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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

UNITED STATES STANDARDS FOR GRADES OF CANNED CRANBERRY SAUCE

On August 2, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 4949) regarding proposed United States Standards for Grades of Canned Cranberry Sauce. After consideration of all relevant matters including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Cranberry Sauce are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.282 *Canned cranberry sauce.* Canned cranberry sauce is the jellied or semi-jellied product prepared from clean, sound, matured or fairly well-matured cranberries; a sweetening ingredient or sweetening ingredients, and water. Pectin may be added but only in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the cranberries. The mixture is concentrated and sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. The soluble solids of the finished product is not less than 35 percent and not more than 45 percent.

(a) *Styles of canned cranberry sauce*—(1) *Style I.* Jellied or strained (typical of a jellied product prepared from strained cranberries).

(2) *Style II.* Whole (typical of a semi-jellied product prepared from whole or partially whole cranberries).

(b) *Grades of canned cranberry sauce.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned cranberry sauce that possesses a good color; that possesses a good consistency and good texture; that is practically free from defects; that possesses a good flavor and odor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned cranberry sauce that possesses a fairly good color; that possesses a fairly good consistency and a fairly good texture; that is fairly free from defects; that possesses a fairly good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of canned cranberry sauce that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with cranberry sauce and that the product occupy not less than 90 percent of the volume of the container.

(d) *Ascertaining the grade.* The grade of canned cranberry sauce may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency and texture, absence of defects, and flavor and odor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(1) Color	20
(2) Consistency and texture	40
(3) Absence of defects	20
(4) Flavor and odor	20
Total score	100

(Continued on p. 1577)

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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CODIFICATION GUIDE

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

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned cranberry sauce that possesses a good color may be given a score of 17 to 20 points. "Good color" means the bright dark red color typical of canned cranberries which color is free from any dullness.

(ii) If the canned cranberry sauce possesses a fairly good color, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means the red color typical of canned cranberries, which color may be slightly dull or may indicate slight evidence of oxidation but is not off color.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Consistency and texture.* (i) Canned cranberry sauce that possesses a good consistency and good texture may be given a score of 34 to 40 points. "Good consistency and good texture" has the following meanings with respect to the following styles of canned cranberry sauce:

Jellied or strained. The gel is tender to slightly firm and there may be evidence of a reasonable separation of free liquid.

Whole. The skin particles and the semi-jellied portions are reasonably tender and the fruit, seed, and skin particles are dispersed reasonably uniform throughout the product.

(ii) If the canned cranberry sauce possesses a fairly good consistency and a fairly good texture, a score of 28 to 33 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency and fairly good texture" has the following meanings with respect to the following styles of canned cranberry sauce:

Jellied or strained. The gel may lack firmness or may be stiff but is not tough or rubbery and there may be evidence of separation of free liquid which is not excessive.

Whole. The skin particles and the semi-jellied portions are fairly tender and the fruit, seed, and skin particles are dispersed fairly uniform throughout the product and there may be evidence of separation of free liquid which is not excessive.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from foreign material and objectionable material and from harmless extraneous particles in Style I, Jellied or strained; and from defective cranberries and foreign berries and particles thereof, fine stems, foreign material and objectionable material, and other defects in Style II, Whole.

(i) Canned cranberry sauce that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" has the following meanings with respect to the following styles of cranberry sauce:

Jellied or strained. The product is free from foreign material and objectionable material, is free from any harmless extraneous particles that exceed the area of a circle 3/16 inch in diameter; and is practically free from harmless extraneous particles that are the equivalent in area of a circle 3/16 inch or less in diameter.

Whole. There may be present for each 12 ounces of net weight not more than 3 defective cranberries or foreign berries and not more than 4 fine stems 3/4 inch or more in length; the product is free from foreign material and objectionable material and is practically free from other defects which affect materially the appearance or edibility of the product.

(ii) If the canned cranberry sauce is fairly free from defects, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of cranberry sauce:

Jellied or strained. The product is free from foreign material and objectionable material; is practically free from harmless extraneous particles that exceed the area of a circle 3/16 inch in diameter; and is fairly free from harmless extraneous particles that are the equivalent in area of a circle 3/16 inch or less in diameter.

Whole. There may be present for each 12 ounces of net weight not more than 6 fine stems 3/4 inch or more in length; the product is free from foreign material and objectionable material and is fairly free from other defects which affect materially the appearance or edibility of the product.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Flavor and odor.* (i) Canned cranberry sauce that possesses a good flavor and odor may be given a score of 17 to 20 points. "Good flavor and odor" means that the product possesses a good, characteristic, slightly tart flavor typical of cooked cranberries and that the product is free from any trace of a caramelized flavor, abnormal flavor, or abnormal odor.

(ii) If the canned cranberry sauce possesses a fairly good flavor and odor, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor and odor" means that the

product possesses a normal flavor typical of cooked cranberries and that the product is free from objectionable flavors and objectionable odors of any kind.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms.* (1) "Soluble solids" content is determined refractometrically without correction for water-insoluble solids.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned cranberry sauce, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned cranberry sauce.*

Size and kind of container			------
Container mark or identification			------
Label			------
Net weight (ounces)			------
Vacuum (inches)			------
Style			------
Soluble solids (per cent by refractometer)			------
Factors	Score points		
I. Color	20	(A) 17-20 (C) [1] 14-16 (D) [1] 0-13	
II. Consistency and texture	40	(A) 34-40 (C) [1] 28-33 (D) [1] 0-27	
III. Absence of defects	20	(A) 17-20 (C) [1] 14-16 (D) [1] 0-13	
IV. Flavor and odor	20	(A) 17-20 (C) [1] 14-16 (D) [1] 0-13	
Total score	100		
Grade			------

[1] Indicates limiting rule.

(i) *Effective time.* The United States Standards for Grades of Canned Cranberry Sauce (which are the first issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies Pub. Law 759, 81st Cong.)

Issued at Washington, D. C., this 12th day of February, 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2261; Filed, Feb. 14, 1951; 8:59 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 4]

PART 722—COTTON

ACREAGE ALLOTMENTS AND MARKETING QUOTAS FOR 1950 CROP

Basis and purpose. Section 345 of the Agricultural Adjustment Act of 1938, as amended, provides, among other things, that the farm marketing excess shall not be larger than the amount by which the actual production of cotton on the farm exceeds the normal production of the farm acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Under the authority of this provision, § 722.142 (a) of the regulations pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton, issued June 26, 1950 (15 F. R. 4162), provides that any producer having an interest in the cotton produced in 1950 on any farm for which there is a farm marketing excess may, within 30 days after the harvesting of cotton is completed on the farm, apply (to the county committee) in writing for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in 1950 on the farm and, unless application is made within such 30 day period, the farm marketing excess as determined on the basis of the normal production of the excess cotton acreage for the farm shall be final as to the producers on the farm. Under the authority of the same provisions of the act, § 722.169 (d) of such regulations provides, in part, that in each case where the producer is making an application for a downward adjustment pursuant to § 722.142, such application shall be made on a farm operator's report (Form MQ-98-Cotton) not later than 30 days after harvesting of cotton on the farm has been completed.

Due to heavy insect infestation and weather damage to the 1950 crop of cotton, many producers, who paid the penalty due on the initially determined farm marketing excess, or who abandoned their cotton crops because the extremely low yield made the crop not worth harvesting, did not produce a total cotton crop in excess of the normal production of the acreage allotment for the farm and would not be liable for the penalty as initially determined, if they filed an application for a downward adjustment in the farm marketing excess within the specified time limit. However, a large number of such producers, because of acute financial situations, left the area in which their farms are located soon after harvesting what cotton there was produced on the farm, or soon after abandoning the cotton crop on the farm, in order to obtain gainful employment at points remotely removed from their farms, and failed to file applications for a downward adjustment in the farm marketing excess for their farms, within the prescribed time limit. Many such producers are now filing or will file such applications but under the present regulations the county committee is not authorized to adjust the farm marketing excess down to zero and thereby cause a refund of penalty paid on the initially determined farm marketing excess or a cancellation of the penalty initially determined on such excess. In view of these circumstances, it has been found that the present requirements of the regulations impose an unreasonable burden on the producers involved.

The amendments to the regulations set out herein extend the time limit for filing an application for downward adjustment in the amount of the farm marketing excess to not later than March 15, 1951, regardless of the time when harvesting of cotton on the farm was completed, and authorize the county committee to waive the requirement that such application be filed on a farm operator's report (Form MQ-98-Cotton) in cases where it is determined that the evidence submitted by the producer satisfactorily establishes the actual production of cotton on the farm in 1950.

It is in the interest of such producers that the amendments become effective at the earliest possible date in order that affected producers may be relieved of the financial responsibilities and losses which attach because of failure to make application for a downward adjustment in the amount of the farm marketing excess within the present prescribed time limit. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of Federal Register.

1. Section 722.142 (a) of the Regulations Pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (15 F. R. 4162) is hereby changed to read as follows:

§ 722.142 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the cotton produced in 1950 on any farm for which there is a farm marketing excess may, not later than March 15, 1951, apply in writing for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in 1950 on the farm and, unless application for an adjustment in the farm marketing excess is made within such time limit, the farm marketing excess as determined on the

basis of the normal production of the excess cotton acreage for the farm shall be final as to the producers on the farm. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

2. Section 722.169 (d) of the Regulations pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (15 F. R. 4162) is hereby changed to read as follows:

§ 722.169 *Records to be kept and reports to be made by producers.* * * *

(d) *Farm operator's report.* The operator of the farm in connection with which a farm marketing excess is determined shall, upon written request of the county committee, file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on Form MQ–98–Cotton showing for the farm the following information or any part thereof as specified in such request: (1) The date harvesting of cotton was completed on the farm, the date of the last ginning of cotton produced on the farm, and the acreage planted to cotton on the farm; (2) the total number of pounds of lint cotton ginned from the 1950 crop of cotton; (3) the name and address of each ginner who ginned such cotton and the number of and net weight of the bales ginned by him; (4) the total amount of cotton marketed in the seed; (5) the total amount of lint cotton marketed; (6) the amount of unmarketed cotton on hand; (7) the total number of pounds of lint cotton produced in the 1950 crop year; (8) the name and address of each buyer or transferee of lint or seed cotton and the amount thereof marketed to him; and (9) the amount of penalty paid by the producer or collected by the buyer or transferee. In each case where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.142, such application shall be made on a farm operator's report (Form MQ–98–Cotton) not later than March 15, 1951. However, the county committee may waive the requirement that such application be filed on a Form MQ–98–Cotton, in cases where it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of cotton on the farm in 1950. Upon written request of the county committee, the operator of any farm for which a farm marketing excess is not determined shall make a report on Form MQ–98–Cotton in the manner specified in this paragraph not later than the date designated by the county committee in its request.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. and Sup. 1375. Interpret or apply secs. 345 and 373, 52 Stat. 58, 65, as amended; 7 U. S. C. and Sup. 1345, 1373)

Done at Washington, D. C., this 9th day of February 1951. Witness my hand and the Seal of the Department of Agriculture.

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

[F. R. Doc. 51–2233; Filed, Feb. 14, 1951; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

MISCELLANEOUS AMENDMENTS

Acting pursuant to the authority appearing in Title XII of the Civil Aeronautics Act of 1938 as amended (64 Stat. 825; 49 U. S. C. 701); Executive Order 10197 (15 F. R. 9180); and Department of Commerce Order 86, Amendment 5 (16 F. R. 99) Part 620 was adopted (15 F. R. 9319). Part 620 is hereby amended. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

1. Section 620.12 (a) (2) is amended to read:

§ 620.12 *Reporting points*—(a) *Flights within or penetrating a domestic ADIZ or entering the United States across an International Boundary ADIZ.* * * *

(2) *DVFR flights.* The pilot in command of an aircraft shall not enter or operate within an ADIZ unless the aircraft is equipped with a functioning two-way radio and shall not enter an ADIZ until he has reported to an appropriate aeronautical facility either (a) the estimated time, position, and altitude at which he will penetrate the ADIZ or (b) the time, position, and altitude at which the aircraft passed the last reporting point along the flight path of the aircraft prior to penetration of an ADIZ and his estimated time over the next reporting point along the intended flight path of the aircraft.

NOTE: Whenever it shall appear that the previously filed estimate is in error, as to time by more than five minutes, or as to position by more than 20 miles, a corrected estimate shall be filed with an appropriate aeronautical facility.

2. Section 620.13 (a) is amended to read:

§ 620.13 *Authorized exceptions*—(a) *Intra-zone VFR flights.* A CAA airways operation facility exercising security control may, under certain conditions, authorize VFR flights which are (1) local, (2) between points located within the boundaries of an ADIZ, or (3) from points within an ADIZ to points outside thereof, without compliance with the flight plan and reporting requirements of §§ 620.11 and 620.12. Such flights shall be operated in accordance with the instructions, if any, issued at the time the authorization is granted.

3. Section 620.15 (b) is amended to read:

§ 620.15 *Adherence to DVFR flight plans and air traffic clearances.* * * *

(b) *DVFR flights.* No deviation shall be made from a DVFR flight plan unless prior notification is given to an appropriate aeronautical facility, except, that a pilot may, when within 20 miles of his destination, commence his descent from cruising altitude without making a report of change in altitude.

(Secs. 205, 308, 52 Stat. 984, 986, as amended; 49 U. S. C. 425, 458. Interpret or apply secs. 1201–1203, Pub. Law 778, 81st Cong.; E. O. 10197, Dec. 20, 1950, 15 F. R. 9180)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–2215; Filed, Feb. 14, 1951; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52665]

PART 65—IMPORTATION OF ARTICLES IN CONNECTION WITH INTERNATIONAL FOOD EXPOSITION, INCORPORATED, AT CHICAGO, ILL., UNDER PUBLIC LAW 705, 81ST CONGRESS [1]

The following regulations under Public Law No. 705, 81st Congress, approved August 17, 1950, relate to the entry of articles in connection with the International Food Exposition to be held at Chicago, Illinois, June 9 to June 15, 1951.

Sec.

65.1 Invoices; marking; bond.
65.2 Entry; appraisement; procedure.
65.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug and Cosmetic Act of June 25, 1938.
65.4 Detail of customs officers to protect revenue; expenses.
65.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 65.1 to 65.5 issued under Pub. Law 705, 81st Cong.

