any unincorporated association, trust, or corporation (or upon dissolution, its successor), organized pursuant to the laws of any of the several States or of the United States or of any territory or possession thereof (including any other unincorporated association, trust, corporation, or sociedad anonima organized pursuant to the laws in effect in the Philippines at the time of its organization), but excluding any corporation wholly owned by the Commonwealth of the Philippines (or the Republic of the Philippines).

(b) *Disqualified persons.* Under section 103 of the act, the Commission is prohibited from making payments to:

(1) Any enemy alien;

(2) Any person who, by a civil or military court having jurisdiction, has been found guilty of collaborating with the enemy or of any act involving disloyalty to the United States or the Commonwealth of the Philippines; and

(3) Any unincorporated association, trust, corporation, or sociedad anonima, owned or controlled by any of the persons specified in subparagraphs (1) and (2) of this paragraph.

(c) *Insurable interest.* The Commission has defined "insurable interest" as follows: By the term "insurable interest" is meant that the claimant on December 7, 1941 ((Philippine time), and continuously to and including the time of loss or damage, not later than October 1, 1945, must have been the owner, mortgagee, lien holder, or pledgee of the property lost or damaged to an extent that he would have been able to obtain insurance to protect such interest. Claims may be filed for any deceased person's interest by heirs, devisees, legatees, distributees, executors, or administrators, if the beneficiaries are qualified persons.

§ 802.3 *Property included.* The Commission will receive claims for physical loss or destruction of or damage to property in the Philippines occurring after December 7, 1941 (Philippine time), and before October 1, 1945, as a result of one or more of the perils listed in section 102 (a) of the act, which are as follows:

(a) Enemy attack;

(b) Action taken by or at the request of the military, naval, or air forces of the United States to prevent such property from coming into the possession of the enemy;

(c) Action taken by enemy representatives, civil or military, or by the representatives of any government cooperating with the enemy;

(d) Action by the armed forces of the United States or other forces cooperating with the armed forces of the United States in opposing, resisting, or expelling the enemy from the Philippines;

(e) Looting, pillage, or other lawlessness or disorder accompanying the collapse of civil authority determined by the Commission to have resulted from any of the other perils enumerated in this section or from control by enemy forces.

§ 802.4 *Property excluded.* The act excludes the following private property from claim or compensation:

(a) Accounts, bills, records, films, plans, drawings, formulas, currency, deeds, evidences of debt, securities, money, bullion, furs, jewelry, stamps, precious and semiprecious stones, works of art, antiques, stamp and coin collections, manuscripts, books and printed publications more than 50 years old, models, curiosities, objects of historical or scientific interest, and pleasure watercraft and pleasure aircraft: *Provided, however,* That such exclusion shall not apply to such of the foregoing items as may have constituted inventories, supplies, or equipment for carrying on a trade or business within the Philippines;

(b) Vessels and watercraft, their cargoes and equipment, except:

(1) Vessels used or intended to be used exclusively for storage, housing, manufacturing, or generating power;

(2) Vessels while under construction until delivery by the builder, or sailing on delivery or trial trip, whichever shall first occur;

(3) Watercraft and commercial vessels of Philippine or American ownership, in harbors and territorial and inland waters of the Philippines;

(4) Cargoes and equipment on vessels and watercraft described in subparagraphs (1), (2), or (3) of this paragraph except as modified by and subject to paragraphs (a) and (e) of this section;

(c) Intangible property;

(d) Property diverted to the Philippines by authority of the United States Government or otherwise, as a result of war conditions;

(e) Property in transit (1) which at the time of loss or damage was insured against war perils, or (2) with respect to which insurance against such perils was available, at the time of loss or damage either at reasonable commercial

rates or from the United States Maritime Commission;

(f) Property which at the time of loss or damage was insured against any one or more of the perils specified in section 102 (a) of the act, except to the extent that the loss or damage exceeds the amount of such insurance, whether or not collectible;

(g) Loss or damage to property:

(1) For which the Department of the Army or the Department of the Navy is authorized to make payment, or

(2) For which compensation or indemnity is otherwise payable, or has been paid or is authorized to be paid, by the Government of the Commonwealth of the Philippines (Republic of the Philippines), or by the United States Government or by their respective departments, establishments or agencies, unless the Department of the Army, Department of the Navy, respective departments, establishments, or agencies concerned have declined to pay compensation or indemnity for such loss or damage.

§ 802.5 *Penalties.* Sections 107 and 108 of the act, and sections 3 and 4 of Commonwealth Act No. 733, Second Congress of the Philippines, 1st Session, approved July 3, 1946, provide that, whoever makes any statement or representation knowing it to be false or whoever willfully and fraudulently overvalues loss of or damage to property, or attempts to influence action by the Commission, for the purpose of obtaining claim benefits, shall forfeit all rights to benefits, and shall further be subject to criminal penalties provided by United States or Philippine law. Any person who pays, offers to pay, or promises to pay in excess of 5 per centum of compensation paid by the Commission for services rendered to claimant in connection with any claim shall forfeit all rights to benefits; both he and the receiver of any such excess shall further be liable to criminal penalties provided by United States or Philippine law.

§ 802.6 *Action on claims and right to hearing.* The Commission will notify all private property claimants of the approval or denial of their claims, and, if approved, will notify such claimants of the amount for which the claim is approved. In the event of denial in whole or in part of the claim, reasons will be given for such action. Any claimant whose claim is denied, or is approved for less than the full allowable amount of said claim, shall be entitled to a hearing before the Commission or its representatives with respect to such claim. Upon such hearing, the Commission may affirm, modify, or reverse its former action, including a denial or reduction in the amount of a claim theretofore approved (see § 803.25 of this chapter). The Commission reserves the right to affirm, modify, or reverse any former action with respect to any claim if it should appear that a mistake of law or fact has been made. Under section 113 of the act, all findings of the Commission concerning the amount of loss or damage sustained, the causes of such loss or damage, the persons to whom compensation for private property claims is payable, and the value of the property lost or damaged, are conclusive and final.

§ 802.7 *Other agencies.* Under section 101 (c) of the act, the Commission may delegate functions to any other department or agency of the United States.

SUBPART B—PUBLIC PROPERTY CLAIMS

§ 802.20 *Requisites for filing*—(a) *Claimants.* Under Title III, section 304, of the act, the Commission will receive claims to compensate the Commonwealth, of the Republic of the Philippines, the provincial governments, chartered cities, municipalities, and corporations wholly owned by the Commonwealth or the Republic of the Philippines for physical loss of or damage to public property in the Philippines occurring after December 7, 1941 (Philippine time), and before October 1, 1945, as a result of the perils listed in section 102 (a) of the act. (Perils are the same as for private property claims.)

(b) *Prescribed form.* All claims for loss of or damage to public property must be submitted on Form Nos. 200 and 200–A in order to receive consideration.

(c) *Preparation.* Claim forms must be prepared to indicate the time and place of damage to or destruction of public property, the legal identity of the applicant and its ownership of the property which was damaged or destroyed, the amount of damage or destruction in detail, a statement of the extent to which the property has been repaired or reconstructed, and a statement as to whether the claimant has received surplus property to compensate for the damage or destruction, as provided for in Title II of the act.

(d) *Place of filing.* Public property claims must be filed with the Commission at its principal office in Manila.

PART 803—RULES OF PROCEDURE

SUBPART A—GENERAL

Sec.

AUTHORITY: §§ 803.1 to 803.35 issued under sec. 101 (c), 60 Stat. 128; 50 U. S. C. App., 1751 (c).

SOURCE: §§ 803.1 to 803.35 appear at 13 F. R. 9337, except as noted following sections affected.

SUBPART A—GENERAL

§ 803.1 *Rule making.* Public notice and procedure with respect to rule making, as required by the Administrative Procedure Act (Pub. Law 404, 79th Cong.) as amended, are impracticable and unnecessary for the reason that the activities of the Commission are conducted outside the continental limits of the United States. The Commission will, however, hold hearings on problems of general interest to claimants, and will give appropriate notice thereof.

§ 803.2 *Exercise of power.* The Commission may meet and exercise all its powers at any place, and may designate any of its members or any duly authorized agent or agents to perform any functions which may be delegated by law.

§ 803.3 *Quorum.* Two of the Commissioners in office shall constitute a quorum.

§ 803.4 *Suspension of rules.* In an emergency, or when in the judgment of the Commission public interest requires it, the Commission may modify or suspend any of its rules of practice and procedure, except such details of procedure as are expressly required by law. Whenever feasible, public notice of such suspension will be given.

§ 803.5 *Investigations.* In the process of making investigations, the Commission or its representatives shall have the right to make such inquiry as may be necessary to determine the true facts. The claimant shall give the Commission the privilege of investigation from confidential sources and, where necessary, will request such confidential sources to furnish all necessary information to the Commission or its representatives. If, upon specific request, the claimant shall fail to give such permission, or any necessary instructions, the Commission will have the right to reject the claim.

§ 803.6 *Right of interested parties.* Claimants, interested parties, or representatives of any corporation, association, or other organization, who desire to be heard by the Commission with respect to its rules, regulations, or policy determinations, may, at the discretion of the Commission, be accorded a hearing by filing a request in writing (in sextuplicate) with the Secretary of the Commission, stating therein the reasons for such request.

§ 803.7 *Representation before the Commission.* Any claimant or interested party who wishes a hearing before the Commission on appeal of claims or otherwise may appear on his own behalf or be represented by any person of his own choosing: *Provided, however,* That any representative who is guilty of any violation of the act or other wrongful conduct may be denied the right to represent claimants or other interested parties before the Commission. Before such right is denied, the Commission will accord the accused representative a hearing, except where the wrongful acts are admitted.

§ 803.8 *Affidavits.* The Commission will consider affidavits filed with the Commission as privileged documents.

[13 F. R. 9339]

SUBPART B—EMPLOYMENT

§ 803.15 *Employment; United States and Philippine citizens.* It is the policy of the Commission to employ only United States and Philippine citizens. The Commission will employ citizens of the Philippines on a basis which will reflect a prevailing wage for similar work in the Philippines.

(a) *Ineligibility.* The Commission will not employ (1) any person who was employed by the Japanese Government or any agency of that Government, or any person employed by any Japanese firm during the period of occupation; or (2) any person who held a position involving the formulation of policies in the Philippine Puppet Government which operated during the Japanese occupation. Persons occupying secondary and lesser positions will not be employed unless they are given a clear record in writing by the Counter Intelligence Corps of the U. S. Army.

(b) *Political activities.* All employees of the Commission as a condition precedent to their continued employment with the Commission are prohibited from taking any active part in political management or in political campaigns. All such employees shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates.

[13 F. R. 9337, 9339]

§ 803.16 *Prohibitions.* (a) All employees of the Commission are prohibited from accepting any gifts or remuneration for any assistance which may be provided to claimants or others in connection with preparing, servicing, or obtaining payment for claims filed with the Commission. The violation of this prohibition will lead to the discharge of such employee and any further action which existing laws permit.

(b) No former employee of the Commission shall be permitted to assist claimants for compensation or to appear before the Commission on behalf of claimants for a period of 2 years after termination of his employment with the Commission, unless the Commission shall find in each individual case that the public interest will not suffer if an exemption from this rule is made.

SUBPART C—APPEALS

§ 803.25 *Right to appeal.* Pursuant to section 113 of the act and § 802.6 of this chapter, any claimant whose claim is denied, or is approved for less than the full allowable amount of said claim, shall be entitled to a hearing before the Commission or its representatives with respect to such claim, under the terms and conditions set forth in this subpart.

§ 803.26 *Application for hearing.* Within 90 days after the Commission's records show that a notice of denial of a claim, or approval for lesser amount than claimed has been posted by the Commission, the claimant, if a hearing is desired, and as conditions precedent to the granting of such hearing, shall return to the Commission any check issued by the Commission as payment or partial payment on his said claim, shall inform the Commission, in writing, and shall set forth in such request his reasons in full for requesting the hearing, including any statement of the law or facts upon which the claimant relies. If, for good cause shown in the request, the claimant is unable to furnish such statement within the aforesaid 90 days, and shall have returned the check with his request, the claimant may request additional time, and the Commission may extend the time for such period as in its discretion appears to be reasonable. In his initial request the claimant shall state whether he desires to make an oral presentation to the Commission or its representatives; and in the absence of such request, the Commission will assume that the hearing shall be confined to a review of the claim, evidence in support thereof, and any additional information the Commission or its representatives may obtain, in order to arrive at a just conclusion.

