FEDERAL REGISTER

VOLUME 15 NUMBER 25

Washington, Tuesday, February 7, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10105

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Denver and Rio Grande Western Railroad Company, a carrier, and certain of its employees represented by the Brotherhood of Railroad Trainmen, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a large section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Denver and Rio Grande Western Railroad Company or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 4, 1950.

[F. R. Doc. 50-1119; Filed, Feb. 6, 1950; 11:22 a. m.]

EXECUTIVE ORDER 10106

CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE BITUMINOUS COAL INDUSTRY OF THE UNITED STATES

WHEREAS there exists a labor dispute between certain bituminous coal operators and associations and certain of their employees represented by the International Union, United Mine Workers of America, involving wages and terms and conditions of employment; and

WHEREAS in my opinion such dispute has resulted or threatens to result in a strike or lockout affecting a substantial part of the bituminous coal industry, an industry engaged in trade and commerce among the several states and with foreign nations, and in the production of goods for commerce, which strike or lockout, if permitted to occur or to continue, will imperil the national health and safety:

NOW, THEREFORE, by virtue of the authority vested in me by section 206 of the Labor Management Relations Act, 1947 (Public Law 101, 80th Congress), I hereby create a Board of Inquiry, consisting of such members as I shall appoint, to inquire into the issues involved in such dispute.

The Board shall have powers and duties as set forth in Title II of the said Act. The Board shall report to the President in accordance with provisions of section 206 of the said Act on or before February 13, 1950.

Upon submission of its report, the Board shall continue in existence to perform such other functions as may be required under the said Act, until the Board is terminated by the President.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 6, 1950.

[F. R. Doc. 50-1125; Filed, Feb. 6, 1950; 12:59 p. m.]

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CONTENTS—Continued

CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

527

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

SOUTH DAKOTA, AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

SOUTH DAKOTA

County	Average value	Investment limit
Brookings	$15,000	$12,000
Brule	11,500	11,500
Clay	17,000	12,000
Davison	14,500	12,000
Edmunds	12,000	12,000
Haakon	12,000	12,000
Meade	14,000	12,000
Minnehaha	17,000	12,000
Moody	17,000	12,000
Perkins	10,500	10,500
Shannon	11,500	11,500
Spink	14,000	12,000
Union	16,000	12,000
Yankton	15,500	12,000

(Sec. 41, 50 Stat. 529, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 1st day of February, 1950.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-1036; Filed Feb. 6, 1950; 8:48 a. m.]

Subchapter E—Account Servicing

PART 372—SECURITY SERVICING AND LIQUIDATIONS; FARM OWNERSHIP LOANS

SUBPART E—MANAGEMENT AND DISPOSITION OF ACQUIRED FARMS

EASEMENTS AND RIGHTS-OF-WAY

Subpart E of Part 372 in Chapter III, Title 6 of the Code of Federal Regulations (14 F. R. 5703), is amended to add § 372.86 as follows:

§ 372.86 *Easements and rights-of-way.* Generally it will not be the policy of the Farmers Home Administration to grant or sell easements or rights-of-way on acquired real property, title to which is vested in the Government. When a request is received for an easement or right-of-way on such acquired real property, the State Director will make a determined effort to dispose of the property, thereby making it possible for the easement or right-of-way to be obtained from the purchaser of such property in accordance with §§ 372.1 to 372.11. In cases where it is impossible to sell the property, thereby enabling the purchaser to enter into an easement or right-of-way permit, the State Director will refer the matter to the National Office, giving a complete report on the case.

(Sec. 41, 50 Stat. 529, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 43, 51, 60 Stat. 1067; 7 U. S. C. 1017, 1025)

DERIVATION: § 372.86 contained in FHA Instruction 465.5.

Dated: December 14, 1949.

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

Approved: February 1, 1950.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-1037; Filed, Feb. 6, 1950; 8:48 a. m.]

529

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

Subchapter C—Loans, Purchases, and Other Operations

PART 603—BEANS, DRY EDIBLE

SUBPART—FARM ACREAGE ALLOTMENTS FOR 1950 CROP

Sec.

AUTHORITY: §§ 603.201 to 603.212 issued under sec. 401, Pub. Law 439, 81st Cong.

§ 603.201 *Applicability of §§ 603.201 to 603.212.* Sections 603.201 to 603.212 shall govern the establishment of 1950 farm acreage allotments for dry edible beans of the classes Pea and Medium White; Great Northern; Small White, including Flat Small White; Pinto; Red Kidney; Pink; Small Red; Cranberry; Standard Lima, and Baby Lima. Compliance with such allotments shall be a condition of eligibility of producers for price support on the 1950 crop of such beans. Allotments will not be established and price support will not be available with respect to other classes of dry edible beans. Detailed requirements with respect to compliance with acreage allotments in cases where a producer has an interest in more than one farm, and where there is more than one producer with an interest in the same farm, will be issued at an early date. The National and State acreage allotments will be announced soon.

§ 603.202 *Definitions.* For use in §§ 603.201 to 603.212 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning herein assigned to them.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community to assist in the administration of the Protection and Marketing Administration programs in such community.

(2) "County committee" means the group of persons elected within a county to assist in the administration of the Production and Marketing Administration programs in such county.

(3) "State Committee" means the group of persons designated as the State Committee of the Production and Marketing Administration charged with the responsibility of administering Production and Marketing Administration programs in the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(c) *Ownership tract.* "Ownership tract" means all adjacent or nearby farm or range land under the same ownership

530

which is operated by the same person, including also any field-rented tract under the same ownership. An ownership tract, shall be regarded as located in the county in which the farm of which it is considered to be a part is located.

(d) *Cropland.* "Cropland" means farm land which in 1949 was tilled or was in regular rotation, excluding any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community, and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable noncrop open pasture.

(e) *Person.* "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, and Federal Government, or any agency thereof.

(f) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations of the entire farm.

(g) *Dry edible beans.* "Dry edible beans" means dry edible beans for which acreage allotments will be established and price support made available as provided in § 603.201.

(h) *Dry edible bean acreage.* "Dry edible bean acreage" means the number of acres of land on which dry edible beans are planted.

(i) *Acreage indicated by cropland.* "Acreage indicated by cropland" means the number of acres computed by multiplying the cropland acreage for a farm or ownership tract by the ratio of historical dry edible bean acreage, as determined pursuant to § 603.207 (a), to cropland for that county, community, or area.

(j) *Dry edible bean acreage allotments.* (1) "National allotment" means a number of acres equivalent to 80 percent of the acreage planted in the Continental United States in 1949 to dry edible beans of the classes listed in § 603.201.

(2) "State allotment" means the dry edible bean allotment apportioned to the State as its share of the 1950 national allotment.

(3) "County allotment" means the dry edible bean acreage allotment apportioned to the county as its share of the 1950 State acreage allotment, except that, in States where the State Committee provides for apportionment of the State allotment directly among farms or ownership tracts, the county allotment shall be the sum of the allotments for the farms or ownership tracts in the county.

(4) "Farm allotment" means the dry edible bean acreage determined for a farm as its share of the 1950 county or State allotment, as the case may be. In States where allotments are apportioned among ownership tracts, the farm allotment is the sum of the acreage allotments established for the ownership tracts comprising the farm.

§ 603.203 *Extent of calculations and rule of fractions.* All acredge determinations shall be rounded to the nearest acre. Fractional acres of fifty-one hundredths of an acre or more shall be rounded upward, and fractional acres of less than fifty-one hundredths of an acre shall be dropped.

§ 603.204 *Instructions and forms.* The Director, Grain Branch, Production and Marketing Administration, shall cause to be prepared, for approval and issuance by the Assistant Administrator for Production, Production and Marketing Administration, such forms and instructions as are deemed necessary for carrying out §§ 603.201 to 603.212.

§ 603.205 *Method of apportioning allotments.* The county or State allotment, as provided by the State Committee, shall be apportioned to farms in the county, except that in States where farm production records are maintained in the offices of the county committees on an ownership tract basis and the State Committee determines that such action would facilitate the administration of the program, it may provide for the county acreage allotment to be apportioned to ownership tracts. The system of apportionment as provided by the State Committee shall apply to all counties within the State.

§ 603.206 *Report of data.* The following information which is not already available in the county office should be furnished to the county committee for each farm by the owner, operator, or any other interested person:

(a) The names and addresses of the owner and operator.

(b) The total acreage of all land.

(c) The acreage of cropland.

(d) The acreage of dry edible beans for the years 1947, 1948, and 1949.

(e) The acreage of other crops and land uses for the years 1947, 1948, and 1949, if requested.

(f) Information requested by the county committee relative to farm operations.

These data should be furnished to the county committee of the county in which the farm is considered to be located.

§ 603.207 *Determination of usual acreage.* To reflect the factors of tillable acres, crop-rotation practices, type of soil, and topography, the county committee shall determine for each farm or ownership tract, as the case may be, on which dry edible beans were planted in any one of the years 1947, 1948, and 1949, or will be planted in 1950, a usual acreage of dry edible beans as follows:

(a) *Historical acreage.* The county committee shall first establish for each such farm or ownership tract a historical dry edible bean acreage, which will be the average annual acreage planted in the years 1947, 1948, and 1949 for which data are available.

(b) *Adjusted acreage.* The county committee shall adjust the historical acreage for any farm or ownership tract determined under paragraph (a) of this section as required in accordance with the provisions of this paragraph. The county committee shall eliminate from the period of years used to determine the historical acreage any year for which it finds that the dry edible bean acreage was:

(1) Abnormally high due to unfavorable planting conditions for or failure of other crops;

(2) Abnormally low due to unfavorable planting conditions for dry edible beans;

(3) Not typical of crop-rotation practices usually carried out on the farm;

(4) Inaccurately reported; or

(5) Excessive on the basis of the tillable acreage, topography, and type of soil.

In case one or more of the years are thus eliminated, the adjusted acreage shall be the average annual acreage for the years not so eliminated.

If all the years in the applicable period are eliminated or if no acreage data are available, the adjusted acreage shall be appraised on the basis of the crop-rotation practices, tillable acreage, type of soil, and topography considered applicable for 1950. In making this appraisal, the county committee shall take into consideration the farming system to be followed by the producer and the equipment and other facilities available for the production of dry edible beans under such system, the adaptability of the land to the production of dry edible beans and the usual dry edible bean acreage for other farms in the community which are comparable with respect to the foregoing factors.

The adjusted dry edible bean acreage history appraised for such farms shall be subject to the following limitations:

(i) If all the years are eliminated, the historical acreage shall be adjusted in the direction of but not beyond the acreage indicated by cropland.

(ii) If no acreage data are available, the adjusted acreage shall not exceed the acreage indicated by cropland.

(c) *Usual acreage.* The usual acreage shall be the historical acreage determined under paragraph (a) of this section, as adjusted under paragraph (b) of this section, or if all the years in the applicable period are eliminated or if no acreage data are available, the adjusted acreage appraised under paragraph (b) of this section.

§ 603.208 *1950 farm dry edible bean acreage allotment.* The dry edible bean acreage allotment established for each farm or ownership tract, as the case may be, shall be determined by apportioning the 1950 State or county acreage allotment, as the case may be, after deduction of appropriate reserves for appeals and correction of errors, pro rata among all farms or ownership tracts on the basis of the usual acreage.

§ 603.209 *Supervision, review, and approval by the State Committee.* The State Committee shall supervise the work of the county committee in the apportionment of the county dry edible bean acreage allotments, review all allotments, and correct or require correction of any improper determinations made under §§ 603.201 to 603.212. All acreage allotments shall be approved by or on behalf of the State Committee and no official notice of an acreage allot-

531

ment shall be mailed until such allotment has been approved by or on behalf of the State Committee.

§ 603.210 *Farms divided or combined.* The 1950 dry edible bean acreage allotment determined for a farm or ownership tract shall, if there is a division, be apportioned to each part on the basis of the acreage of cropland suitable for the production of dry edible beans on each part. If the county committee determines that this method would result in allotments not representative of the farming operations normally carried out on each part, an allotment may be determined for each part in the same manner as would have been done if such part had been a completely separate farm or ownership tract: *Provided*, That the sum of the allotments thus determined for each part shall not exceed the allotment originally determined for the entire farm or ownership tract which is being divided.

If two or more farms, ownership tracts, or parts thereof for which 1950 dry edible bean acreage allotments are determined, will be combined and operated as a single farm or ownership tract the 1950 allotment shall be the sum of the allotments determined for each of the parts comprising the combination.

§ 603.211 *Right to appeal.* Any interested person as owner, operator, landlord, tenant, or sharecropper, who has reason to believe that he has just grounds, and can offer facts to substantiate his claim, may file an appeal for reconsideration of the allotment for the farm or ownership tract in which he has an interest. The request for appeal and facts constituting a basis for such consideration must be submitted in writing and postmarked or delivered to the county committee within 15 days after the date of mailing the notice of allotment. If the applicant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State Committee within 15 days after the date of mailing the notice of decision of the county committee. If the applicant is dissatisfied with the decision of the State Committee, he may within 15 days after the date of mailing of the notice of the decision of the State Committee, request the Director, Grain Branch, Production and Marketing Administration, to review his case, whose decision shall be final.

§ 603.212 *Reporting requirements.* The reporting requirements contained herein have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of Budget in accordance with Federal Reports Act of 1942.

Done at Washington, D. C., this 1st day of February 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary.

[F. R. Doc. 50-1034; Filed, Feb. 6, 1950; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 866.2]

PART 866—SUGARCANE; HAWAII

CALENDAR YEAR 1950

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearings held in Honolulu and in Hilo, Territory of Hawaii, on October 19 and 21, 1949, respectively, the following determination is hereby issued:

§ 866.2 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1950*—(a) *Wage requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1950, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm shall have been paid in full for production, cultivation, or harvesting work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and laborer.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Director of the Hawaiian Area Office, Production and Marketing Administration, U. S. Department of Agriculture, Honolulu 13, T. H., against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available in the Area Office. Upon receipt of a wage claim the Director of the Hawaiian Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer and, after making such investigation as he deems necessary, shall notify the producer and laborer in writing of his recommendation for settlement of the claim. If the recommendation of the Director of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. Such appeal shall be filed within 15 days after receipt of the recommended settlement from the Director of the Area Office; otherwise, such recommended settlement will be applied in making payment under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid by producers to persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1950. It prescribes the minimum requirements with respect to wages which must be met as one of the conditions for payment under the act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination," identified by the calendar year for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among the various sugar producing areas.

Public hearings were held in Honolulu and Hilo, Territory of Hawaii, on October 19 and 21, 1949, respectively, at which time interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1950. In addition, investigations have been made of the conditions affecting wage rates in Hawaii. In this determination, as in prior determinations, consideration has been given to testimony presented at the hearings and to information resulting from investigations. The primary factors which have been considered are: (1) Price of sugar and by-products; (2) income from sugarcane; (3) cost of production; (4) cost of living; and (5) relationship of labor costs to total costs. Other economic influences also have been considered.

(c) *Background.* Determinations of fair and reasonable wage rates for Hawaii have been issued since 1937. In that year average daily wage rates during the last four months of the year were increased from 5 to 20 percent. The 1938 wage determination required the payment of wages not less than those resulting from the inclusion of bonus payments for the entire calendar year. Wage determinations from 1939 to 1944 included provisions for an annual average wage per day for all adult workers (excluding operators of mechanical equipment) on a farm and a minimum average daily wage for individual adult males and adult females for each pay period. In some of these years a wage increase based on increases in raw sugar price above a stipulated level was a provision of the determination. During the period from 1941 to 1944, coverage was extended to workers between 14 and 16 years of age for whom a rate per day was specified and to operators of mechanical equipment for whom specific hourly rates were stipulated. To simplify a complicated and involved method for determining wage payments

533

and to establish more practicable wage provisions in the wage determination, the 1945 and 1946 wage determinations provided time rates at stated amounts per hour. Piecework rates during these two years were to be those agreed upon between producer and laborer: *Provided*, That the average hourly earnings resulting from the agreed upon rates were not less than the stipulated hourly rates.

During 1945, collective bargaining agreements on wages, hours, and working conditions were negotiated between a committee representing the International Longshoremen's and Warehousemen's Union (CIO) sugar locals and units, and a committee representing the sugar producing companies. The initial agreement of August 1945, provided minimum wage rates of 43½ cents per hour on all islands except Hawaii, where the minimum was 41 cents. These minimum rates were increased to 70½ cents per hour in a renegotiated agreement effective in November 1946, and were further increased by a collective bargaining agreement effective August 1, 1947, to 78½ cents per hour.