§ 65.1 *Invoices; marking; bond.* (a) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of Public Law No. 705, 81st Congress, and valued

[1] "All articles which shall be imported from foreign countries for the purpose of exhibition at the International Food Exposition, to be held at Chicago, Illinois, from June 9 to June 15, 1951, inclusive, by the International Food Exposition, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said exposition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said trade fair to sell within the area of the Exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the

at more than $100, must be covered by consular invoices certified as provided for in § 8.14 of the Customs Regulations of 1943 (19 CFR, 8.14). Such invoices shall contain the information prescribed under section 481 of the Tariff Act of 1930 (19 U. S. C. sec. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International Food Exposition, Incorporated, shall give to the collector of customs at Chicago, Illinois, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 705, 81st Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 65.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Chicago, Illinois, in the name of the International Food Exposition, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law in the name of any person duly authorized in writing by the International Food Exposition, Incorporated, to make such entry, may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Chicago shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Chicago of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. ------

Entry at the port of Chicago of articles consigned or transferred to the International Food Exposition, Incorporated, under ---------- I. T. No. ------ ex S. S. ---------- from ---------- on the day of ---------- 1951, for exhibition purposes under Public Law No. 705 of the 81st Congress, approved August 17, 1950.

Mark	Number	Package and contents	Quantity	Invoice value

INTERNATIONAL FOOD EXPOSITION, INCORPORATED,
By ----------

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under the regulations in this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 65.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the exposition in the manner prescribed in § 10.49 (c) of the Customs Regulations of 1943 (19 CFR 10.49 (c)), except that in each case an entry under § 65.2 (c) shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 65.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the exposition in the manner prescribed in § 8.33 of the Customs Regulations 1943 (19 CFR, 8.33).

§ 65.3 *Compliance, provisions of Plant Quarantine Act of 1912 and Federal Food, Drug, and Cosmetic Act of June 25, 1938.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (U. S. C., title 7, secs. 151 to 164a, inclusive, and sec. 167), shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U. S. C. 301 et seq.) and regulations issued thereunder.

§ 65.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Chicago, Illinois, shall detail an officer to act as his representative at the exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the exposition or transferred thereto for exhibition, shall be reimbursed by the International Food Exposition, Incorporated, to the Government, payment to be made monthly to the collector of customs, Chicago, Illinois, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 65.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law, involuntary abandonment.* (a) Any ar-

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collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Food Exposition, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the International Food Exposition, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited, as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C. 1940 edition, title 19, sec. 1524)." (Public Law No. 705, 81st Cong.)

ticles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the exposition or at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (U. S. C., title 19, sec. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 705 of the 81st Congress.

(b) At any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of the Customs Regulations of 1943 (19 CFR 15.4).

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: February 8, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2244; Filed, Feb. 14, 1951; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

BACITRACIN OPHTHALMIC

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464) are amended in the following manner:

1. Add the following section to Part 141:

§ 141.408 *Bacitracin ophthalmic*—(a) *Potency.* Proceed as directed in § 141.401 (a).

(b) *Moisture.* Proceed as directed in § 141.5 (a).

(c) *pH.* Proceed as directed in § 141.5 (b), using a solution prepared as directed in the labeling for the drug.

2. Add the following section to Part 146:

§ 146.408 *Bacitracin ophthalmic*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin ophthalmic is bacitracin with or without one or more suitable local anesthetics and preservatives, and with or without one or more suitable and harmless buffer substances and diluents. Its moisture content is not more than 5 percent. The bacitracin is of such quantity that when dissolved as directed in its labeling the potency of such solution is not less than 500 units per milliliter and maintains its labeled potency after it has been kept for 7 days at a temperature of 15° C. (59° F.). Such solution has a pH of 6.75 ± .25. The bacitracin used conforms to the requirements of § 146.401 (a), except subparagraphs (2) and (4) of that paragraph. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container of bacitracin ophthalmic shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the immediate container and closure shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 5,000 units, and each may be packaged in combination with a container of the solvent, distilled water U. S. P.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) If it contains a local anesthetic or a preservative, the quantity of each in the immediate container;

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified; and

(v) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ----------," the blank being filled in with the word "physician" or "dentist" or "veterinarian," or with any combination of two or all of these words as the case may be; and

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such bacitracin ophthalmic; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) On the label or labeling, if a local anesthetic is present, after the name "bacitracin ophthalmic," wherever it appears, the words "with ---------" (the blank being filled in with the common or usual name of the local anesthetic), in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such bacitracin ophthalmic, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications, and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such immediate containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin used in making such batch was completed, the number of units in each immediate container, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, moisture, and pH of the solution prepared as directed in its labeling.

(ii) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers or more than 100 immediate containers, collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; 6 packages, each containing approximately equal portions of not less than 500 milligrams packaged in accordance with the requirements of § 146.401 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each, containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for tests and methods of assay and certification of a new antibiotic preparation, bacitracin ophthalmic, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with the interested members of the affected industries and since it would be against public interest to delay providing for tests and methods of assay and certification of the new antibiotic preparation, bacitracin ophthalmic.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: February 8, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-2223; Filed, Feb. 14, 1951; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 203—SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

MISCELLANEOUS AMENDMENTS

Part 203, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 92 (Revised) dated November 10, 1949, as amended, is hereby amended in the following respects:

1. By revising § 203.0 to read as follows:

§ 203.0 *Introductory.* Banks and trust companies designated and qualified pursuant to the terms of this part are given the title "Special Depositaries of Public Moneys" and are hereinafter referred to as "Special Depositaries". Special Depositaries are permitted to make payment in the form of a deposit credit for the purchase price of United States Government obligations purchased by such banks or trust companies for their own account or for the account of their customers, who enter their subscriptions through these banks or trust companies, when this method of payment is permitted under the terms of the circulars inviting subscriptions to such issues. Special Depositaries also are permitted to establish, subject to the conditions hereinafter prescribed, deposit credit on their books for funds representing income taxes withheld under section 1622 of the Internal Revenue Code (subchapter D of chapter 9 of the Internal Revenue Code) and employment taxes under the Federal Insurance Contributions Act, as amended (subchapter A of chapter 9 of the Internal Revenue Code). Special Depositaries also are permitted to establish, subject to conditions to be prescribed by the Secretary of the Treasury, deposit credit on their books for funds representing such other classes of internal revenue taxes as the Secretary of the Treasury may from time to time specifically designate. The deposit credit set up under this designation are called "Treasury Tax and Loan Accounts". Under this arrangement the large sums of money raised by the Treasury through financing operations and from deposits of certain taxes are left on deposit in local banking institutions until the Treasury needs to withdraw them to meet Government expenditures, thus avoiding the dislocations in the banking system which might result from immediate withdrawal of such funds.

2. By adding the following additional paragraphs to § 203.13:

(c) Deposit in the Treasury Tax and Loan Account, subject to conditions to be prescribed by the Secretary of the Treasury, funds representing deposits by taxpayers with the bank of such other classes of internal revenue taxes as the Secretary of the Treasury may from time to time designate and which the bank has been duly authorized to receive.

(d) Deposit in the Treasury Tax and Loan Account, in addition to funds described in paragraphs (b) and (c) of this paragraph, and subject to conditions to be prescribed by the Secretary of the Treasury, funds representing such classes of internal revenue taxes as the Secretary of the Treasury may from time to time designate, in an amount not exceeding the amount of checks drawn on the depositary bank by taxpayers.

3. By redesignating §§ 203.17 and 203.18 as §§ 203.23 and 203.24, respectively, and by adding immediately after § 203.16 the following sections:

§ 203.17 *Deposit of funds representing certain Federal taxes.* Special Depositaries may elect, at their option subject to the conditions hereinafter prescribed, to deposit in their Treasury Tax and Loan Accounts funds representing such classes of internal revenue taxes as the Secretary of the Treasury may from time to time designate, as referred to in § 203.13 (d). Such deposits shall be made on the basis of (a) certificates of advice to the Federal Reserve Bank of the district in which the depositary is located, stating that a sum specified has been deposited for the account of such Federal Reserve Bank, as Fiscal Agent of the United States, in the Treasury Tax and Loan Account of the depositary; or (b) documents entitled "Special Draft for Credit in Treasury Tax and Loan Account" (Form 453). Certificates of advice or special drafts, as the case may be, will be prepared and transmitted to the depositaries by Federal Reserve Banks. The terms and conditions governing the use of special drafts are set forth in the following section.

SPECIAL DRAFT FOR CREDIT IN TREASURY TAX AND LOAN ACCOUNT

§ 203.18 *Preparation by Federal Reserve Banks of Special Draft for Credit in Treasury Tax and Loan Account.* A Special Draft for Credit in Treasury Tax and Loan Account, in the form prescribed, representing such classes of internal revenue taxes as the Secretary of the Treasury may from time to time designate, as referred to in § 203.13 (d), will be prepared daily by each Federal Reserve Bank for each Special Depositary in its district, pursuant to instructions issued by the Secretary of the Treasury to the Federal Reserve Banks, as Fiscal Agents of the United States.

§ 203.19 *Optional deposit into Treasury and Tax Loan Account of amounts of special drafts.* Pursuant to authority contained in this part, the Special De-

positary may exercise its option of depositing in its Treasury Tax and Loan Account moneys in an amount equal to the amount of the special draft by executing such draft and presenting it to the Federal Reserve Bank upon which it is drawn, in accordance with the terms and provisions appearing on the face of the special draft and hereinafter described. Upon proper execution and timely presentation according to the terms thereof, the special draft will be paid by the Federal Reserve Bank on which drawn, as Fiscal Agent of the United States, by charge to the General Account of the Treasurer of the United States.

§ 203.20 *Execution of special drafts.* The Special Depositary shall execute the special draft by signing and dating it in the spaces provided on the face thereof. Execution of the draft will constitute certification that the amount shown has been credited by the Special Depositary to the Federal Reserve Bank on which drawn, as Fiscal Agent of the United States, Treasury Tax and Loan Account.

§ 203.21 *Transmission of special drafts to Federal Reserve Banks.* The Special Depositary, if a member of the Federal Reserve System, or non-member clearing bank, should transmit the executed special draft to a correspondent member bank or directly to the Federal Reserve Bank or Branch in which the depositary's reserve or clearing account is maintained. Non-member depositaries should transmit the special draft through their correspondent banks which are members of the Federal Reserve System or non-member clearing banks. All special drafts transmitted through a correspondent bank should be restrictively endorsed by the depositary on the reverse thereof in favor of the correspondent bank. Such correspondent banks will endorse, date, and present for payment, the special draft to the Federal Reserve Bank or Branch on which drawn. All risks of collection of special drafts shall be borne by the Special Depositaries in whose favor they are drawn.

§ 203.22 *Time for presentation of special drafts.* The special draft should be presented to the Federal Reserve Bank or Branch before the expiration of the number of business days specified on the face of the special draft, in order to receive credit therefor. The Federal Reserve Bank will specify on the face of the special draft, at the time of preparation, the number of business days within which it should be presented, which period of time will be based upon normal check collection schedules for the point at which the Special Depositary is located. The Federal Reserve Bank may, in its discretion, reject any special draft not presented within the time specified on the face thereof.

(Sec. 8, 40 Stat. 291, as amended; 31 U. S. C. 771)

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

FEBRUARY 12, 1951.

[F. R. Doc. 51-2245; Filed, Feb. 14, 1951; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 6]

DMO 6—CREATING INTERAGENCY REGIONAL COMMITTEES ON DEFENSE MOBILIZATION

1. There is hereby created for each region of the National Production Authority and the Office of Defense Manpower a joint interagency committee to be known as the Regional Defense Mobilization Committee, which shall consist of the regional directors designated by the Defense Production Administration and the Office of Defense Manpower, as chairman and vice chairman, respectively, and one or more representatives of the Department of Defense, a representative of the Department of Agriculture, and a representative each from the Housing and Home Finance Agency and the Federal Security Agency. The members of the committee shall bring the local representatives of the procurement services to meetings on the request of the Chairman.

2. The Regional Defense Mobilization Committee of each region shall review the defense production programs within the region in relation to the available production capacity, labor supply, housing, and community facilities and advise the respective agencies on actions needed to obtain effective utilization of these resources for the defense effort and a proper balance between the production programs and these resources, including actions with respect to such matters as the placing, limiting or transferring of procurement contracts, the location of new production facilities, the recruitment, training and utilization of labor, and the provision of additional housing and community facilities or services.

3. This order shall take effect on February 9, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-2214; Filed, Feb. 12, 1951; 4:34 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Administrative Order 11]

AO 11—DELEGATION OF AUTHORITY TO CHIEF COUNSEL TO ISSUE OFFICIAL PRICE INTERPRETATIONS

By virtue of the authority vested in me as the Director of Price Stabilization by Economic Stabilization Agency General Order No. 2 (16 F. R. 738), it is hereby determined and ordered:

Interpretations of regulations or orders relating to price controls may be issued by the Chief Counsel or Acting Chief Counsel of the Office of Price Stabilization with the same force and effect as if issued by the Director of Price Stabilization.

The authority herein delegated may be redelegated to any attorney of the Office of the Chief Counsel or Acting Chief Counsel.

This delegation of authority shall take effect immediately.

Issued February 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2337; Filed, Feb. 13, 1951; 4:17 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-4, as Amended February 9, 1951]

M-4—CONSTRUCTION

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the issuance of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity of immediate action.

This amendment redesignates §§ 71.1 to 71.16 to be sections 1 to 16 respectively; it adds a new paragraph (i) to section 3 and new paragraphs (e) and (f) to section 5; and also changes the word "Regional" to "Field" in sections 11 (b) and 12.

As amended, this order reads as follows:

Sec. ORDER

AUTHORITY: Section 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, September 9, 1950, 15 F. R. 6105. Sec. 2, E. O. 10200, January 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this order prohibits the commencement of construction of certain types of buildings, structures and projects unless specific exception is made, or authorization issued, by the National Production

Authority. The construction prohibited generally does not further the defense effort, either directly or indirectly, and does not increase the Nation's production capacity for defense. The order allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

SEC. 2. *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action, in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures or projects which do not support the defense effort, or increase the Nation's production capacity for defense.

SEC. 3. *Definitions.* For the purpose of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure or project.

(c) (1) "Commence construction" means to incorporate into a building, structure or project, a substantial quantity of materials which are to be an integral and permanent part of such building, structure, or project (for example, the pouring or placing of footings or other foundations).