§ 803.27 *Designation of Hearing Officer.* Except in those instances in which the Commission determines that any individual member of the Commission or the Commission as a whole shall conduct a hearing, or make such review, the Commission, through the General Counsel, will designate as its representative any lawyer in the Office of the General Counsel to make the initial review or conduct the oral hearing. No lawyer so appointed shall have had any previous connection with the processing of the claim, or shall be biased in any way for or against the claimant. Any claimant shall have a full opportunity to make his oral presentation.

§ 803.28 *Preliminary determinations.* Upon assignment of a case, the Hearing Officer will determine whether the character of the information submitted by the claimant, both as to law and fact, is in proper form for consideration as an appeal. If the information submitted by the claimant complies with the requirements herein specified, the appeal will then fall into one of two categories: (a) Appeals in which no oral hearing has been requested; and (b) appeals in which an oral hearing has been requested.

§ 803.29 *Oral hearing not requested—*(a) *Responsibility of Hearing Officer.* In cases in which no oral hearing is requested, the Hearing Officer will:

(1) Conduct such investigation as he deems necessary to determine all facts pertinent to the claim;

(2) Request the claimant to confer with him at the Commission offices if, in the opinion of the Hearing Officer, an interview with the claimant may be of assistance in determining his appeal; and

(3) Review, in cases where a previous investigation has been conducted in the initial processing and examination, the record of the claim and additional evidence submitted by the claimant in his written notice of appeal.

(b) *Findings entered by Hearing Officer.* After making a review, the Hearing Officer will enter one of the following findings:

(1) That the amount of the claim shall remain unchanged as originally approved;

(2) That the amount of the claim as originally approved shall be increased, in which case the amount of the increase will be indicated;

(3) That the amount of the claim as originally approved shall be reduced, in which case the amount of the reduction will be indicated; or

(4) That the entire claim shall be rejected in toto.

§ 803.30 *Oral hearing requested.* A clerk in the Office of the General Counsel designated as Control Clerk will maintain a current and accurate Oral Hearing Docket in calendar form indicating (a) the name of the appellant; (b) the date, time, and place of the hearing; and (c) the name of the Hearing Officer assigned to hear the case. Claimant will be notified of the date, time, and place of any oral hearing.

§ 803.31 *Amendments in claim forms on appeal.* A claimant may, by leave of the Hearing Officer, alter or amend his claim form as to matters which are purely formal. Amendments or alterations affecting the facts required to be stated in the claim form, so as to change the essence or substance of the original claim, will not be permitted: *Provided, however,* That in case of insufficiency or omission of essential facts in the claim form, an amendment which supplies an omission therein may be allowed at the discretion of the Hearing Officer, with the approval of the Assistant General Counsel for appeals.

§ 803.32 *New or additional evidence on appeal.* A claimant will be allowed on appeal to present new or additional evidence which is consistent with or interpretative of the facts appearing in the original claim form and which, if disclosed in the initial investigation, would have warranted the allowance of the claim. However, the claimant will not be permitted to present new or additional evidence which substantially varies or contradicts the material facts appearing in the original claim form, except for one or more of the following causes materially affecting the substantial rights of the claimant:

(a) Honest mistake of fact or law, or error induced by fraud or misrepresentation of a third party, or caused by lack of knowledge in preparing the claim form, or excusable negligence which ordinary prudence could not have guarded against and by reason of which a claimant may have been impaired in his rights; and

(b) Newly discovered evidence which the claimant could not with reasonable diligence have discovered and produced in the initial investigation or examination of his claim and which, if presented, would probably alter the result.

§ 803.33 *Conduct of oral hearing.* The Hearing Officer will preside at and conduct oral hearings. He has authority to administer oaths and affirmations in the hearing. The order of hearing will be as follows:

(a) The claimant-appellant shall make a statement of his ground or grounds of appeal set forth in his written notice of appeal.

(b) The claimant-appellant shall then offer relevant evidence in support of his ground or grounds of appeal. The claimant shall have the burden of proof. Claimant and all witnesses shall testify under oath. The Hearing Officer will rule upon offers of proof and receive relevant evidence, and will reject irrelevant, immaterial, or unduly repetitious evidence, and will dispose of procedural requests or similar matters. The Hearing Officer may interrogate or cross-examine the claimant's witnesses, or the claimant himself.

(c) Evidence in addition to that introduced by the claimant which, in the opinion of the Hearing Officer may be relevant in reaching a decision on the appeal, may be presented: *Provided*, Such evidence, oral or documentary, is competent and material pursuant to the rules and regulations in this part.

(d) The claimant may, if he so elects, introduce rebuttal evidence in his behalf.

(e) When the evidence is concluded, the claimant or his representative may, in furtherance of his appeal, make his argument.

(f) Where testimony has been transcribed, a copy of the transcript of testimony may be obtained by the claimant upon payment of the reasonable cost thereof.

At the completion of the hearing, the findings and procedures will be in the same manner as that prescribed for cases in which no oral hearings are held.

§ 803.34 *Final determinations.* Final determinations will be made as follows:

(a) *Claims not exceeding $500.* The General Counsel has authority to make final determinations in cases wherein the amount claimed does not exceed $500.

(b) *Claims exceeding $500.* Cases exceeding $500 must be submitted to the Commission for determination.

§ 803.35 *Appeals requested by claimants outside Manila.* Notice of appeals requested by claimants residing in outlying provinces and in the United States shall be forwarded to the Manila Office by the branch offices and the Washington Office for processing if filed in such offices. The procedure will be the same as set forth herein where no oral hearing is requested. In cases in which an oral hearing is requested, a Hearing Officer will be sent from the Manila Office to hold hearings at a branch office at such time as a sufficient number of appeals have accumulated. A Hearing Officer will hold oral hearings in the Washington Office, Washington, D. C., at stated times, when a sufficient number of appeals have accumulated.

PART 804—POLICY DETERMINATION

SUBPART A—PRIVATE PROPERTY CLAIMS

Sec.
804.1 Power of attorney.
804.2 Interest of claimants.
804.3 Priority of claims.
804.4 Filing of adjusted, corrected, or supplemental claims.

SUBPART B—PUBLIC PROPERTY CLAIMS

Sec.
804.50 Priority of claims.
804.51 Amount approved.

AUTHORITY: §§ 804.1 to 804.51 issued under sec. 101 (c), 60 Stat. 128; 50 U. S. C. App., 1751 (c).

SOURCE: §§ 804.1 to 804.51 appear at 13 F. R. 9339.

SUBPART A—PRIVATE PROPERTY CLAIMS

§ 804.1 *Power of attorney.* (a) All private claimants must sign and swear to the contents of the Commission's claim forms in person, except where the claim form must be executed through agents or representatives as in the cases of corporations, other legal entities, estates, or guardianships. Exceptions to the foregoing will be made only where good cause is shown in writing and approved by the Commission.

(b) In order to identify claimants for purposes of investigations and in order to see that funds paid are properly reinvested in the Philippines, the Commission will forward check payments to claimants at their normal residential mailing addresses, and will require that such addresses appear on the claim forms.

§ 804.2 *Interest of claimants*—(a) *Mortgagors and mortgagees.* Both mortgagors and mortgagees may file claims for adjudication as their interests may appear, as the Commission can not attempt to make payments except to claimants.

(b) *Consignors and consignees.* In the case of consignors and consignees, each should file a claim for subsequent determination by the Commission in the light of each existing contract.

(c) *Undivided or joint interest.* Where claimants are owners of undivided or joint interest in property, the Commission will look to individuals as claimants and not the property as a unit, so that each claimant in such interest shall file a claim separately, including therein his portion of such undivided or joint interest as a part of his various personal interests on the basis of which he may claim for loss or damage.

(d) *Claimant entitled to make only one claim.* The Commission will recognize each claimant, whether a natural person or legal entity, such as a corporation, as having one claim and as being required to file one claim for the loss of or damage to all property or properties legally owned by him and subject to compensation under the act, including his undivided share of any joint interests. Regardless of the manner in which claims are actually filed, the necessary facts will be developed in each case, to consolidate all property rights of a claimant into one claim for appropriate adjudication in accordance with the foregoing policy.

§ 804.3 *Priority of claims.* The Office of Chief Examiner, in the adjudication of private property claims, will be governed by the following priorities:

(a) Hospitals privately owned or owned by religious organizations;

(b) Non-public schools of general educational nature;

(c) Public utilities, especially in the fields of communication, transportation, gas, and light;

(d) Manufacturing and processing plants such as sugar mills, decorticating plants, rope factories, coconut-oil mills, desiccated coconut factories, cigar and cigarette factories, rice mills, and others capable of providing employment.

Preference is not intended between the above listed categories.

§ 804.4 *Filing of adjusted, corrected, or supplemental claims.* (a) The Commission requires that claims shall be complete at the time of filing not later than February 29, 1948. Claimants shall have the right to file adjusted or corrected claims any time until and including February 29, 1948, providing that such corrections or adjustments are not made to correct false or fraudulent statements in the original claim.

(b) The Commission will accept during the filing period supplemental claims submitted either before or after settlement of the original claim. The Chief Examiner, in the adjudication of such supplemental claims, will consider those which contain items and evidence which could not have been submitted in the original claim.

SUBPART B—PUBLIC PROPERTY CLAIMS

§ 804.50 *Priority of claims.* Pursuant to authorization under section 304 of the act, the Commission, after consultation with the Philippine Government, and after taking into account the importance of various projects to the reconstruction and rehabilitation of the economy of the Philippines, has established the following priority for claims for which compensation will be awarded or property rebuilt, repaired or replaced, subject to the availability of funds for payment of such claims:

(a) Hospitals and dispensaries;

(b) Waterworks and irrigation systems;

(c) Schools;

(d) National government buildings;

(e) Provincial and municipal government buildings;

(f) Government corporations.

The Commission will determine the order in which claimants within each classification will be paid.

§ 804.51 *Amount approved.* In considering approval of public property claims, it is the policy of the Commission to approve such claims in amounts which will result in the construction or creation of a usable facility or a usable unit.

TITLE 45—PUBLIC WELFARE

Chapter IV — Office of Vocational Rehabilitation, Federal Security Agency

PART 401—PLANS AND PROGRAMS OF VOCATIONAL REHABILITATION

PURCHASE OF HOSPITAL CARE

Pursuant to the authority conferred by the Vocational Rehabilitation Acts Amendments of 1943, Public Law 113, 78th Congress, 1st session, approved July 6, 1943, the regulations published on July

29, 1948 (13 F. R. 4353) are hereby amended in the following respects:

1. Section 401.1 (h), formerly § 600.1 (h), is hereby changed to read as follows:

§ 401.1 *Terms.* * * *

(h) "Inclusive per diem cost" means the average daily cost per patient to the hospital for providing in-patient care, in accordance with methods established by the Director. This cost figure, obtained by dividing the number of in-patient days of care into the identificable cost of items chargeable to patient care during the accounting period, covers the provision of services which include:

(1) Bed and board in ordinary nonluxury accommodations, except when care in private or semiprivate room is medically indicated;

(2) General nursing;

(3) Drugs and supplies;

(4) Casts;

(5) All other items of in-patient care for which the hospital made expenditures during the accounting period, including the use of operating rooms, laboratory, X-ray, anesthesia, physical therapy, occupational therapy, and other services rendered by individuals who receive any renumeration (salaries, fees, commissions, or maintenance) from the hospital for such services.

2. Section 401.33, formerly § 600.33, is hereby amended to read as follows:

§ 401.33 *Maximum fees for hospitalization.* The State plan shall provide that payments for hospital care will not be in excess of the inclusive per diem cost as defined in § 401.1 (h).

The State plan shall indicate the basis on which the State agency will determine the reasonable cost of such items as blood donors, X-rays, anesthesia, appliances, casts, drugs, and supplies, not purchased or provided by the hospital, and for which the hospital has made no expenditures during the accounting period, and, therefore, are not covered by the inclusive per diem cost.

(Sec. 7 (c), 57 Stat. 374; 29 U. S. C. 37 (c))

Dated: August 8, 1949.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 49-6555; Filed, Aug. 11, 1949; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 194]

MISCELLANEOUS EXCISE TAXES

WHOLESALE AND RETAIL DEALERS IN LIQUORS

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 2857, Internal Revenue Code (26 U. S. C. 2857).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Section 194.80 of Regulations 20 (26 CFR, Part 194), approved June 6, 1940, relative to wholesale and retail dealers in liquors, is amended and § 194.79a is added, as follows:

§ 194.79a *Retail liquor dealers maintaining a wholesale department.* (a) A liquor dealer engaged in the business of selling primarily at retail, who at the same premises also makes occasional sales of distilled spirits in quantities of 5 wine gallons or more in his capacity of a wholesale liquor dealer, need not enter in Record 52 all distilled spirits received at the premises as required by § 194.79. All distilled spirits at the premises may be considered as having been received in the retail department. When a sale of 5 wine gallons or more is made, the distilled spirits involved in the transaction must be shown in Record 52 as received from the retail department and as disposed of. Entries will be made in the various columns of the record pursuant to the provisions of §§ 194.75 and 194.77. The provisions of §§ 194.76, 194.80 (a) and 194.80a, relative respectively to separate records, the daily filing of transcripts of Record 52 and certain additional requirements are not applicable to such liquor dealers.