Renewed contracts were agreed upon between 26 plantations and the negotiating locals of the labor union covering the period from September 1, 1948, through August 31, 1950. The agreements provided for a reopening on stipulated dates by either party on the matter of wages. On four plantations the agreements provided for one further wage reopening on any date during the life of the agreement solely at the discretion of management. On the majority of plantations the minimum hourly rate was 78½ cents per hour. On three plantations the collective agreements specified slightly higher minimums in accordance with historical differentials while on two plantations the minimum rate was 73½ cents per hour.

Two plantation companies do not negotiate collective bargaining agreements for field workers with the labor union. In both cases, however, workers receive the union scale of wage rates. On one of these plantations a deduction is made for perquisites furnished by the plantation. In addition, none of the adherent planters negotiate collective bargaining agreements. This group of producers, however, produce only about 10 percent of the sugarcane and perform much of their own labor. Most of the labor which is hired by these planters is furnished by the plantation companies and is paid by the plantations for the account of the planter at the union scale of wages. It is reported that such labor as is hired directly by the planter is paid approximately the same rates as required by the collective agreements.

Producers who have entered into collective bargaining agreements as well as those who are not parties thereto but have arrived at individual agreements with their laborers are required to pay the wage rates of such formal or informal agreements in order to comply with the requirement of payment "in full" as provided in the act. The wage rates indicated by the standards customarily considered under the act would not have exceeded the rates arrived at through the collective bargaining agreements effective during the years from 1946 through 1949.

In the wage determinations of 1947, 1948, and 1949, producers were deemed to have complied with the wage provisions of the act if workers on either a time or piecework basis were paid in full at rates agreed to by producer and worker.

(d) *1950 wage determination.* The 1950 wage determination provides that wages shall be as agreed upon between the producer and laborer. In addition, there is included a provision setting forth the procedure to be followed in filing a wage claim by any person who believes he has not been paid in accordance with the determination. While this procedure has been in effect in prior years, its inclusion in the determination will make such information generally available to all producers and workers.

As a result of wage reopenings in the collective bargaining agreements, producers and workers recently negotiated a new wage schedule as well as changes in provisions relating to working conditions. These changes are effective for the period from January 1, 1950, to August 31, 1951. A wage-price plan is instituted. It has two principal provisions. First, whereas the former agreements provided a general basic minimum wage rate of 78½ cents per hour for the majority of plantations, the new agreements provide a "floor" of 80 cents per hour as the basic minimum wage rate except on three plantations where the "floor" is slightly higher in accordance with historical differentials. Second, the plan provides wage increases when the average price of raw sugar exceeds $116.00 per ton for a three-month pay roll period. Under the plan, for each $2.00, or fraction thereof, that the average price of 96° raw sugar exceeds $116.00 per ton for the first three of the four consecutive monthly pay roll periods immediately preceding the monthly pay roll period during which the work is performed, wages are increased one and one-half cents ($0.015) per hour. If average raw sugar prices are lower than $116.00 per ton, basic minimum wage rates remain at the "floor".

An examination of pertinent economic data affecting sugarcane field workers' wage rates in Hawaii reveals that the level of wages indicated by the standards customarily employed under the Sugar Act does not exceed the level of wages agreed upon in collective bargaining agreements between producers and workers for the period covered by this determination. Since the act requires that workers shall be paid "in full" for work performed, the payment of the "agreed upon" wage rates is required to meet this provision of the act. Although it is recognized that a small minority of workers are not covered by collective bargaining agreements, the existence of such agreements covering the majority of workers influences the general wage level and thereby provides an adequate measure of wage protection.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 929; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 1st day of February 1950.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-1035; Filed, Feb. 6, 1950; 8:46 a. m.]

534

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 26]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the altered volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate realignment and establishment of civil airways between such points; (2) the realignment and establishment of the civil airways referred to in (1) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307 and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

Designation and Redesignation of Civil Airways: Green Civil Airways Nos. 3 and 9; Amber Civil Airways Nos. 10, 11, and 12; Red Civil Airways Nos. 13, 17, 32, 38, 42, 61, 62, 77 and 87; Blue Civil Airways Nos. 18, 23, 30, 34, 41, 42, 44, and 48

1. Section 600.13 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* is amended by deleting "Sidney, Nebr., radio marker station."

2. Section 600.19 is added to read:

§ 600.19 *Green civil airway No. 9 (Hawaiian Islands).* From the intersection of the south course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range via the Honolulu, T. H., radio range station to the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Hilo, T. H., radio range.

3. Section 600.110 is added to read:

§ 600.110 *Amber civil airway No. 10 (Hawaiian Islands).* From the intersection of the west course of the Hilo, T. H., radio range and the south course of the Honolulu, T. H., radio range to the Honolulu, T. H., radio range station.

4. Section 600.111 is added to read:

§ 600.111 *Amber civil airway No. 11 (Hawaiian Islands).* From the intersec-

tion of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H., radio range via the Maui, T. H., radio range station to the intersection of the north course of the Maui, T. H., radio range and the northeast course of the Honolulu, T. H., radio range.

5. Section 600.112 is added to read:

§ 600.112 *Amber civil airway No. 12 (Hawaiian Islands).* From the intersection of the south course of the Hilo, T. H., radio range and a point 25 miles south of the Hilo, T. H., radio range station via the Hilo, T. H., radio range station to the intersection of the north course of the Hilo, T. H., radio range and the northeast course of the Honolulu, T. H., radio range.

6. Section 600.213 *Red civil airway No. 13 (Sunbury, Pa., to Boston, Mass.)* is corrected to change "New Hackensack, N. Y." to read "Poughkeepsie, N. Y."

7. Section 600.217 is amended to read:

§ 600.217 *Red civil airway No. 17 (Rantoul, Ill., to Baltimore, Md.).* From the Rantoul, Ill. (Chanute), AFB radio range station to the intersection of the northeast course of the Rantoul, Ill. (Chanute), AFB radio range and the southeast course of the Chicago, Ill., radio range. From the Fort Wayne, Ind., radio range station via the Findlay, Ohio, non-directional radio beacon and the Mansfield, Ohio, non-directional radio beacon to the Pittsburgh, Pa., radio range station. From the Martinsburg, W. Va., radio range station to the Baltimore, Md., radio range station.

8. Section 600.232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.)* is corrected to change "San Antonio, Tex. (Kelly)" to read "Kelly, Tex." and to delete "(Alamo)".

9. Section 600.238 *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.)* is corrected to change "San Antonio, Tex. (Kelly)" to read "Kelly, Tex." and to delete "(Alamo)".

10. Section 600.242 is amended to read:

§ 600.242 *Red civil airway No. 42 (Milwaukee, Wis., to LaFayette, Ind.).* From the intersection of the west course of the Milwaukee, Wis., radio range and the northwest course of the Chicago, Ill., radio range to the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range. From the Glenview, Ill. (Navy), radio range station to the intersection of the southwest course of the Glenview, Ill. (Navy), radio range and the west course of the Chicago, Ill., radio range. From the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Goshen, Ind., radio range to the intersection of the southeast course of the Rockford, Ill., radio range and the southeast course of the Chicago, Ill., radio range.

11. Section 600.261 is amended to read:

§ 600.261 *Red civil airway No. 61 (Pittsburgh, Pa., to Washington, D. C.).* From the Johnstown, Pa., non-directional radio beacon via the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northwest course of the Arcola, Va., radio range; Arcola, Va., radio range station to the intersection of the southeast course of the Arcola, Va., radio range and the southwest course of the Washington, D. C., radio range.

12. Section 600.262 is amended to read:

§ 600.262 *Red civil airway No. 62 (Lansing, Mich., to Altoona, Pa.).* From the Lansing, Mich., radio range station to the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range. From the Detroit, Mich., radio range station via the intersection of the southeast course of the Detroit, Mich., radio range and the west course of the Wellington, Ohio, VHF radio range; Wellington, Ohio, VHF radio range station to the intersection of the east course of the Wellington, Ohio, VHF radio range, and the northwest course of the Akron, Ohio, radio range. From the Akron, Ohio, radio range station to the intersection of the southeast course of the Cleveland, Ohio, radio range and the west course of the Pittsburgh, Pa., radio range. From the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range via the Johnstown, Pa., non-directional radio beacon to the Altoona, Pa., radio range station.

13. Section 600.277 is amended to read:

§ 600.277 *Red civil airway No. 77 (Lynchburg, Va., to Millville, N. J.).* From the Lynchburg, Va., radio range station via the Richmond, Va., radio range station; Tappahannock, Va., radio range station to the Milville, N. J., radio range station, excluding that portion below 6000 feet which lies over danger areas.

14. Section 600.287 is added to read:

§ 600.287 *Red civil airway No. 87 (Hawaiian Islands).* From the intersection of the northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station via the Port Allen, T. H., radio range station to the intersection of the southeast course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range. From the Honolulu, T. H., radio range station via the Maui, T. H., radio range station to the intersection of the southeast course of the Maui, T. H., radio range and the North course of the Hilo, T. H., radio range. From the Hilo, T. H., radio range station to the intersection of the east course of the Hilo, T. H., radio range and a point 100 miles east of the Hilo, T. H., radio range station.

15. Section 600.618 *Blue civil airway No. 18 (Philadelphia, Pa., to Burlington, Vt.)* is corrected to change "New Hackensack, N. Y." to read "Poughkeepsie, N. Y.".

16. Section 600.623 is amended to read:

§ 600.623 *Blue civil airway No. 23 (Detroit, Mich., to Flint, Mich.).* From the intersection of the north course of the Detroit, Mich., radio range and the east course of the Lansing, Mich., radio range to the Flint, Mich., non-directional radio beacon.

17. Section 600.630 *Blue civil airway No. 30 (Brownsville, Tex., to Amarillo, Tex.)* is corrected to change "San Antonio, Tex. (Kelly)" to read "Kelly, Tex."

18. Section 600.634 is added to read:

§ 600.634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* From the intersection of the north course of the Terre Haute, Ind., radio range and the southeast course of the Rantoul (Chanute), Ill., AFB radio range via the Rantoul, Ill., (Chanute) AFB radio range station to the intersection of the northwest course of the Rantoul, Ill., (Chanute) AFB radio range and the southwest course of the Joliet, Ill., radio range.

19. Section 600.641 is amended to read:

§ 600.641 *Blue civil airway No. 41 (New York, N. Y., to United States Canadian Border).* From the intersection of the northeast course of the Newark, N. J., radio range and the northeast course of the New York, N. Y. (La Guardia), radio range via the New Haven, Conn., Municipal Airport; Hartford, Conn., radio range station; intersection of the northwest course of the Hartford, Conn., radio range and the south course of the Westfield, Mass., radio range; Westfield, Mass., radio range station; the intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N. H., radio range; Concord, N. H., radio range station to the Portland, Maine, radio range station. From the Bangor, Maine, radio range station to the intersection of the northeast course of the Bangor, Maine, radio range and the United States-Canadian Border, excluding that portion lying more than 3 miles southeast of the northeast course of the Bangor, Maine, radio range between the radio range station and a point 25 miles northeast of the Bangor, Maine, radio range station.

20. Section 600.642 is amended to read:

§ 600.642 *Blue civil airway No. 42 (Kokomo, Ind., to Grand Rapids, Mich.).* From the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range to the Goshen, Ind., radio range station. From the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station; the intersection of the north course of the Battle Creek, Mich., radio range and the southeast course of the Grand Rapids, Mich., radio range to the Grand Rapids, Mich., radio range station.

21. Section 600.644 is amended to read:

§ 600.644 *Blue civil airway No. 44 (Advance, Mo., to United States-Canadian Border).* From the Advance, Mo., radio range station via the Paducah, Ky., Paducah-McCracken County Airport, to the Evansville, Ind., radio range station. From the intersection of the east course of the Evansville, Ind., radio range and

536

the southwest course of the Scotland, Ind., VHF radio range via the Scotland, Ind., VHF radio range station to the intersection of the northeast course of the Scotland, Ind., VHF radio range and the west course of the Indianapolis, Ind., radio range. From the Indianapolis, Ind., radio range station via the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range; Fort Wayne, Ind., radio range station; the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range; the intersection of the north course of the Toledo, Ohio, radio range and the southwest course of the Windsor, Ontario, Canada, radio range to the intersection of the southwest course of the Windsor, Ontario, Canada, radio range and the United States-Canadian Border.

22. Section 600.648 is amended to read:

§ 600.648 *Blue civil airway No. 48 (New York, N. Y., to Poughkeepsie, N. Y.).* From the intersection of the northeast course of the Newark, N. J., radio range and the southeast course of the Stewart Field, N. Y., radio range to the intersection of the southeast course of the Stewart Field, N. Y., radio range and the south course of the Poughkeepsie, N. Y., radio range.

This amendment shall become effective 0001 e. s. t., February 7, 1950.

(Secs. 205, 308, 52 Stat. 984, 986, Reorg. Plan No. IV of 1940, 5 F. R. 2421, 3 CFR Cum. Supp.; 49 U. S. C. 425, 458. Interpret or apply secs. 301, 302, 307, 52 Stat. 985, 986, as amended; 49 U. S. C. and Sup., 451, 452, 457)

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

[F. R. Doc. 50-1024; Filed, Feb. 6, 1950; 8:50 a. m.]

537

[Amdt. 30]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the altered volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate redesignation and establishment of control areas, control zones, and reporting points between such locations; (2) the redesignation and establishment of control areas and control zones referred to in (1) above, have been coordinated with the civil operators involved, the Army and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307 and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Designation and Redesignation of Control Areas: Green Civil Airway No. 9; Amber Civil Airways Nos. 1, 10, 11 and 12; Red Civil Airways Nos. 17, 40, 62, 77 and 87; Blue Civil Airways Nos. 26, 27, 32, 34, 42 and 48. Designation of Control Zones. Designation and Redesignation of Reporting Points: Green Civil Airways Nos. 4 and 9; Amber Civil Airways Nos. 4, 10, 11 and 12; Red Civil Airways Nos. 13, 17, 23, 32, 38, 62, 77 and 87; Blue Civil Airways Nos. 34, 42, 47 and 48

1. Section 601.19 is added to read:

§ 601.19 *Green civil airway No. 9 control areas (Hawaiian Islands).* All of Green civil airway No. 9.

2. Section 601.101 is amended to read:

§ 601.101 *Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).* Those portions of Amber civil airway No. 1 within the limits of the continental United States. From the intersection of the southeast course of the Sitka, Alaska, radio range and the U. S.-Canadian Border to a line extended at right angles across such airway through a point 25 miles northwest of the Skwentna, Alaska, radio range station.

3. Section 601.110 is added to read:

§ 601.110 *Amber civil airway No. 10 control areas (Hawaiian Islands).* All of Amber civil airway No. 10.

4. Section 601.111 is added to read:

§ 601.111 *Amber civil airway No. 11 control areas (Hawaiian Islands).* All of Amber civil airway No. 11.

5. Section 601.112 is added to read:

§ 601.112 *Amber civil airway No. 12 control areas (Hawaiian Islands).* All of Amber civil airway No. 12.

6. Section 601.217 is amended by changing caption to read: "*Red civil airway No. 17 control areas (Rantoul, Ill., to Baltimore, Md.).*"

7. Section 601.240 is amended to read:

§ 601.240 *Red civil airway No. 40 control areas (Shemya, Alaska, to Anchorage, Alaska).* From the Port Heiden, Alaska, radio range station to the Anchorage (Merrill), Alaska, radio range station.

8. Section 601.262 is amended by changing caption to read: "*Red civil airway No. 62 control areas (Lansing, Mich., to Altoona, Pa.).*"

9. Section 601.277 is amended by changing caption to read: "*Red civil airway No. 77 control areas (Lynchburg, Va., to Millville, N. J.).*"

10. Section 601.287 is added to read:

§ 601.287 *Red civil airway No. 87 control areas (Hawaiian Islands).* All of Red civil airway No. 87.

11. Section 601.626 is amended to read:

§ 601.626 *Blue civil airway No. 26 control areas (Anchorage, Alaska to Nenana, Alaska).* All of Blue civil airway No. 26.