(2) The following activities do not constitute commencing construction: Demolition of buildings; tearing out partitions; site preparation; erecting temporary fences or construction barricades, work sheds, and shanties; bringing utilities to the site; fabrication or processing of building materials, building equipment, or personal property to be installed.

(d) "Construction cost" means the total expense for building materials, building equipment, labor and services used in the construction of the particular building, structure or project, by whomever spent; but does not include the installed cost of personal property.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing; food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure, or project in sound working condition or to rehabilitate a building, structure, or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Personal property" means property used in connection with, but which does not become a part of, the building, structure, or project in the sense of its becoming a permanent part of the real property upon which it is located or in which it is installed.

(i) "Office building" means any building the principal use of which is to provide office space or office facilities, regardless of whether it is designed for the exclusive or partial use of its owner or is to be used commercially and rented to prospective tenants, including buildings for use by government agencies. The size of the building is not a determinative factor in deciding whether a building is an office building as the term includes both one-story and multistoried structures; but the term does not include a private residence with incidental office space located therein for the use of the occupant.

SEC. 4. *Prohibited construction.* (a) (1) Except as permitted in section 5, or pursuant to an adjustment or exception granted under section 11, after midnight October 26, 1950, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 15.

(2) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures, or projects of the type prohibited by section 15. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure, or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) (1) After midnight, January 13, 1951, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16, until a specific authorization therefor has been issued by the National Production Authority. As a general rule, no authorization will be issued prior to February 15, 1951. However, in emergency situations, an authorization may be issued by the National Production Authority prior to that date. (The conditions which must exist before an authorization will be issued are set forth in section 6.)

(2) Further, in matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this order at any time, pursuant to section 11, with respect to types of construction specified in section 16.

SEC. 5. *Exemptions.* The following construction in connection with the buildings, structures, or projects to be used in connection with any of the purposes specified in sections 15 and 16 is exempted from this order:

(a) Maintenance and repair on any building, structure, or project.

(b) Small jobs of new construction or in connection with any such building, structure, or project including, but not limited to, alterations, additions, improvements, and modernizations where the construction cost of all such work shall not exceed the sum of $5,000 for any consecutive twelve months' period.

(c) Reconstruction of any such building, structure, or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950.

(d) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission.

(e) Buildings, structures or projects for radio broadcasting and television broadcasting.

(f) Printing establishments where the primary use of the building is the publication of a newspaper; or printing establishments which are operated by a publishing company primarily for the publication of books and periodicals.

SEC. 6. *Authorization for certain construction.* (a) Any person desiring to erect a building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16, may apply for a National Production Authority authorization to commence such construction. The application shall be in such form as may be prescribed by the National Production Authority.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in section 16 in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish or to supplement facilities in connection with the activities of the Defense Production Administration, the Department of Defense or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility; and the effect on the community at large if the authorization were denied.

SEC. 7. *Multiple use buildings, structures, or projects.* Where a building,

structure, or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in sections 15 or 16 where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in section 5 (b).

SEC. 8. *Scope of this order.* This order shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 9. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 10. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry, or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure, or project requires reconstruction as a result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure, or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the reasons why denial of the request would result in unreasonable hardship, or would not be in the interest of the national defense. All such requests should be addressed to the Field Office of the Department of Commerce in the region of the site of the proposed construction.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the Field Offices of the Department of Commerce, Ref: NPA, M-4.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order, or any other order or regulation of the National Production Authority, or wilfully conceals a material fact, or furnishes false information in the course of operation under this order, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this order.

SEC. 15. *List A—Prohibited contruction.* All buildings, structures, or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private (unless authorized pursuant to section 6), including, but not limited to:

Amphitheater.
Amusement arcade.
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Theatre, any kind (including drive-in theatre).
Yacht basin or marine railway primarily for the use of pleasure craft.

SEC. 16. *List B—Construction where NPA authorization is required.* Any building, structure or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry, dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.
Outdoor advertising sign.
Printing or duplicating establishment.
Restaurant.
Storage, distribution, display or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse), except wholesale food establishment, wholesale supply facility for fuel oil, gasoline or coal, gas distribution system, pipeline.
Storage warehouse for personal effects.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect February 9, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2184; Filed, Feb. 9, 1951; 12:47 p. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[Mineral Order 4]

MO 4—TUNGSTEN CONCENTRATES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the provisions of section 101 of the Defense Production Act of 1950. In the formulation of this order there has not been consultation with industry and trade association representatives, as special circumstances have rendered such consultation impracticable.

Sec.
1. What this order does.
2. Directed deliveries of tungsten concentrates.
3. Definitions.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, as amended by E. O. 10200, January 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order requires suppliers of tungsten concentrates to make deliveries to specific purchasers at the direction of the Defense Minerals Administration.

SEC. 2. *Directed deliveries of tungsten concentrates.* On and after the effective date of this order, a supplier shall, when so directed by the Defense Minerals Administration, make delivery of tungsten concentrates to such purchaser and in such quantities as the Defense Minerals Administration may direct. The purchase order of such purchaser shall take preference over all other purchase orders.

SEC. 3. *Definitions.* For the purposes of this order:

(a) "Supplier" means and includes any person or firm producing, processing, importing, handling, or dealing in, tungsten concentrates.

(b) "Tungsten concentrates" means all natural tungsten concentrates and all synthetic scheelite containing 40% or more of tungsten trioxide.

This order shall become effective upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

Approved: February 13, 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-2335; Filed, Feb. 13, 1951; 12:29 p. m.]

Chapter XV—Federal Reserve System

[Regulation V]

REG. V—LOAN GUARANTEES FOR DEFENSE PRODUCTION

EDITORIAL NOTE: Regulation V, formerly codified as Part 223 of Title 12, is transferred to Title 32A, Chapter XV, and §§ 223.1 to 223.6 are redesignated sections 1 to 6.

[Regulation W]

REG. W—CONSUMER CREDIT

EDITORIAL NOTE: Regulation W, formerly codified as Part 222 of Title 12, is transferred to Title 32A, Chapter XV, and §§ 222.1 to 222.9 are redesignated sections 1 to 9. Sections 222.101 to 222.129 are designated Interpretations 1 to 29 of Regulation W.

[Regulation W, Interpretation 30]

REG. W—CONSUMER CREDIT

INT. 30—AUTOMOBILE APPRAISAL GUIDES

Automobile appraisal guides. The Board, effective February 15, 1951, has amended its designation under section 222.101 of the Red Book National Used Car Market Report and Blue Book-Executives Edition published by National Used Car Market Report, Inc. This amendment has been made at the request of the publisher, and transfers from its Region "A" to its Region "B" the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5, E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-2221; Filed, Feb. 14, 1951; 9:39 a. m.]

[Regulation X]

REG. X—REAL ESTATE CREDIT

Regulation X, formerly codified as Part 225 of Title 12, is transferred to Title 32A, Chapter XV and revised to read as set forth below. Former §§ 225.101 to 225.121 are designated Interpretations 1 to 21 of Regulation X.

1. Effective February 15, 1951, Regulation X is amended to read as follows:

Sec.
1. Scope and application of regulation.
2. Definitions.
3. General requirements and registration.
4. Extension of credit.
5. Exemptions and exceptions.
6. Miscellaneous provisions.
7. Supplement.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Interpret or apply sec. 602, Pub. Law 774, 81st Cong.

SECTION 1. *Scope and application of regulation.* (a) This regulation is issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board"), with the concurrence of the Housing and Home Finance Administrator with respect to provisions relating to real estate construction credit involving residential property and multi-unit residential property, under authority of the "Defense Production Act of 1950," approved September 8, 1950 (hereinafter called the "Act"), and Executive Order No. 10161 (15 F. R. 6105), dated September 9, 1950.

(b) This regulation applies to any person who is engaged in the business of extending real estate credit with respect to residences, residential property, multi-unit residential property, or nonresidential property, including any person who acts as agent in arranging for such credit. For the purposes of this regulation, a person shall be deemed to be engaged in the business of extending such real estate credit if, in his own right or as agent or fiduciary, he either (1) extends or has extended such real estate credit more than three different times during the current calendar year or during the preceding calendar year, or (2) extends or has extended such real estate credit in an amount or amounts aggregating more than $50,000 during the current calendar year or during the preceding calendar year. For the purposes of this section, such real estate credit shall be deemed to include credit with respect to any residence, residential property, multi-unit residential property, or nonresidential property, whether or not there is any new construction thereon, and whether or not such credit is extended, insured, or guaranteed by the Federal Housing Administration, the Veterans' Administration, or any other department, independent establishment or agency of the United States, and whether or not such credit is exempt from this regulation.

SEC. 2. *Definitions.* For the purposes of this regulation, unless the context otherwise requires:

(a) "Person" has the meaning given it in section 702 (a) of the act.[1]

(b) "Registrant" means a person who is registered pursuant to section 3.

(c) "Credit" has the meaning given it in section 602 (d) (2) of the act.[2]

(d) "Extending credit", "extension of credit" and "extends credit" shall include extending or maintaining any credit, or renewing, revising, consolidating, refinancing, purchasing, selling, discounting, or lending or borrowing on, any obligation arising out of any credit, or arranging as agent for any of the foregoing, and also shall include a sale of, or other transfer of title to, real property if the vendee or transferee assumes, or takes such property subject to, indebtedness secured by a mortgage or other lien upon such property.

[1] Section 702 (a) of the act provides: "The word 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided,* That no punishment provided by this act shall apply to the United States, or to any such government, political subdivision, or government agency."

[2] Section 602 (d) (2) of the act provides: " 'Credit' means any loan, mortgage, deed of trust, advance, or discount; any conditional sale contract; any contract to sell or sale or contract of sale, of property or services, either for present or future delivery, under which part or all of the price is payable subsequent to the making of such sale or contract; any rental-purchase contract, or any contract for the bailment, leasing, or other use of property under which the bailee, lessee, or user has the option of becoming the owner thereof, obligates himself to pay as compensation a sum substantially equivalent to or in excess of the value thereof, or has the right to have all or part of the payments required by such contract applied to the purchase price of such property or similar property; any option, demand, lien, pledge, or similar claim against, or for the delivery of property or money; any purchase, discount, or other acquisition of, or any credit under the security of, any obligation or claim arising out of any of the foregoing; and any transaction or series of transactions having a similar purpose or effect."

(e) "Real estate construction credit" means any credit[3] which—

(1) Is wholly or partly secured by, or

(2) Is for the purpose of purchasing or carrying, or

(3) Is for the purpose of financing, or

(4) Involves a right to acquire or use,

new construction on real property or real property on which there is new construction, if such new construction is a residence, multi-unit residence, or nonresidential structure, or a major addition or major improvement to a residence, multi-unit residence, or nonresidential structure, whether such credit is extended before or after such new construction is begun; but the term "real estate construction credit" shall not include any loan or loans made, insured, or guaranteed, in whole or in part, by the Federal Housing Administration, the Veterans' Administration, or any other department, independent establishment or agency in the executive branch of the United States, or by any wholly owned Government corporation, or by any mixed-ownership Government corporation as defined in the Government Corporation Control Act, as amended (including any loan evidenced by obligations of any local public agency or public housing agency which national banks may purchase pursuant to the provisions of section 602 (a) of the Housing Act of 1949).

(f) "New construction" means any structure, or any major addition or major improvement to a structure, which is or has been begun after 12 o'clock meridian, August 3, 1950. Construction will be deemed to have been "begun" when any essential materials which are to be an integral part of the structure have been affixed to or incorporated on the site in a permanent form.

(g) "Major addition" or "major improvement" means any enlargement, reconstruction, alteration, or repair of an existing structure,[4] or any other addition or improvement which becomes or is to become physically attached to and a part of the structure,[4] if the cost or estimated cost of such addition or improvement exceeds $2,500, and also exceeds (1) if the structure is a residence or multi-unit residence, an amount determined by multiplying $1,500 by the number of family units in such residence or multi-unit residence prior to such addition or improvement, or (2) if the structure is a nonresidential structure, an amount equal to 15 percent of the appraised value of the nonresidential structure[5] as determined in good faith by the Registrant who extends the credit.[6]

(h) "Real property" includes leaseholds and other interest in such property.

(i) The "maximum loan value" of any property[7] shall be the amount which is computed in the manner prescribed in section 7. In making such computations:

(1) For a major addition or major improvement to a residence, multi-unit residence, or nonresidential structure, "value" shall be the cost or estimated cost[8] of such major addition or major improvement;

(2) For residential property, other than major additions or major improvements:

(i) In the case of an extension of credit in connection with a bona fide sale of residential property, "value" shall be the bona fide sale price:

(ii) In the case of any other extension of credit with respect to residential property:

(*a*) If the entire cost of the property to the borrower has been incurred by him not more than 12 months prior to the extension of credit or is to be incurred by him after such extension of credit, "value" shall be the bona fide cost of the property to the borrower, including a bona fide estimate of the cost of completing new construction on such property when the extension of credit is for the purpose of financing such new construction;

(*b*) If any part of the cost of the property to the borrower has been incurred by him more than 12 months prior to the extension of credit, or if any part of such property has been acquired by gift, exchange, or inheritance, "value" shall be the appraised value as determined in good faith by the Registrant who extends the credit;

(3) For an extension of credit which is for the purpose of financing the construction of a residence on farm property, "value" shall be the total of (i) the cost or estimated cost of such new construction, and (ii) 5 percent of such cost or estimated cost.[9]

(4) For multi-unit residential property and nonresidential property, other than major additions or major improvements:

(i) In the case of an extension of credit in connection with a bona fide sale of multi-unit residential property or nonresidential property, "value" shall be the bona fide sale price;

(ii) In the case of any other extension of credit with respect to multi-unit residential property or nonresidential property, "value" shall be the appraised value as determined in good faith by the Registrant who extends the credit. Appraisals pursuant to this provision and other provisions of this regulation will be subject to inspection by the Board and the Federal Reserve Banks in accordance with section 6 (d), and appraisals found to be in excess of those dictated by sound and established practice in the community shall be deemed sufficient ground for the suspension of the Registrant pursuant to section 3 (c).

(j) "Bona fide sale price" means the amount paid or to be paid by the vendee in money or its equivalent. It includes, in addition to cash, (1) the value of any property accepted in part payment, (2) the unpaid principal amount of any indebtedness incurred or assumed by the vendee or to which the property remains subject, (3) the amount of any liens for taxes or special assessments which are in default or currently due and payable, (4) the amount of any mechanics' liens or other liens which the vendee is required to discharge, (5) the amount which the vendee agrees to pay for any alteration or other modification made or to be made to the property as an incident to the sale thereof, and (6) any amounts paid by the vendee for closing costs. It does not include any prepaid charges, or any accrued rents which will be paid to the vendee.