(b) The wholesale department need not be maintained in a separate room or be partitioned off from the retail department, but sales at wholesale must be made in a part of the premises designated as the wholesale department. (Sec. 2857, I. R. C.)

§ 194.80 *Reports.* * * *

(b) If there were no receipts and disposals of distilled spirits by a wholesale liquor dealer during a month, it will not be necessary to prepare Forms 52A and 52B. However, a summary on Form 338 must be prepared and forwarded to the district supervisor, showing the quantity on hand the first day of the month and the quantity on hand the last day of the month and marked "No transactions during month." Wholesale liquor dealers maintaining records in the simplified manner prescribed by § 194.79a should show in the summary on Form 338 that no distilled spirits were on hand the first day and the last day of the month. When a wholesale liquor dealer discontinues business as such, he shall render monthly reports, Forms 52A and 52B and the summary report on Form 338, covering transactions for the month in which business is discontinued, and mark such reports "Final." Record 52 shall be preserved by the dealer for a period of 4 years thereafter. (Sec. 2857, I. R. C.)

2. These amendments are designed to simplify the preparation of Record 52, "Wholesale Liquor Dealer's Record," by persons engaged in the business of selling distilled spirits primarily at retail but also selling occasionally in wholesale quantities.

[F. R. Doc. 49-6565; Filed, Aug. 11, 1949; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 53]

CERTAIN CARCASS BEEF

STANDARDS FOR COMMERCIAL GRADE

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the Agricultural Marketing Act of 1946 (7 U. S. C. 1621-1627) and the so-called Farm Products Inspection Act consisting of the item for market inspection of farm products recurring each year in the annual appropriation act for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1950 (7 U. S. C. Sup. 414) is considering amending the specifications for the official United States standards for the Commercial grade of carcass beef (steer, heifer, and cow) (7 CFR 53.104 (d)) by dividing said grade into two new grades designated as Regular and Commercial grades with the following specifications respectively:

Regular. Beef which qualifies for the Regular grade is produced from steers, heifers, and relatively young cows and has the characteristics typical of beef produced from cattle that have not reached the age of maturity. Regular grade beef carcasses and wholesale cuts may be somewhat rangy and angular in conformation, and the fleshing may be slightly thin throughout. Loins and ribs tend to be flat and somewhat thinly fleshed. The rounds are realtively long, flat and tapering. Chucks are usually slightly flat and thinly fleshed. The neck is somewhat long and thin and the shanks somewhat long and tapering. The quantity of fat required of beef within the grade will vary within moderate limits dependent upon the age of the cattle from which it is produced. That produced from lightweight steers and heifers that were slaughtered when relatively young may have a thin exterior

fat covering that does not extend over the rounds or chucks and a relatively small quantity of interior fat. In such beef there will be practically no protrusion of fat between the chine bones, and there will be no overflow of fat on the inside of the ribs, no feathering between the ribs, and little if any marbling. Beef produced from heavier, more mature cattle will possess a slightly thin exterior fat covering which extends over most of the rounds and chucks. It will have a slight protrusion of fat between the chine bones, slightly abundant overflow fat and feathering, and a limited amount of marbling particularly through the thicker cuts. The fat may be somewhat soft and slightly oily. The cut surface of the muscle may be somewhat soft and watery and slightly coarse in appearance. The lean will usually vary from light red to slightly dark red in color. The character of the bone will vary from soft and red in lightweight beef produced from young cattle to a relatively hard bone that is tinged with white in beef produced from older, more mature cattle. It is necessary, however, that the chine bones show cartileges, termed "buttons" in order to qualify for this grade.

Commercial. Beef which qualifies for the Commercial grade is produced from steers and cows and has the characteristics typical of beef produced from cattle that have reached the age of maturity. Commercial grade beef carcasses and wholesale cuts tend to be rather rough and irregular in contour, and the fleshing may be slightly thin throughout. Rounds are relatively long, flat and tapering. Loins are moderately wide but slightly sunken and the hips are rather prominent. Ribs tend to be slightly thick and full. Chucks are slightly thin and plates and briskets are wide and "spready". The neck and shanks are slightly long and thin. The quantity of fat required of beef within this grade will vary within moderate limits dependent upon the age of the cattle from which it was produced. Carcasses whose chine bones are hard and white and which terminate in nearly completely ossified cartilages will have a slightly thick exterior fat covering, a moderate protrusion of fat between the chine bones, a moderate quantity of overflow fat and feathering, and a moderate amount of marbling. Carcasses from older animals which have chine bones terminating in completely ossified cartilages will have somewhat more external finish and correspondingly more interior fats and marbling. The external fat covering of beef of this grade will be relatively thicker over the loins and ribs than over the rounds and chucks and will frequently be patchy and wasty particularly over the hips and rump. The fat is usually firm and the cut surface of the muscle is firm but coarse in texture, and the marbling is rather coarse and prominent. The lean will usually vary from slightly dark red to dark red in color.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of August 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-6544; Filed, Aug. 11, 1949; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 50]

AIRMEN AGENCY CERTIFICATES

ADVANCED GROUND SCHOOL CURRICULUM AND HELICOPTER AND GLIDER FLIGHT SCHOOL RATINGS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 50 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by September 10, 1949, will be considered by the Board before taking further action on the proposed rule.

Part 50 currently provides for the issuance of airman agency certificates with basic and advanced ground school ratings and establishes curricula for each such type of school. A basic ground school is required to offer 50 hours of classroom instruction while an advanced ground school is required to offer 100 hours of classroom instruction. Part 50 further provides that the quality of instruction shall be such that at least 80 percent of the graduates of the school will, within 60 days after graduation, be able to qualify for the pilot ratings appropriate to the curriculum from which they were graduated.

Recently the Bureau has been advised that a considerable number of graduates of various advanced ground schools have been unable to successfully accomplish the written examination for pilot certificates with commercial ratings upon completion of the prescribed number of school hours. Several schools have, therefore, been unable to show compliance with the requirements regarding quality of instruction, until additional instruction of approximately 50 hours has been given. It is our opinion that the current written examination for a commercial pilot rating is a reasonable one and that the increasing number of examination failures indicates that the present 100-hour standard may be insufficient to qualify a student for such examination. Accordingly, it is proposed to increase the number of hours of classroom instruction offered by an advanced flying school from 100 hours to 150 hours.

Part 50 currently provides for the issuance of primary and commercial flying school ratings. It does not, however, specifically authorize the issuance of flying school ratings for helicopters or gliders even though the current provisions, which employ the general term "aircraft" (which by definition includes airplanes, gliders, helicopters, etc.), might be interpreted to mean that such provisions apply to helicopters and gliders. However, when such requirements were adopted, the word "aircraft" was considered to be synonymous with the word "airplane," and the requirements then established were considered as suitable only for flight training in airplanes.

The increased use of helicopters and gliders in air commerce and the consequent need for trained personnel to pilot such aircraft has caused the Bureau to examine the current flying school requirements with respect to their adequacy for the necessary helicopter and glider pilot training. Based upon such an examination it is our opinion that the same number of flight hours currently required to be provided in spinnable airplanes by either a primary or commercial flying school should be provided a student undergoing flight training in a helicopter. Accordingly, it is proposed to issue a primary flying school rating to an applicant whose curriculum calls for 35 hours of flying in helicopters and a commercial flying school rating to an applicant whose curriculum provides 160 hours of flying in such aircraft.

The Bureau also considers that an individual who has obtained a minimum of 8 hours of flight time in gliders should be able to qualify for a pilot certificate with a private glider rating and that an individual who has obtained a total of 20 hours of flight time in gliders should be able to qualify for a commercial glider rating. Therefore, it is proposed that primary and commercial flying school ratings be issued to applicants who provide curricula of 8 hours and 20 hours, respectively, of flight time in gliders.

It will be noted that no change in the current requirements for instrument flying school and flight instructor school ratings is contemplated.

Accordingly, it is proposed to amend Part 50 as follows:

1. By amending paragraphs (c) and (d) of § 50.2 to read as follows:

§ 50.2 *School ratings.* * * *
(c) Primary flying school:
(1) Airplanes,
(2) Helicopters,
(3) Gliders.
(d) Commercial flying school:
(1) Airplanes,
(2) Helicopters,
(3) Gliders.

2. By deleting from paragraph (b) of § 50.11 the words "100 hours of instruction" and inserting in lieu thereof the words "150 hours of instruction."

3. By amending paragraphs (a) and (b) of § 50.13 to read as follows:

§ 50.13 *Curriculum.* * * *
(a) Primary flying school:
(1) Spinnable airplanes—35 hours of flight time,

(2) Nonspinnable airplanes—25 hours of flight time,

(3) Helicopters—35 hours of flight time,

(4) Gliders—8 hours of flight time.

(b) Commercial flying school:

(1) Airplanes—160 hours of flight time,

(2) Helicopters—160 hours of flight time,

(3) Gliders—20 hours of flight time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601–610, 52 Stat. 984, 1007–1012; 49 U. S. C. 425 (a), 551–560)

Dated: August 5, 1949, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 49-6563; Filed, Aug. 11, 1949; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9407]

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING FM BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed rules and standards, appearing below, would amend section 4 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

3. The purpose of the proposed revision of the standards is to establish the ratio of desired to undesired signals for FM broadcast stations licensed with 400 and 600 kc. separation. The ratios proposed to be established are based upon the results of comprehensive selectivity tests of various FM broadcast receivers by the Commission's Engineering Laboratory.

4. As a result of interference caused by FM stations operating on alternate channels (400 kc. separation), the Commission on June 12, 1947, revised its rules and engineering standards to provide greater frequency separation of FM stations serving the same area. At that time insufficient data were available to determine interference ratios for stations separated by 400 or 600 kc., and, accordingly, it was stated only that these interference ratios were "To be determined". The laboratory tests were based upon a 50 decibel rejection of the undesired signal with the desired signal modulated 30 percent and the undesired signal modulated 100 percent. The results indicated wide variation in selectivity characteristics among FM receivers, with further variation caused by the intensities of the signals apart from the ratios of the signals. A desired signal intensity of one millivolt (at the receiver terminals) was chosen as a suitable value. The interference ratios proposed are based generally on the median values obtained, and no changes are proposed in the present ratios specified for co-channel and adjacent channel (200 kc.) operation. The ratio proposed for 600 kc. separation is more stringent than the median value obtained in tests, and is midway between this value and those of the best receivers tested. Interference between test signals separated by 800 kc. and 1000 kc. were observed with extreme signal ratios, although it appears that interference is not being encountered by stations now in operation with these separations. Upon considering the data obtained during these tests, it appears that the ratios proposed are reasonable and proper as based on the present and probable future development of FM receivers, and that the performance of FM receivers now being produced is consistent with the proposed ratios. The ratios recommended are compatible with those recommended by the Joint Technical Advisory Committee in its report of December 1948 to the engineering conference held on November 30 to December 3, 1948, in Docket Nos. 8736, 8975 and 9175, considering the 30 db attenuation of the undesired signal used there as compared with the more stringent value used in the Commission's tests.

5. The proposed rules and standards are issued under the authority of sections 303 (a), (b), (c), (d), (e), (f) and (r) of the Communications Act of 1934 as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before September 6, 1949, a written statement or brief setting forth his comments. Persons desiring to support the amendments may also file comments by the same date. The Commission will consider all comments, briefs, and arguments presented before taking final action with respect to the proposed rules.

7. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: August 4, 1949.

Released: August 4, 1949.

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

It is proposed to amend Table II and the paragraph which follows immediately thereafter of section 4 of the Standards of Good Engineering Practice Concerning FM Broadcast stations to read as follows:

TABLE II

Channel separation:	*Ratio of desired to undesired signals*
Same channel	10 : 1
200 kc	2 : 1
400 kc	1 : 10
600 kc	1 : 100
800 kc. and above	No restriction [1]

[1] Intermediate frequency amplifiers of most FM broadcast receivers are designed to operate on 10.7 megacycles. For this reason the assignment of two stations in the same area, one with a frequency 10.6 or 10.8 megacycles removed from that of the other, should be avoided if possible.