12. Section 601.627 is amended to read:

§ 601.627 *Blue civil airway No. 27 control areas (Kodiak, Alaska to Kotzebue, Alaska).* From the intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the Naknek, Alaska, radio range to a line extended at right angles across such airway through a point 50 miles northwest of the Naknek, Alaska, radio range station.

13. Section 601.632 is amended to read:

§ 601.632 *Blue civil airway No. 32 control areas (Pendleton, Oreg., to Fairbanks, Alaska).* All of Blue civil airway No. 32.

14. Section 601.634 is added to read:

§ 601.634 *Blue civil airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.).* All of Blue civil airway No. 34.

15. Section 601.642 is amended by changing caption to read: "*Blue civil airway No. 42 control areas (Kokomo, Ind., to Grand Rapids, Mich.).*"

16. Section 601.648 is amended by changing caption to read: "*Blue civil airway No. 48 control areas (New York, N. Y., to Poughkeepsie, N. Y.).*"

17. Section 601.1010 is amended to read:

§ 601.1010 *Control area extension (Charlotte, N. C.).* From the Charlotte, N. C., radio range station extending 5 miles either side of the south course of the radio range to a point 20 miles south of the radio range station, and from the ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles southwest of the ILS localizer.

18. Section 601.1048 is added to read:

§ 601.1048 *Control area extension (Red Bluff, Calif.).* From the Red Bluff, Calif., radio range station extending 5 miles either side of the east course of the radio range to a point 25 miles east of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station.

19. Section 601.1053 is added to read:

§ 601.1053 *Control area extension (Houston, Tex.).* All that area within a 25 mile radius of the Houston, Tex., radio range station located in the north quadrant bounded by the western limits of Blue civil airway No. 13 and the eastern limits of Blue civil airway No. 5.

20. Section 601.1071 is amended to read:

§ 601.1071 *Control area extension (Burbank, Calif.).* From the Burbank, Calif., radio range station extending 5 miles either side of the southwest course of the Burbank, Calif., radio range to the intersection of the southwest course of the Burbank, Calif., radio range and the west course of the Los Angeles, Calif., VHF radio range, and all that area

bounded on the south by the northern limits of Green civil airway No. 5, on the west by the eastern limits of Green civil airway No. 4, on the east by the western limits of Amber civil airway No. 2 and on the north by a line 5 miles north of and parallel to the center line of the on course signal of the southeast course of the Burbank, Calif., radio range from the eastern limits of Green civil airway No. 4 to the western limits of Amber civil airway No. 2.

21. Section 601.1098 *Control area extension (Grand Rapids, Mich.)* is revoked.

22. Section 601.1098 is added to read:

§ 601.1098 *Control area extension (Casper, Wyo.)*. From the Casper, Wyo., radio range station extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station.

23. Section 601.1146 is amended to read:

§ 601.1146 *Control area extension (New York, N. Y.)*. That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the east course of the New York (LaGuardia), N. Y., radio range and the northeast course of the Mitchel Field (AFB), N. Y., radio range to a circle 5 miles in radius centered at the intersection of the east course of the New York (LaGuardia), N. Y., radio range and the southwest course of the Nantucket, Mass., VHF radio range to a circle 5 miles in radius centered on the Nantucket, Mass., VHF radio range station excluding that area below 2000 feet between the intersection of the east course of the New York, N. Y. (LaGuardia) radio range and the southwest course of the Providence, R. I., radio range to the Nantucket, Mass., VHF radio range station.

24. Section 601.1172 is added to read:

§ 601.1172 *Control area extension (Rantoul, Ill.)*. Within a 25 mile radius of the Rantoul (Chanute), Ill., AFB radio range station.

25. Section 601.1983 is amended by deleting the following airport:

Spokane, Wash.: Felts Field.

26. Section 601.1983 is amended by adding the following airport:

Monterey, Calif.: Monterey Peninsula Airport.

27. Section 601.1984 is amended by adding the following airports:

Lafayette, La.: Municipal Airport.
Summit, Alaska: Summit Airport.

28. Section 601.1984 is amended by changing "Anchorage, Alaska: Municipal Airport" to read "Anchorage, Alaska: Merrill Field".

29. Section 601.2043 is amended to read:

§ 601.2043 *Casper, Wyo., control zone.* Within a 5 mile radius of Natrona County Airport extending east 2 miles either side of the west and east courses of the Casper radio range to the Parkerton fan marker.

30. Section 601.2135 is amended to read:

§ 601.2135 *Charlotte, N. C., control zone.* Within a 5 mile radius of Douglas Airport extending 2 miles either side of the south course of the Charlotte radio range to the Fort Mill fan marker.

31. Section 601.2261 is added to read:

§ 601.2261 *Yakataga, Alaska, control zone.* Within a 5 mile radius of the Yakataga Airport extending 2 miles either side of the south course of the Yakataga radio range to Amber civil airway No. 1.

32. Section 601.2262 is added to read:

§ 601.2262 *Honolulu, T. H., control zone.* Within a 5 mile radius of the Honolulu Airport extending 2 miles either side of the southwest course of the Honolulu radio range to a point 10 miles southwest of the radio range station.

33. Section 601.4014 is amended to read:

§ 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)*. Los Angeles, Calif., radio range station; the intersection of the north course of the Los Angeles, Calif., radio range and the southwest course of the Palmdale, Calif., radio range or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., radio range station; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the northeast course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio, radio range of the Greenfield, Ind., radio marker beacon; the intersection of the west course of the Columbus, Ohio, radio range and the north course of the Dayton, Ohio, radio range; Columbus, Ohio, radio range station; the intersection of the east course of the Columbus, Ohio, radio range and a track 360° magnetic from the Zanesville, Ohio, non-directional radio beacon; the intersection of the west course of the Pittsburgh, Pa., radio range and the northwest course of the Morgantown, W. Va., radio range; Pittsburgh, Pa., radio range station; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the southwest course of the Allentown, Pa., radio range and the east course of the Harrisburg, Pa., radio range; Philadelphia, Pa., radio range station.

34. Section 601.4019 is added to read:

§ 601.4019 *Green civil airway No. 9 (Hawaiian Islands)*. The intersection of the south course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; the intersection of the southeast course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; Honolulu, T. H., radio range station; the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Maui, T. H., radio range; the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Hilo, T. H., radio range.

35. Section 601.4104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.)* is corrected by changing "San Antonio, Tex. (Kelly)" to read "Kelly, Tex." and by deleting "(Alamo)".

36. Section 601.4110 is added to read:

§ 601.4110 *Amber civil airway No. 10 (Hawaiian Islands)*. Intersection of the south course of the Honolulu, T. H., radio range and the west course of the Hilo, T. H., radio range.

37. Section 601.4111 is added to read:

§ 601.4111 *Amber civil airway No. 11 (Hawaiian Islands)*. Intersection of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H., radio range.

38. Section 601.4112 is added to read:

§ 601.4112 *Amber civil airway No. 12 (Hawaiian Islands)*. Hilo, T. H., radio range station; the intersection of the east course of the Maui, T. H., radio range and the north course of the Hilo, T. H., radio range.

39. Section 601.4213 *Red civil airway No. 13 (Sunbury, Pa., to Boston, Mass.)* is corrected by changing "New Hackensack, N. Y." to read "Poughkeepsie, N. Y.".

40. Section 601.4217 is amended by changing caption to read: "*Red civil airway No. 17 (Rantoul, Ill., to Baltimore, Md.)*."

41. Section 601.4223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.)* is corrected by changing "New Hackensack, N. Y." to read "Poughkeepsie, N. Y.".

42. Section 601.4232 is amended to read:

§ 601.4232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.)*. Kelly, Tex., radio range station.

43. Section 601.4238 *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.)* is corrected by changing "San Antonio, Tex. (Kelly)" to read "Kelly, Tex." and by deleting "(Alamo)".

44. Section 601.4262 is amended by changing caption to read: "*Red civil airway No. 62 (Lansing, Mich., to Altoona, Pa.)*."

45. Section 601.4277 is amended by changing caption to read: "*Red civil air-*

540

way No. 77 (Lynchburg, Va., to Millville, N. J.)."

46. Section 601.4287 is added to read:

§ 601.4287 *Red civil airway No. 87 (Hawaiian Islands).* Intersection of the northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station; Port Allen, T. H., radio range station; Maui, T. H., radio range station; intersection of the east course of the Maui, T. H., radio range and the east course of the Hilo, T. H., radio range.

47. Section 601.4634 is added to read:

§ 601.4634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* No reporting point designation.

48. Section 601.4642 is amended by changing caption to read: *Blue civil airway No. 42 (Kokomo, Ind., to Grand Rapids, Mich.).*

49. Section 601.4647 is amended to read:

§ 601.4647 *Blue civil airway No. 47 (Martinsburg, W. Va., to Philipsburg, Pa.).* The intersection of the south course of the Altoona, Pa., radio range and the northwest course of the Washington, D. C., radio range.

50. Section 601.4648 is amended by changing caption to read: *Blue civil airway No. 48 (New York, N. Y., to Poughkeepsie, N. Y.).*

This amendment shall become effective 0001 e. s. t., February 7, 1950.

(Sec. 205, 308, 52 Stat. 984, 986, Reorg. Plan No. IV of 1940, 5 F. R. 2421, 3 CFR, Cum. Supp., 49 U. S. C. 425, 458. Interpret or apply secs. 301, 302, 307, 52 Stat. 985, 986, as amended, 49 U. S. C. and Sup., 451, 452, 457)

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

[F. R. Doc. 50-1025; Filed, Feb. 6, 1950; 8:51 a. m.]

541

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 889—CIVILIAN PERSONNEL LOYALTY AND SECURITY PROGRAM

Pursuant to the authority conferred by secs. 207 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C. Sup. II, 626 (f), 626c (e) and Transfer Order 19, July 23, 1948 (13 F. R. 4419), and cited laws, the following regulation is hereby prescribed:

Sec.
889.1 General statement.
889.2 Responsibilities.
889.3 Establishment of boards.
889.4 Standards.
889.5 Grounds for removal.
889.6 Initial action by installation commander.
889.7 Adjudication procedures.
889.8 Hearings.
889.9 Board determinations.
889.10 Appeal.
889.11 New appointees to the competitive service.

AUTHORITY: §§ 889.1 to 889.11 issued under sec. 3, 56 Stat. 1053, sec. 9A, 53 Stat. 1148, Pub. Law 434, 81st Cong.; E. O. 9835, March 21, 1947, 12 F. R. 1935, 3 CFR 1947 Supp.; 5 U. S. C. 652 note; 5 U. S. C. Sup. II, 118j.
DERIVATION: AFR 40-12.

§ 889.1 *General statement.* (a) Established National policies, founded upon statutes of the United States and Executive orders of the President, require exclusion and removal from Federal employment of individuals who are unwarranted security risks or who are disloyal to the Government of the United States. Public Law 808, 77th Congress (56 Stat. 1053; 5 U. S. C. 1946 ed., 652 note), and Transfer Order 19, July 23, 1948, (13 F. R. 4419), authorize immediate removal of any civilian employee of the Department of the Air Force when, in the opinion of the Secretary, such action is warranted by the demands of National security. Executive Order 9835, March 21, 1947 (12 F. R. 1935; 3 CFR 1947 Supp.), as implemented in 5 CFR Ch. II, requires removal of any civilian employee of the Department of the Air Force with respect to whom reasonable grounds exist for belief that he is disloyal to the Government of the United States. Section 9A of the Hatch Act (sec. 9A, 53 Stat. 1148; 5 U. S. C., Supp. II 118j) requires removal of any employee who is a member of any political party or organization which advocates the overthrow of our constitutional form of government in the United States. The current appropriation act applicable to the Air Force, (Public Law 434, 81st Cong.), requires removal of any employee who advocates or who is a member of an organization that advocates the overthrow of the Government of the United States by force or violence.

(b) While the Department of the Air Force will assume that all of its employees are loyal and that none is a risk endangering the security of the United States unless information to the contrary is adduced, the Department's vital role in the National defense program necessitates vigorous application of policies designed to protect the Nation against disloyalty and unwarranted security risks. Therefore adequate measures will be taken to provide continuing assurance that no Air Force employee is retained when reasonable grounds exist for belief that he is disloyal to our Government or that he constitutes a threat to our National security. At the same time, every possible safeguard will be provided to assure that no employee of the Air Force is removed from his employment without opportunity for a full and fair hearing and an opportunity to secure appellate review.

(c) Every effort will be made to distinguish between those cases involving loyalty and those cases based on other security grounds, in order that dismissals made for the latter cause will not necessarily have implications of disloyalty attached thereto. Because of the nature of the mission of the Air Force, an employee may be considered a security risk for many reasons which may have no relation to loyalty; conversely, however, any employee for whom reasonable grounds exist for belief of disloyalty must be considered a security risk as well. Accordingly, to provide an additional safeguard for employees, any removal as a security risk which also involves charges of disloyalty may be appealed to the Loyalty Review Board of the Civil Service Commission for final decision on the loyalty issue only.

(d) The regulations and directives duly promulgated by and under the authority of the Loyalty Review Board of the Civil Service Commission, in accordance with the provisions of Executive Order 9835, constitute the basic and controlling regulations to govern all loyalty adjudication procedures under that order in the Department of the Air Force. So far as it relates to the handling of loyalty cases, the statement of procedure below is promulgated in accordance therewith.

§ 889.2 *Responsibilities.* In carrying out the objectives and requirements of the Loyalty-Security Program established under the regulations in this part, the following respective responsibilities are assigned:

(a) *The Secretary of the Air Force.* Over-all supervision and responsibility for the program are vested in the Secretary of the Air Force.

(b) *The Deputy Chief of Staff, Personnel.* The Deputy Chief of Staff, Personnel, through the Director of Civilian Personnel, will be responsible for the general administration of the program and for the continuing appraisal of the adequacy of the program from the standpoint of effective personnel administration.

(c) *The Inspector General, United States Air Force.* The Inspector General, United States Air Force, will be responsible for the continuing appraisal of the adequacy of the program from the standpoint of effective security protection.

§ 889.3 *Establishment of boards*—(a) *Central Loyalty-Security Board.* The Central-Loyalty Security Board, established in Headquarters United States Air Force, will make initial determinations and prepare charges, when required, in all loyalty and security cases involving civilian employees of the Air Force. This Board will be composed of at least three members, appointed by order of the Secretary of the Air Force; one will be selected from the Office of the Air Provost Marshal, one from the Office of the Director of Civilian Personnel, and one from either the Office of the General Counsel or The Judge Advocate General, United States Air Force. One of the members will be appointed to serve as chairman. Any three members of the Board will constitute a quorum.

(b) *Loyalty-Security Hearing Boards.* There will be established at each Air Force activity maintaining a central civilian personnel office, a Loyalty-Security Hearing Board to hear and consider all loyalty and security cases involving Air Force civilian employees which are referred to it by the Central Loyalty-Security Board. Each Loyalty Security Hearing Board will be composed of at least three members and, if practicable, ordinarily will include the civilian personnel officer and a legal officer. The

majority of the Board members will be civilians. Any three or more members of each Board will constitute a quorum, provided a majority are civilians. The commanding officer of the Air Force activity will nominate the members of the Board, designating one to serve as chairman, for confirmation and appointment by the order of the Secretary of the Air Force.

(c) *Loyalty-Security Appeal Board.* The Loyalty-Security Appeal Board, established in the Office of the Secretary of the Air Force, will hear and consider appeals in all loyalty and security cases involving civilian employees of the Department of the Air Force, and will make recommendations thereon to the Secretary. The Board will be composed of members appointed by order of the Secretary of the Air Force.

§ 889.4 *Standards*—(a) *Loyalty.* The standard for removal on grounds relating to loyalty under Executive Order 9835, shall be that on all the evidence reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States.

(b) *Security.* The standard for removal on grounds relating to security under Public Law 808, shall be that on all the evidence reasonable grounds exist for belief that immediate removal of the person involved is warranted by the demands of National security.

§ 889.5 *Grounds for removal*—(a) *Loyalty.* (1) Activities and associations of an employee which may be considered in connection with the determination of disloyalty under Executive Order 9835, may include one or more of the following:

(i) Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs.

(ii) Treason or sedition or advocacy thereof.

(iii) Advocacy of revolution or force or violence to alter the constitutional form of government of the United States.

(iv) Intentional, unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of documents or information of a confidential or non-public character obtained by the person making the disclosure as a result of his employment by the Government of the United States.