(k) "Residence"[10] means any structure which is used or designed for per-

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[3] Extended on or after October 12, 1950, with respect to farm residences, residential property, and major additions and major improvements to residences; or on or after January 12, 1951, with respect to multi-unit residential property and major additions and major improvements to multi-unit residences; or on or after February 15, 1951, with respect to nonresidential property and major additions and major improvements to nonresidential structures.

[4] Notwithstanding this definition or any other provision of this regulation, an addition or improvement to any existing structure which will become a "residence", "multi-unit residence", or "nonresidential structure" by reason of such addition or improvement shall be treated as an addition or improvement to an existing "residence", "multi-unit residence", or "nonresidential structure", respectively; and, in determining whether the cost or estimated cost of an addition or improvement to an existing structure which will become a "residence" or "multi-unit residence" is such that it would be a major addition or major improvement within the meaning of section 2 (g), and in determining what the maximum loan value is, the determination shall be according to the number of family units which will be in the structure after the addition or improvement has been completed.

[5] For this purpose, the value of the land upon which the nonresidential structure is located is not taken into consideration; and the appraised value is the appraised value of the structure before the major addition or major improvement is made.

[6] It should be noted that section 2 (f) defines "new construction" as including "any major addition or major improvement" and that section 2 (e) defines "real estate construction credit" as including certain credit with respect to "real property on which there is new construction". Accordingly, if a major addition or major improvement is made to an existing structure, even though such structure was erected or begun prior to August 3, 1950, any subsequent extension of credit with respect to such structure or the property on which it is located is "real estate construction credit". However, in determining whether property has become "real property on which there is new construction" by reason of a major addition or major improvement having been made to an existing structure, there shall be considered only such costs as are or have been incurred during any period of 12 consecutive months (or during a period not exceeding twelve months beginning January 12, 1951, if the structure is a residence or multi-unit residence, or beginning February 15, 1951, if the structure is a nonresidential structure).

[7] As used here, "property" means residential property, multi-unit residential property, nonresidential property, a residence on farm property, or a major addition or major improvement to a residence, a multi-unit residence, or nonresidential structure, as the case may be.

[8] Based on such evidence and supporting data as normally would be required by a prudent lender.

[9] The 5 percent is added when the extension of credit is for the purpose of financing the construction of a residence on farm property in order to take account of the value of the land upon which the residence is to be constructed.

[10] Structures such as hotels, motels, rooming houses, club houses, fraternity or sorority

manent or transient dwelling purposes, and which includes at least one but not more than four family units, if the floor space contained in such family units comprises at least one-half of the floor space of such structure. Houses connected by common walls and commonly known as "row houses" or "semidetached houses" shall be considered separate structures.

(l) "Multi-unit residence"[10] means any structure such as an apartment house or apartment hotel (whether owned cooperatively or otherwise) which is used or designed for permanent or transient dwelling purposes, and which includes more than four family units, if the floor space contained in such family units comprises at least one-half of the floor space of such structure.

(m) "Family unit" means space which is used or designed for dwelling purposes and which contains one or more rooms with kitchen facilities (or space designed for kitchen facilities) in or appurtenant to such rooms.

(n) "Residential property" means any real property, other than farm property, on which there is or is to be a residence or residences.

(o) "Farm property" means any real property, other than multi-unit residential property or nonresidential property, located outside of urban areas, which is principally used for the production of crops, livestock or other agricultural commodities.

(p) "Multi-unit residential property" means any real property on which there is or is to be a multi-unit residence or multi-unit residences.

(q) "Nonresidential property" means any real property on which there is or is to be a nonresidential structure or structures.

(r) "Nonresidential structure"[11] means any structure other than—

(1) A residence,

(2) A multi-unit residence,

(3) A school, hospital, or church,

(4) A structure exclusively used or designed for use—

(i) By a public utility,

(ii) By any Government or political subdivision, or

(5) A structure more than 80 percent of the floor space of which is used or designed for use—

(i) In processing materials, goods, or articles into finished or partly finished manufactured products,

(ii) In mining or otherwise extracting raw materials, or

(iii) On farm property in the production, shelter, or storage incidental thereto, of crops, livestock or other agricultural commodities.

(s) "Public utility" means any transportation company, electric light or power company, gas company, water company, pipeline company, telephone company, telegraph company, or other similar business which is operated for the convenience, service or accommodation of the public if (1) the operations of such company are supervised by a Federal or State agency, or (2) the members of the public as such are entitled as of right to demand and use its facilities or services.

SEC. 3. *General requirements and registration*—(a) *General requirements.* No person engaged in the business of extending real estate credit with respect to residences, residential property, multi-unit residential property or nonresidential property shall extend real estate construction credit unless (1) he is registered pursuant to this section, and (2) he has no knowledge of, and has no reason to know, any fact by reason of which such credit fails to comply with any applicable provision of this regulation.

(b) *Registration.* Every person engaged in the business of extending real estate credit with respect to residences, residential property, multi-unit residential property or nonresidential property shall be deemed to be registered pursuant to this regulation until such time as the Board, by public announcement, may require registration statements to be filed by all, or any specified classes of, such persons. Should the Board require such registration statements, a person shall continue to be registered after the time such statements are required only if he shall have complied with the requirements of the Board's announcement. Every person who is registered in accordance with the provisions of this paragraph is referred to in this regulation as a "Registrant".

(c) *Suspension of registration.* Any Registrant may, after reasonable notice and opportunity for a hearing, be suspended by the Board, as to all or as to particular activities or particular offices and for specified or indefinite periods, because of any willful or negligent failure to comply with any provision of this regulation.

A suspension for a specified period will terminate upon the expiration of such period. A suspension for an indefinite period may be terminated by the Board, in its discretion, if the Board is satisfied that its action would not lead to further violations of this regulation by the suspended Registrant and would not be otherwise incompatible with the public interest.

SEC. 4. *Extension of credit*—(a) *Amount; maturity; amortization.* Except as otherwise permitted by this regulation, no Registrant shall, either in connection with a sale or otherwise:

(1) Extend real estate construction credit with respect to residential property, multi-unit residential property, or nonresidential property (other than major additions or major improvements) if the amount of credit outstanding with respect to the property (including any credit exempt from, or not subject to the prohibitions of, this regulation) exceeds, or as a result of such extension of credit would exceed, the applicable maximum loan value of such property;

(2) Extend real estate construction credit for the purpose of financing a major addition or major improvement to a residence, multi-unit residence or nonresidential structure if the amount of credit outstanding for the purpose of financing the major addition or major improvement (including any credit exempt from, or not subject to the prohibitions of, this regulation) exceeds, or as a result of such extension of credit would exceed, the applicable maximum loan value of such major addition or major improvement;

(3) Extend real estate construction credit for the purpose of financing the construction of a residence on farm property if the amount of credit outstanding for the purpose of financing the construction of the residence (including any credit exempt from, or not subject to the prohibitions of, this regulation) exceeds, or as a result of such extension of credit would exceed, the applicable maximum loan value of such residence;

(4) Extend real estate construction credit if such credit would have a maturity which exceeds the applicable maximum maturity provisions, or would be repaid in any manner which does not conform with the applicable amortization provisions, set forth in section 7;

(5) Purchase, discount or lend on any credit instrument evidencing real estate construction credit which is subject to and not exempt from this regulation, unless the terms of such credit conformed with the provisions of section 7 when such credit was originally extended or conform with the provisions of section 7 at the time of such purchase, discount or loan; but for the purposes of this paragraph credit shall be considered to be subject to this regulation even though extended by a person other than a Registrant;

(6) If the Registrant is acting as principal—sell, or transfer title to, residential property, multi-unit residential property or nonresidential property on which there is new construction (which is a residence, multi-unit residence or nonresidential structure, or a major addition or major improvement to a residence, multi-unit residence or nonresidential structure) and with respect to which the vendee or transferee assumes, or takes such property subject to, indebtedness secured by a mortgage or other lien upon such property, if the amount of outstanding credit (including any credit exempt from, or not subject to the prohibitions of, this regulation) which was extended after October 12, 1950 (or after January 12, 1951, if it is a sale or transfer of multi-unit residential property or after February 15, 1951, if it is a sale or transfer of nonresidential property), with respect to the property exceeds, or as a result of such sale or transfer would exceed, the applicable maximum loan value of such property, or if any outstanding real estate construction credit (subject to and not exempt from this regulation) with respect to such property does not con-

houses, rest homes, and the like, in which more than one-half of the floor space consists of units which do not contain kitchen facilities or space designed for kitchen facilities shall not be deemed to be residences or multi-unit residences. See section 2 (r).

[11] Nonresidential structures ordinarily subject to this regulation include, among others, the following: Office buildings, warehouses, stores (including sales display and service facilities, whether wholesale or retail), banks, hotels, motels, motor courts, garages, automobile service stations, restaurants, and clubs.

form with the provisions of this regulation.[12]

(b) *Secondary borrowing.* Except as otherwise permitted by this regulation, no Registrant shall extend real estate construction credit if he knows or has reason to know that there is, or that there is to be, any other credit extended with respect to the property [13] (1) which, when added to the credit proposed to be extended by the Registrant, would cause the total amount of credit outstanding with respect to the property [13] (including any credit exempt from, or not subject to the prohibitions of, this regulation) to exceed the applicable maximum loan value of such property, or (2) which, if it is real estate construction credit subject to and not exempt from this regulation, does not or would not comply with the applicable maximum maturity and amortization provisions set forth in section 7.

(c) *Ascertaining nature of credit.* No Registrant shall extend any credit unless he is satisfied, and maintains records which reasonably demonstrate on their face, whether such credit is or is not real estate construction credit; provided, however, unless the Registrant has actual knowledge that the credit is real estate construction credit, the requirements of this sentence shall not apply (1) to any extension of credit which is made by a bank, savings and loan association, or similar institution and which is to be repaid within six months and is fully secured by withdrawable shares issued by or savings accounts held with the lender, or (2) to any extension of credit in the ordinary course of business for a commercial, agricultural, or business purpose where the Registrant, because of a previous course of dealings or correspondence between himself and the borrower, has no reason to believe that the credit is or will be real estate construction credit. The preceding sentence does not require that a Registrant obtain a signed statement from each borrower, and if the Registrant is satisfied that credit is not real estate construction credit, other kinds of records may be used to demonstrate this fact. Such records may include, among others, (1) any correspondence, memoranda, loan applications or other documents of any kind, whether or not originating in connection with the credit in question, which on the basis of a reasonable interpretation show that the credit is not real estate construction credit; or (2) a written endorsement or rubber stamp legend, placed upon the credit instrument or upon other papers in connection with the credit and signed by the Registrant or a responsible officer of the Registrant, stating that he is satisfied that the credit in question is not real estate construction credit. If, however, a Registrant desires to obtain, and accepts in good faith, a signed Statement of the Borrower stating that the credit is not wholly or partly secured by, or for the purpose of purchasing or carrying, or for the purpose of financing, or one which involves the right to acquire or use, new construction on real property or real property on which there is new construction (or that such new construction, if any, is not a residence, multi-unit residence or nonresidential structure, or a major addition or major improvement to a residence, multi-unit residence or nonresidential structure), such Statement shall be deemed to be compliance with the requirements of this paragraph.

(d) *Statement of the borrower.* No Registrant shall extend real estate construction credit unless he has accepted in good faith a signed Statement of the Borrower (1) stating whether the credit is with respect to property [14] subject to this regulation, and (2) stating, if the Registrant claims that such credit is exempt from this regulation, the reason for such exemption; and, if the credit is not exempt, (3) stating the amount of credit previously extended and outstanding, and the amount of any other credit to be extended, with respect to the property,[14] (4) stating, if the Registrant in computing "value" relies upon cost or estimated cost to the borrower (where such cost or estimated cost may be used for this purpose), the bona fide amount of such cost or estimated cost to the borrower, and (5) stating, if the extension of credit is in connection with a sale, the sale price, that the sale price was bona fide, and the value and a brief description of any property accepted in part payment. If the extension of credit is in connection with a sale, such Statement shall state that the vendor of the property has or will have no financial interest in such property or in the proceeds of any subsequent disposition thereof, except such interest as may be fully disclosed to the Registrant. The amount of any such financial interest of the vendor retained in the property or any proceeds of the disposition thereof shall be deemed to be real estate construction credit extended with respect to such property. The Statement of the Borrower may be made, if desired, on a form a sample of which is obtainable at any Federal Reserve Bank or branch.

SEC. 5. *Exemptions and exceptions*—(a) *Minimum amount.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any extension of credit if the total amount thereof, including all outstanding credit which was granted after October 12, 1950, with respect to the same property,[15] is not in excess of $2,500.

(b) *Short-term residential construction credits.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any credit which is for the purpose of financing the construction of a residence or residences or a major addition or major improvement to a residence, if the maturity of such credit is not more than 18 months; provided, that this exemption shall not be construed to permit any renewal, revision, consolidation, or refinancing of such credit except on terms which conform with the provisions of this regulation. If (1) the initial purpose of an extension of credit having a maturity exceeding 18 months is the financing of the construction of a residence or residences or a major addition or major improvement to a residence and (2) the credit instrument provides, or an agreement with respect to the credit requires, that within 32 days after completion of such construction or upon a specified date when the Registrant estimates in good faith the construction will be completed, which in either case shall be not more than 18 months after the extension of the credit, the terms of the credit shall conform thereafter with the applicable maximum loan value and the applicable maturity and amortization provisions set forth in paragraph (a) (Schedule I) of section 7, then in such event the prohibitions of paragraphs (a) and (b) of section 4 shall not apply to such credit until after the lapse of the time so described or specified, but if at any time after the date of the extension of such credit, a Registrant sells or transfers title to the property with respect to which the credit is extended, such sale or transfer of title must conform to the provisions of this regulation and paragraph (a) (Schedule I) of section 7.[16]

(c) *Other short-term construction credits.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any credit which is for the purpose of financing the construction of a multi-unit residence or nonresidential structure or a major addition or major improvement to a multi-unit residence or nonresidential structure and which is extended to any person other than the owner of the property and has a maturity of not more than 24 months: *Provided,* That this exemption shall not be construed to permit any renewal, revision, consolidation, or refinancing of such credit except on terms which conform with the provisions of this regulation. Extensions of credit for the purpose of financing the construction of a multi-unit residence or nonresidential structure or a major addition or major improvement to a multi-unit residence or nonresidential structure may not be made to the owner of the property in a total amount exceeding the maximum loan value of the property; but any such credit extended to the owner of the property shall be exempt from the amor-

[12] For application to three- and four-unit residences, see section 6 (j).