Stations normally will not be authorized to operate in the same city or in nearby cities with a frequency separation of less than 800 kc.: *Provided*, That stations may be authorized to operate in nearby cities with a frequency separation of not less than 400 kc. where necessary in order to provide an equitable and efficient distribution of facilities: *And provided further*, That class B stations will not be authorized in the same metropolitan district with a frequency separation of less than 800 kc. In the assignment of FM broadcast facilities the Commission will endeavor to provide the optimum use of the channels in the band, and accordingly may assign a channel different from that requested in an application.

[F. R. Doc. 49-6556; Filed, Aug. 11, 1949; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

ALCOHOL TAX UNIT AND ALCOHOL TAX DIVISION OF OFFICE OF CHIEF COUNSEL

ORGANIZATION

F. R. Doc. 46–15357, appearing at page 177A–22, Part II, section 1, of the issue of September 11, 1946, as amended prior to January 1, 1948 (26 CFR, Subchapter F, 1946 and 1947 Supps.), and as amended subsequent to December 31, 1947 (13 F. R. 2195, 2426, 4121, 4122, 4870, 7710, and 14 F. R. 2070), is hereby further amended as follows:

ALCOHOL TAX UNIT

1. Section 6 (formerly § 600.6) *Alcohol Tax Unit* is amended by striking from paragraph (b) *Public relations*, the second paragraph thereof and inserting in lieu of such second paragraph the following:

Applications for permits and other authorizations must be made in writing in accordance with applicable, published regulations, described in § 601.8.

Claims for remission of taxes on liquors must be filed with the District Supervisor having territorial jurisdiction. Claims for abatement or refund of taxes on liquors, Form 843, must be filed with the Collector of Internal Revenue of the district, except that claims for refund of taxes paid on fermented malt liquors lost

or destroyed in brewery bottling houses, or returned therefrom to the brewery, must be filed with the District Supervisor. Claims for drawback of taxes on liquors exported or used in the manufacture of nonbeverage products, or in toilet preparations which are exported, must be filed with the District Supervisor or the Collector of Customs, as specified in the applicable published regulations described in § 601.8 of this chapter.

Offers in compromise of liabilities arising under internal revenue laws relating to liquors must be submitted to the District Supervisor or the Collector of Internal Revenue of the district, or to a deputy collector of internal revenue, including Alcohol Tax Unit inspectors commissioned as deputy collectors, except that offers made by retail liquor dealers should be submitted to the District Supervisor or to an Alcohol Tax Unit inspector commissioned as a deputy collector, but remittances must be made payable to the Collector of Internal Revenue. Offers in compromise of violations of the Federal Alcohol Administration Act must be submitted to the District Supervisor or to an Alcohol Tax Unit inspector, but remittances must be made payable to the Deputy Commissioner of Internal Revenue, Alcohol Tax Unit.

Petitions for remission or mitigation of forfeitures must be filed with the District Supervisor or the Investigator in Charge, in accordance with the applicable, published regulations described in § 601.8.

Form 843 should be used for filing claims for abatement or refund of taxes, and Form 656 for submitting offers in compromise. Claims for remission, abatement, refund and drawback of taxes, offers in compromise, and petitions for remission or mitigation of forfeitures are forwarded by the District Supervisor or the Collector, as the case may be, to the Commissioner for final action. Complete information respecting the filing of applications, returns, and other documents is set forth in the applicable, published regulations designated in § 601.8. Information respecting applications, claims, offers in compromise, petitions, and other submissions may be obtained from the offices of District Supervisors having jurisdiction, or, where the matter has been referred to the Commissioner, or, in the case of applications for permits, the Deputy Commissioner in charge of the Alcohol Tax Unit, from the office of such official in Washington, D. C.

2. Section 55 (formerly § 600.55) is amended by changing the list headed *Territorial jurisdiction and location of offices* contained in paragraph (b) *Investigators in charge*—(1) *Territorial jurisdiction*, as follows:

(A) By striking out "Eastern Judicial District, Pa.; Philadelphia, Pa." and inserting in lieu thereof "Eastern Judicial District, Pa.; Upper Darby, Pa."

(B) By striking out "Louisiana; New Orleans, La." and inserting in lieu thereof "Louisiana; Alexandria, La."

(C) By striking out "North Dakota; Fargo, N. Dak." and inserting in lieu thereof "North Dakota; Grand Forks, N. Dak."

ALCOHOL TAX DIVISION OF OFFICE OF CHIEF COUNSEL

3. Section 57 (formerly § 600.57) *Field organization of the Office of the Chief Counsel* is amended by changing paragraph (a) *Alcohol Tax Division* to read as follows:

(a) *Alcohol Tax Division.* The field personnel of this Division of the Chief Counsel's Office consists of attorneys-in-charge and other attorneys stationed at some district offices of the Alcohol Tax Unit (see section 55, formerly § 600.55). These attorneys prepare notices of contemplated denial of applications for permits and orders to show cause why permits should not be annulled, suspended, or revoked, prepare proposed findings of fact and conclusions of law and the orders based upon the findings of fact and conclusions of law of hearing examiners in such proceedings, prepare legal memoranda and opinions, briefs, libels, and other pleadings, assist at trials, review proposed compromise settlements, petitions for remission of forfeitures and other legal documents, and orally advise District Supervisors and members of their staffs on legal questions.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49-6564; Filed, Aug. 11, 1949; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ORDER ESTABLISHING DE SOTO NATIONAL MEMORIAL

Whereas, satisfactory title has been vested in the United States to 24.182 acres of land, more or less, hereinbelow described, which have been selected by the Secretary of the Interior in the vicinity of Tampa Bay and Bradenton, Florida, for the establishment of the De Soto National Memorial pursuant to the act of March 11, 1948 (62 Stat. 78, 16 U. S. C., 1946 ed., Supp. II, sec. 450dd), and

Whereas, section 2 of the act of March 11, 1948, provides that upon execution of the provisions of section 1 of the said act relating to the establishment thereof, the De Soto National Memorial shall be established by order of the said Secretary which shall be published in the FEDERAL REGISTER:

Now, therefore, *It is ordered*, That the De Soto National Memorial be and the same is hereby established and shall consist of the following-described lands, with the structures now or hereafter placed thereon:

That certain parcel of land lying and being in the County of Manatee and State of Florida, conveyed to the United States of America by W. D. Sugg and Ruth Dickinson Sugg, his wife, and L. W. Blake and Persis Blake, his wife, by deed dated January 3, 1949, and recorded on March 22, 1949, in the Circuit Court of Manatee County, Florida, in Deed Book 255, at page 562, more particularly described as follows:

Beginning at a point on the South line of Government Lot No. 2, Section 13, Township 34 South, Range 16 East, which point is 225 feet West of the SE Corner of said Government Lot 2; thence go North along a line which is 225 feet West of and parallel to the East line of said Government Lot 2 a distance of 770 feet to a point on the shore of the Manatee River; thence go North 61 degrees 00' East along the Manatee River a distance of 257 feet to a point; thence go North 74 degrees 00' East along the Manatee River a distance of 118 feet to a point; thence go North 68 degrees 30' East along the Manatee River a distance of 665 feet to a point; thence go North 69 degrees 45' East along the Manatee River a distance of 350 feet to a point; thence go North 80 degrees 05' East along the Manatee River a distance of 170 feet to a point; thence go South 22 degrees 10' West along the Manatee River a distance of 284 feet to a point; thence go South 44 degrees 10' West along the Manatee River a distance of 163 feet to a point; thence go South 50 degrees 35' West along the Manatee River a distance of 478 feet to a point; thence go South 8 degrees 50' West along the Manatee River a distance of 347 feet to a point; thence go South 9 degrees 45' East along the Manatee River a distance of 350 feet to a point, this point being 50 feet South of the South line of Section 18, Township 34 South, Range 17 East, produced East; thence go West a distance of 643.75 feet to a point which is 50 feet South of the SW Corner of Section 18, Township 34 South, Range 17 East, which point is on the West line of Section 19, Township 34 South, Range 17 East; thence continue West on a line which is 50 feet South of and parallel to the South line of Section 13, Township 34 South, Range 16 East, a distance of 225 feet to a point; thence go North a distance of 50 feet to the point of beginning, and including all other contiguous land between the above described line and the high water mark of the Manatee River together with any and all riparian rights belonging or appertaining to the above described land, but excluding any portions of the Manatee River that might be included in the above description.

This order shall be published in the FEDERAL REGISTER.

Issued at Washington, D. C., this 5th day of August 1949.

[SEAL] J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-6536; Filed, Aug. 11, 1949; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8691, 8692, 9231, 9382]

MARION BROADCASTING CO. (WMRN) ET AL.

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Marion Broadcasting Company (WMRN), Marion, Ohio, Docket No. 9382, File No. BP-7023; E. Harold Munn tr/as HICO Broadcasters, Jonesville, Michigan, Docket No. 9231, File No. BP-6889; The Fort Industry Company (WJBK), Detroit, Michigan, Docket No. 8691, File No. BP-6235; James Gerity, Jr. (WABJ), Adrian, Michigan, Docket No. 8692, File No. BP-6251; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 13th day of July 1949;

The Commission having under consideration the above-entitled application of

Marion Broadcasting Company, licensee of Station WMRN, Marion, Ohio, for construction permit to install a new vertical antenna and to mount FM antenna on AM tower and also having under consideration a petition for immediate consideration and grant without hearing of the said application filed April 12, 1949, by Marion Broadcasting Company;

It appearing, that, the above entitled applications of The Fort Industry Company for a construction permit to change the facilities of Station WJBK, Detroit, Michigan, from 1490 kilocycles, 250 watts power, unlimited time to 1500 kilocycles, 10 kw.–25 kw. power, unlimited time, and of James Gerity, Jr. (formerly Gail D. Griner and Alden M. Cooper d/b as The Adrian Broadcasting Company) for a construction permit to change the facilities of Station WABJ, Adrian, Michigan, from 1500 kilocycles, 250 watts power, daytime only to 1490 kilocycles, 250 watts power, unlimited time, were designated for hearing December 18, 1947, in a consolidated proceeding and Marion Broadcasting Company, licensee of Station WMRN, Marion, Ohio, made a party to the proceeding; and

It further appearing, that, the above entitled application of E. Harold Munn tr/as HICO Broadcasters for a permit to construct a new standard broadcast station to operate on frequency 1480 kilocycles, with 500 watts power, daytime only, at Jonesville, Michigan, was designated for hearing February 9, 1949, in the aforementioned consolidated proceeding;

It is ordered, That, the said petition of Marion Broadcasting Company is denied and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Marion Broadcasting Company is designated for hearing in the aforementioned consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WMRN as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WMRN as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WMRN as proposed would involve objectionable interference with Stations WBEX, Chillicothe, Ohio; WSRS, Cleveland Heights, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WMRN as proposed would involve objectionable interference with the services proposed in the other applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WMRN as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the orders of the Commission of December 18, 1947, and February 9, 1949, designating for hearing in a consolidated proceeding the above-entitled applications of E. Harold Munn tr/as HICO Broadcasters; The Fort Industry Company; and James Gerity, Jr., are amended to include the above-entitled application of Marion Broadcasting Company.

It is further ordered, That, Shawnee Broadcasting Company, licensee of Station WBEX, Chillicothe, Ohio and WSRS, Incorporated, licensee of Station WSRS, Cleveland Heights, Ohio are made parties to the proceeding with respect to all applications therein.

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

[F. R. Doc. 49-6557; Filed, Aug. 11, 1949; 8:49 a. m.]

[Docket No. 9235]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING

In the matter of the joint application of American Telephone and Telegraph Company et al. for a certificate under section 221 (a) of the Communications Act of 1934, as amended; The Western Union Telegraph Company for a certificate under section 214 of the Communications Act of 1934, as amended; and The Pacific Telephone and Telegraph Company and Bell Telephone Company of Nevada for a certificate under section 214 of the Communications Act of 1934, as amended. Docket No. 9235, File No. P–C–2097.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of August 1949;

The Commission, having under consideration the joint application of the American Telephone and Telegraph Company, Bell Telephone Company of Nevada, Illinois Bell Telephone Company, Indiana Bell Telephone Company, The Mountain States Telephone and Telegraph Company, New England Telephone and Telegraph Company, New York Telephone Company, Northwestern Bell Telephone Company, The Pacific Telephone and Telegraph Company, Southern Bell Telephone and Telegraph Company and Southwestern Bell Telephone Company, hereinafter referred to as the Bell System Companies, under section 221 of the Communications Act of 1934, as amended, for a certificate that the acquisition by said companies of the telephone business and certain of the telephone property of The Western Union Telegraph Company will be of advantage to the persons to whom service is to be rendered and in the public interest; of The Western Union Telegraph Company, hereinafter referred to as Western Union, under section 214 of the Communications Act of 1934, as amended, for a certificate that neither the present nor future public convenience and necessity will be adversely affected by the discontinuance of telephone service furnished by said company; and of The Pacific Telephone and Telegraph Company and Bell Telephone Company of Nevada, hereinafter referred to as the Pacific Companies, under section 214 of the Communications Act of 1934, as amended, for a certificate that neither the present nor future public convenience and necessity will be adversely affected by the discontinuance of message telegram service furnished by said companies; and having also under consideration a letter from The Commercial Telegraphers' Union, filed on March 10, 1949, requesting that the portion of the application arising under section 214 of the Act be set for hearing and that it be notified as a party intervenor when the application or any portion thereof is set for hearing;

It appearing, that the telephone business and property of Western Union involved in the proposed transaction are located in the following states:

Alabama, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

It further appearing, that the message telegraph business of the Pacific Companies involved in the proposed transaction is located in the following states:

California, Idaho, Nevada, Oregon, and Washington.