(v) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interest of another government in preference to the interest of the United States.

(vi) Membership in, affiliation with, or sympathetic association with any foreign or domestic organization, association, movement, group, or combination of persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means. Such membership, affiliation, or sympathetic association is simply one piece of evidence which may or may not be helpful in arriving at a conclusion as to the action which is to be taken in a particular case, except as provided in subparagraph (2) of this paragraph.

(2) Removal from employment is mandatory, if, in the consideration of a case, it is found as a fact that an employee is a member of any organization designated by the Attorney General as being within the scope of section 9A of the Hatch Act, which requires the removal of any person who has membership in any political party or organization which advocates the overthrow of our constitutional form of Government in the United States, or within the scope of applicable appropriation acts which forbid the employment of any person who advocates, or is a member of any organization which advocates, the overthrow of the Government of the United States by force or violence. The organizations so designated as falling within the scope of these acts include the Communist Party, U. S. A., the Communist Political Association, the Socialist Workers Party, the Workers Party, the Young Communist League, the German-American Bund, the Industrial Workers of the World, the Nationalist Party of Puerto Rico, and the Independent Socialist League, and any which may subsequently be added by the Attorney General to the list of organizations designated as "seeking to alter the form of Government of the United States by unconstitutional means," specified in Air Force Regulation 124–5, and appendix A of part 210, chapter Z1, Federal Personnel Manual. (5 CFR 210, as amended).

(3) So far as individual's membership in, affiliation with, or sympathetic association with organizations, is concerned, all Boards shall confine their consideration to organizations on the Attorney General's list. However, activity of an alleged disloyal nature on the part of an individual that occurs within, or in connection with, an organization not on the Attorney General's list, may be the proper subject of a charge, and such activity may be given consideration in the determination made by a Board, as may also any alleged disloyal activity on the part of an individual not connected with any organization. An organization not on the Attorney General's list may be properly referred to in notices of charges only with the clear understanding and a statement that reference to such organization is solely for the purpose of identifying, in detail, the informative facts relating to the time, the place, and in what connection the alleged activity of the individual occurred. Disloyal activities on the part of an individual are not privileged because they have occurred in connection with an organization not on the Attorney General's list.

(b) *Security.* (1) Activities and associations of an employee which may be considered in determining whether or not his removal is warranted by the demands of national security under Public Law 808, may include one or more of the following:

(i) Activities and associations set forth in paragraph (a) of this section.

(ii) Willfully or deliberately divulging classified information, without authority, to persons not authorized to receive such information. (Employees guilty of irresponsible handling of classified information tending to indicate only a lack of proper care or judgment should be reassigned, suspended, or removed under other pertinent authorities and in accordance with the normal procedural requirements for such actions.)

(iii) Associating habitually or closely with persons believed to be engaged in activities or associations referred to in paragraph (a) of this section, to an extent which would justify the conclusion that he might, through such activities or associations, voluntarily or involuntarily divulge classified information without authority.

(iv) Other information demonstrating that the employee is likely to act against the security interests of the United States.

(2) In determining the question whether grounds exist for removal of an employee as a security risk the following factors, among others, will be taken into account, together with such mitigating circumstances as may exist:

(i) Participation in one or more of the parties or organizations, associations, movements, groups, or combinations referred to in paragraph (a) of this section, or in parties, organizations, associations, movements, groups, or combinations which are "fronts" for, or are controlled by, any such party, organization, association, movement, group, or combination, either by membership therein, taking part in its executive direction or control, contribution of funds thereto, attendance at meetings, employment thereby, registration to vote as a member of such a party, or signature of petition to elect a member of such a party to public office or to accomplish any other purpose supported by such a party, or written evidences or oral expressions by speeches or otherwise, of political, economic, or social views, inimical to the best interest of the United States.

(ii) Violation of security directives; the inability of the employee to refrain from activities and associations which might make him an easy prey for forces attempting to secure classified information at his disposal, or for forces interested in sabotage. Primary concern will be given to his likelihood to divulge information or his susceptibility to foreign or subversive influences.

(iii) Nature of position and duties. The extent of the employee's access to classified information, the "sensitive" nature of the employee's duties, and the degree of responsibility and trust incident to his position will be considered in relation to the factors mentioned above.

(iv) The employee's discreetness, trustworthiness, selection of friends, acquaintances, travel, and the entire sphere of his activities.

§ 889.6 *Initial action by installation commander.* Upon receipt of an investigative report or other information of a derogatory nature reflecting upon an employee's loyalty or security, the commanding officer of the employing installation, will take the following action if,

544

in his opinion, the employee appears to be a security risk:

(a) Take such interim action, other than suspension, as is necessary to protect the security of the installation or of classified information. Examples of actions which might be appropriate are: Temporary removal from the employee's position of those duties involving access to classified material; or temporary detail of the employee to another position. Formal personnel action for security purposes, except as provided in paragraph (b) of this section, is not appropriate pending final decision in the case.

(b) In extreme situations, where the continued presence of the employee in a duty status pending final decision in the case would jeopardize seriously the security of the installation or of classified information, suspend the employee for a period not to exceed 90 days. Notice of such suspension will be given on SF 50 which will state under the heading "Remarks" only that: "Immediate suspension is warranted by the demands of national security under authority of Public Law 808, 77th Congress, pending adjudication of your case under AFR 40–12," and will be given to the employee in person. Extension of such 90-day suspension may be authorized only by formal request to and approval by the Central Loyalty-Security Board, Headquarters United States Air Force.

§ 889.7 *Adjudication procedures*—(a) *Review of case by Central Loyalty-Security Board.* The Central Loyalty-Security Board will review the case in the light of the standards and grounds set forth in §§ 889.4 and 889.5, and will determine whether the reported information warrants a finding clearly favorable to the individual, further investigation, or further processing with a view to possible removal action. If deemed essential, the Central Loyalty-Security Board may direct suspension of the employee under Public Law 808, or, if suspension has already been effected, review such action to determine the propriety of it under the circumstances.

(1) If the Central Loyalty-Security Board reaches a conclusion clearly favorable to the individual, it will recommend to the Secretary of the Air Force that favorable action be taken. Upon approval of such favorable determination, the commanding officer of the originating installation will be so notified, and instructed to return the employee to duty if suspension previously has been effected.

(2) If the Central Loyalty-Security Board determines that the reported information does not warrant a finding clearly favorable to the individual, it may issue interrogatories to the employee, request further investigation, or prepare a notice of proposed removal action and statement of charges. The notice of proposed removal and statement of charges will set forth the basis for such charges and proposed removal in as great detail as security considerations permit in order to provide the employee with sufficient data to prepare his defense. It also will inform the employee (i) of his right within 10 calendar days from the date of his receipt of the notice to answer the charges in writing under oath or affirmation, together with such statements, affidavits, or other documentary evidence as he may desire to submit by way of defense (ii) of his right to an administrative hearing on the charges before a designated Loyalty-Security Hearing Board upon his request, and (iii) of his right to appear before the Loyalty-Security Hearing Board personally, to be represented by counsel or a representative of his own choosing, and to present evidence in his own behalf. The notice will state the work and pay status in which he will be carried during the notice period and until notification of the action in the case. The notice will also inform the employee that the proposed removal action will not become effective in less than 30 calendar days from the date of receipt by him of the notice and will indicate the authorities under which the notice is being sent.

(b) *Channels of communication.* The Central Loyalty-Security Board will forward the notice and statement of charges direct to the commanding officer of the originating installation and will forward a copy of such notice to the designated Loyalty-Security Hearing Board, together with the complete file of the case. The commanding officer will have the notice of proposed removal action and statement of charges delivered to the employee in person, and will obtain a signed receipt therefor; if personal delivery is not practicable, the notice will be sent to the employee by registered mail with a request for a return receipt signed "by addressee only." Such signed receipt will be forwarded direct to the designated Loyalty-Security Hearing Board for inclusion in the complete file of the case.

(c) *Proceedings by Loyalty-Security Hearing Board.* Following delivery to the employee of the notice of proposed removal and statement of charges, the designated Loyalty-Security Hearing Board will proceed as follows:

(1) If the employee does not reply in writing to the letter of charges within the time specified and does not request a hearing, the Board will consider the case on the complete file. However, no inference or presumption should be assumed by the Board because of the failure or refusal of an individual to reply to the notice of charges. Despite his failure or refusal to reply, the Board will furnish the individual a notice of the time and place when the Board proposes to consider the case, so that the employee and his counsel or representative may appear if they so desire. However, if the employee and his counsel or representative appear under these circumstances, the Board need not grant a full hearing as prescribed in subparagraph (4) of this paragraph, but may in its discretion restrict such appearance to a presentation of a brief statement of defense by the employee, or his counsel or representative.

(2) If the employee does not reply in writing but does request a hearing, the Board will grant a hearing as prescribed in subparagraph (4) of this paragraph.

(3) If the employee replies in writing but does not request a hearing, the Board will then consider the case on the complete file (including the written reply).

(4) If the employee replies in writing within the time specified and also requests a hearing, the Board will set a time and place for the hearing and will notify the employee thereof. The hearing will be held as soon as practicable, allowing the employee a reasonable length of time to prepare his defense and procure witnesses if desired.

(d) *Study of case file by Hearing Board members.* Each individual case file referred to a Hearing Board will be studied, prior to the hearing, by each Board member who is to participate in the hearing and in the determination of the case. In this way, Board members will be able to conduct the hearing in an intelligent manner by being informed in advance of the facts giving rise to the case, and thereby becoming aware of those areas of doubt which will require exploration and explanation at the time of hearing. However, it must be borne in mind constantly when studying the file prior to the hearing that the investigative reports, letters of charges, and other information in the file represent only one side of the case, and that the employee has not, as yet, introduced his defense. Accordingly, Board members will make every possible effort to avoid forming any convictions as to the eventual determination of the case until such time as the employee has presented his defense in the hearing, or by his written answer to the charges.

§ 889.8 *Hearings*—(a) *Purposes to be accomplished.* Loyalty-Security hearings are designed to accomplish two major purposes: (1) To permit the employee to present evidence in his behalf and (2) to give the Loyalty-Security Hearing Board an opportunity to consider all evidence and make searching inquiry to aid the Board in forming a basis for a fair and impartial determination.

Accordingly, such hearings are not to be conducted as courts of law nor as military courts-martial. Strict rules of evidence and formal court procedures are not to be followed. Rather, the hearings are to be conducted as administrative inquiries held for the purpose of affording the employee an opportunity to be heard and to permit the Board to inquire fully into the matter related to the particular case.

(b) *Conduct and attendance.* Hearings will be conducted in an orderly manner, and in a serious businesslike atmosphere of dignity and decorum. They may be attended only by the members of the Board participating in the hearing, Air Force officials directly connected with the adjudication of the case, representatives of the Loyalty Review Board of the Civil Service Commission, such witnesses as the Government or the employee desires to introduce, and the employee and his counsel or representative. A witness may be present only when he is actually testifying. However, the employee and his counsel or representative will be permitted to be present throughout the hearing.

(c) *Testimony and evidence.* Reasonable bounds of relevancy, competency, and materiality will be maintained by

the Board chairman who will preside. All testimony will be given under oath or affirmation. Both the Government and the employee may introduce such evidence, oral or written, as the Board may consider proper in the particular case. The employee or his counsel or representative shall have the right to control the sequence of such witnesses as shall be offered by or on behalf of the employee.

(d) *Request for attendance of witnesses by employee.* Upon request of the employee, Boards are authorized, in their discretion, to invite any person not a confidential informant to appear at the hearing and testify. However, the Board shall not be bound by the testimony of such witness by reason of having called him, and shall have full and complete right to cross-examine the witness in connection with his testimony. Reasonable cross-examination of a witness by the employee, his counsel or representative, shall be permitted. Where the disclosed witness is not a confidential informant and the witness has made charges against the employee, the failure of any such witness to appear upon request shall be made a matter of record and the Board will, when considering the written testimony of such witness, give such weight to his reasons, if any, for his failure to appear as the Board shall deem just and proper, since there is no power of subpoena and no appropriation for payment of travel for witnesses.

(e) *Attendance of witnesses on request of Board.* All Boards are instructed to invite, whenever practicable, every witness who (1) is personally identified, (2) has given the Investigative Agency pertinent information adverse to the employee, and (3) has not expressly indicated his unwillingness to testify, to appear at the hearing and to testify in the employee's presence and subject himself to cross-examination. The invitation should be extended in a suitable manner, a reasonable time in advance of the hearing, if possible, so as to afford witnesses an opportunity to attend. The invitation should state the time and place where the hearing will be held and that the Board cannot pay witness fees or reimbursement for travel or other expenses. If any such nonconfidential witness declines or fails to appear after being invited by the Board, the Board will take into consideration any reason or excuse existing for failure or refusal of such witness to testify, in considering and evaluating the testimony of such witness as it appears in the FBI report or elsewhere. In the conduct of the hearing by the Board, any nonconfidential witness called to testify may be interrogated as to whether such witness has heretofore been interviewed by a Government investigator and, if so, what statement such witness may have made to the investigator.

(f) *Opening statement by chairman.* Hearings will be called to order by the chairman, who will make an opening statement substantially as follows:

> The Loyalty-Security Hearing Board of (name of activity) appointed by order of the Secretary of the Air Force in accordance with Air Force Regulation 40-12, is now ready to proceed with the hearing in the case of (name of employee). This is not a court of law and strict rules of evidence and court procedure are not followed. This is an administrative hearing held for the purpose of affording you an opportunity to be heard and to permit the Board to inquire fully into the matters related to your case. You have the right to participate in this hearing and to be represented by counsel or other representative and to present witnesses in your behalf. You can assist the Board in arriving at a fair and just determination in your case by giving full and frank answers to all questions the Board may have and by confining your attention to matters related to your case. The transcript to be made of this hearing will not include all material in the file of the case, in that it will not include reports of investigation conducted by the Federal Bureau of Investigation or other investigative agencies which are confidential. Neither will it contain information concerning the identity of confidential informants or information which will reveal the source of confidential evidence. The transcript will contain only the evidence in the letter of charges delivered to you and the evidence actually taken at this hearing.

(g) *Reading of charges and administration of oath.* Following the opening statement, the chairman will read the letter of charges (and interrogatories, if any) and inform the employee that if he so desires he may make any statement he wishes and introduce any witnesses in his behalf. Statements by the employee and all testimony of witnesses must be made under oath or affirmation administered in the following manner:

> Do you, (name of employee or witness) solemnly swear (or affirm) that the testimony you are about to give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Subsequent to the employee's statement, if any, and the introduction of such witnesses as he may desire by way of defense, the hearing will proceed as directed by the Board.

(h) *Executive session.* The Board may recess the hearing at any time and meet in executive session. During an executive session the Board may call the reporter to review any portion of the record of the hearing and may obtain technical assistance as desired from such persons as the legal officer or the air provost marshal. No transcript of an executive session will be made as such session is not considered a part of the hearing.

(i) *Disclosure of information affecting National security or investigative sources or methods.* Boards are directed to conduct proceedings in such manner as to protect from disclosure information affecting the National security or tending to compromise investigative sources or methods. While the Board's questions should cover all grounds for proposed removal and should be designed to give employees the fullest possible opportunity consistent with security considerations to explain or refute derogatory information contained in the investigative reports, it is imperative that proposed lines of questioning be considered carefully in the light of security principles. In any case where doubt exists as to the propriety of a question or the advisability of revealing certain investigative data, the air provost marshal of the local activity should be consulted for advice preferably in advance of the hearing.

(j) *Stenographic transcript of hearing.* A verbatim stenographic transcript will be made of the hearing by qualified reporters and the transcript will be made a permanent part of the record in each case. The transcript will include a copy of the charges (and interrogatories, if any); no other transcript will be made.

(k) *Transcript of hearing furnished employee.* Upon request, the employee personally, or by his counsel or representative, shall be furnished a copy of the transcript. If, in the course of a hearing information affecting the National security, as described in paragraph (j) of this section, is inadvertently admitted, it may be eliminated from the record by the Board. Advice on such matters should be requested from the installation air provost marshal when deemed desirable. Deletions will be made only when national security interests clearly require.