[13] As used here, "property" means residential property, multi-unit residential property, nonresidential property, a residence on farm property, or a major addition or major improvement to a residence, a multi-unit residence or nonresidential structure as the case may be.

[14] As used here, "property" means residential property, multi-unit residential property, nonresidential property, a residence on farm property, or a major addition or major improvement to a residence, multi-unit residence, or nonresidential structure, as the case may be.

[15] As used here, "property" means residential property, multi-unit residential property, nonresidential property, a residence on farm property, or a major addition or major improvement to a residence, multi-unit residence, or nonresidential structure as the case may be.

[16] It should be noted that this exemption does not apply to any credit which is for the purpose of financing the construction of a multi-unit residence or nonresidential structure or a major addition or major improvement to a multi-unit residence or nonresidential structure. However, see section 5 (c).

tization provision in paragraph (c) (Schedule III) of section 7 if (1) such credit has a maturity of not more than 24 months, or (2) the initial purpose of credit having a maturity exceeding 24 months is the financing of the construction of a nonresidential structure or nonresidential structures or a major addition or major improvement to a nonresidential structure, and the credit instrument provides, or an agreement with respect to the credit requires, that within 32 days after completion of such construction or upon a specified date when the Registrant estimates in good faith the construction will be completed, which in either case shall be not more than 24 months after the extension of the credit, the terms of the credit shall conform thereafter with the applicable maturity and amortization provisions set forth in paragraph (c) (Schedule III) of section 7; but if at any time after the date of the extension of such credit, a Registrant sells or transfers title to the property with respect to which the credit is extended, such sale or transfer of title must conform to the provisions of this regulation and paragraph (c) (Schedule III) of section 7.

(d) *Medical expenses, etc.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any extension of real estate construction credit as to which the Registrant accepts in good faith a signed Statement of the Borrower certifying that the proceeds thereof are to be used for bona fide medical, hospital, dental, or funeral expenses, or to pay debts incurred for such expenses, and that the proceeds of the extension are to be paid over in amounts specified in such Statement to persons whose names, addresses and occupations are stated therein.

(e) *Casualties.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any extension of real estate construction credit as to which the Registrant accepts in good faith a signed Statement of the Borrower certifying that the proceeds thereof are to be used solely for the replacement, reconstruction or repair of a residence, multi-unit residence or nonresidential structure destroyed or substantially damaged by flood, fire, or other similar casualty.

(f) *Contracts to sell.* None of the provisions of this regulation shall apply to a contract to sell real property (1) which does not provide for the payment of any part of the purchase price, or of any amount to be subsequently applied to such price, except a deposit of earnest money, before the transfer of title to such property, (2) which is to be performed by a transfer of title to such property within six months after the date on which the contract was entered into, and (3) which provides for the subsequent transfer of title to such property on terms which conform to the provisions of this regulation in effect on the date the contract was entered into.

(g) *Contemplated construction.* Any builder or other person who had made substantial commitments or undertakings before August 3, 1950, with a view to the building of new construction which is a residence or a major addition or major improvement to a residence and who asserts that his inability to obtain credit to finance such new construction on the basis contemplated by him and by the Registrant prior to August 3, 1950, would cause him substantial hardship, may apply to the Federal Reserve Bank of the district in which the new construction is contemplated for an exemption from this regulation for such new construction, showing all the facts and submitting all necessary supporting documents with respect to his commitments or undertakings and why compliance with this regulation would cause him substantial hardship. If such Federal Reserve Bank after consideration of the application and supporting documents determines that substantial commitments were made prior to August 3, 1950, and that substantial hardship would result from the application of this regulation in such case, it may issue to such builder or other person a certificate approving such application and thereupon any extension of credit to such builder or other person by the Registrant named in such certificate with respect to the new construction that may be specified in such certificate shall be exempt from the prohibitions of paragraphs (a) and (b) of section 4. Applications under this paragraph must be sent to the Federal Reserve Bank prior to March 15, 1951.

(h) *Labor and material.* No person shall be required to register pursuant to section 3 because of the fact that he performs labor or furnishes material for new construction on an open account, unless he shall be otherwise engaged in the business of extending real estate credit.

(i) *Credits secured by life insurance policies.* None of the provisions of this regulation shall apply to an extension of real estate construction credit which is fully secured by the loan value or cash surrender value of a life insurance policy; and, notwithstanding any other provisions of this regulation, a Registrant in determining the amount of credit which he may extend under the provisions of section 4 need not take into account any credit which is secured in the manner specified in this paragraph.

(j) *Farm property.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any extension of real estate construction credit with respect to farm property unless the extension of credit is for the purpose of financing the construction of a residence on farm property or a major addition or major improvement to a residence on farm property.[17]

(k) *Exemption for certain new construction.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any real estate construction credit extended prior to May 1, 1951, with respect to new construction (1) begun prior to October 12, 1950, if such new construction is a residence or a major addition or major improvement to a residence, (2) begun prior to January 12, 1951, if such new construction is a multi-unit residence or a major addition or major improvement to a multi-unit residence,[18] or (3) begun prior to February 15, 1951, if such new construction is a nonresidential structure or a major addition or major improvement to a nonresidential structure.

(l) *Materials, articles and services used in new construction.* None of the provisions of this regulation shall apply to an extension of credit which is for the purpose of purchasing, or is in connection with a sale of, materials, articles and services for new construction if the credit is extended on terms which provide for a minimum down payment of 10 per cent, or a maximum loan value of 90 per cent, and for repayment within 30 months by (1) substantially equal monthly or weekly payments covering principal and interest, or (2) substantially equal monthly or weekly payments of principal.[19]

SEC. 6. *Miscellaneous provisions*—(a) *Evasions.* No extension of real estate construction credit complies with the requirements of this regulation if at the time it is made there is any agreement, arrangement, or understanding, of which the Registrant knows or has reason to know, by which credit is or is to be extended in violation of this regulation, even though such extension of credit is or is to be made indirectly, or which would otherwise evade or circumvent, or conceal any evasion or circumvention of, any provision of this regulation. No Registrant extending credit subject to this regulation shall divide such credit into two or more parts, or enter into any agreement or understanding with any other person as a result of which two or more credits are extended, when the purpose or effect of such action is to circumvent or avoid the amortization or maturity provisions of this regulation.

(b) *Outstanding contracts and obligations.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to or affect (1) any credit with respect to residential property or a major addition or major improvement to a residence if extended prior to October 12, 1950, or pursuant to any firm commitment to extend credit made prior to such date, (2) any credit with respect to multi-unit residential property or a major addition or major improvement to a multi-unit residence if extended prior to January 12, 1951, or pursuant to any firm commitment to extend credit made prior to such date, or (3) any credit with respect to nonresidential property or a major addition or major improvement to a nonresidential structure if extended prior to February 15, 1951, or pursuant to any firm commitment to extend credit made prior to such date, if such firm commitment complies with (1) of the next succeeding sentence. For

[17] It is to be noted that the term "farm property" as defined in section 2 (c) does not include multi-unit residential property or nonresidential property; accordingly, the location of multi-unit residential property or nonresidential property does not affect the question whether extensions of credit with respect to such property are subject to this regulation.

[18] For application to three- and four-unit residences, see section 6 (j).

[19] It should be noted that in certain circumstances more restrictive terms would be required by Regulation W.

this purpose, a firm commitment means either (1) a written agreement under which the Registrant is required without option or discretion on his part to extend credit upon demand by the borrower or upon compliance by the borrower with one or more conditions referred to in such agreement; or (2) any other agreement to extend credit with respect to residential property, a residence, or a major addition or major improvement to a residence which has been entered into in good faith by the parties and in reliance upon which the prospective borrower or builder has taken specific action prior to October 12, 1950, if the Registrant prior to January 1, 1951, shall have sent to the Federal Reserve Bank of the district in which he does business a letter or other statement reciting the facts with respect to such agreement and the specific action taken by the prospective borrower or builder prior to October 12, 1950; or (3) any other agreement to extend credit with respect to multi-unit residential property or a major addition or major improvement to a multi-unit residence which has been entered into in good faith by the parties and in reliance upon which the prospective borrower or builder has taken specific action prior to January 12, 1951, if the Registrant prior to March 15, 1951, shall have sent to the Federal Reserve Bank of the district in which he does business a letter or other statement reciting the facts with respect to such agreement and the specific action taken by the prospective borrower or builder prior to January 12, 1951.[20]

(c) *Real property outside the United States.* None of the prohibitions of this regulation shall apply to any extension of real estate construction credit with respect to real property in Alaska, the Panama Canal Zone, or any territory or possession outside the continental United States.

(d) *Preservation of records; inspections; administrative reports.* For the purpose of determining whether or not there has been compliance with the provisions of this regulation, every person extending real estate credit with respect to residences, residential property, multi-unit residential property or nonresidential property shall preserve for the period hereinafter specified such accounts, correspondence, memoranda, papers, books, and other records, or photostats or other copies thereof, as are relevant to establishing whether such person is engaged in the business of extending such real estate credit; whether each credit extended is or is not real estate construction credit with respect to a farm residence, residential property, multi-unit residential property, nonresidential property, or a major addition or major improvement to a residence, multi-unit residence, or nonresidential structure; and whether each extension of real estate construction credit conformed with the provisions of this regulation. Every such person shall preserve such records for three years after the extension of such credit, or until the repayment of the credit, whichever period is shorter: *Provided, however,* That if such person sells or transfers an obligation evidencing a credit (or releases collateral held as security for such credit) and delivers his records relevant to such credit to the purchaser or transferee, such person need not thereafter maintain such records with respect to the credit but shall keep a record of the identity of the purchaser or transferee and the date of such sale or transfer (or such release). Every such person shall permit the Board or a Federal Reserve Bank, by its duly authorized representatives, to inspect such records and business operations as the Board or a Federal Reserve Bank may deem necessary or appropriate; and when ordered to do so, shall furnish, under oath or otherwise, such reports, information, or records relevant to extensions of credit as the Board or a Federal Reserve Bank may deem necessary or appropriate for the enforcement and administration of this regulation.[21]

(e) *Default and foreclosure; serviceman's preinduction debt.* Nothing in this regulation shall be construed to prevent any Registrant from taking such action as he shall deem necessary in good faith (1) with respect to any extension of credit to any member or former member of the armed forces of the United States which was made to him prior to his induction into such service and assignment to active duty, or (2) for the Registrant's own protection in connection with any credit which is in default and is the subject of a bona fide collection effort by the Registrant. The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to an extension of credit by a Registrant in connection with a sale of property acquired by him through foreclosure proceedings if such credit does not exceed the unpaid principal amount of the foreclosed credit, the costs of acquisitioned through foreclosure, and the costs incurred in the rehabilitation and repair of the property prior to the sale.

(f) *Veterans' programs under State law.* Nothing in this regulation shall be construed as prohibiting a State (as distinguished from any other person affected by this regulation) from according rights and preferences to eligible veterans by extending, guaranteeing or insuring, in whole or in part, real estate construction credit pursuant to State legislation similar in purpose or effect to Title III of the Servicemen's Readjustment Act of 1944, as amended, provided that the terms of the credit are no more liberal than are currently permitted in the case of comparable loans insured or guaranteed under that act.

(g) *State housing programs.* Nothing in this regulation shall prohibit extensions of credit to public corporations created pursuant to a public housing program of a State or municipality where such credit is extended, insured, or guaranteed by the State or municipality or the State or municipality has made commitments to furnish funds to assure repayment.

(h) *Extension of credit for mixed purposes.* In the case of an extension of credit which is partly subject to one provision of this regulation and partly subject to another provision, whether by reason of the types of property involved, or otherwise, the amount and terms of such credit shall be such as would result if the credit were divided into two or more parts and each part were treated as if it stood alone. In the case of an extension of credit which is partly subject to this regulation and partly not subject to (or exempt from) this regulation, the amount and terms of the extension of credit will comply with this regulation if they satisfy the requirements of this regulation applicable to the subject portion.

(i) *Calculation of maximum maturity.* In calculating the maximum maturity of credits which are subject to maximum maturity provisions in section 7, a Registrant may use, at his option, as "the date such credit is extended," any date not more than 32 days subsequent to the actual date such credit is extended.

(j) *Three- and four-unit residences.* Notwithstanding any other provisions of this regulation, the provisions of section 4 (a) (6), section 5 (k), and section 6 (b) which are applicable to multi-unit residences shall be applicable to residences containing three or four family units.

(k) *Right of Registrant to impose stricter requirements.* Any Registrant, if he desires, may refuse to extend credit, extend less credit than the amount permitted by this regulation, or require that repayment be made within a shorter period or in larger installments than prescribed in section 7.

(l) *Reliance upon statement of the borrower.* The facts set forth in any signed Statement of the Borrower which a Registrant accepts and relies upon in good faith shall be deemed to be correct for the purposes of the Registrant.

(m) *False statements.* The making or submission by any person of any false, fictitious or fraudulent statement or representation pursuant to, or which is intended to conform to, or show compliance with, any requirement or provision of this regulation, shall be a violation of this regulation.

(n) *Statutory penalties.* The act provides that "Any person who willfully violates any provision of section * * * 602 (relating to real estate construction credit) or any regulation or order issued thereunder, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

(o) *Enforceability of contracts.* Nothing in this regulation shall affect the enforceability of any contract.

SEC. 7. *Supplement—(a) Schedule I; One-to-four-unit residential property and farm residences—(1) Maximum loan value.* For the purposes of this regulation, maximum loan values for all residential property, farm residences, and major additions and major improvements to residences shall be determined as follows: (i) Determine the "value" of the residential property, farm residence, or major addition or major improvement to a residence, as the case may be, in accordance with section 2 (i);

[20] For application to three- and four-unit residences, see section 6 (j).

[21] The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(ii) divide this "value" by the number of family units in order to determine the "value per family unit"; (iii) determine the "maximum loan value per family unit" from the table below; (iv) multiply the "maximum loan value per family unit" by the number of family units in order to determine the maximum loan value of the residential property, farm residence, or major addition or major improvement, as the case may be. Where a major addition or major improvement will change the number of family units, the "value per family unit" shall be computed on the basis of the number of family units which the residence will contain after the addition or improvement has been completed. In the case of credit extended with respect to residential property or farm residences involving more than one structure, the maximum loan value may be applied separately with respect to each such structure or with respect to the entire property or all such residences, at the election of the Registrant.