It is ordered, That pursuant to the provisions of sections 214 and 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for hearing for the purposes of determining whether the proposed acquisition of the telephone properties of Western Union by the Bell System Companies will be of advantage to persons to whom service is to be rendered and in the public interest; whether the present or future public convenience and necessity will be adversely affected by the proposed discontinuance of telephone service by Western Union; and whether the present or future public convenience and necessity will be adversely affected by the proposed discontinuance of telegraph service by the Pacific Companies;

It is further ordered, That matters to be considered at the hearing herein shall include, but not be limited to, the following:

(1) The facilities, methods and manner by which Western Union will provide telegraph service to replace the telegraph service now provided by the Pacific Companies and whether such service will be equal in character, scope, quality and adequacy to the telegraph service now provided by the Pacific Companies:

(a) During the one-year period referred to in paragraph 2 of the contract of July 1, 1948, attached as Exhibit G to the application;

(b) After the expiration of such period;

(2) The nature and extent of the telegraphic requirements of the members of the public now receiving telegraph service from the Pacific Companies and whether the service proposed by Western Union will meet such requirements in a satisfactory manner;

(3) The extent of any difference in charges to the public for message telegraph service proposed to be offered by Western Union from the charges made for the message telegraph service rendered by the Pacific Companies and their connecting companies, other than Western Union;

(4) The extent to which the Pacific Companies provide telegraph service to points served by connecting companies and what arrangements Western Union will make to continue telegraph service to such points:

(a) During the one-year period referred to in item (1) (a) above;

(b) After the expiration of such period;

(5) To what extent the telegraph service proposed to be rendered by Western Union in lieu of that now rendered by the Pacific Companies can be provided by Western Union over its existing lines and to what extent it will be necessary for Western Union to construct, operate, lease or acquire new or extended lines or to supplement its existing facilities in order to render the service as proposed;

(a) During the one-year period referred to in item (1) (a) above;

(b) After the expiration of such period;

(6) The extent to which the telegraph service proposed to be rendered by Western Union in lieu of that now rendered by the Pacific Companies will be conducted at a profit or a loss to Western Union and the effect thereof on the company's over-all ability to provide nationwide telegraph service;

(7) The extent to which the rendering of message telegraph service by the Pacific Companies has been profitable or unprofitable to those companies;

(8) A comparison of the costs incurred by the Pacific Companies in rendering their present message telegraph service with the costs which would be incurred by Western Union in rendering service in lieu thereof as proposed;

(9) The nature of the contractual arrangements entered into or to be entered into between Western Union and any agents through which it proposes to offer telegraph service to the public in lieu of that now offered by the Pacific Companies and the extent to which Western Union will maintain control over the character, quality, scope, and adequacy of the telegraph service, facilities, and personnel to be provided by such agents and over the availability of telegraph service to the public during specific hours;

(10) The facilities, methods and manner by which the Bell System Companies will provide telephone service to replace the telephone service now furnished by Western Union and whether such service will be equal in character, scope, quality and adequacy to the telephone service now furnished by Western Union;

(11) The nature and extent of the requirements for telephone service of the members of the public now receiving such service from Western Union and whether the service proposed by the Bell System Companies will meet such requirements in a satisfactory manner;

(12) The extent of any difference in charges to the public for telephone service proposed to be rendered by the Bell System Companies to the subscribers now served by Western Union from the charges made for the telephone service now rendered to those subscribers by Western Union;

(13) The extent to which it will be necessary for the Bell System Companies to construct, operate, lease or acquire new or extended lines or to supplement their existing facilities in order to furnish telephone service to the present telephone subscribers of Western Union;

(14) The extent to which the rendering of telephone service by the Bell System Companies to former Western Union telephone subscribers will be profitable or unprofitable to the Bell System Companies;

(15) The extent of repairs and improvements and the estimated cost thereof which would be required for Western Union to continue telephone service to its present subscribers;

(16) The extent to which the rendering of telephone service has been profitable or unprofitable to Western Union and the over-all effect of the elimination of this service on the financial condition of the company;

(17) The extent to which the facilities proposed to be transferred, removed, or otherwise disposed of by Western Union are now used in connection with the furnishing of telegraph service; and, if used in connection with telegraph service, how such service will be rendered if the application is granted;

(18) The extent to which employees of any of the applicants will be adversely affected by anything done by the applicants if they are granted the authority requested herein under sections 214 or 221 of the Communications Act of 1934, as amended; what provision, if any, has been made, or will be made, for the protection of employees who may be so affected; and whether public convenience and necessity require that conditions providing for the protection of such employees be attached, in accordance with section 214 (c) of the Communications Act of 1934, as amended, to the issuance of the certificates requested herein under section 214; and, if so, the kind of conditions which should be so attached;

(19) The extent to which Western Union, on the one hand, and the Pacific Companies and their connecting companies, on the other hand, are now in competition in the furnishing of message telegraph service and the effects of any of the proposed transactions or the arrangements thereunder on such competition;

(20) The extent to which Western Union, in the furnishing of message telegraph service, and the Pacific Companies and their connecting companies, in the furnishing of message telephone service, are now in competition and the effects of any of the proposed transactions or the arrangements thereunder on such competition;

(21) Whether Western Union proposes to render telegraph service at any of the points involved herein through agencies operated by telephone companies other than the Pacific Companies; and, if so, the extent to which Western Union, in the furnishing of message telegraph service, and such companies, in the furnishing of message telephone service, are now in competition and the effects of the proposed operations under such agency arrangements on such competition;

(22) The extent to which Western Union and the Bell System Companies are now in competition in the furnishing of telephone service and the effects of any of the proposed transactions and the arrangements thereunder on such competition;

(23) The extent to which Western Union, in the furnishing of message telegraph service and the Bell System Companies and their connecting companies, in the furnishing of message telephone service, are now in competition and the effects of any of the proposed transactions and arrangements thereunder on such competition;

(24) Whether any of the proposed transactions or the arrangements thereunder will result in any monopoly of, or restraint of trade or commerce in, communications; and, if so, whether, particularly in view of the provisions of the Sherman Anti-Trust Act, as amended (Sections 1 and 2 of Title 15 of the United States Code), the present or future public convenience and necessity will be adversely affected thereby and the proposed acquisition of the telephone properties will be of advantage to persons to whom service is to be rendered and in the public interest;

(25) The basis on which the considerations to be exchanged between the parties under the contract of July 1, 1948, attached as Exhibit B to the application, were determined and the reasonableness of such considerations; and the bases upon which it was determined that the $2,400,000 to be paid to Western Union under said contract is to be apportioned among the Bell System Companies;

It is further ordered, That the hearing upon the above application shall be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 4th day of October 1949;

It is further ordered, That the applicants are made parties respondent to

this proceeding and that copies of this order shall be served upon each of them and upon the Department of Justice, intervenor herein, and The Commercial Telegraphers' Union, which is hereby given leave to intervene and participate fully in the proceedings herein;

It is further ordered, That a copy of this order shall be served on the Secretary of the Army, the Secretary of the Navy, the Governor of each state listed above, and the agency of each such state which has regulatory jurisdiction over intrastate communication service, the National Association of Railroad and Utilities Commissioners, and the United States Independent Telephone Association and each of the above parties is given leave to intervene and participate fully in the proceedings herein; and that a copy hereof shall also be served upon each of the other persons who have communicated to the Commission with respect to the above application.

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

[F. R. Doc. 49-6558; Filed, Aug. 11, 1949; 8:49 a. m.]

STATEMENT OF ORGANIZATION

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of August 1949;

The Commission having under consideration the necessity for amending the Statement of Organization of the Commission to reflect changes in internal procedures of the Commission relating to budget and fiscal, personnel and planning matters; and

The Commission also having under consideration the necessity for amending its Statement of Organization to more accurately reflect the functions of the Office of Information since the statement as presently stated in section 0.96 is incorrect; and

It appearing, that such amendments are designed to improve the internal administration of the Commission and will serve the public interest, convenience and necessity; and

It further appearing, that the proposed amendments to the rules and regulations are organizational and editorial in nature, and that publication of notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not required:

It is ordered, That, effective immediately, the statement of organization of the Commission's rules and regulations is amended in the following respects:

1. Delete the present language of section 0.4 (e) and substitute the following: "Office of Administration".

2. Delete the heading above section 0.81 and insert the following: "Office of Administration".

3. Delete the present language of section 0.81 and substitute the following:

SEC. 0.81 *Office of Administration.* Under the supervision and the direction of the Chairman, the Executive Officer reviews in cooperation with the Bureau heads the programs and procedures of the Commission, and plans, directs, coordinates and manages Commission activities relating to personnel, budget, and planning. In the Office of Administration there are the following divisions:

(a) Budget and Fiscal Division, under the supervision of the Budget Officer, is responsible for all budget and finance activities of the Commission, and has the following branches: Budget Branch and Fiscal Branch.

(b) Personnel Division, under the supervision of the Personnel Officer is responsible for all personnel matters in the Commission, and has the following branches: Classification Branch and Employment, Placement and Training Branch.

(c) Organization and Methods Division, under the supervision of the Planning Officer, is responsible for the organizational and procedural aspects of the Commission's operation.

4. Delete the present language of section 0.96 and substitute the following:

SEC. 0.96 *The Office of Information.* Headed by the Director, is responsible for releasing public announcements by the Commission; is the central depository of this material for reference and call; prepares certain informational publications and material, including annual reports, and is the contact point for the press and public in the matter of general information relating to Commission activities.

Released: August 5, 1949.

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

[F. R. Doc. 49-6559; Filed, Aug. 11, 1949; 8:49 a. m.]

[Docket Nos. 9410, 9411]

BLUE BONNETT BROADCASTING CORP. (KCNC) AND JAMES H. SLIGAR

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Blue Bonnett Broadcasting Corporation (KCNC), Fort Worth, Texas; File No. BP-5922, Docket No. 9410; James H. Sligar, Wichita Falls, Texas, File No. BP-7029, Docket No. 9411; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of August 1949;

The Commission having under consideration the above-entitled applications of Blue Bonnett Broadcasting Corporation requesting a construction permit to change the facilities of Station KCNC, Fort Worth, Texas, from 870 kc., with power of 250 watts, daytime only, to 870 kc., with power of 1 kilowatt, daytime only, and of James H. Sligar for a construction permit for a new standard broadcast station to operate on the frequency 860 kc., with power of 250 watts, daytime only at Wichita Falls, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to be heard at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the legal, technical, financial and other qualifications of James H. Sligar to construct and operate the proposed station and the technical, financial and other qualifications of Blue Bonnett Broadcasting Corporation, its officers, directors and stockholders to construct and operate Station KCNC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the station proposed by James H. Sligar or from the operation of Station KCNC as proposed, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the station proposed by James H. Sligar and the operation of Station KCNC as proposed would involve objectionable interference with Station KPAN, Hereford, Texas, or with Station WWL, New Orleans, Louisiana, or with any other existing broadcast stations, and, if so, the nature and extent thereof and the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station proposed by James H. Sligar and the operation of Station KCNC as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the station proposed by James H. Sligar and of Station KCNC as proposed would be in compliance with the Commission's rules and regulations and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, if as a result of this consolidated proceeding it appears that, were it not for the issues pending in the hearing regarding clear channels (Docket No. 6741) and in the hearing regarding daytime skywave transmission (Docket No. 8333) and the Commission's policy pertaining thereto as announced in public notices of August 9, 1946, and May 8, 1947, the public interest would be best served by a grant of the application of Blue Bonnett Broadcasting Corpora-

tion, then said application shall be returned to the pending file until after the conclusion of said hearings regarding clear channels and daytime skywave transmission;

It is further ordered, That Hereford Broadcasting Company, licensee of Station KPAN, Hereford, Texas, and Loyola University, licensee of Station WWL, New Orleans, Louisiana, are made parties to this proceeding.