(l) *Correction of transcript of hearing.* If the employee or his counsel or representative desires to submit corrections in the transcript to the Board, he will note the corrections on a separate statement, designating the page and line. The statement of corrections is to be filed within the time set by the Board. The Board, upon consideration of the entire case, will determine what corrections are allowable, entering upon the original transcript by marginal notation the corrections which are allowed, and entering on the statement filed by the employee, his counsel or representative, the corrections which are rejected. The statement filed by the employee, his counsel or representative, containing the notations by the Board as to the corrections rejected will be made a part of the original transcript so that it may be a permanent part of the complete file. The Board in its discretion may call upon the employee, his counsel or representative, for a discussion of the corrections prior to its determination thereon. Corrections will be allowed solely for the purpose of conforming the transcript to the actual testimony, except as to matters deleted for security reasons as provided in paragraph (k) of this section.

§ 889.9 *Board determinations* — (a) *General.* As promptly as possible after full consideration of the complete file, including all evidence, arguments, briefs, and testimony in each case, and following any desired discussion, the Board will meet in executive session and reach its determination.

(1) The failure to disclose to the employee, his representative, counsel or witness, sources of information and material contained in the investigative reports, resulting in lack of opportunity to cross-examine the accuser or ascertain sources of information, must be taken into consideration by the Board in reaching its determination.

(2) The determination will be reached by majority vote which will be recorded and made a permanent part of the record in each case. Voting by all members participating in the hearing and the determination, including the chairman, will be obligatory, except that if at the time a vote is to be taken the Board consists

of an even number of members, including the chairman, the chairman will not vote. This procedure is required so that the Board will be able to reach a majority determination in every case.

(b) *Specific.* The determination of the Loyalty-Security Hearing Board will be as follows:

(1) *Loyalty (Executive Order 9835):* Either:

(i) The Loyalty-Security Hearing Board determines that, on all the evidence, reasonable grounds do not exist for belief that the employee is disloyal to the Government of the United States; or,

(ii) The Loyalty-Security Hearing Board determines that, on all the evidence, reasonable grounds exist for belief that the employee is disloyal to the Government of the United States. In connection with this determination, the Board will state whether the case falls within the scope of section 9A of the Hatch Act, and the applicable appropriation act. (See § 889.5 (a) (2)).

(2) *Security (Public Law 808):* Either:

(i) The Loyalty-Security Hearing Board determines that, on all the evidence, reasonable grounds do not exist for belief that the employee's removal is warranted by the demands of National security; or,

(ii) The Loyalty-Security Hearing Board determines that, on all the evidence, reasonable grounds exist for belief that the employee's immediate removal is warranted by the demands of National security.

NOTE: In any case where the Board determines under Loyalty that reasonable grounds exist for belief of disloyalty, a finding that immediate removal is warranted by the demands of National security is mandatory.

(c) *Preparation of determination by Board.* The determination of the Board as prescribed in this section, accompanied by a brief statement of the basis for the determination, will be made in writing, prepared in quadruplicate, signed by the members of the Board participating in the hearing and determination, and will be made a permanent part of the file in each case. Where the determination is not unanimous but is by a majority of the Board, the vote of each member will be recorded separately from the determination and also will be made a permanent part of the file in each case. The complete file will then be transmitted by the Hearing Board direct to the Central Loyalty-Security Board, Headquarters United States Air Force. The complete file consists of all reports of investigation or other inquiry, all charges and interrogatories, all transcripts of hearings and exhibits, all memoranda analyzing the evidence or setting forth conclusions, findings, recommendations, determinations, decisions, or other action in cases, and all affidavits, supporting documents, correspondence or memoranda in connection with the investigation, determination, decision and closing of any case or cases.

(d) *Review of proceedings by Central Loyalty-Security Board.* Upon receipt of the case from the Hearing Board, the Central Loyalty-Security Board, Headquarters United States Air Force, will review the Hearing Board proceedings to determine the regularity of the procedures followed. The Central Loyalty-Security Board, Headquarters United States Air Force, will notify the employee through the commanding officer of the originating installation of the action in the case.

(1) If the action is favorable to the employee, the commanding officer will be instructed to return the employee to duty if suspension previously has been effected. Ordinarily the commanding officer will be instructed also to pay the employee for the period of his suspension in an amount equal to the difference between what he would have earned had he not been suspended and his interim earnings, if any, pursuant to the reimbursement authority contained in Public Law 808.

(2) If the action is unfavorable to the employee, the notice will inform him of the action and also of his rights of appeal as prescribed in § 889.10. The commanding officer will effect the removal, when required, by executing SF 50 and delivering it to the employee, together with the Central Loyalty-Security Board's notice, in the same manner as is prescribed in § 889.7 (b), for delivery of the statement of charges. The nature of action appearing in SF 50 will be "Removal," and the authority will be as indicated in the letter of notification to the employee. Under "Remarks" will be placed the statement "Action taken in accordance with Letter of Removal, dated _____." A copy of the letter of removal will be appended to each copy of SF 50.

§ 889.10 *Appeal*—(a) *Notice.* The notice of unfavorable action prepared pursuant to § 889.9 (d) will inform the employee that he may appeal from the action to the Loyalty-Security Appeal Board in the Office of the Secretary of the Air Force, within 30 calendar days after receipt by the employee of such notice. The notice will also inform the employee of his right to appear, with his counsel or representative, at a hearing and to submit such statements or affidavits, or both, as he may desire to show why he should be retained and not removed. The employee's notice of desired appeal will be in writing and will be addressed to the Loyalty-Security Appeal Board, Office of the Secretary of the Air Force, Washington 25, D. C.

(b) *Hearing.* Upon receipt of the employee's notice of desired appeal, the Loyalty-Security Appeal Board will set a time and place for hearing if requested, as soon as practicable, and will notify the employee thereof.

(c) *Appearance of employee.* The hearing before the Loyalty-Security Appeal Board will be conducted in a manner to provide the employee with an opportunity to appear in person, with his counsel or representative, and to submit such statements or affidavits, or both, as he may desire to show why he should be restored and not removed.

(d) *Report of Board.* After full consideration of the appeal, including the complete file of the case, the Loyalty-Security Appeal Board will report its findings and recommendation to the Secretary, who may:

(1) Affirm the original determination or action, and sustain the employee's removal, or

(2) Reverse the original determination or action and direct the employee's return to duty, or

(3) Direct other action in lieu of removal (i. e., disciplinary suspension).

(e) *Notice of decision and right of appeal.* The employee will be notified by letter of the Secretary's decision and of any right that he may have to appeal to the Loyalty Review Board of the Civil Service Commission on questions of loyalty under Executive Order 9835. He will be informed also of the procedures to be followed in filing the appeal.

(f) *Finality of decisions and appeal to Civil Service Commission.* Decisions of the Secretary on questions of security under Public Law 808, will be final. Decisions of the Secretary on questions of loyalty under Executive Order 9835 may be appealed to the Loyalty Review Board, U. S. Civil Service Commission, Washington 25, D. C. Appeals to the Loyalty Review Board must be filed in writing with the Board within 20 calendar days (or 30 calendar days if the employee is outside the continental limits of the United States) after receipt by the employee of the Secretary's decision. Appellants also will notify the Secretary of the Air Force, Washington 25, D. C., of their appeals to the Civil Service Commission Loyalty Review Board. When a case is transmitted on appeal to the Civil Service Commission Loyalty Review Board, the file will indicate clearly those charges on which a determination of reasonable grounds for belief of disloyalty was made, in order that the Loyalty Review Board may adjudicate only those matters within the purview of Executive Order 9835.

(g) *Determination by Civil Service Commission Loyalty Review Board.* If the Loyalty Review Board of the Civil Service Commission determines that reasonable grounds do not exist for belief of disloyalty, the Secretary of the Air Force will give such decision every consideration in determining whether or not the employee, in view of the decision of the Loyalty Review Board, is, nevertheless, a security risk. However, if the Secretary adheres to his previous determination that removal is warranted for security reasons, the removal will be sustained, on grounds relating to security only, and the employee will be notified of the final disposition of the case.

§ 889.11 *New appointees to the competitive service.* The terms of Executive Order 9835, provide that the Civil Service Commission has exclusive jurisdiction to adjudicate the loyalty of "new appointees" as defined in section 210.7 (b), chapter Z1, Federal Personnel Manual (5 CFR 210.7 (b)). Accordingly, so far as loyalty is concerned, such appointee cases will be processed as follows:

(a) Upon receipt of a notification from the Civil Service Commission that a full field investigation has been conducted with respect to a new appointee, the Air Provost Marshal will forward the notifi-

cation, with one copy of the investigative report, direct to the commanding officer of the employing activity. If, in the opinion of the Air Provost Marshal, immediate suspension of a new appointee appears necessary in the interests of National security prior to referral of the case to the installation commander, the Air Provost Marshal will so recommend to the Central Loyalty-Security Board, requesting that immediate action be taken to suspend the new appointee in accordance with the provisions of paragraph (b) (2) of this section.

(b) Upon receipt of the investigative report, the commanding officer of the employing activity, will either:

(1) Take such action, other than suspension, as is necessary to protect the security of the installation or of classified information, pending adjudication of the case by the Civil Service Commission; or,

(2) In extreme situations where the continued presence of the new appointee in a duty status pending final decision in the case would jeopardize seriously the security of the installation, suspend the employee for a period not to exceed 90 days. Notice of such suspension will be given on SF 50, which will state under the heading "Remarks" only that "Immediate suspension is warranted by the demands of National security under authority of Public Law 808, 77th Congress, pending adjudication of your case under AFR 40-12," and will be served on the appointee in person. Extension of such 90-day suspension may be authorized only by formal request to and approval by the Central Loyalty-Security Board, Headquarters, United States Air Force.

(c) After adjudication of the case by the Civil Service Commission on the loyalty issue, the Central Loyalty-Security Board will be notified of the Commission's determination. If removal is deemed warranted by the Civil Service Commission, and the Commission instructs the Air Force to remove the appointee, removal will be effected promptly by the Air Force. In the event that the Commission's finding on loyalty is favorable to the appointee, the Air Provost Marshal will review the file for security purposes and refer it to the Central Loyalty-Security Board. The case will then be reviewed by the Central Loyalty-Security Board as prescribed in § 889.7 and thereafter processed as a security case only, under regulations contained in this part.

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

[F. R. Doc. 50-1023; Filed, Feb. 6, 1950; 8:59 a. m.]

549

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 12—DISPOSITION OF VETERANS' PERSONAL FUNDS AND EFFECTS

CASES OF LIVING VETERANS AND RIGHTS OF DESIGNATE; SALES INSTRUCTION; TRANSPORTATION CHARGES

1. In § 12.6, the note immediately following paragraph (a) is amended to read as follows:

§ 12.6 *Cases of living veterans.* • • •

NOTE: The Government will not pay expense of transportation of effects of competent or incompetent veterans discharged, absent without leave, or who have eloped, except that personal effects of a discharged beneficiary or a beneficiary being transferred to another facility at Government expense, which are not available at time of discharge or transfer of the beneficiary due to the articles being in custody of the Government, may be shipped at Government expense.

* * * * *

2. In § 12.9, paragraph (c) is amended to read as follows:

§ 12.9 *Rights of designate; sales instruction; transportation charges.* • • •

(c) The living owner of any property left or found at a field station will be promptly notified thereof. Except as provided in § 12.6 (a), transportation charges on property shipped to a living veteran will not be paid by the Government. In such cases, shipment shall be made as requested by the owner of the property (or his guardian) upon receipt of necessary transportation charges, which will be prepaid, unless the owner requests shipment with charges collect and the carrier will accept such shipment without liability for such charges, contingent or otherwise, upon the Government.

* * * * *

(Sec. 10, 52 Stat. 1192, 55 Stat. 871; 38 U. S. C. 161, 17j)

This regulation effective February 7, 1950.

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

[F. R. Doc. 50-1038; Filed, Feb. 6, 1950; 8:48 a. m.]

550

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9210]

PART 13—COMMERCIAL RADIO OPERATORS

MISCELLANEOUS AMENDMENTS

In the matter of extension of effective date of amendment of §§ 13.21 and 13.61 of the rules governing commercial radio operators; Docket No. 9210.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of December 1949;

The Commission having on June 29, 1949 adopted an order amending §§ 13.21 and 13.61 of the rules governing commercial radio operators in order to make certain changes in the operator requirements for the operation of aircraft radiotelegraph stations, said amendments to become effective January 3, 1950.

It appearing that it is desirable that the amendments to §§ 13.21 and 13.61 be placed in effect at approximately the same time that rules of the Civil Aeronautics Board with respect to similar matters are also made effective and that the finalization by the Civil Aeronautics Board on these matters is expected about February 15, 1950;

It is ordered, That the effective date of the order of June 29, 1949 amending §§ 13.21 and 13.61 be stayed until February 15, 1950 (14 F. R. 3852), at which time said order and amendments shall become effective.

For purposes of clarification the text of the affected paragraphs of §§ 13.21 and 13.61, amended to reflect the provisions of this order, is set forth below.

Released: December 21, 1949.

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

Directions for altering text:

1. Add the following text of new examination element number 7, aircraft radiotelegraph, to the present text of § 13.21, *Examination elements:*

7. *Aircraft radiotelegraph.* Basic theory and practice in the operation of radio communication and radio navigational systems in general use on aircraft.

2. Add the following text of new subparagraph (4) to paragraph (a) of § 13.61, *Operating authority:*

(4) On an aircraft employing radiotelegraphy, the holder of this class of license may not operate the radiotelegraph station during the course of normal rendition of service unless he has satisfactorily completed a supplementary examination qualifying him for that duty, or unless he has served satisfactorily as chief or sole radio operator on an aircraft employing radiotelegraphy prior to February 15, 1950. The supplementary examination shall consist of:

(i) Written examination element: 7.

3. Add the following text of new subparagraph (5) to paragraph (b) of § 13.61, *Operating authority:*

(5) On an aircraft employing radiotelegraphy, the holder of this class of license may not operate the radiotelegraph station during the course of normal rendition of service unless he is at least eighteen (18) years of age and has satisfactorily completed a supplementary examination qualifying him for that duty, or unless he has served satisfactorily as chief or sole radio operator on an aircraft employing radiotelegraphy prior to February 15, 1950. The supplementary examination shall consist of:

(i) Transmitting and receiving code test at twenty-five (25) words per minute plain language apd twenty (20) code groups per minute.

(ii) Written examination element: 7.

4. Add the following text of new exception (6) to paragraph (c) of § 13.61, *Operating authority:*

(6) Aircraft radio stations while employing radiotelegraphy.

[F. R. Doc. 50-1015; Filed, Feb. 6, 1950; 8:49 a. m.]

551

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Correction

In Federal Register Document No. 50-953, appearing on page 603 of the issue

for Friday, February 3, 1950, the date in the last line of the third paragraph should read "February 1, 1950."

558

Subchapter C—Carriers by Water

[Ex Parte 143]

PART 310—SETTLEMENT OF RATES AND CHARGES OF COMMON CARRIERS

SETTLEMENT OF RATES AND CHARGES OF COMMON CARRIERS BY WATER

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 30th day of January A. D. 1950.

It appearing, that the Newtex Steamship Corporation and the Pan-Atlantic Steamship Corporation have petitioned for modification of the order (49 CFR, Part 310) entered herein on August 29, 1941, so as to exclude Saturdays, as well as Sundays and legal holidays, in the computation of the prescribed periods of credit and time for presentation of freight bills; and that by notice dated October 14, 1949 (14 F. R. 6386), by the Secretary of the Commission, interested parties were afforded an opportunity to express their views concerning the proposed rules on or before November 10, 1949;

It further appearing, that there are no objections to the proposed rules;

And it further appearing, that the action requested in the said petition is warranted to the extent hereinafter provided and may be effected through appropriate modification of the order entered herein on August 29, 1941 (49 CFR, Part 310);

It is ordered, That the order entered herein on August 29, 1941 (49 CFR, Part 310), is hereby modified effective February 10, 1950, by changing § 310.4 (c) in the said order which reads as follows:

(c) Sundays and legal holidays, other than Saturday half holidays, may be excluded from the computation of the periods of credit.

by substituting therefor the following:

(c) In the computation of the various periods of credit Saturdays, Sundays, and legal holidays may be excluded, and where the time for presentation of freight bills for transportation and related charges falls on Saturday, Sunday or a legal holiday such bills may be presented prior to 12 o'clock midnight of the next succeeding regular work day.

and by changing in § 310.5 (a) of the said order the portion reading as follows: "§§ 310.6 and 310.7" by substituting therefor the following: "§§ 310.4, 310.6 and 310.7".