If the "value per family unit" is—	*The "maximum loan value per family unit" is—*
Not more than $5,000	90 percent of "value per family unit."
More than $5,000 but not more than $9,000	$4,500 plus 65 percent of excess of "value per family unit" over $5,000.
More than $9,000 but not more than $15,000	$7,100 plus 60 percent of excess of "value per family unit" over $9,000.
More than $15,000 but not more than $20,000	$10,700 plus 20 percent of excess of "value per family unit" over $15,000.
More than $20,000 but not more than $24,250	$11,700 plus 10 percent of excess of "value per family unit" over $20,000.
Over $24,250	50 percent of "value per family unit."

(2) *Maturity.* For the purposes of this regulation, the following maturity requirements are prescribed for credit with respect to residential property, farm residences, and major additions and major improvements to residences: No such credit subject to this regulation shall have a maturity of more than 20 years from the date such credit is extended except that a credit extended with respect to property having a value (determined as provided in section 2 (i)) of $7,000 or less may have a maturity of not more than 25 years if it is to be fully repaid at or before the date of maturity through amortization on the basis prescribed in subparagraph (3) (ii) of this paragraph relating to amortization.

(3) *Amortization.* For the purposes of this regulation the following amortization requirements are prescribed for credit with respect to residential property, farm residences, and major additions and major improvements to residences: With respect to every such credit subject to this regulation, amortization payments shall be required which either (i) will annually reduce the original principal amount of such credit by not less than 5 percent until the outstanding balance of such credit has been reduced to an amount equal to or less than 50 percent of the value of the property with respect to which such credit was extended or (ii) will fully liquidate the original principal amount of such credit not later than the date of the maturity of the credit through substantially equal monthly, quarterly, semiannual, or annual payments covering principal and interest or through substantially equal monthly, quarterly, semiannual, or annual payments of principal. The value referred to in the preceding sentence shall be determined as of the date the credit was extended in the manner provided in section 2 (i). If the amount of the credit when extended is not more than 50 percent of such value, such credit shall not be subject to the amortization provisions of this subparagraph.

(b) *Schedule II: Multi-unit residential property*—(1) *Maximum loan value.* For the purposes of this regulation, maximum loan values for all multi-unit residential property and major additions and major improvements to multi-unit residences shall be determined as follows: (i) Determine the "value" of the multi-unit residential property, or major addition or major improvement to a multi-unit residence, as the case may be, in accordance with section 2 (i); (ii) divide this "value" by the number of family units in order to determine the "value per family unit"; (iii) determine the "maximum loan value per family unit" from the table below; (iv) multiply the "maximum loan value per family unit" by the number of family units in order to determine the maximum loan value of the multi-unit residential property, or the major addition or major improvement, as the case may be. Where a major addition or major improvement will change the number of family units, the "value per family unit" shall be computed on the basis of the number of family units which the multi-unit residence will contain after the addition or improvement has been completed. In the case of credit extended with respect to multi-unit residential property involving more than one such multi-unit residence, the maximum loan value shall be applied separately with respect to each such multi-unit residence or with respect to the entire property, at the election of the Registrant.

If the "value per family unit" is—	*The "maximum loan value per family unit" is—*
Not more than $7,000	83 percent of "value per family unit."
More than $7,000 but not more than $15,000	$5,810 plus 53 percent of excess of "value per family unit" over $7,000.
More than $15,000 but not more than $23,500	$10,050 plus 20 percent of excess of "value per family unit" over $15,000.
Over $23,500	50 percent of "value per family unit."

(c) *Schedule III: Nonresidential property*—(1) *Maximum loan value.* For the purposes of this regulation, the maximum loan value of any nonresidential property or major addition or major improvement to a nonresidential structure shall be 50 percent of the "value" of the property, or the major addition or major improvement, determined in accordance with section 2 (i). In the case of credit extended with respect to nonresidential property involving more than one nonresidential structure, the maximum loan value may be applied separately with respect to each such structure, or with respect to the entire property, at the election of the Registrant.

(b) *Maturity.* For the purposes of this regulation, the following maturity requirement is prescribed for credit with respect to nonresidential property and major additions and major improvements to nonresidential structures: No such credit subject to this regulation shall have a maturity of more than 25 years from the date such credit is extended.

(c) *Amortization.* For the purposes of this regulation, the following amortization requirement is prescribed for credit with respect to nonresidential property and major additions and major improvements to nonresidential structures: With respect to every such credit subject to this regulation, amortization payments shall be required which will fully liquidate the original principal amount of such credit not later than the date of the maturity of the credit through substantially equal monthly, quarterly, semiannual, or annual payments covering principal and interest or through substantially equal monthly, quarterly, semiannual, or annual payments of principal.

2. a. Regulation X is issued by the Board of Governors of the Federal Reserve System, with the concurrence of the Housing and Home Finance Administrator with respect to provisions relating to real estate construction credit involving residential property and multi-unit residential property, under authority of the Defense Production Act of 1950, approved September 8, 1950, and Executive Order No. 10161, dated September 9, 1950.

The purpose of this regulation is to prescribe appropriate terms in connection with real estate construction credit, including appropriate supporting rules, in order to carry out the purposes and policy of the aforementioned authorities. The principal purpose of this amendment is to broaden the scope of this regulation by making it applicable to non-residential real estate credit with certain exceptions. The amendment also makes other changes with the view of providing more workable and effective regulation.

b. Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operations of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 thereof.

In amending this regulation and in accordance with the requirements of the aforesaid section 709, there has been consultation with industry representatives, including trade association repre-

sentatives, and consideration has been given to their recommendations.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-2373; Filed, Feb. 14, 1951; 12:00 m.]

[Regulation X, Interpretations 22, 23]

REG. X—REAL ESTATE CREDIT

INT. 22—MAXIMUM MATURITY

Maximum maturity. The maturity provision in § 225.7 of Regulation X provides for a maximum maturity of 20 years (or 25 years, in some cases) "from the date such credit is extended". In trade practice, provision often is made for the payment of the first installment of an amortized loan on the first day of the second calendar month after the month in which the credit is extended. In order to permit this practice, the Board, in Interpretation 11 to Regulation X, stated: "* * * in calculating the maximum maturity of credit subject to this part [regulation], a Registrant may, at his option, use any date not more than 32 days subsequent to the date such credit is extended."

Regulation X, as amended effective January 12, 1951, provides in § 225.6 (n) that "In calculating the maximum maturity of credit subject to this part [regulation], a Registrant may use, at his option, as 'the date such credit is extended', any date not more than 32 days subsequent to the actual date such credit is extended."

Neither § 225.6 (n) nor Interpretation 11 of Regulation X means that the first instalment of an amortized loan must be paid within 32 days after the date the credit is extended. They do mean, in effect, that the maximum maturity of credit subject to this part [regulation] may be 20 years and 32 days (or, in some cases, 25 years and 32 days) from the actual date such credit is extended.

For example, if a 20-year loan payable monthly were closed on January 1, 1951, and the first payment is made on March 1, 1951, the last payment would be made on February 1, 1971. Here the Registrant would be using February 1, 1951, which is 31 days subsequent to the actual date such credit is extended, as "the date such credit is extended", and the loan would mature 20 years from such date. The loan, in effect, would have a maturity of 20 years and 31 days from January 1, 1951, the actual date such credit was extended.

The principles of § 225.6 (n) and Interpretation 11 of Regulation X are not limited to monthly payment loans. The amortization provision in § 225.7 permits repayment through substantially equal monthly, quarterly, semiannual, or annual payments. As a further illustration, in the case of a 20-year loan payable annually in 20 instalments, where the loan is closed on February 1, 1951, the first payment could be made on March 1, 1952, because the last payment would be made and the loan would mature on March 1, 1971. Here the Registrant would be using March 1, 1951, which is 28 days subsequent to the actual date such credit is extended, as "the date such credit is extended", and the loan would mature 20 years from such date.

INT. 23—REAL ESTATE BROKERS

Real estate brokers. An inquiry has been received by the Board regarding the status under this part of real estate brokers: When are they Registrants and, in cases where they are, does this affect sales of real property by non-Registrants, when the broker acts as the vendor's sales agent?

The second paragraph of § 225.1 provides that Regulation X applies to any person who is engaged in the business of extending certain real estate credit, "including any person who acts as agent in arranging for such credit." The quoted phrase means that the regulation applies to persons who are engaged in the business of arranging for such credit as agents for lenders, not as agents for borrowers.

In a typical sale of real estate, where the real estate broker acts as sales agent for the vendor, the broker may also arrange the financing for the sale. In such cases, if the broker receives a fee from a lender for his services in arranging the financing, whether the lender is the vendor or a third party, the broker ordinarily would be considered an agent for the lender. However, if the broker does not receive such a fee, but merely contacts or otherwise negotiates with the lender on behalf of the vendor or vendee, he ordinarily would not be considered an agent for the lender.

It is the opinion of the Board that a real estate broker would be a Registrant under Regulation X if, in his own right or as agent for a lender or as a fiduciary, he either (1) extends or has extended such real estate credit more than three different times during the current calendar year or during the preceding calendar year, or (2) extends or has extended such real estate credit in an amount or amounts aggregating more than $50,000 during the current calendar year or during the preceding calendar year. For this purpose, a transaction in which a real estate broker acts as agent of the lender in arranging the financing as described above is to be considered an extension of credit by him.

The mere fact, however, that a real estate broker acting as sales agent in a sale of real property may be a Registrant does not affect a sale by a non-Registrant, unless the real estate broker extends or arranges as agent for an extension of real estate construction credit in connection with the sale.

Under § 225.4 (a) (6), a sale in which the vendee assumes, or takes the property subject to, a mortgage is not permissible if the amount of outstanding credit (extended after October 12, 1950, or January 12, 1951, as the case may be) exceeds the maximum loan value. However, this restriction is applicable only to a Registrant who is acting as principal and, therefore, does not apply to a real estate broker who is acting as agent in connection either with the sale or the financing which may be involved. Of course, if additional real estate construction credit over and above the maximum loan value of the property were extended in connection with the sale, the other provisions of § 225.4 would apply to a real estate broker who acted as agent in arranging for the extension of such additional credit in the manner described above.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Interprets or applies sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-2222; Filed, Feb. 14, 1951; 9:39 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS' CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, a new centerhead is added immediately following § 3.57 to read as follows: "Determinations as to Helplessness of Children."

2. Immediately following the centerhead, "Determinations as to Helplessness of Children," a new § 3.58 is added to read as follows:

§ 3.58 *Conditions which determine helplessness.* (a) For the purpose of the laws authorizing the payment of compensation or pension, the term "helpless child" shall mean a child who was permanently incapable of self-support by reason of physical or mental defect at the date of attaining the age of 16 or 18 years, whichever is applicable, and at the date of filing claim. The requirement that a child be "insane, idiotic, or otherwise mentally or physically helpless" as a prerequisite to the continuance of benefits after a child attains the age of 16 years will be considered as having been met when the evidence shows that the child is permanently incapable of self-support by reason of physical or mental defect.

(b) The question of helplessness is one of fact for determination by the rating agency on competent evidence of record in the individual case. Rating criteria applicable to disabled veterans are not controlling. Principal factors for consideration are:

(1) The fact that a child is earning his or her own support is prima facie evidence that he or she is not incapable of self-support. Incapacity for self-support will not be considered to exist when the child by his or her own efforts is provided with sufficient income for his or her reasonable support and maintenance, depending on the circumstances in each individual case.

(2) Capacity for self-support is not determinable upon employment afforded solely upon sympathetic or charitable considerations and which involves no actual or substantial rendition of services.

(3) A child shown by proper evidence to have been permanently incapable of self-support prior to the delimiting age may be so held at a later date even though there may have been a short intervening period or periods when his or her condition was such that he or she was employed, provided the cause of incapability is the same as that upon which the original determination was made and there were no intervening diseases or injuries that could be considered as major factors. Employment which was only casual, intermittent, try-out, unsuccessful, or terminated after a short period by reason of disability, should not be considered as rebutting permanent incapability of self-support otherwise established.

(4) It should be borne in mind that employment of a child prior or subsequent to the delimiting age may or may not be a normal situation depending on the educational progress of the child, the economic situation of the family, indulgent attitude of parents, and the like. In those cases where the extent and nature of disability raises some doubt as to whether they would render the average person incapable of self-support, factors other than employment are for consideration. In such cases there should be considered whether the daily activities of the child in the home and community are equivalent to the activities of employment of any nature within the physical and mental capacity of the child which would provide sufficient income for reasonable support and maintenance. Lack of employment of the child either prior to the delimiting age or thereafter should not be considered as a major factor in the determination to be made unless it is shown that it was due to physical or mental defect and not to mere disinclination to work or indulgence of relatives or friends.

(Sec. 4, 41 Stat. 586, secs. 2, 44 Stat. 382, as amended, 1362, as amended, 58 Stat. 186, Par. VI, Vet. Reg. 10, as amended, 38 U. S. C. 288, 364a, 381a, 37, ch. 12 note)

3. Section 3.1509 is canceled.

§ 3.1509 *Issuance of preference certificates under section 302, Public Law 171, 81st Congress.* [Canceled.]

4. In Part 4, § 4.65 (c) is amended to read as follows:

§ 4.65 *Certification of eligibility to loan guaranty benefits.* * * *

(c) The veteran's death was the result of injury or disease incurred in or aggravated by service in line of duty which was rendered on or after September 16, 1940 (this includes an enlistment entered into subsequent to July 25, 1947) (cases where compensation is payable under section 31, Public No. 141, 73d Congress; section 12, Public No. 866, 76th Congress; or section 2 (Veterans Regulation 1 (a), Part VII, par. 4), Public Law 16, 78th Congress, are not included); and

* * * * *

(Interpret or apply sec. 500, 58 Stat. 291, as amended; 38 U. S. C. 694)

5. The subcenterhead, "Payment of Pension or Compensation Based Upon Helplessness," immediately preceding § 4.94 is deleted.

6. Section 4.94 is canceled.

§ 4.94 *Helpless child.* [Canceled.]