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

[F. R. Doc. 49-6560; Filed, Aug. 11, 1949; 8:49 a. m.]

[Docket No. 8909]

CHANUTE BROADCASTING CO.

ORDER AMENDING ISSUES

In re Application of Galen O. Gilbert, et al., d/b as Chanute Broadcasting Company, Chanute, Kansas, for construction permit; Docket No. 8909, File No. BP-5684.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of August 1949;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station at Chanute, Kansas, to operate on 940 kilocycles, 250 watts power, daytime only;

It appearing, that the said application was designated for hearing April 29, 1948 to determine, inter alia, whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of a Class IV station to a regional channel; and

It further appearing, that it cannot be determined from information supplied in the application that the applicant partnership and individual partners are financially qualified but that it does appear that they are legally, technically and otherwise qualified to construct and operate the proposed station and that the type and character of the program service proposed to be rendered would meet the requirements of the populations and areas proposed to be served;

It is ordered, That the Commission's order of April 29, 1948, designating the above-entitled application for hearing is amended to show the deletion of those portions of issue Number 1, relating to the qualifications of the applicant, other than financial, and issue Number 3, therefrom.

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

[F. R. Doc. 49-6561; Filed, Aug. 11, 1949; 8:50 a. m.]

[Docket Nos. 7945, 7946]

JOHNSTON BROADCASTING CO. AND THOMAS N. BEACH (WTNB)

ORDER DESIGNATING ORAL ARGUMENT FOR HEARING

In re applications of Johnston Broadcasting Company, Birmingham, Alabama, Docket No. 7945, File No. B3-P-5016; Thomas N. Beach (WTNB), Birmingham, Alabama, Docket No. 7946, File No. B3-P-5332; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of August 1949;

It appearing, that the above-entitled matter was designated for oral argument to be held on September 26, 1949, and that the Commission has also scheduled another proceeding for that date;

It is ordered, That the oral argument in this matter previously scheduled for September 26, 1949, be designated for hearing before the Commission en banc on September 9, 1949; and

It is further ordered, That Granite City Broadcasting Company, St. Cloud Broadcasting Company, Hamtramck Radio Corporation and Atlas Broadcasting Company who were previously authorized to participate in the oral argument before the Commission scheduled for September 26, 1949, are hereby authorized to participate in the argument scheduled for September 9, 1949, on the filing of a notice of intention to appear with the Commission on or before September 1, 1949.

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

[F. R. Doc. 49-6562; Filed, Aug. 11, 1949; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-963, G-1105, G-1241]

COMMONWEALTH NATURAL GAS CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

AUGUST 2, 1949.

In the matters of Commonwealth Natural Gas Corporation, Docket No. G-963; Piedmont Natural Gas Corporation, Docket No. G-1105; and Virginia Natural Gas Company, Docket No. G-1241.

On August 24, 1948, Piedmont Natural Gas Corporation (Piedmont), a Delaware corporation with its principal place of business at Spartanburg, South Carolina, filed an application with the Commission, which was amended on April 5, 1949, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection. Due notice of the filing of the application as amended has been given.

On July 18, 1949, Virginia Natural Gas Company (Virginia), a Virginia corporation with its principal place of business at Richmond, Virginia, filed an application with the Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection. Due notice of the filing of such application has been given.

On July 19, 1949, Commonwealth Gas Corporation (Commonwealth), a Virginia corporation with its principal place of business at Lynchburg, Virginia, filed an amended application with the Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection. Due notice of the filing of such application has been given.

All of the above applications propose, among other things, the transportation and sale of natural gas for resale in the cities of Richmond and Norfolk, Virginia.

The Commission orders:

(A) The aforesaid proceedings in Docket Nos. G-963, G-1105 and G-1241, be and the same hereby are consolidated.

(B) A public hearing be held with respect to the matters involved and the issues presented in the consolidated proceeding beginning on September 14, 1949, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room at 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and issues presented by the said applications and other pleadings, including intervening petitioners.

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

Date of issuance: August 8, 1949.

By the Commission.

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

[F. R. Doc. 49-6537; Filed, Aug. 11, 1949; 8:45 a. m.]

[Project No. 176 (San Luis Rey)]

ESCONDIDO MUTUAL WATER CO.

NOTICE OF ORDER DETERMINING ACTUAL LEGITIMATE ORIGINAL COST, NET CHANGES THEREIN, AND PRESCRIBING ACCOUNTING THEREFOR

AUGUST 9, 1949.

Notice is hereby given that, on August 4, 1949, the Federal Power Commission issued its order entered August 2, 1949, determining the actual legitimate original cost, net changes therein, and prescribing accounting therefor in the above-designated matter.

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

[F. R. Doc. 49-6545; Filed, Aug. 11, 1949; 8:47 a. m.]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF ORDER APPROVING REVISED EXHIBIT

AUGUST 9, 1949.

Notice is hereby given that, on August 4, 1949, the Federal Power Commission issued its order entered August 2, 1949, in the above-designated matter, approving Revised Exhibit K–1 as part of the license.

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

[F. R. Doc. 49–6546; Filed, Aug. 11, 1949; 8:47 a. m.]

[Project No. 1875]

P. W. CUNNINGHAM

NOTICE OF ORDER TERMINATING LICENSE

AUGUST 9, 1949.

Notice is hereby given that, on August 4, 1949, the Federal Power Commission issued its order entered August 2, 1949, terminating license in the above-designated matter.

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

[F. R. Doc. 49–6547; Filed, Aug. 11, 1949; 8:47 a. m.]

[Docket No. IT–5519]

BONNEVILLE PROJECT, COLUMBIA RIVER, WASHINGTON-OREGON

NOTICE OF ORDER CONFIRMING AND APPROVING GENERAL RATE SCHEDULE PROVISION

AUGUST 9, 1949.

Notice is hereby given that, on August 4, 1949, the Federal Power Commission issued its order entered August 2, 1949, confirming and approving general rate schedule provision in the above-designated matter.

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

[F. R. Doc. 49–6548; Filed, Aug. 11, 1949; 8:47 a. m.]

[Docket No. G–1156]

MICHIGAN-WISCONSIN PIPE LINE CO. AND MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF OPINION AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 9, 1949.

Notice is hereby given that, on August 2, 1949, the Federal Power Commission issued its Opinion No. 180 and order entered July 26, 1949, issuing certificates of public convenience and necessity in the above-designated matter.

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

[F. R. Doc. 49–6549; Filed, Aug. 11, 1949; 8:47 a. m.]

[Docket No. G–1225]

NORTH CENTRAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 9, 1949.

Notice is hereby given that, on August 3, 1949, the Federal Power Commission issued its findings and order entered August 2, 1949, issuing a certificate of public convenience and necessity in the above-designated matter.

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

[F. R. Doc. 49–6550; Filed, Aug. 11, 1949; 8:47 a. m.]

[Docket No. G–1221]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER PERMITTING AND APPROVING ABANDONMENT OF CERTAIN FACILITIES

AUGUST 9, 1949.

Notice is hereby given that, on August 3, 1949, the Federal Power Commission issued its findings and order entered August 2, 1949, permitting and approving the abandonment of certain facilities in the above-designated matter.

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

[F. R. Doc. 49–6551; Filed, Aug. 11, 1949; 8:48 a. m.]

[Docket No. G–1111]

GULFCOAST NORTHERN GAS CO.

NOTICE OF ORDER DISMISSING APPLICATION AND DENYING MOTION

AUGUST 9, 1949.

Notice is hereby given that, on August 8, 1949, the Federal Power Commission issued its order entered August 4, 1949, in the above-designated matter, dismissing application for certificate of public convenience and necessity for want of prosecution, and denying motion to require applicant to make its application more definite and certain.

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

[F. R. Doc. 49–6552; Filed, Aug. 11, 1949; 8:48 a. m.]

[Project No. 1980]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF ORDER MODIFYING ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

AUGUST 9, 1949.

Notice is hereby given that, on August 8, 1949, the Federal Power Commission issued its order entered August 4, 1949, modifying order dated April 6, 1948 (13 F. R. 1986), authorizing issuance of license (major) in the above-designated matter.

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

[F. R. Doc. 49–6553; Filed, Aug. 11, 1949; 8:48 a. m.]

CONOWINGO POWER CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS

AUGUST 9, 1949.

Notice is hereby given that, on August 8, 1949, the Federal Power Commission issued its order entered August 4, 1949, in the above-designated matter, approving and directing disposition of amounts classified in Account 100.5, Electric Plant Acquisition Adjustments.

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

F. R. Doc. 49–6554; Filed, Aug. 11, 1949; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70–1825, 70–2091, 70–2160, 70–2170]

NARRAGANSETT ELECTRIC CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of August A. D. 1949.

In the matter of The Narragansett Electric Company, File No. 70–2091; Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Central Massachusetts Electric Company, Eastern Massachusetts Electric Company, Gardner Electric Light Company, Gloucester Electric Company, Gloucester Gas Light Company, Granite State Electric Company, Haverhill Electric Company, Lawrence Gas and Electric Company, The Lowell Electric Light Corporation, Malden and Melrose Gas Light Company, Worcester Suburban Electric Company, New England Power Company, Northampton Electric Lighting Company, Quincy Electric Light and Power Company, Northern Berkshire Gas Company, Salem Gas Light Company, Southern Berkshire Power & Electric Company, Suburban Gas and Electric Company, Wachusett Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, File No. 70–1825; New England Power Company, New England Electric System, File No. 70–2160; Worcester County Electric Company, File No. 70–2170.

Notice is hereby given that each of the applicant companies listed below has filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 proposing to issue, from time to time as may be required during the period from August 1, 1949, to September 30, 1949, unsecured promissory notes, due May 31, 1951, to evidence borrowings in the aggregate amount set forth below opposite its name:

Attleboro Steam & Electric Co	$100,000
Beverly Gas & Electric Co	50,000
Central Massachusetts Electric Co	50,000
Granite State Electric Co	270,000
Northampton Electric Lighting Co	50,000
Salem Gas Light Co	50,000
Southern Berkshire Power & Electric Co	70,000

Worcester County Electric Co. ("Worcester County")	$1,500,000
Worcester Suburban Electric Co.	150,000
Total	2,290,000

Said applications amend earlier applications (File No. 70–1825) in which each of the applicant companies sought from and received from the Commission, by orders dated June 10, 1948, and March 14, 1949, authority to issue unsecured short-term promissory notes. Such borrowing authority expired July 31, 1949.

The Commission, by notice of and order for hearing dated April 12, 1949, directed New England Electric System ("NEES") and the applicant companies, together with certain other respondent subsidiary companies identified by Commission's File No. 70–1825, to show cause why the Commission's authorization contained in its order of March 14, 1949, should not be amended to the extent necessary to terminate such authorization with respect to unsecured promissory notes not already issued at the time of any such termination or why the Commission should not impose additional terms and conditions with respect to such notes in the light of the absence of an immediate program on the part of NEES to refinance said unsecured promissory notes in part, through the issuance and sale of common shares of NEES.

On March 25, 1949, all of the respondent subsidiary companies, except Worcester County, agreed and stipulated that each would not undertake to borrow further under the authorization set forth in the Commission's order of March 14, 1949. Worcester County, by said stipulation agreed to borrow not more than an additional $500,000 prior to July 31, 1949.

In connection with the proceeding instituted by the Commission on April 12, 1949, the Commission on July 7, 1949, issued a Memorandum Opinion and Order granting certain motions of the Respondent Companies and therein stated with respect to the over-all financing program of the NEES holding company system that the piling up of ever-increasing amounts of temporary bank loans for new construction while not permanently refinancing those for past construction appeared to be an unwarranted speculation with the financial integrity of the NEES system.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the transactions proposed in said applications proposing the issuance of additional unsecured short-term promissory notes and that said applications should not be granted except pursuant to the further order of this Commission.

It is ordered, Pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, that a hearing with respect to said amendment be held on August 23, 1949, at 10:00 a. m., e. d. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise participate in this proceeding shall file with the Secretary of the Commission, on or before August 19, 1949, a written request therefor as provided by Rule XVII of the Commission's rules of practice. The original applications and the pending applications are on file in the office of the Commission and all interested persons are referred thereto for a complete statement of the transactions therein proposed.

It is further ordered, That Harold B. Teegarden or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said amendment and that, upon the basis thereof and without prejudice to additional matters or questions being specified upon further examination, the following matters or questions are presented for consideration.