And it is further ordered, That in all other respects said order of August 29, 1941, shall remain in full force and effect. Notice to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

(54 Stat. 949; 49 U. S. C. 918)

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1047; Filed, Feb. 6, 1950; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 998]

[Docket AO-206]

HANDLING OF IRISH POTATOES GROWN IN NEW JERSEY

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 50-328, published at page 203 of the issue for Friday, January 13, 1950, the following changes are made:

1. Under the *Findings and conclusions* the following changes are made:

a. In the ninth line of the tenth paragraph of (a) the word "acts" should read "act".

b. The following new paragraph should be inserted preceding the last paragraph in the first column on page 208:

Different regulations should be permitted for table stock than seed potatoes. The preferred grades and sizes of the latter frequently, if not usually, differ from the preferred grades and sizes of table stock. Potatoes may be certified and highly satisfactory for seed but on account of certain defects would be inferior and unsatisfactory potatoes for table stock purposes.

2. The recommended marketing agreement and order are corrected as follows:

a. In § 998.1 (l) "classifications of subdivisions" should read "classifications or subdivisions".

b. In the second paragraph under § 998.2 (c) "handlers" should read "handler".

c. In § 998.2 (d) "New Jersey Potato Committee" should read "New Jersey Potato Marketing Committee".

d. The first sentence of § 998.3 (a) (3) should read: "The funds to cover such expenses shall be acquired by the levying on handlers of assessments."

e. The ninth line of § 998.4 (d) (1) should read "contents of Certificates of Privilege if such."

FEDERAL POWER COMMISSION

[18 CFR, Part 34]

[Docket No. R-114]

PUBLIC INVITATION OF PROPOSALS FOR THE PURCHASE OR UNDERWRITING OF SECURITIES

REVISED REQUIREMENTS

JANUARY 24, 1950.

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

2. Pursuant to the authority vested in it by the Federal Power Act (41 Stat. 1063, 49 Stat. 847, 16 U. S. C. 791-825r), and particularly sections 19 and 20 (41 Stat. 1073; 16 U. S. C. 812, 813), section 3 (16) (41 Stat. 1063, 49 Stat. 838, 16 U. S. C. 796), sections 204, 305, 308 and 309 (49 Stat. 850, 856 and 858, 16 U. S. C. 824c, 825d, 825g and 825h), thereof, and subject to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), the Commission proposes to amend Part 34 of the general rules and regulations (18 CFR Part 34) to prescribe revised requirements for public invitation of proposals for the purchase or underwriting of securities subject to the provisions of section 19, 20 or 204 of the Federal Power Act, as follows:

3. Add a new section between §§ 34.1 and 34.2, reading as follows:

§ 34.1a *Requirement of public invitation of proposals for the purchase or underwriting of securities*—(a) *Scope of this section.* This section shall apply to every issuance of a security, or securities, and assumption of obligation or liability as guarantor, endorser, surety, or otherwise, in respect to any security, or securities, of another person, for which Commission approval must be obtained, under the Federal Power Act, except where:

(1) Such securities are to be issued pro rata to existing holders of securities of the applicant or issuer pursuant to any preemptive right or in connection with any liquidation or reorganization;

(2) Such securities consist of one or more bonds, notes, or other evidence of debt, of a maturity of ten years or less, to a commercial bank, insurance company, or similar institution not for resale to the public, provided no finder's fee or other fee, commission or remuneration is to be paid in connection therewith to any third person (except an associated service company charging only its costs of service) for negotiating the transaction;

(3) The proceeds, to the issuer, of the securities will be less than $1,000,000; or

(4) The Commission, on application filed pursuant to § 34.2 (k) (2) (ii), finds that compliance with the competitive bidding requirements of paragraphs (b) and (c) of this section would not be:

(i) Appropriate to aid the Commission to determine whether any fees,

commissions, or other remuneration to be paid, directly or indirectly, in connection with the issue, sale, or distribution of such securities, or any term or condition of such issue or sale, is not consistent with the public interest;

(ii) Necessary or appropriate in the public interest or to assure the proper performance by the applicant of service as a public utility or to assure that the applicant's ability to perform that service will not be impaired.

Such findings will be made only where the issuer has engaged in no negotiation for the sale or underwriting of the securities without having been authorized in writing by the Commission prior to such negotiation. Nothing in this section shall be deemed to preclude the Commission from entering any order which would otherwise be appropriate under applicable provisions of the act.

(b) *Public invitation for proposals.* The Commission will not grant any application subject to this section unless, at least six days prior to entering into any contract or agreement for the issuance or sale of any security, or assumption of obligation or liability as guarantor, endorser, surety, or otherwise, in respect of any security of another person, sealed, written proposals for the purchase or underwriting of such securities shall have been publicly invited and the requirements of paragraph (c) of this section complied with. Such invitation shall, among other things, describe the arrangements made for independent counsel for bidders. No bid shall be invited, or accepted, from any person who, prior to the public invitation for bids, has performed any service in connection with the proposed securities or who has or will receive any fee or compensation in connection with the proposed securities, nor shall any bid be invited or accepted involving a violation of section 305 (a) of the Federal Power Act, prohibiting officers and directors benefiting from or sharing in proceeds of securities. Such proposals as may be received in response to the public invitation shall not be opened at any time or place other than as specified in the invitation. The duly authorized representative of any person making any such proposal shall be entitled to be present at the opening of such proposals and to examine each proposal submitted. The invitation shall embody a statement of the limitations herein prescribed.

(c) *Statement of compliance and of action proposed.* As promptly as practicable after the opening of the proposals the applicant shall file an amendment to its application setting forth:

(1) The action taken to comply with paragraph (b) of this section, including a statement that the proposed method of complying with the competitive bidding requirements as described in the application pursuant to the requirements of § 34.2 (k) (2) (i) has been carried out with no departures except such as shall be fully stated.

(2) A summary of the terms of the proposals received, including the name of each bidder, the interest or dividend rate specified (where applicable), the price to be paid the issuer per share or per $100 principal amount, the cost of money to the issuer (except in the case of common stock), the name of the successful bidder, and the successful bidder's initial public offering price with the resulting yield to the public (except in the case of common stock), accompanied by a copy of each proposal received (to be submitted as part of Exhibit L to the application).

(3) A statement of the action proposed to be taken with respect to the issuance and sale of securities, and, in any case in which securities are to be issued by a person other than the applicant, a statement of the action to be taken by the applicant with reference to the assumption of obligation or liability in respect thereto.

4. Amend paragraph (k) of § 34.2 to read:

§ 34.2 *Contents of application.* * * *

(k) A description of the method of issuing and selling the securities to be issued by the applicant or in respect of which the applicant is to assume any obligation or liability as guarantor, indorser, surety, or otherwise.

(1) Such description shall include a statement of whether:

(i) Such securities are to be issued pro rata to existing holders of securities of the applicant or issuer pursuant to any preemptive right or in connection with any liquidation or reorganization.

(ii) Such securities consist of one or more bonds, notes, or other evidences of debt, of a maturity of ten years or less, to a commercial bank, insurance company, or similar institution not for resale to the public, provided no finder's fee or other fee, commission or remuneration is to be paid in connection therewith to any third person (except an associated service company charging only its cost of service) for negotiating the transaction.

(iii) The proceeds, to the issuer or vendor, of the securities will be less than $1,000,000.

(iv) The proposed issuance of securities, or assumption of obligation or liability, by the applicant, has been exempted by the Commission from the competitive bidding requirements of § 34.1a (b) and (c) by findings as referred to in § 34.1a (a) (4), or is the subject of an application for such exemption under subdivision (ii) of subparagraph (2) of this paragraph, which application has not been denied by the Commission.

(2) Except where the issuance of securities or assumption of obligation or liability falls within any of subdivisions (i), (ii) or (iii) of subparagraph (1) of this paragraph, the application shall either:

(i) Set forth the proposed method of complying with the competitive bidding requirements of § 34.1a (b) and (c), including summarization of the principal terms of the proposed invitation for bids and submitting a copy of the proposed invitation as part of Exhibit L to the application; or

(ii) Apply for exemption from the competitive bidding requirements of § 34.1a (b) and (c) upon findings as referred to in § 34.1a (a) (4). Such an application may be made only where the issuer has not, prior to the filing of the application, engaged in any negotiation for the sale or underwriting of the securities and engages not to do so prior to Commission action on the application for exemption, and the application so shows, provided that engaging in negotiation may be permitted where the Commission has given its written authorization in advance. Such application for exemption may be filed as part of an application for securities approval, or as a separate application filed at any time prior to the filing of such an application for securities approval. (If separately filed, such separate application shall, nevertheless, be subject to the provisions of §§ 34.4 to 34.7.) Such application for exemption shall show the specific grounds relied on as warranting the findings referred to in § 34.1a (a) (4). If an application for such exemption is denied by the Commission after the application for securities approval has been filed, the requirements of subdivision (i) of this subparagraph shall be complied with by amendment to the application.

(3) Where no application has been filed for exemption from the competitive bidding requirements of § 34.1a (b) and (c), or the Commission has denied such an application, applicant shall set forth by amendment to the application, the data with respect to compliance with the competitive bidding requirements and its proposed action, as required by § 34.1a (c).

(4) There shall also be set forth in the application or amendment thereto:

(i) The name and address of any person receiving or entitled to a fee for services (other than attorneys, accountants and similar technical services) in connection with the negotiation or consummation of the issuance or sale of securities, or for services in securing underwriters, sellers, or purchasers of securities, other than fees included in any competitive bid; the amount of each such fee; and facts showing the necessity of the services and that the fee does not exceed the customary fee for such services in arm's length transactions and is reasonable in the light of the cost of rendering the service and any other relevant factors.

(ii) All facts showing or tending to show the issuer or applicant directly or indirectly controls, or is controlled by, or is under the same common control as, any person named pursuant to the requirements of subparagraph (3) of this paragraph and subdivision (i) of this subparagraph, or showing or tending to show the opposite. "Control" is used herein as defined in § 101.02–5B of this chapter.

5. Amend the paragraph entitled "Exhibit L" under § 34.3, to read as follows:

Exhibit L. Copies of the proposed and of the published invitation of proposals for the purchase or underwriting of the securities to be issued, of each proposal received, and of each contract, underwriting, and other arrangement entered into for the sale or marketing of the securities. Where a contract or underwriting is not in final form so as to permit filing, a preliminary draft or a summary containing such identification of the parties thereto and such setting forth

of the principal terms thereof as may be practicable, may be filed pending filing of conformed copy in the form executed, by final amendment to the application.

6. Amend section 34.9 to read as follows:

§ 34.9 *Commission action.* An application for approval under this part will ordinarily require a minimum of 30 days after it is filed to allow for public notice, investigation, opportunity for hearing, consideration by the Commission, and issuance of the first order referred to hereinafter. To facilitate the completion of registration statements filed with the Securities and Exchange Commission pursuant to the requirements of section 7 of the Securities Act of 1933 and sections 12 and 13 of the Securities and Exchange Act of 1934, so that public invitation for proposals for purchase or underwriting of the securities may be made, conformably to the provisions of those acts, this Commission will, where appropriate, authorize proposed issuances of securities and assumptions of obligation or liability, prior to the filing of the data referred to in § 34.1a (c) and 34.2 (k) (3) and (4) subject to a provision that the securities shall not be issued, or the obligation or liability assumed, by the applicant, until such amendment shall have been filed and a further order shall have been entered thereon. The Commission will endeavor wherever possible to enter such further order upon receipt of telephone advice and confirmation thereof by telegram from the applicant setting forth the substance of the data specified in § 34.2 (k) (3) and (4) and stating that the amendment furnishing such data has actually been mailed to the Commission. This two-order procedure will not obtain with respect to security issues exempted by § 34.1a (a) from competitive bidding requirements, except upon request.

7. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before March 1, 1950, data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1027; Filed, Feb. 6, 1950; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2509, Amdt. 5]

DELEGATION OF AUTHORITY

CONTRACTS

Section 53 (14 F. R. 2096) of Order No. 2509 is amended so as to read as follows:

SEC. 53 *Contracts; Chairmen, field committees.* In conformity with applicable regulations and statutory requirements, and subject to the availability of appropriations, the chairmen of the following field committees severally may, without Secretarial approval, purchase supplies and make contracts for supplies and services if the amount involved in any one case does not exceed $100:

Alaska Field Committee.
Colorado River-Great Basin Field Committee.
Missouri River Basin Field Committee.
Pacific Northwest Field Committee.
Southwest Field Committee.

(5 U. S. C., sec. 22)

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

JANUARY 27, 1950.

[F. R. Doc. 50-1026; Filed, Feb. 6, 1950; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 74]

PACIFIC TRADING CORP.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of: Shao Ti Hsu, Pacific Trading Corporation, 131 State Street, Boston, Massachusetts.

This proceeding was instituted on January 13, 1950, by the mailing of a charging letter to the above-named respondents, wherein the Office of International Trade charged respondents with having violated the Export Control Act of 1949, and the regulations promulgated thereunder, (1) by knowingly and falsely certifying, on each of eight applications for export licenses to make shipments of steel sheets to various named consignees in Europe, that respondents held accepted orders from such consignees for such steel sheets, and (2) by making three separate exportations of steel sheets, under the purported authority of export licenses held by respondents, to ultimate consignees and destinations other than those permitted by such licenses, pursuant to shipper's export declarations filed by respondents with U. S. Customs, in each of which declarations respondents knowingly and falsely misdescribed the true ultimate consignee and ultimate destination.

It appears that Shao Ti Hsu, who is the president of Pacific Trading Corporation, after receiving the above-entitled charging letter, submitted to the Office of International Trade, on behalf of himself and his corporation, a statement to the effect that respondents admit, for the purposes of this compliance proceeding, the charges made in said charging letter of January 13, 1950, that they waive all right to a hearing on such charges, and that they consent to the entry of an order (a) revoking all outstanding export licenses issued to either of them, (b) denying to each of them the privilege of exporting, either by validated or general export license, any commodity appearing on the Positive List of Commodities as promulgated by the Office of International Trade as such list may exist at the time of any proposed exportation, for a period of four months from the date of such order, and (c) extending such order not only to the respondents individually but also to any other person, firm, corporation or business organization with which respondents or either of them may be now or hereafter related by ownership, control or other connection in the conduct of export trade.

It further appears that respondents and counsel for the Office of International Trade have personally appeared before the Compliance Commissioner and have discussed with him the facts of the case and that he has reviewed the evidence in the possession of the Office of International Trade. The Compliance Commissioner has found that the charges as set forth in the charging letter are supported by the evidence, that the terms and conditions of the proposed order as consented to by respondents are fair and reasonable, and that such order should be issued.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the evidence in the hands of the Office of International Trade, and it appears that such findings and recommendations are reasonable and should be adopted.

Now, therefore, it is ordered, As follows: (1) All outstanding export licenses issued to either of the respondents are hereby revoked and shall be returned forthwith to the Office of International Trade for cancellation.

(2) Each of respondents is hereby denied the privilege of exporting, either by validated or general export license, any commodity appearing on the Positive List of Commodities, as such list as promulgated by the Office of International Trade may exist at the time of any proposed shipment, for a period of four months from the date of this order.

(3) Such denial of export license privileges shall extend not only to respondents individually, but also to any person, firm, corporation or other business organization with which either of said respondents may be related by ownership, control or other connection in the conduct of export trade.

Dated: February 1, 1950.

JAMES C. FOSTER,
Director,
Commodities Division.

[F. R. Doc. 50-1049; Filed, Feb. 6, 1950; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4100]

METEOR AIR TRANSPORT, INC.

NOTICE OF HEARING

In the matter of the suspension and revocation of Letter of Registration No. 812 issued to Meteor Air Transport, Inc.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (a), 1001, 1002 (b), 1002 (c), and 1005 (e) of said act, a hearing in the above-entitled proceeding is assigned to be held on February 23, 1950, at 10:00 a. m., e. s. t., in Room 116, Wing "C", Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by this proceeding, particular attention will be directed to the following matters and questions:

1. Has Respondent knowingly and wilfully violated the Civil Aeronautics Act of 1938, as amended, and requirements thereunder, particularly sections 401 (a) and 1005 (e) of such act, and Part 291 (formerly § 292.1) of the Economic Regulations of the Board?