7. The title of § 4.95 is amended to read as follows: *"Helplessness after age 18."*

8. The title of § 4.96 is amended to read as follows: *"Helplessness after age 16."*

9. A new cross reference is added immediately following § 4.96 to read as follows:

CROSS REFERENCE: Conditions which determine helplessness. (See § 3.58 of this chapter.)

10. The centerhead "Payment of Pension or Compensation Based on School Attendance," immediately preceding § 4.98 is deleted.

11. The title of § 4.98 is amended to read as follows: *"Payment of pension or compensation based on school attendance."*

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

This regulation is effective February 15, 1951.

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

[F. R. Doc. 51-2189; Filed, Feb. 14, 1951; 8:54 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

PARTIAL OR TOTAL LOSS OF GUARANTY OR INSURANCE

Section 36.4325 (b) is corrected to read as follows (the purpose of this amendment is to modify the paragraphing arrangement in paragraph (b) (11); the content of the paragraph remains unchanged):

§ 36.4325 *Partial or total loss of guaranty or insurance.* * * *

(b) In taking security required by the act and the regulations in this subpart, a holder shall obtain the required lien on property the title to which is such as to be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated: *Provided*, That a title will not be unacceptable by reason of any of the limitations on the quantum or quality of the property or title stated in § 36.4350 (b), and if such holder fails in this respect or fails to comply with the act and the regulations of this subpart with respect to:

(1) Obtaining and retaining a lien of the dignity prescribed on all property upon which a lien is required by the act or the regulations in this subpart.

(2) Inclusion of power to substitute trustees (§ 36.4327),

(3) The procurement and maintenance of insurance coverage (§ 36.4326),

(4) Advice to Administrator as to default (§ 36.4315),

(5) Notice of intention to begin action (§ 36.4317),

(6) Notice to the Administrator in any suit or action, or notice of sale (§ 36.4319),

(7) The release, conveyance, substitution or exchange of security (§ 36.4324),

(8) Lack of legal capacity of a party to the transaction incident to which the guaranty or the insurance is granted (§ 36.4328),

(9) Failure of the lender to see that any escrowed or earmarked account is expended in accordance with the agreement,

(10) The taking into consideration of limitations upon the quantum or quality of the estate or property (§ 36.4350 (b)),

(11) Any other requirement of the act or the regulations in this subpart which does not by the terms of the act or the regulations in this subpart result in relieving the Administrator of all liability with respect to the loan,

no claim on the guaranty or insurance shall be paid on account of the loan with respect to which such failure occurred, or in respect to which an unwilful misrepresentation occurred, until the amount by which the ultimate liability of the Administrator would thereby be increased has been ascertained. The burden of proof shall be upon the holder to establish that no increase of ultimate liability is attributable to such failure or misrepresentation. The amount of increased liability of the Administrator shall be offset by deduction from the amount of the guaranty or insurance otherwise payable, or if consequent upon loss of security shall be offset by crediting to the indebtedness the amount of the impairment as proceeds of the sale of security in the final accounting to the Administrator. To the extent the loss resultant from the failure or misrepresentation prejudices the Administrator's right of subrogation acceptance by the holder of the guaranty or insurance payment shall subordinate the holder's right to those of the Administrator.

* * * * *

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

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

[F. R. Doc. 51-2190; Filed, Sept. 14, 1951; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAY ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 7th day of February A. D. 1951.

The matter of annual reports from Steam Railway Companies and Switching and Terminal Companies of Class I and Class II being under consideration:

It is ordered, That the order dated December 28, 1949, in the matter of annual reports from steam railway companies and switching and terminal companies of Class I and Class II (49 CFR 120.11) be, and it is hereby modified with respect to annual reports for

the year ended December 31, 1950, and subsequent years, as follows:

§ 120.11 *Form prescribed for large and medium steam railways.* All steam railway companies and switching and terminal companies of Class I and Class II subject to the provisions of section 20, part I, of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1950, and for each succeeding year until further order in accordance with Annual Report Form A (Large and Medium Steam Roads and Switching and Terminal Companies), which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

NOTE: Budget Bureau No. 60-RC93.7.

By the Commission, Division 1.

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

[F. R. Doc. 51-2232; Filed, Feb. 14, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

U. S. STANDARDS FOR BROCCOLI FOR PROCESSING

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Broccoli for Processing under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.147 *Standards for broccoli for processing*—(a) *General* (1) The accompanying grades for broccoli are intended to facilitate transactions between growers and processors who may wish to use a purchasing system based upon the quality of broccoli delivered. These grades are an outgrowth of the widely accepted principle that price should be directly proportional to quality. The grower who delivers high quality deserves a premium price, because such broccoli enables the processor to pack a better quality finished product.

(2) In the application of these standards, it is assumed that sellers will not sort their broccoli into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer, and that the buyer will pay a certain price for the percentage of each grade in the lot as determined by inspection. Upon delivery, the inspector will simply sort representative samples taken from each lot and determine the percentage of each grade. Final settlement would then be made by applying the percentage of each grade to the total weight of the lot, and then applying the contract prices established for each grade. Under such a procedure, there is no need for tolerances.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of stalks of broccoli which are fresh, tender, and have good characteristic color, and compact heads; which are free from decay and cull material, and are free from damage caused by discoloration, freezing, hollow stem or pithiness, scars, dirt or other foreign material, disease, insects, and mechanical or other means. (See Trimming Requirements).

(i) Unless otherwise specified, the length shall be not more than 6 inches nor less than 4 inches, and the diameter of the stem shall be not less than three eighths inch. (See Cull Material).

(2) *U. S. No. 2.* U. S. No. 2 consists of stalks of broccoli which are fresh, tender, and have good characteristic color, and fairly compact heads; which are free from decay and cull material, and are free from damage caused by scars, dirt or other foreign material, disease, insects; and are free from serious damage caused by discoloration, freezing, hollow stem or pithiness, and mechanical or other means. (See Trimming Requirements.)

(i) Unless otherwise specified, the length shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than one-fourth inch. (See Cull Material.)

(c) *Culls.* Culls are stalks of broccoli which fail to meet the requirements of either of the foregoing grades.

(d) *Cull material.* (See definition No. 6.)

(e) *Trimming requirements.* Unless otherwise specified, all coarse, damaged, and discolored leaves and leaves extending more than one and one-half inches above the top of the head shall be removed. In making grade determination, all coarse, damaged and discolored leaves, and leaves extending more than one and one-half inches above the top of the head shall be removed and scored as cull material.

(f) *Definitions.* (1) "Stalk" means a portion of the broccoli plant including the stem, bud cluster and leaves.

(2) "Fresh" means that the broccoli is not badly wilted or excessively flabby.

(3) "Tender" means that the broccoli is succulent, and reasonably free from fibrous material and is not tough, or stringy.

[1] Filed as part of the original document.

(4) "Good characteristic color" means that the stem and external portion of the head has a light green or darker shade of green color, except that purplish color shall also be allowed on the external portion of the head.

(5) "Compact head" means that the individual head is closely formed, not open or spread to the extent that it has a loose appearance, and that the individual florets are fairly tightly formed and not more than moderately elongated.

(6) "Cull material" means all foreign material, any portion of the stem in excess of the maximum length specified, all stalks under the minimum length specified for the U. S. No. 2 grade, and all coarse, damaged and discolored leaves, and leaves extending more than one and one-half inches above the top of the head.

(7) "Damage" means any defect which more than slightly affects the appearance, or the processing or edible quality of the head, or any portion of the stem within 5 inches from the top of the head. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Discoloration, when more than very slight, or which will not change to light green or darker shade of green color in the ordinary process of blanching.

(ii) Freezing, when causing more than slight discoloration of the individual unit.

(iii) Hollow stem or pithiness, when discolored, or when more than slightly affecting the appearance of the individual unit.

(iv) Scars, when discolored, or when more than slight or superficial.

(v) Dirt or other foreign material, when more than slight, or which cannot be removed in the ordinary washing process.

(vi) Disease, when showing discoloration, or when more than slightly affecting the appearance, or the processing or edible quality.

(vii) Insects, when worms or worm frass are present, or when there is more than slight infestation by other insects.

(8) "Diameter" means the greatest thickness of the stem measured at a point 6 inches from the top of the head, except that stems which are less than 6 inches in length shall be measured at the base of the stem.

(9) "Fairly compact head" means that the individual head is fairly closely formed and not excessively spread and that the florets are not on the verge of opening and will not open in the ordinary process of blanching.

(10) "Serious damage" means any defect which materially affects the appearance, or the processing or edible quality of the head, or any portion of the stem within 5 inches from the top of the head. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Discoloration, when the appearance of the individual unit is materially affected.

(ii) Freezing, when causing discloration which materially affects the appearance of the individual unit.

(iii) Hollow stem or pithiness, when discolored, or when materially affecting the appearance of the individual unit. Units which show a ragged appearance or deep holes shall be considered as serious damage.

Done at Washington, D. C., the 12th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2259; Filed, Feb. 14, 1951; 8:59 a. m.]

[7 CFR, Part 52]

U. S. STANDARDS FOR GRADES OF CANNED LIMA BEANS

NOTICE OF RULE MAKING WITH RESPECT TO EXTENSION OF TIME

Notice is hereby given of an extension, until April 2, 1951, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the proposed revision of United States Standards for Grades of Canned Lima Beans. The proposed revision of the standards is set forth in the notice which was published in the FEDERAL REGISTER on August 5, 1950 (15 F. R. 5056).

Done at Washington, D. C., this 12th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2260; Filed, Feb. 14, 1951; 8:59 a. m.]

[7 CFR, Part 905]

[Docket No. AO-209-A1]

HANDLING OF MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, was formulated, was conducted at Oklahoma City, Oklahoma, on December 11–12, 1950, pursuant to notice thereof which was issued November 27, 1950 (15 F. R. 8200).

The material issues of record related to proposals to:

(1) Increase the differentials to be added to basic formula prices in determining prices for Class I milk;

(2) Use the prices of additional local manufacturing plants as "floor prices" for Class II milk;

(3) Include a base-rating plan in the order; and

(4) To require payments from handlers who use other source milk for Class I sales when producer milk is available.

No affirmative evidence was offered at the hearing concerning a proposal included in the notice of hearing which would have enlarged the marketing area and no action on this proposal is recommended.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto:

1. The differentials which are added to basic formula prices to determine the price for Class I milk should be increased by 20 cents.

The prices for Class I milk (fluid milk, cream, buttermilk, flavored milk drinks, etc.) are determined under the Oklahoma City order by adding specific differentials to a basic formula price representing manufacturing milk values of the preceding month. Differentials are added to these values to reflect the local supply and demand conditions affecting the market for fluid milk. These differentials are presently $1.65 for eight months of the year and $1.25 for the other four months. Producers proposed that the differential be $2.05 for all months of the year.

For each month, except July, since the order became effective on May 1, 1950, handlers have paid producers premiums above order prices. The amount of these premiums has varied by months from 11.4 cents to 21.2 cents per hundredweight for all milk received, which represents a somewhat higher amount per hundredweight of Class I milk. In spite of these premiums, the supply of producer milk was not adequate to meet the needs for Class I sales in October and November, when substantial quantities of milk were imported from northern milksheds.

A more stringent system of inspection has recently been established in the Oklahoma City market. This has to some extent increased the costs which producers incur in qualifying for the market.

Producers in the Oklahoma City milkshed may readily change to other farming enterprises. Recently the profits from beef cattle, the raising of which this area is generally well adapted, have been much more attractive than those from milk production. Beef cattle prices have kept pace with rising production costs while prices of dairy products generally have tended to lag.

Attractive profits from beef can rapidly affect the volume of milk production even though producers do not stop milk production entirely. The diversion of milk for production of veal calves, close culling of cows because of their relatively high carcass value, and increased cost of dairy cow replacements, due chiefly to higher carcass values, all tend to reduce the volume of market milk. All these were shown to have occurred in the Oklahoma City milkshed. Over a period of time it can be expected that a proper relationship between beef and dairy prices will be established. The basic price formula has been designed to reflect that relationship and recent changes in the formula prices have shown a tendency in that direction.

The basic formula prices are beginning to reflect also some of the increased costs of milk production that have occurred. Condensery prices for 4-percent milk advanced approximately 29 cents per hundredweight from August through November with the sharpest increase (approximately 12 cents) from October to November. Some seasonal increase in basic prices is expected in this period, but the increase which has taken place in 1950 is significantly greater than that of 1949, when condensery prices rose 6 cents per hundredweight from August through November. In 1948 a severe contraseasonal decline took place in this period. It appears that to some extent at least manufactured milk product values may soon result in basic formula prices that will more nearly reflect increased production costs.

An increase of 20 cents in the differentials of the order will approximate the premiums that handlers have paid. In view of the current short supply situation in spite of these premiums it is clearly evident that a change of this amount should be made even though basic formula prices advance sufficiently to compensate for the recent increases in costs of production.

It is concluded that the present differentials should be increased by 20 cents for all months of the year. Producers proposed that the differentials should be the same for all months of the year. They contended that the base-rating system which they also proposed in this

hearing would offset the seasonality of milk production sufficiently to make unnecessary any seasonal change in differentials. In addition they indicated that producer acceptance of seasonal changes in differentials was affected because changes in resale prices by handlers had not been coordinated with such changes in producer prices. It is concluded, however, that experience under the base-rating plan should be had before abandoning the seasonal change in the Class I price differentials.

2. Provision should be included in the order that the price for Class II milk should not be less than that paid for manufacturing milk by a handler operating a large manufacturing plant in the marketing area.

Under the present provisions of the order the price of Class II milk is determined from the average paying prices of four milk manufacturing plants in Oklahoma. Producers proposed that whenever either of two additional plants paid a price higher than this average price, such higher price should be the Class II price.

One of these plants handles a considerable volume of manufacturing milk, is located in the marketing area, and is operated by a handler under the order. The other is located outside the marketing area, is not operated by a handler, and the record gives little indication of the volume of milk which could be handled. Since the order has been in effect, the paying prices of these plants have not varied widely from the Class II price of the order.

There appears little reason for using the paying price of the plant outside the marketing area as a "floor" for the Class II price. The prices paid by this nearby plant might well be included in determining the average price, but this would apparently make little if any change in Class II prices. With respect to the plant operated in the marketing area by a handler subject to the order, it is concluded that provision should be made that the Class II price should not be less than the price paid by this plant for manufacturing milk. Producers of inspected milk should not be paid less for their milk for manufacturing purposes than a handler with considerable manufacturing facilities pays for uninspected milk for such purposes.