(1) Whether the issuance and sale of additional unsecured promissory notes by the applicant companies are solely for the purpose of financing their respective businesses and have been approved by the state regulatory commissions having jurisdiction with respect thereto.

(2) Whether the financial program of NEES and said applicant companies will adequately provide for the repayment of said notes and is otherwise appropriate to the economical and efficient operation of the NEES holding company system.

(3) What terms and conditions, if any, with respect to the proposed issuance of additional unsecured promissory notes should be prescribed in the public interest or for the protection of investors and consumers.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice of filing and notice of and order for hearing to NEES and the applicant companies, the Department of Public Utilities of the Commonwealth of Massachusetts, Public Service Commission of New Hampshire, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public-Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 49–6539; Filed, Aug. 11, 1949; 8:45 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 13551]

ARTHUR FUCHSMANN ET AL.

In re: Certificates of deposit owned by Arthur Fuchsmann, Wilhelm H. K. Sacklowski, Lionel Strongfort, and the personal representatives, heirs, next of kin, legatees and distributees of Princess Friedrich Wilhelm of Prussia. F–39–2897–D–1, F–28–4654–D–1, F–28–5697–D–1, F–28–23787–D–1.

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

1. That Arthur Fuchsmann, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That Wilhlem H. K. Sacklowski and Lionel Strongfort, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Princess Friedrich Wilhelm of Prussia, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the property described as follows: All rights and interest in and under that certain certificate of deposit for Chicago Rapid Transit Company 6½% First and Refunding Mortgage Gold Bond, said certificate of deposit numbered NB94 registered in the name of Arthur Fuchsmann and representing a bond of $1,000 face value together with any and all rights in, to and under said bond including particularly but not limited to the right to any and all cash distributions due or to become due thereunder,

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, Arthur Fuchsmann, the aforesaid national of a designated enemy country (Japan);

5. That the property described as follows:

a. All rights in and under those certain certificates of deposit for Chicago Rapid Transit Company 6½% First and Refunding Mortgage Gold Bonds due July 1, 1944, said certificates of deposit numbered NB774 and NB546, registered in the names of Wilhelm H. K. Sacklowski and Lionel Strongfort, respectively and representing bonds of the face value of $200 and $5,000 respectively, together with any and all rights in, to and under said bonds, including particularly but not limited to the right to any and all cash distributions due or to become due thereunder, and

b. All rights in and under those certain certificates of deposit for Chicago Rapid Transit Company 6½% First and Refunding Mortgage Gold Bonds, due July 1, 1953, said certificates of deposit numbered, registered in the names of the persons listed below and representing bonds the face values of which are set forth below opposite said names as follows:

Certificate No.	Name in which registered	Face value of bond
NA383	Wilhelm H. K. Sacklowski	$500.00
NA271	Lionel Strongfort	5,000.00

together with any and all rights in, to and under said bonds, including particularly but not limited to the right to any and all cash distributions due or to become due thereunder,

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, Wilhelm H. K. Sacklowski and Lionel Strongfort, the aforesaid nationals of a designated enemy country (Germany);

6. That the property described as follows: All rights in and under that certain certificate of deposit for Chicago Rapid Transit Company 6½% First and Refunding Mortgage Gold Bond, said certificate of deposit numbered NB648 registered in the name of Vermaltung Der Frau Prinzessin Friedrich Wilhelm Von Preussen and representing a bond of the face value of $3,000.00, together with any and all rights in, to and under said bond, including particularly but not limited to the right to any and all cash distributions due or to become due thereunder,

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 personal representatives, heirs, next of kin, legatees and distributees of Princess Friedrich Wilhelm of Prussia, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. 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);

8. That to the extent that the persons named in subparagraph 2 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), and

9. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Princess Friedrich Wilhelm of Prussia are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6566; Filed, Aug. 11, 1949; 8:53 a. m.]

[Vesting Order 13588]

HERMAN BLANCK

In re: Estate of Herman Blanck, deceased. File No. D-28-12650; E. T. sec. 16829.

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 Hinrich Blanck, 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 Herman Blanck, 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 the Public Administrator of Queens County, as Administrator, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6567; Filed, Aug. 11, 1949; 8:53 a. m.]

[Vesting Order 13592]

ANNA EISELE

In re: Estate of Anna Eisele, deceased. File: D-28-10157; E. T. sec. 14453.

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 Maria Eisele 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 the Estate of Anna Eisele, 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 Max Eisele, as Administrator, acting under the judicial supervision of the Surrogate's Court, Queens County, 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 August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6569; Filed, Aug. 11, 1949; 8:54 a. m.]

[Vesting Order 13591]

LOUISA DARSCH

In re: Trust under Will of Louisa Darsch, deceased. File No. D-28-12678; E. T. sec. 16854.

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 Caroline Tegtmeier, 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 the trust created under the Seventeenth Item of the will of Louisa Darsch, 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 John Edward Pfund, 3710 Yolando Road, Baltimore 18, Maryland, as successor trustee, acting under the judicial supervision of the Circuit Court #2 of Baltimore City, Baltimore, Maryland;

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 August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6568; Filed, Aug. 11, 1949; 8:53 a. m.]

[Vesting Order 13605]

CARL SCHMIDT

In re: Estate of Carl Schmidt, deceased. File No. D-28-7890; E. T. sec. 8612.

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 Friedrich Schmidt, Hedwig Krueger, Robert Schmidt, Alwine Schmidt, Wilhelm Haas, Emma Haas Schmidt, and Gisela Haas, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by George F. Higgins, as administrator, acting under the judicial supervision of the Probate Court of DuPage County, Illinois;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6570; Filed, Aug. 11, 1949; 8:54 a. m.]

[Vesting Order 13607]

JACOB M. SCHNEIDER

In re: Estate of Jacob M. Schneider, deceased. File No. D-28-9500; E. T. sec. 12851.

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 Kempf, Anna Fleckenstein, and Susanna Hembel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by Edward C. Hauer, as executor, acting under the judicial supervision of the Probate Court of Hamilton County, Ohio;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6571; Filed, Aug. 11, 1949; 8:54 a. m.]

[Vesting Order 13613]

JOHN BEIL AND MRS. HERTHA H. BEIL

In re: Bank account owned by John Beil and Mrs. Hertha H. Beil. D-28-10801-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 John Beil and Mrs. Hertha H. Beil, the last known address of each of whom is 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 of the First National Bank in St. Louis, 323 N. Broadway, St. Louis 2, Missouri, arising out of a joint checking account, entitled "John Beil & Mrs. Hertha H. Beil," 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 August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6572; Filed, Aug. 11, 1949; 8:54 a. m.]

[Vesting Order 13615]

EMMY GEISSLER

In re: Bank account owned by Emmy Geissler. D-28-12666.

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 Emmy Geissler, whose last known address is Friedrich Weinkestrasse 165, Schieder i/Lippe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of East River Savings Bank, New York, New York, arising out of account number 231,569, entitled Mrs. Nellie Cruger Schmidt, in Trust for Martha Dose, 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, Emmy Geissler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6573; Filed, Aug. 11, 1949; 8:54 a. m.]

[Vesting Order 13618]

NAOTARO IGA & CO.

In re: Debt owing to Naotaro Iga & Company, also known as N. Iga & Company. F-39-3090-C-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 Naotaro Iga & Company, also known as N. Iga & Company, the last known address of which is 360 Mabashi 3-Chome, Suginamiku, Tokyo, Japan, is a corporation partnership, association or other business organization organized under the laws of Japan and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Naotaro Iga & Company, also known as N. Iga & Company, by Dant & Russell, Inc., 711 Equitable Building, Portland 4, Oregon, in the amount of $4,721.59, as of December 31, 1945, together with any and all accruals thereto, 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 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 August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6574; Filed, Aug. 11, 1949; 8:54 a. m.]

[Vesting Order 13619]

SHIGEO IMAHASHI

In re: Bank account owned by Shigeo Imahashi. D-39-1936-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 Shigeo Imahashi, whose last known address is Ose Hitachi-Si Iboraki-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shigeo Imahashi by the California Bank, 625 So. Spring Street, Los Angeles 54, California, arising out of a savings account numbered 5846, entitled Shigeo Imahashi, maintained at the Branch Office of the aforesaid bank located at 1001 South Pacific Avenue, San Pedro, California, 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 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 August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6575; Filed, Aug. 11, 1949; 8:54 a. m.]

[Vesting Order 13621]

FRANZ KEINER ET AL.

In re: Debts owing to Franz Keiner, Otto Arnold, Gebruder Bosch, Bernhard Fliedner and Franz Schneider Benj. Sohn. F-28-308-C-1, F-28-28569-C-1, F-28-28749-C-1, F-28-28750-C-1, F-28-28751-C-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 Gebruder Bosch and Franz Schneider Benj. Sohn, the last known addresses of which are Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That Franz Keiner, Otto Arnold, and Bernhard Fliedner, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Franz Keiner, by C. Richard Schenk doing business as Dairy Industries Supply Co., P. O. Box 302, Lyndhurst, New Jersey, in the amount of $1,396.62, as of January 8, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Otto Arnold, by C. Richard Schenk doing business as Dairy Industries Supply Co., P. O. Box 302, Lyndhurst, New Jersey, in the amount of $260.09, as of January 8, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Gebruder Bosch, by C. Richard Schenk doing business as Dairy Industries Supply Co., P. O. Box 302, Lyndhurst, New Jersey, in the amount of $73.51, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Bernhard Fliedner, by C. Richard Schenk doing business as Dairy Industries Supply Co., P. O. Box 302, Lyndhurst, New Jersey, in the amount of $32.59, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation owing to Franz Schneider Benj. Sohn, by C. Richard Schenk doing business as Dairy Industries Supply Co., P. O. Box 302, Lyndhurst, New Jersey, in the amount of $109.30, as of December 31, 1945, together with any and all accruals thereto, 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 subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6576; Filed, Aug. 11, 1949; 8:54 a. m.]

[Vesting Order 13623]

ARTHUR LINDENER

In re: Debt owing to Arthur Lindener. F-28-12992.

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 Arthur Lindener, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Arthur Lindener, by United Fruit Company, One Federal Street, Boston, Massachusetts, in the amount of $1,019.00, as of October 20, 1941, arising out of a current account, together with any and all accruals thereto 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 national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6577; Filed, Aug. 11, 1949; 8:55 a. m.]

[Vesting Order 13625]

ERNST MAIER

In re: Debts owing to Ernst Maier. F-28-22658-C-2, F-28-22658-C-3, F-28-22658-C-4.

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 Ernst Maier, whose last known address is 44 Saarland Strasse, Berlin S. W. 11, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ernst Maier, by Pennie, Edmonds, Morton & Barrows, 247 Park Avenue, New York 17, New York, in the amount of $30.03 as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Ernst Maier, by Naylor & Lassagne, 2607 Russ Building, San Francisco 4, California, in the amount of $353.92, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Ernst Maier, by Haseltine, Lake & Co., 19 West 44th Street, New York 18, New York, in the amount of $77.42, as of December 31, 1945, together with any and all accruals thereto, 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 and control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6578; Filed, Aug. 11, 1949; 8:55 a. m.]

[Vesting Order 13626]

TELEFUNKEN GESELLSCHAFT FUR DRAHTLOSE TELEGRAPHIE, M. B. H.

In re: Debt owing to Telefunken Gesellschaft Fur Drahtlose Telegraphie, M. B. H. F-28-8036-C-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 Telefunken Gesellschaft Fur Drahtlose Telegraphie, M. B. H., the last known adress of which is Zehlendorf 1, Vierter-Ring, Osteweg, Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Telefunken Gesellschaft Fur Drahtlose Telegraphie, M. B. H., by Radio Corporation of America, 30 Rockefeller Plaza, New York 20, New York, in the amount of $410.04, as of June 17, 1949, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Radio Corporation of America, RCA International Division, 745 Fifth Avenue, New York 22, New York, in the amount of $12.89, as of December 31, 1945, together with any and all acruals thereto, 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, Telefunken Gesellschaft Fur Drahtlose Telegraphie, M. B. H. the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6579; Filed, Aug. 11, 1949; 8:55 a. m.]

[Vesting Order 13627]

VEREINIGTE ULTRAMARINFABRIKEN

In re: Debt owing to Vereinigte Ultramarinfabriken, also known as Leverkus, Zeltner & Consorten. F-28-30410-C-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 Vereinigte Ultramarinfabriken, also known as Leverkus, Zeltner & Consorten, the last known address of which is Koln am Rhein, Hohenzollern-Ring 85, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Koln am Rhein, Germany, and is a national of a designate enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Vereinigte Ultramarinfabriken, also known as Leverkus, Zeltner & Consorten, by Ernst D. van Loben Sels, 6058 Rockridge Boulevard, Oakland 18, California, in the amount of $139.05, as of December 31, 1945, together with any and all accruals thereto, 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 national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6580; Filed, Aug. 11, 1949; 8:55 a. m.]