2. If such violations are established, should the Board issue an order revoking Meteor Air Transport's Letter of Registration No. 812 and requiring it to cease and desist from engaging in air transportation within the meaning of said act, or an order to compel compliance with the applicable provisions of the act and the Board's Economic Regulations?

For further details of the issues involved in this proceeding and the position of the parties, interested persons are referred to the Board's order to show cause, Serial No. E-3315, the prehearing conference report and other documents filed in this proceeding with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person, other than the parties of record, desiring to be heard in this proceeding shall file with the Board on or before February 23, 1950, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., February 1, 1950.

By the Civil Aeronautics Board.

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

[F. R. Doc. 50-1067; Filed, Feb. 6, 1950; 8:58 a. m.]

[Docket No. SA-209]

ACCIDENT OCCURRING NEAR SUNNY SOUTH AIRPORT, MIAMI, FLA.

NOTICE OF HEARING

In the matter of investigation of the air collision by aircraft of United States Registry N-4545M and N-2923N, which occurred near Sunny South Airport, Miami, Florida, on January 22, 1950.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, February 8, 1950, at 9:00 a. m. (local time) in the Commission Room, 2d Floor, City Hall, Corner LeJeune and Coral Way, Coral Gables, Florida.

Dated at Washington, D. C., February 1, 1950.

[SEAL] ROBERT W. CHRISP, *Presiding Officer.*

[F. R. Doc. 50-1068; Filed, Feb. 6, 1950; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 42]

DESIGNATION OF MOTIONS COMMISSIONER FOR FEBRUARY 1950

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of January 1950;

It is ordered, Pursuant to section 0.111 of the statement of delegations of authority, that Frieda B. Hennock, Commissioner, is hereby designated as Motions Commissioner for the month of February 1950.

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

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 50-1016; Filed, Feb. 6, 1950; 8:49 a. m.]

[Docket No. 9573]

TEXAS CITY BROADCASTING SERVICE (KTLW)

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of J. G. Long tr/as Texas City Broadcasting Service (KTLW), Texas City, Texas, for modification of license; Docket No. 9573, File No. BML-1366.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of January 1950;

The Commission having under consideration the above-entitled application which requests modification of license to change the power and hours of operation of Station KTLW, Texas City, Texas, from 1 kilowatt power, daytime only to 250 watts 1 kilowatt-LS power, unlimited time;

It appearing, that, the applicant is legally, technically, financially and otherwise qualified to construct and operate Station KTLW as proposed and that no objectionable interference would be involved with the services proposed in any other pending applications for broadcast facilities, but that the proposed operation may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing on April 3, 1950, at Washington, D. C., upon the following issues:

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

2. To determine whether the operation of Station KTLW as proposed would involve objectionable interference 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.

3. To determine whether the installation and operation of Station KTLW as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the ratio of the population within the area between the 4 mv/m nighttime contour and interference-free contour to the population which would receive satisfactory service, to the sufficiency of coverage of the city of Texas City, Texas, to coverage of the Galveston, Texas, Metropolitan District and to the assignment of a Class IV operation on a regional channel.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 50-1017; Filed, Feb. 6, 1950; 8:49 a. m.]

[Docket Nos. 9334, 9574]

COASTAL BROADCASTING CO. (WHIT) AND COMMONWEALTH BROADCASTING CORP. (WELS)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Coastal Broadcasting Company (WHIT), New Bern, North Carolina, Docket No. 9334, File No. BP-7208; Commonwealth Broadcasting Corporation (WELS), Kinston, North Carolina, Docket No. 9574, File No. BMP-4917; for construction permit and modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 26th day of January 1950;

The Commission having under consideration the above-entitled applications of Coastal Broadcasting Company, which requests a construction permit to change the facilities of Station WHIT, New Bern, North Carolina from frequency 1450 kilocycles, 250 watts power, unlimited time to frequency 960 kilocycles, 1

kilowatt power, DA-N unlimited time; and Commonwealth Broadcasting Corporation, which requests a modification of construction permit to change the facilities of Station WELS, Kinston, North Carolina from frequency 1010 kilocycles, 1 kilowatt power, daytime only to frequency 960 kilocycles, 1 kilowatt power, daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m., on April 5, 1950, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of Coastal Broadcasting Company and Commonwealth Broadcasting Corporation, their officers, directors and stockholders, to construct and operate stations WHIT and WELS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations WHIT and WELS 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 WHIT as proposed would involve objectionable interference with Station WDBJ, Roanoke, Virginia, and whether the operation of Stations WHIT and WELS as proposed would involve objectionable interference 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.

of Stations WHIT and WELS as proposed

5. To determine whether the operation 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 Stations WHIT and WELS 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 either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Times-World Corporation, licensee of Station WDBJ, Roanoke, Virginia be made a party to this proceeding.

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

[F. R. Doc. 50-1018; Filed, Feb. 6, 1950; 8:49 a. m.]

[Docket Nos. 9179, 9575]

SPA BROADCASTERS, INC. AND SARATOGA BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of SPA Broadcasters, Inc., Saratoga Springs, New York, Docket No. 9179, File No. BP-6808; John Nazak and Joanne May Levko, d/b as the Saratoga Broadcasting Company, Saratoga Springs, New York, Docket No. 9575, File No. BP-7459; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of January 1950;

The Commission having under consideration the above-entitled applications of SPA Broadcasters, Inc., and John Nazak and Joanne May Levko, d/b as the Saratoga Broadcasting Company, each requesting a construction permit for a new standard broadcast station to operate on frequency 900 kilocycles, with 250 watts power, daytime only at Saratoga Springs, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the applications of SPA Broadcasters, Inc., and John Nazak and Joanne May Levko, d/b as the Saratoga Broadcasting Company are designated for hearing in a consolidated proceeding, said hearing to commence at 10:00 a. m., April 12, 1950, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations 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 proposed stations would involve objectionable interference with Station WOTW, Nashua, New Hampshire, 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 the proposed stations would involve objectionable interference with the services proposed in any 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 proposed stations 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 either of the applications in this consolidated proceeding should be granted.

It is further ordered, That, Nashua Broadcasting Corporation, licensee of Station WOTW, Nashua, New Hampshire, is made a party to this proceeding.

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

[F. R. Doc. 50-1019; Filed, Feb. 6, 1950; 8:49 a. m.]

[Docket No. 9576]

GIFFORD PHILLIPS

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Gifford Phillips, Denver, Colorado, for extension of completion date; Docket No. 9576, File No. BMP-4852.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of January 1950;

The Commission having under consideration the above-entitled application of Gifford Phillips requesting an extension of completion date for construction permit File No. BP-4834 which authorized a new standard broadcast station at Denver, Colorado.

It appearing, that the Commission on January 31, 1948, granted a permit authorizing Gifford Phillips to construct a new standard broadcast station to operate on frequency 1430 kilocycles, with 1 kilowatt power, daytime only at Denver, Colorado subject to filing within 60 days of grant an application specifying a satisfactory transmitter site and antenna system; and

It further appearing, that, the application for approval of antenna and transmitter location and to specify a studio location was granted October 19, 1948; and

It further appearing, that, Gifford Phillips has not completed the construction of the authoirized standard broadcast station within the time specified the construction permit, as modified, and that the new standard broadcast station is not ready for operation; and

It further appearing, that, on December 21, 1949, the Commission denied the above-entitled application and by letter dated December 21, 1949 gave the above applicant 20 days within which to request a hearing on the above-entitled application; and

It further appearing, that, on December 30, 1949, Gifford Phillips, by his attorney, filed a request for a hearing on the above entitled application for extension of completion date for the construction of the station at Denver, Colorado;

It is ordered, That, the Commission's action of December 21, 1949, denying the above-entitled application is set aside; and

It is further ordered, That, pursuant to sections 309 and 319 of the Communications Act of 1934, the above-entitled

application is designated for hearing to commence at 10:00 a. m., March 17, 1950, at Washington, D. C., upon the following issues:

1. To determine whether the failure of Gifford Phillips to complete the construction of the authorized standard broadcast station at Denver, Colorado, and to have the station ready for operation was due to causes not under his control.

2. To determine whether said individual has been diligent in proceeding with the construction of the authorized standard broadcast station at Denver, Colorado.

3. To determine whether, in view of the evidence adduced in connection with the foregoing issues, the date specified for the completion of construction of the station should be extended, and if so, to what date.

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

[F. R. Doc. 50-1020; Filed, Feb. 6, 1950; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6256]

GRANITE STATE ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING MERGER OR CONSOLIDATION OF FACILITIES AND DENYING REQUEST FOR DISMISSAL OF APPLICATION

FEBRUARY 2, 1950.

Notice is hereby given that, on February 1, 1950, the Federal Power Commission issued its order entered January 31, 1950, authorizing merger of consolidation of facilities of Public Service Company of New Hampshire with and into those of Granite State Electric Company, and denying request for dismissal of application in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1042; Filed, Feb. 6, 1950; 8:47 a. m.]

[Docket No. G-817]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF ORDER FURTHER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 2, 1950.

Notice is hereby given that, on January 31, 1950, the Federal Power Commission issued its order entered January 31, 1950, further modifying order of August 24, 1948, published in the FEDERAL REGISTER on September 1, 1948 (13 F. R. 5079), issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1040; Filed, Feb. 6, 1950; 8:46 a. m.]

[Docket No. G-1296]

MONTANA-DAKOTA UTILITIES CO.

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

FEBRUARY 2, 1950.

Notice is hereby given that, on February 1, 1950, the Federal Power Commission issued its findings and order entered January 31, 1950, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1041; Filed, Feb. 6, 1950; 8:46 a. m.]

[Project No. 553]

CITY OF SEATTLE, WASH.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

FEBRUARY 1, 1950.

Public notice is hereby given that the City of Seattle, Washington, licensee for Project No. 553, has filed applications for amendment of license for the project to authorize: (1) Construction of a power plant at Ross Dam with initial installation of three 90,000 kilowatt generating units and provision for ultimate installation of a fourth 90,000 kilowatt unit and in connection therewith the completion of power tunnels and intake structure and the installation of control gates in the spillway sections of Ross Dam to raise the water level in the reservoir to elevation 1,600 feet as provided for in plans submitted with a previous application; and (2) construction of a 230-kilovolt double-circuit transmission line from the Ross power plant to the Bothell Wye switching station, a distance of about 91 miles, and of additional switching-station facilities at the Diablo power plant.

Any protest against the approval of either or both of these applications or request for hearing thereon and the name and address of the party or parties so protesting or requesting should be submitted on or before March 15, 1950, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1039; Filed, Feb. 6, 1950; 8:46 a. m.]

[Docket No. G-1318]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

JANUARY 31, 1950.

Take notice that United Gas Pipe Line Company (Applicant) a Delaware corporation with address at Shreveport, Louisiana, filed on January 23, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 0.25 miles of 8-inch transmission pipeline facilities extending from Applicant's Sarepta-Sterlington Pipe Line to Texas Gas Transmission Corporation's (Texas Gas) Sharon Compressor Station, all located in Claiborne Parish, Louisiana.

Applicant states that the construction is proposed in order to augment the supply of natural gas available for delivery by Applicant to Texas Gas pursuant to agreement dated April 16, 1945 and filed as Applicant's Rate Schedule No. 78-B. The construction proposed is in accordance with a further agreement between Applicant and Texas Gas by which, Applicant states, it is relieved of an original obligation in the 1945 contract to construct a gas pipe line having a capacity of 100,000,000 cubic feet of natural gas per day. Applicant states that it is impossible to determine the exact quantities of gas which may be delivered by Applicant to Texas Gas through the proposed facilities. It is estimated that the quantities delivered will not exceed 25,000,000 cubic feet of gas per day.

The estimated cost of the proposed facilities is $15,000 which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1028; Filed, Feb. 6, 1950; 8:47 a. m.]

[Docket No. G-890]

CHICAGO DISTRICT PIPELINE CO.

ORDER FIXING DATE OF HEARING

JANUARY 31, 1950.

On December 19, 1949, Chicago District Pipeline Company (Applicant), an Illinois corporation with its principal place of business at Joliet, Illinois, filed a supplemental and amendatory application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to acquire by lease from The Peoples Gas Light and Coke Company (Peoples) and operate approximately 33,500 feet of 24-inch pipeline, with appurtenant facilities, extending from the city limits of Chicago to Peoples' Calumet Station, which pipeline and facilities will constitute an integral part of the pipeline and facilities for which a certificate was issued in this Docket on July 8, 1947 (6 FPC 772), as more fully described in the application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for non-

contested proceedings, and no request to be heard nor protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 11, 1950 (15 F. R. 142).

The Commission finds:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 10, 1950, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Date of issuance: February 1, 1950.

By the Commission.

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

[F. R. Doc. 50-1029; Filed, Feb. 6, 1950; 8:47 a. m.]

[Docket No. G-1288]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

JANUARY 31, 1950.

On October 13, 1949, Tennessee Gas Transmission Company (Applicant), a Delaware corporation, having its principal place of business in Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in such application and supplement thereto on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 16, 1949 (14 F. R. 6957).

The Commission finds:

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

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on February 21, 1950, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Date of issuance: February 1, 1950.

By the Commission.

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

[F. R. Doc. 50-1030; Filed, Feb. 6, 1950; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

DELEGATION OF AUTHORITY TO COMMISSIONER OF PUBLIC BUILDINGS SERVICE

AUTHORITY TO PERFORM CERTAIN ACTIONS IN ABSENCE OR DISABILITY OF ADMINISTRATOR AND DEPUTY ADMINISTRATOR

1. Pursuant to the authority vested in me by section 205 (d) of the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.), and in accordance with the provisions of Administrative Order No. 15, dated October 20, 1949, I hereby delegate to the Commissioner of the Public Buildings Service full authority to exercise in my absence or disability and in the absence or disability of the Deputy Administrator, and only in the event of both our absences or disabilities, all of the powers, authorities, and functions vested in me as Administrator of General Services by the Federal Property and Administrative Services Act, 1949, and any other law, except those powers, authorities, and functions which can only be exercised by the Administrator or the Deputy Administrator of General Services pursuant to the provisions of section 101 (c) and 205 (d) of the Federal Property and Administrative Services Act, 1949, or pursuant to the provisions of other law.

2. The authority contained herein may not be redelegated and shall be exercised in accordance with such administrative procedures and controls as are in force on or after the effective date hereof.

3. This delegation of authority shall be effective January 31, 1950.

Dated: January 31, 1950.

JESS LARSON, *Administrator.*

[F. R. Doc. 50-1021; Filed, Feb. 6, 1950; 8:50 a. m.]

DELEGATION OF AUTHORITY TO SECRETARY OF DEFENSE

PETITION FOR EXTENSION OF EXPIRATION DATE OF FREIGHT TARIFF NO. 414-A, AGENT L. E. KIPP'S ICC NO. A-3656 ET AL.

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.), authority to represent the interests of the Executive agencies of the Federal Government and to appear as witnesses and counsel for the Executive agencies of the Federal Government in the matter of petition for extension of expiration date of Freight Tariff No. 414-A, Agent L. E. Kipp's ICC No. A-3656 et al. before the Interstate Commerce Commission, INS No. 5741, set for hearing on February 16, 1950, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: January 31, 1950.

JESS LARSON, *Administrator.*

[F. R. Doc. 50-1022; Filed, Feb. 6, 1950; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24839]

SALT CAKE FROM OFFICIAL TERRITORY TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

FEBRUARY 2, 1950.

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

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Salt cake (crude, sulphate of soda), carloads.

From: Points in Official territory.

To: Natchez, Miss.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investi-

gate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1043; Filed, Feb. 6, 1950; 8:51 a. m.]

[4th Sec. Application 24840]

CASTOR OIL FROM SOUTH ATLANTIC AND GULF PORTS TO TENNESSEE

APPLICATION FOR RELIEF

FEBRUARY 2, 1950.

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

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1048.

Commodities involved: Castor oil, other than medicinal, and dehydrated castor oil, carloads.

From: South Atlantic and Gulf ports (imported).

To: Chattanooga, Memphis, and Nashville, Tenn.

Grounds for relief: Circuitous routes and analogous commodity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1044; Filed, Feb. 6, 1950; 8:52 a. m.]

[4th Sec. Application 24841]

COTTON PIECE GOODS FROM THE SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 2, 1950.

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

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariffs listed below.

Commodities involved: Finished cotton piece goods and related articles, carloads.

From: Points in the South.

To: Points in Official territory.

Grounds for relief: Circuitous routes, to maintain grouping and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariffs I. C. C. Nos. 856 and 899, Supplement Nos. 112 and 84, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1045; Filed, Feb. 6, 1950; 8:52 a. m.]

[4th Sec. Application 24842]

SAND, GRAVEL AND CRUSHED STONE TO HANNA AND WANATAH, IND.

APPLICATION FOR RELIEF

FEBRUARY 2, 1950.

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

Filed by: B. T. Jones, Agent, for and on behalf of The Baltimore and Ohio Chicago Terminal Railroad Company and other carriers named in the application.

Commodities involved: Sand, gravel and crushed stone, carloads.

From: Points in Illinois and Indiana.

To: Hanna and Wanatah, Ind.

Grounds for relief: Competition with motor carriers and wayside pit competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1046; Filed, Feb. 6, 1950; 8:52 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 11]

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Nashville, Chattanooga and St. Louis Railway because of high water, is unable to transport traffic routed over its lines between Hobs Island and Guntersville. It is ordered, that:

(a) *Rerouting NC&StL traffic.* The Nashville, Chattanooga and St. Louis Railway is hereby authorized and directed to reroute or divert traffic moving on its lines, routed via its car ferry, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) *Effective date.* This order shall become effective 12:01 a. m., February 1, 1950.

(e) *Expiration date.* This order shall expire at 11:59 p. m., February 14, 1950, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., January 31, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-1048; Filed, Feb. 6, 1950; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2320]

JOHN DABNEY MURCHISON

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of February 1950.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by John Dabney Murchison. Applicant has designated sections 9 (a) (2) and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 13, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 13, 1950, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Applicant states that he is an affiliate of Southern Union Gas Company ("Southern"), as that term is defined in section 2 (a) (11) (A) of the act, by reason of his ownership of 82,453 shares, or 6.89%, of Southern's outstanding voting securities, including shares held outright and shares held indirectly through applicant's equity interest in one or more stockholders of Southern. Applicant states that he is also an affiliate of Athens Natural Gas Company by reason of its ownership of 225 shares, or 25%, of the outstanding voting securities of that company. Applicant proposes to acquire, directly or indirectly, warrants entitling him to subscribe, directly or indirectly, for not to exceed 6,871½ shares of additional common stock to be issued by Southern pro rata to its stockholders, and through the exercise of such warrants to acquire, directly or indirectly, 6,871 shares of such additional common stock at $17.50 per share. Applicant also proposes to acquire, directly or indirectly, additional shares, if any, which the warrants authorize to be subscribed, subject to allotment, and which are in fact allotted thereunder.

By the Commission.

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

[F. R. Doc. 50-1122; Filed, Feb. 6, 1950; 11:37 a. m.]

UNITED STATES MARITIME COMMISSION

MEMBER LINES OF STRAITS/NEW YORK AND STRAITS/PACIFIC CONFERENCES ET AL.

NOTICE OF AGREEMENTS FILED WITH THE COMMISSION FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement No. 6010-7, between the member lines of the Straits/New York Conference, amends the basic agreement of that Conference (No. 6010) to substitute therein the designation "the Colony of Singapore and Federation of Malaya" for the obsolete designation "British Malaya". Agreement 6010 covers the establishment and maintenance of agreed rates and charges for or in connection with the transportation of all cargo in the trade from British Malaya to U. S. Atlantic and Gulf ports.

Agreement 7090-1, between the member lines of the Straits/Pacific Conference, amends the basic agreement of that Conference (No. 7090) to substitute therein the designation "the Colony of Singapore and Federation of Malaya" for the obsolete designation "British Malaya". Agreement 7090 covers the establishment and maintenance of agreed rates and charges for or in connection with the transportation of all cargo in the trade from British Malaya to U. S. and Canadian Pacific Coast ports and to Honolulu, Hawaii.

Agreement 7729, between the carriers comprising the Barber-Wilhelmsen Line (Wilhelmsens Dampskibsaktieselskab, A/S Den Norske Afrika—og Australielinie, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V and A/S Tankfart VI) and Waterman Steamship Corporation, covers transportation of cargo under through bills of lading in the trade from Japan, Korea, Formosa, Manchukuo, Manchuria, Siberia, China, Hongkong, Siam, Indo-China, Kwantung, Philippine Islands, East Indies, Federation of Malaya, Colony of Singapore, Ceylon and India to San Juan, Ponce or Mayaguez, Puerto Rico, with transhipment at Seattle, Portland, San Francisco, Los Angeles Harbor or Long Beach.

Interested parties may inspect these agreements and obtain copies thereof at the Commission's Office of Regulation, Washington, D. C., and may submit to the Commission within 20 days after publication of this notice written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 2, 1950, at Washington, D. C.

By the Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-1050; Filed, Feb. 6, 1950; 8:53 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 14269]

PEDRO VICENTE DE COUTO

In re: Bank account owned by Pedro Vicente de Couto. F-396682.

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 Pedro Vicente de Couto, whose last known address is Sowa-Cho, 1—Chome No. 13, Nada-Ku, Kobe, 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 Pedro Vicente de Couto, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a compound interest account, account number A 119091, entitled Pedro Vicente de Couto, 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 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 January 16, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-1051; Filed, Feb. 6, 1950; 8:54 a. m.]

[Vesting Order 14278]

MISS GERTRUDE BOESCHEN

In re: Rights of Miss Gertrude Boeschen also known as Mrs. Heinz Spanuth under Insurance Contract File. No. F-28-24786-H-1.

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

1. That Miss Gertrude Boeschen, also known as Mrs. Heinz Spanuth, whose last known address is Germany, is a resident of Germany and a national of a designated country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 9 314 051, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Miss Gertrude Boeschen also known as Mrs. Heinz Spanuth, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1052; Filed, Feb. 6, 1950; 8:54 a. m.]

[Vesting Order 14291]

KARL NOLTE

In re: Estate of Karl Nolte, deceased. File D-28-12759. E. T. sec. 16933.

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 Kroeger, Karl Kroeger, Diakonisse Louise Kroeger, Anna Landwehr, Gisela Rinne, Louise Vieting, Anna Pohlmann Vogt, August Pohlmann, Karl Pohlmann, Frieda Pohlmann Kroger, Gustave Pohlmann, Herman Pohlmann, Lina Schlotz-Doderlin, Fritz Brinkloff, Wilhelm Boekenkroeger and Katherine Post, 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 Karl Nolte, 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 Carl Holsing, as Administrator, acting under the judicial supervision of the County Court of Faulk County, South Dakota;

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 January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1053; Filed, Feb. 6, 1950; 8:54 a. m.]

[Vesting Order 14299]

HERMAN HAUSLEITER

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Herman Hausleiter, deceased, also known as Fritz Hermann Hausleiter and as Hermann Fritz Hausleiter. F-28-10029-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 the personal representatives, heirs, next of kin, legatees and distributees of Herman Hausleiter, deceased, also known as Fritz Hermann Hausleiter and as Hermann Fritz Hausleiter, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago 90, Illinois, arising out of a Checking Account, entitled Harold M. Pitman or Marie L. Pitman, Special, 51st Avenue and 33rd Street, Cicero 50, Illinois, 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 personal representatives, heirs, next of kin, legatees and distributees of Herman Hausleiter, deceased, also known as Fritz Hermann Hausleiter, and as Hermann Fritz Hausleiter, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Herman Hausleiter, deceased, also known as Fritz Hermann Hausleiter, and as Hermann Fritz Hausleiter, 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 January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1054; Filed, Feb. 6, 1950; 8:54 a. m.]

[Vesting Order 14303]

ERWIN LORENZ ET AL.

In re: Bank accounts owned by Erwin Lorenz and others. F-28-17564-C-1, F-28-17780-C-1, F-28-17665-C-1, F-28-17794-C-1, F-28-17523-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 the persons, whose names and last known addresses are as follows:

Names and Addresses

Erwin Lorenz, Rabenbergstrasse 24, Goerlitz, Sachsen, Germany.

Emilie Unger, Kleinradmeritz b., Kittlitz, Sachsen, Germany.

Minna Briesowsky, Langenoels, Bez., Liegnitz, Sachsen, Hindenburgstr. 18, Germany.

Udo Schneider, Dresden N 52, Koenigsbergerstrasse 18, Germany.

Paul Belger, Ebersbach in Sachsen, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations of the Atlas National Bank, Cincinnati, Ohio, arising out of the savings accounts, described in Exhibit A, attached hereto and by reference made a part hereof, maintained with the Atlas National Bank, Cincinnati, Ohio, 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, Erwin Lorenz, Emilie Unger, Minna Briesowsky, Udo Schneider and Paul Belger, 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 January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A—SAVINGS ACCOUNTS MAINTAINED WITH ATLAS NATIONAL BANK, CINCINNATI, OHIO

Owner of Acount and Title of Account	*Account No.*
Erwin Lorenz; Erwin Lorenz, by Nippert & Nippert, Attorneys-in-fact	30940
Emilie Unger; Emilie Unger, by Nippert & Nippert, Attorneys-in-fact	30939
Minna Briesowsky; Minna Briesowsky, by Nippert & Nippert, Attorneys-in-fact	30936
Udo Schneider; Udo Schneider, by Nippert & Nippert, Attorneys-in-fact	30938
Paul Belger; Paul Belger, by Nippert & Nippert, Attorneys-in-fact	30937

[F. R. Doc. 50-1055; Filed, Feb. 6, 1950; 8:54 a. m.]

[Return Order 542]

HEUGEL & CIE.

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

Paul Jacques Heugel d/b/a Heugel & Cie 2bis, rue Vivienne Paris (2e) France; Claim No. 41205; December 23, 1949 (14 F. R. 7700); $20,625.91 in the Treasury of the United States. Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order Nos. 473 (8 F. R. 3679, March 25, 1943), 500A-11 (9 F. R. 7880, July 14, 1944), 500A-14 (9 F. R. 7881, July 14, 1944) and 3552 (9 F. R. 6464, June 13, 1944), relating to musical compositions listed as owned by Heugel & Cie, Louise Constance de Gressey Massenet and Reynaldo Hahn in Exhibit A of said vesting orders, and all right, title and interest of the Attorney General in and to a license granted to Leeds Music Corporation on March 11, 1948, for the exploitation of a musical composition entitled "Meditation de Thais" by Jules Massenet.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1058; Filed, Feb. 6, 1950; 8:55 a. m.]

[Vesting Order 14304]

KARL MEINICKE

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Karl Meinicke, deceased. F-28-28191-E-2.

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

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

2. That the property described as follows: That certain debt or other obligation of Hoboken Bank for Savings, Hoboken, New Jersey, arising out of a savings account, account number 173321, entitled Karl Meinicke, 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 personal representatives, heirs, next of kin, legatees and distributees of Karl Meinicke, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1056; Filed, Feb. 6, 1950; 8:55 a. m.]

[Vesting Order 14314]

EIITI TAKAHASHI

In re: Bank account owned by Eiiti Takahashi, also known as E. Takahashi and as Eiichi Takahashi. F-39-6562-E-1, F-39-6562-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 Eiiti Takahashi, also known as E. Takahashi and as Eiichi Takahashi, whose last known address is Japan is a resident of a 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 Eiiti Takahashi, also known as E. Takahashi and as Eiichi Takahashi, by Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, arising out of a Checking Account, entitled E. Takahashi, 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 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 January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1057; Filed, Feb. 6, 1950; 8:55 a. m.]

IDA FRANK 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

Ida Frank, 425 West 205th Street, New York 34, N. Y.; 6554; $4,376.50 in the Treasury of the United States.

Jakob Richard Spear, 36 Wellington Road, Enfield, Middlesex, England; 6554; $3,008.80 in the Treasury of the United States.

Emilie Heymann, Postfach 44, Bremgarten Aargan, Switzerland; 6554; $1,379.48 in the Treasury of the United States.

Carl Herbert Spear, 36 Wellington Road, Enfield, Middlesex, England; 6554; $1,269.54 in the Treasury of the United States.

Else Spear, 36 Wellington Road, Enfield, Middlesex, England; 6554; $423.11 in the Treasury of the United States.

A certain debt in the amount of $20,000, plus interest due J. W. Spears and Sons, Inc. of New York City from J. W. Spears and Sons, Ltd. of London, England, 41.7% thereof to Ida Frank, 28.8% thereof to Jakob Richard Spear, 13.3% thereof to Emilie Heymann, 12.15% thereof to Carl Herbert Spear, and 4.05% thereof to Else Spear.

Executed at Washington, D. C., on January 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1061; Filed, Feb. 6, 1950; 8:57 a. m.]

[Return Order 544]

BRUNO SONNINO

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

Bruno Sonnino, Milan, Italy; Claim No. 11650; September 9, 1949 (14 F. R. 5554); property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,241,222; property described in Vesting Order No. 94 (7 F. R. 6693, August 25, 1942), relating to United States Patent Application Serial No. 385,581 (now United States Letters Patent No. 2,371,930). This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director.
Office of Alien Property.

[F. R. Doc. 50-1059; Filed, Feb. 6, 1950; 8:56 a. m.]

FLORA FRANK 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

Flora Frank, a/k/a Frieda Winter Frank, Brooklyn, N. Y.; 36041; $229.17 in the Treasury of the United States.

Ruth Danzig, a/k/a Fanny Ruth Danzig, Brooklyn, N. Y.; 36041; $229.17 in the Treasury of the United States.

Bianca Bravman, Newark, N. J.; 36041; $229.16 in the Treasury of the United States.

All right, title and interest of Mrs. Solomon (Hedwig) Winter in and to the Estate of Simon Herrman, deceased, one-third thereof to each claimant.

Executed at Washington, D. C., on January 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1060; Filed, Feb. 6, 1950; 8:56 a. m.]

STEFFI FRIEDMANN

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

Steffi Friedmann, a/k/a Stefanie Friedmann, New York, N. Y.; Claim No. 36658; all right, title and interest of the Attorney General in and to a suspense account in the amount of $2,000.00 maintained at the Chase National Bank, New York City, New York, entitled "Cash Travelers L/C Account" in favor of Miss Steffi Friedmann.

Executed at Washington, D. C., on January 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1062; Filed, Feb. 6, 1950; 8:57 a. m.]

VERONICA SITAR

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

Veronica Sitar, Administratrix of the Estate of Regina Byczkowski, deceased, Chicago, Ill.; 6714; $861.94 in the Treasury of the United States.

Executed at Washington, D. C., on January 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1063; Filed, Feb. 6, 1950; 8:57 a. m.]

SOCIETE ANONYME CHIMIE ET ATOMISTIQUE

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 and Property

Societe Anonyme Chimie et Atomistique, Paris, France; Claim No. 41700; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,244,328. All interests and rights created in the Attorney General by virtue of a license agreement (License No. 1320F) dated February 28, 1945, by and between the Alien Property Custodian and George A. Breon & Co., relating to the aforesaid patent, including royalties thereunder in the amount of $79.01. All interests and rights created in the Attorney General by virtue of a license agreement (License No. 1559F) dated July 7, 1945, by and between the Alien Property Custodian and the Upjohn Company, relating to the aforesaid patent, and including royalties thereunder in the amount of $836.12. All interests and rights created in the Attorney General by virtue of a license agreement (License No. 2701F) dated October 21, 1949, by and between the Attorney General and Merck & Co., Inc., relating to the aforesaid patent, including royalties thereunder in the amount of $810.80.

Executed at Washington, D. C., on January 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1064; Filed, Feb. 6, 1950; 8:57 a. m.]

BARONESS FANNIE VON GUMPPENBERG

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, Property, and Location

Baroness Fannie von Gumppenberg, Deining, Upper Palatinate, Bavaria, Germany; Claim No. 40665; $6,103.34 in the Treasury of the United States. Interest of Fannie von Gumppenberg, formerly known as Fannie Mayer Dinkel, in trust created under will of Baruch Kaufmann, deceased.

Executed at Washington, D. C., on January 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1065; Filed, Feb. 6, 1950; 8:57 a. m.]

AKTIESELSKABET "VOLUND"

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 and Property

Aktieselskabet "Volund", Copenhagen, Denmark; Claim No. 36689; the property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent Nos. 1,998,492, 2,269,273 and 2,015,842; $16,667.00 in the Treasury of the United States.

Executed at Washington, D. C., on January 31, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1066; Filed, Feb. 6, 1950; 8:57 a. m.]