[Vesting Order 12657, Amdt.]

KURT MANGELSDORF

In re: Bonds owned by and debt owing to Kurt Mangelsdorf.

Vesting Order 12657, dated January 5, 1949, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 (a) of said Vesting Order 12657, and substituting therefor the following:

Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, said bonds all in bearer form except one (1) United States Treasury series E bond of $500.00 face value which bond is registered in the name of John W. Giesecke, and presently in the custody of John W. Giesecke, Title Guaranty Building, St. Louis 1, Missouri, together with any and all rights thereunder and thereto, and

All other provisions of said Vesting Order 12657 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6581; Filed, Aug. 11, 1949; 8:55 a. m.]

[Vesting Order 12943, amdt.]

HEINRICH HAUPTMANN

In re: Bonds owned by Heinrich Hauptmann.

Vesting Order 12943 dated March 11, 1949, is hereby amended as follows and not otherwise:

By deleting from Exhibit A attached to and by reference made a part of the aforesaid Vesting Order 12943 the words, "Republic of Chile (6%) due April 1, 1960" and the figures "1390, 4694, 7405, 9637, 9638, 24231, 37266, 37379" and substituting therefor the words "Republic of Chile External Sinking Fund 1½%–3% due December 31, 1993" and the figures "52799, 52800, 52801, 52802, 52803, 52804, 52805, 52806".

All other provisions of said Vesting Order 12943 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6582; Filed, Aug. 11, 1949; 8:55 a. m.]

[Return Order 379]

CATERINA COMPAGNO CUSIMANO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Caterina Compagno Cusimano, Palermo, Italy; Claim No. 37053, June 4, 1949 (14 F. R. 2964); $9,969.15 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Caterina Compagno Cusimano in and to the estate of Francesco F. Cusimano, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6583; Filed, Aug. 11, 1949; 8:55 a. m.]

[Return Order 398]

LIBRAIRE ACADEMIQUE PERRIN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Libraire Academique Perrin, 35, Quai des Grands Augustins, Paris, France; Claim No. 28364; July 1, 1949 (14 F. R. 3653); Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to the literary work "Ten Years Under the Earth" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $11.23.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6584; Filed, Aug. 11, 1949; 8:55 a. m.]

[Return Order 399]

GEBETHNER & WOLFF

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Jan Gebethner and Eugeniusz Machalski, d/b/a Gebethner & Wolff, Praga Targowa 48, Warsaw, Poland; Claim No. 11724; July 1, 1949 (14 F. R. 3653); Property to the extent owned by the claimants immediately prior to the vesting thereof, described in Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments in the United States Copyright Office (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $1,548.22.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6585; Filed, Aug. 11, 1949; 8:56 a. m.]

[Return Order 406]

LUPU JOSEPH ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims, which are incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Lupu Joseph, a/k/a Lupu Iosop, Bucharest, Roumania; Claim No. 29284; June 23, 1949 (14 F. R. 3428); $3,672.09 in the Treasury of the United States and one United States Savings Bond, Series E, Numbered 1009614 in the face amount of $100.00, issued as of July 1, 1941, due July 1, 1951, registered in the name of Mrs. Goldie Zinner, presently in custody of the Safekeeping Department of the Federal Reserve Bank, New York, New York.

Eva Joseph Goldstein, a/k/a Hava Iosef, Bucharest, Roumania; Claim No. 29285; June 23, 1949 (14 F. R. 3428); $3,750.09 in the Treasury of the United States.

Rachel Joseph, a/k/a Rasela Ioseb, Bucharest, Roumania; claim No. 29286; June 23, 1949 (14 F. R. 3428); $3,750.09 in the Treasury of the United States.

Sonia Goldstein, Bucharest, Roumania; Claim No. 29287; June 23, 1949 (14 F. R. 3428); $3,700.17 in the Treasury of the United States.

Bernard Joseph, a/k/a Burach Iosif, Bucharest, Roumania; Claim No. 13179; June 23, 1949 (14 F. R. 3428); $3.750.09 in the Treasury of the United States.

All right, title, interest and claim of any kind or character whatsoever of Lupu Joseph, Eva Joseph Goldstein, Rachel Joseph, Sonia Goldstein and Bernard Joseph, and each of them, in and to the Trust under the Will of Goldie Zinner, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6586; Filed, Aug. 11, 1949; 8:56 a. m.]

[Return Order 407]

MAX HIRSCH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Max Hirsch, El Paso, Tex.; Claim No. 41026, July 1, 1949 (14 F. R. 3653); $3,869.33 in the Treasury of the United States; all right, title, interest and claim of Dr. Herman Herschkovitz, a/k/a Dr. Hermann Herschkovits, and Rose Schweiger, a/k/a Rose Schwaiger, in and to the Estate of Maurice Herschkovitz a/k/a Morris Hirsch, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6587; Filed, Aug. 11, 1949; 8:56 a. m.]

LUCIA DI MEDIO 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

Lucia di Medio, Palombaro, Italy; 29607; $3,333.17 in the Treasury of the United States.

Carmine Carrera, Palombaro, Italy; 29607; $2,908.10 in the Treasury of the United States.

Michele Carrera, Palombaro, Italy; 29607; $2,908.09 in the Treasury of the United States.

The following securities presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York, one-third thereof to each claimant: 41 shares Philadelphia Electric Co., NPV Common Stock, Certificate No. 25517; 6 shares Delaware Power and Light Co., $13.50 PV Common Stock, Certificate No. 73294; 10 shares Public Service Electric and Gas Co., NPV Common Stock, Certificate No. 74066; 1 share South Jersey Gas Co., $5.00 PV Common Stock, Certificate No. 48100; 12 shares United Gas Improvement Co., $13.50 PV Capital Stock; Certificate No. 3879 for 5 shares, Certificate No. 3880 for 7 shares.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6588; Filed, Aug. 11, 1949; 8:56 a. m.]

MICHAEL EDMUND HUBBARD

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 publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Michael Edmund Hubbard, Britannic House, Finsbury Circus, London, E. C. 2, England; 5800; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,164,243.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6589; Filed, Aug. 11, 1949; 8:56 a. m.]

TOSHIJI KANEKO 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 publication hereof the following property, located in the Treasury of the United States, Washington, D. C., subject to any increase or decrease resulting from the administration of such property prior to return and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Toshiji Kaneko, P. O. Box 132, Kalaheo, Kauai, T. H.	7041	$738.38
Yuki Murata or Kiyoyuki Murata, P. O. Box 163, Waialua, Oahu, T. H.	7304	658.93
Sojiro Naganuma or Eno Naganuma, deceased, 1020 South Beretania St., Honolulu, T. H.	7305	1,923.66
Sunao Nikaido or Mrs. Tori Nikaido, 964-D Robello Lane, Honolulu, T. H.	7307	2,332.89
Fukuzo Sekiya, P. O. Box 1, Kunia, Oahu, T. H.	7334	1,230.97
Haru Shinbo, 1930-B Fort St., Honolulu, T. H.	7337	1,090.92
Mrs. Tono Takeuchi, 504 Kaiwiula St., Honolulu, T. H.	7349	300.18
Mrs. Misako Tanaka, 1779 Malanai St., Honolulu 27, T. H.	7356	1,700.90
Masakichi Tanoura, 953 Ahana Lane, Honolulu 46, T. H.	7633	203.40
Rihachi Tari, 405-B Kuakini St., Honolulu, T. H.	7364	3,043.17
Sonosuke Uyema, 1732 Kalani St., Honolulu, T. H.	7384	885.07
Yoshiaki Ajimine, P. O. Box 181, Waianae, Oahu, T. H.	7567	267.99
Rinosuke Kanemoto,[1] deceased or Mrs. Haru Kanemoto, 2725 Kasha St., Honolulu, T. H.	7627	783.05
Osamu Kaya, 3711 Waaloa Rd., Honolulu, T. H.	7633	538.61
Genyei Miyashiro, P. O. Box 34, Kaneohe, Oahu, T. H.	7651	505.75
Sibyl Davis, administratrix of the estate of Wasaku Watase, Judiciary Bldg., Honolulu, T. H.	9138	103.88
Tame Ito or Tetsusuke Ito, deceased, 449 Koula St., Honolulu 13, T. H.	11066	121.20
Kiku Kawaoka, 933-B Robello Lane, Honolulu, T. H.	11078	659.63
Ishima Kusano, Piihonua, Hilo, T. H.	11094	16.13
Sanzo Tashiro, deceased, or Ise Tashiro, P. O. Box 21, Laie, Oahu, T. H.	11179	893.35
Chiyo Toyama or Kensuke Toyama, HN 46, Nill Camp 8, P. O. Box 536, Waialua, Oahu, Territory of Hawaii	11185	760.03
Chiyo Wada, deceased, or Hisakichi Wada, 1042 Kama Lane, Honolulu 51, T. H.	11449	219.75
Shizuko Anami or Niki Iwamoto, deceased, 1613 Pohaku St., Honolulu, T. H.	11481	279.47
Eto Kyogoku, 1653 Citron St., Honolulu, T. H.	11509	566.37
Mitsu Sakata or Fukumatsu Sakata, deceased, 1011 Kalo Lane, Honolulu 36, T. H.	11543	575.81
Kane Osaki or Hatsuyo Osaki, nee Hatsuyo Ohata, Waiawa, Pearl City, T. H.	11837	1,665.42
Hiroe Yamamoto, 1171 South King St., Honolulu, T. H.	11977	19.00
Shigeru Furuya, 2210-M North School St., Honolulu, T. H.	12487	6.82
Misao Tanouye or Tsugi Tanouye, 1022-A Keeaumoku St., Honolulu, T. H.	12488	4,228.00
Takie Okumura or Katsu Okumura, deceased, 1239 South King St., P. O. Box 894, Honolulu 8, T. H.	12507	$49.07
Tsukumo Sakata, guardian of Yetsugi Sakata, P. O. Box 171, c/o Hirota Store, Waialua, Oahu, T. H.	12511	252.29
Koharu Kaya, executrix of the estate of Kaichi Kaya, 824 Puuhale Road, Honolulu, T. H.	13770	1,278.75
Kakuichi Tottori, trustee for Mitsue Tottori, 1617 Republican St., Honolulu, T. H.	13802	1,007.72
Calvin Shigeru Uyeda, 2014 Pahukui St., Honolulu, T. H.	13803	17.04
Tsunesuke Yanagihara, guardian of Fumio Yanagihara, deceased, 767 Pohukaina St., Honolulu, T. H.	27508	2,923.70
Minobu Araki, Makawao, Maui, T. H.	27514	7.90
Chuji Fujinaga, 1340 Nuuanu Ave., Honolulu, T. H.	29188	2,810.60
Tenzen Taba, 307-B North School St., Honolulu, T. H.	37293	80.12
Sibyl Davis, administratrix of the estate of Fumiko Yoshimura, Judiciary Bldg., Honolulu, T. H.	29126	53.93
Sibyl Davis, administratrix of the estate of Nao Kunimoto, Judiciary Bldg., Honolulu, T. H.	37242	105.54
Takeishi Shintaku, guardian of Hoshiko Shintaku, or Mrs. Tsuneko, guardian of Mieko Shintaku, 2720 Booth Rd., Honolulu, T. H.	40586	118.94
Sibyl Davis, administratrix estate of Junzo Abe, deceased, Judiciary Bldg., Honolulu, T. H.	37240	324.61

[1] Kanemoto.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6590; Filed, Aug. 11, 1949; 8:56 a. m.]

DANIEL SCHEUER 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

Daniel Scheuer, New York, N. Y.; 33583; $542.43 in the Treasury of the United States.

Daniel Kahn, Schenectady, N. Y.; 33584; $1,356.08 in the Treasury of the United States.

Emil Kahn, Poughkeepsie, N. Y.; 33585; $1,356.08 in the Treasury of the United States.

All right, title and interest of Caroline Scheuer in and to the Estate of Regina Wolff, one-third thereof to Daniel Scheuer, one-third thereof to Daniel Kahn and one-third thereof to Emil Kahn.

All right, title and interest of Mariane Kahn in and to the Estate of Regina Wolff, one-half thereof to Daniel Kahn and one-half thereof to Emil Kahn.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

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

[F. R. Doc. 49-6591; Filed, Aug. 11, 1949; 8:56 a. m.]