3. A "base and excess" plan of distributing among producers the market returns for milk should be employed in connection with the market-wide pool now provided in the order.

There is considerable seasonal variation in the production of milk for the Oklahoma City market, with production in the fall and winter months considerably less than that in the spring and summer months. The demand for fluid milk and cream has much less seasonal variation and data for the past year indicate that consumption was highest when milk production was at a relatively low level. Fall shortages and burdensome spring surpluses result from this situation. A production pattern more nearly fitted to the sales pattern of fluid milk and cream should be encouraged.

Producers propose and handlers agree that a "base and excess" plan which provides returns to each producer related directly to his ability to deliver milk during the fall and winter will encourage a more level production pattern for the market as a whole. The record indicates that such a plan was widely discussed with producers before the amendment was proposed and that a large majority of those responding to a questionnaire survey favored such a plan. Before the order became effective in the Oklahoma City market handlers paid producers on a base plan. It appears that producers found such plans acceptable as a means of relating the returns of one producer to another but were dissatisfied with the total returns, since total payments were not directly related to sales.

The plan proposed by producers would establish for each producer a daily base quantity of milk equal to his average daily deliveries of milk during September, October, November, and December of each year (total deliveries in these months divided by the number of days for which deliveries are made, or 90, whichever is more). During these months all producers would be paid the "pool" or uniform price for all deliveries. For all other months separate uniform prices for base milk (that delivered by each producer up to but not in excess of his daily "base" times the number of days he delivers in the month) and excess milk would be computed so that Class I sales would be first allocated to base milk. Handlers suggested that some modification of this plan be made to provide temporary bases for producers who entered the market after the close of the period for establishing bases.

A base plan is designed to apportion the total value of the milk purchased by all handlers among producers on the basis of their marketings of milk during a representative period of time. By the application of the base plan it is intended to provide this market with a supply of milk which is more nearly in accord with fluid uses in all seasons of the year than under the present method of distributing returns to producers. For these purposes the plan to be adopted may logically be designed not only to influence the production patterns of old producers but also to influence the time of the year at which new producers will enter the market.

A large degree of flexibility should be incorporated in the base plan without destroying the desired effectiveness. This may be accomplished in part by limiting the effective period of the bases to the months when production is normally in excess of fluid sales, the establishment of new bases by each producer each year during the months of lowest production and by providing for the payment of the uniform market-wide pool price to all producers during all months except the period when bases are applicable. The months proposed for establishing bases (September through December) appear to be those which are normally the period of lowest production, and should be used for this purpose. It does not appear, however, that payments on the base plan need be made in all other months in order for the plan to be effective. Restricting payments on the base plan to the months of April through June will increase the flexibility of the plan and allow individual producers better opportunity to make adjustments in their production plans.

The plan proposed by producers and with the modifications adopted herein will permit new producers entering the market when payments are made on the base plan to share with all other producers any Class I sales in excess of deliveries of base milk. Thus a new producer will immediately share in some Class I sales if his milk is needed when he enters the market in these months. Payments on a uniform price in all months of July through March will provide ample opportunity for new producers to enter the market to meet prospective needs.

Producers also proposed that some provision be made so that whenever Class I sales are less than established bases a producer who delivers less than his base should be protected in his price for base milk. Such a provision does not appear administratively feasible. In addition it would to some extent destroy the prime essential of a base plan, which is a fixed amount of milk up to which a producer knows that he will receive a pro rata share of the Class I sales of the market.

The sentiment in the market in favor of the immediate use of a base plan is such that payments to producers should be made on this plan in 1951 even though the full effectiveness of the plan cannot be realized because producers will not have had long notice in advance which would enable them to arrange their production patterns for the base-setting period. In lieu of the months of September through November to be used for establishing bases under a long-time program, average deliveries in December 1950 and January 1951 should be used for this first year. Producers were given official notice of the consideration of this period before December 1, 1950. The use of the base plan in 1951 will discourage producers from the production of excess supplies in the flush production season, and further encourage production for the fall season of 1951.

It is necessary to provide certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. To accomplish this purpose and to preserve the effectiveness of the base plan, transfers of bases should be limited to entire bases of producers who may retire from farming, die or enter military service and of joint production arrangements such as landlord-tenant relationships. Since the base plan is effective in determining producer payments in only three of the twelve months of each year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of bases or to meet unusual situations are not needed.

4. The order should not be amended at this time to require a handler who receives less producer milk than his Class I sales to make payments into the pool unless he can prove that no producer milk was available for such sales.

The allocation provisions of the order allocate a handler's receipts of other source milk to Class II milk up to the

handler's Class II milk usage in excess of allowable shrinkage of milk received from producers, with any excess allocated to Class I milk. Thus other source milk is allocated to Class I milk only when a handler's receipts of producer milk, whether directly from producers or from other handlers, are less than Class I sales. Producers proposed that a handler should pay into the pool the difference between the Class I and Class II values on any other source milk so allocated to Class I milk unless the handler could prove to the market administrator that other source milk was so used only to the extent that producer milk was not available.

The objective of such a proposal is to accomplish on a market-wide basis the priority on Class I sales for producer milk that the allocation provisions provide with respect to a single handler's operations for the producer milk the handler receives. The administrative difficulties of achieving this objective through the order provisions proposed are, however, considerable. It was proposed that the market administrator be required to determine, on the basis of such evidence as a handler could produce, whether producer milk was available to the handler, and in what quantities. The record fails to indicate the standards on which such a determination might be made in individual instances, or the evidence that would be required of the handler.

Provisions such as proposed may be needed when there are indications that some handlers are not using producer milk for Class I sales when the market as a whole is fully supplied. The record indicates, however, that in Oklahoma City handlers and producers have worked together during recent shortage periods to move milk to plants where it was needed for Class I uses. It is concluded that the proposal should not be adopted without further indication of need for it and a record indicating more definite standards for its administration.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Central Oklahoma Milk Producers Association and handlers subject to the order.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended.

1. Add the following as § 905.14:

§ 905.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of such producer's daily average base computed pursuant to § 905.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

2. Add the following as § 905.15:

§ 905.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average base can be computed pursuant to § 905.65.

3. Delete § 905.22 (j) (2) and substitute therefor the following:

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 905.71 or § 905.72, as applicable, and the butterfat differential computed pursuant to § 905.81, both for the previous month; and

4. Delete § 905.30 (a) and substitute therefor the following:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

5. Delete § 905.31 (a) and substitute therefor the following:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producer, including for the months of April through June such producer's deliveries of base milk and excess milk;

6. Delete § 905.51 (a) and (b) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May, and June and plus $1.85 during all other months: *Provided,* That for each of the months of September, October, November, and December, such price shall be not less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Locaton

Fairmont Foods Co., Guthrie, Okla.
Wilson & Co., Blackwell, Okla.
Kraft Cheese Co., Sulphur, Okla.
Hawk Dairy, Tulsa, Okla.

Provided, That such price shall be not less than the average of the basic or field prices paid or to be paid for such milk by the Gilt Edge Dairy, Norman, Okla.

7. Add the following as a center heading and §§ 905.65 and 905.66:

DETERMINATION OF BASE

§ 905.65 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 905.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period: *Provided,* That for the months of April through June 1951, the total pounds of milk received by handlers from a producer in December 1950 and January 1951 shall be divided by 62 in order to determine such producer's daily average base.

§ 905.66 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of April through June by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders or another person.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

8. Amend § 905.71 by deleting from the first sentence thereof the words: "For each month" and substituting therefor the words "For each of the months of July through March."

9. Add the following as § 905.72:

§ 905.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 905.70 for all handlers who made the reports prescribed in § 905.30 and who made the payments pursuant to §§ 905.80 and 905.83 for the preceding month;

(b) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 905.85;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 905.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4.0 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price for excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Substract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

10. Delete § 905.80 (a) and substitute therefor the following:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 905.71 for all milk received from such producer, if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 905.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 905.72 with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 905.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

11. In §§ 905.83 and 905.84 delete "§ 905.80 (a)" wherever it appears and substitute therefor "§ 905.80."

This decision filed at Washington, D. C., this 9th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2235; Filed Feb. 14, 1951; 8:51 a. m.]

[7 CFR, Part 906]

[Docket No. AO-210 A-1]

HANDLING OF MILK IN TULSA, OKLA., MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Tulsa, Oklahoma, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order was formulated, was conducted at Tulsa, Oklahoma, on December 13-14, 1950, pursuant to notice thereof which was issued on December 1, 1950 (15 F. R. 8221).

The material issues of record related to proposals to:

(1) Increase the differentials to be added to basic formula prices in determining prices for Class I milk;

(2) Change the price and butterfat differentials for Class II milk;

(3) Include a base-rating plan in the order;

(4) To require payments from handlers who use other source milk for Class I sales when producer milk is available;

(5) To restrict the plants whose receipts of milk are included in the computation of the uniform price to those with 20 percent or more of their Class I sales in the marketing area; and

(6) Minor changes for clarification of the order.

Findings and conclusions. The following findings and conclusions on these issues are based on the evidence introduced at the hearing and the record pertaining thereto.

1. The differentials which are added to basic formula prices to determine the price for Class I milk should be increased by 20 cents.

The prices for Class I milk (fluid milk, cream, buttermilk, flavored milk drinks, etc.) are determined under the Tulsa order by adding specific differentials to a basic formula price representing manufacturing milk values of the preceding month. These differentials are added to these values to reflect the local supply and demand conditions affecting the market for fluid milk. These differentials are presently $1.65 for 8 months of the year and $1.25 for the other 4 months. Producers proposed that the differential be $2.05 for all months of the year.

The supply of producer milk in recent months has not been sufficient to meet the needs for Class I sales in the Tulsa market. More than one million pounds of inspected milk was imported, mostly from northern milksheds, in October and November 1950. In contrast to this situation, the record indicates that in the same months of 1949 the supply of locally inspected milk was sufficient for the needs of the market with ample reserves to compensate for day-to-day variations in sales and receipts. It appears that total production in the fall months of 1950 exceeds that of 1949 but that Class I sales have increased at a much more rapid rate than has production. While no records of production and sales for 1949 were available under the order, which became effective May 1, 1950, a comparison between data for October 1949 collected on a survey basis by the health officer and that available under the order for 1950 indicates that Class I sales increased more than 14

percent while producer receipts increased slightly less than 6 percent.

A continued expansion of the demand for milk is indicated. Reopening of large defense plants in the area have recently been announced. These plants will attract additional workers to the Tulsa area and further add to the demand for milk.

Producers in the Tulsa milkshed may readily change to other farming enterprises. Recently the profits from beef cattle, to the raising of which this area is generally well adapted, have been relatively more favorable than those from milk production. Beef cattle prices have kept pace with rising production costs while prices of dairy products generally have tended to lag.

Attractive profits from beef can rapidly affect the volume of milk production even though producers do not stop milk production entirely. The diversion of milk for production of veal or beef calves, close culling of cows because of their relatively high carcass value, increased cost of dairy cow replacements due chiefly to higher carcass values, all tend to reduce the volume of market milk. All these were shown to have occurred in the Tulsa milkshed. Over a period of time it can be expected that a proper relationship between beef and dairy prices will be established. The basic price formula method of pricing has been designed to reflect that relationship and recent changes in the formula price have shown a tendency in that direction.

Basic formula prices also are beginning to reflect some of the increased costs of milk production that have occurred. Condensery prices for 4 percent milk advanced approximately 29 cents per hundredweight from August through November with the sharpest increase (approximately 12 cents) from October to November. Some seasonal increase in basic prices is usually expected in this period, but the increase which has taken place in 1950 is significantly greater than that of 1949, when condensery prices rose 6 cents per hundredweight from August through November. In 1948 a severe contraseasonal decline took place in this period. It appears that to some extent at least manufactured milk product values may soon result in basic formula prices that will more nearly reflect increased production costs. Thus, a portion of the increase in price necessary to meet the current serious threat to the Tulsa milk supply may be expected through the operation of the basic formula of the order.

Some increase in the differentials added to basic formula prices should be made even though basic formula prices advance sufficiently to compensate for recent increases in costs of milk production. It does not appear that prospective increases in basic prices are likely to offset the attraction to beef cattle production sufficiently to provide the incentive to milk production necessary to meet the continued expansion in the demand for fluid milk. Neither will such increases result in Class I prices any nearer to the costs of emergency milk imported from northern milksheds. The cost of such milk has been substantially in excess of the Class I prices of the order. The record indicates that much of this milk has come from plants under the Chicago milk order. The class prices of the Chicago order are regulated by basic formula prices similar to those of the Tulsa order. These class prices plus transportation expense of more than $1.50 per hundredweight exceed the class prices of the Tulsa order for milk of comparable butterfat test without any handling allowance for the Chicago handlers who receive the milk. An increase of 20 cents in the differentials of the Tulsa order will provide Class I prices that will be less than the cost of imported milk. It is concluded that an increase of 20 cents in the Class I price differentials is needed to encourage producers to supply sufficient milk to meet fluid uses in this market.

Present Class I price differentials should be increased by 20 cents for all months of the year except that the higher differential should apply to the month of July for which the present order provides a seasonally lower differential. An increase in the Class I differential for July should assist in attracting milk to the market in time to meet the needs of the market for the following fall months of short production. Producers proposed that the differentials should be the same for all months of the year. They contended that the base-rating system which they also proposed in this hearing would offset the seasonality of milk production sufficiently as to make unnecessary any seasonal change in differentials. In addition they indicated that producer acceptance of seasonal changes in differentials was affected because changes in resale prices by handlers had not been coordinated with such changes in producer prices. It is concluded, however, that experience under the base-rating plan should be had before abandoning the seasonal change in the Class I price differentials.

2. No change should be made at this time in the provisions for pricing Class II milk.

The price for Class II milk of 4 percent butterfat content under the Tulsa order is determined from the paying prices of four milk manufacturing plants in that general area. To this price a butterfat differential of 0.115 times the price of 92-score butter at Chicago is applied to determine the cost of a handler's Class II milk at the average test of his Class II usage.

One handler proposed that other plants be used to determine the 4 percent price for Class II milk, and that the Class II butterfat differential be the price of 92-score butter at Chicago less 5.75 cents, times 0.115. In support of this proposal this handler contended that some of the plants whose paying prices are used to manufacture evaporated milk and cheddar cheese which Tulsa handlers are not equipped to make, and that other plants whose products are more representative of those for which Class II milk is used in the Tulsa market should be named. The proposals sought to bring about a reduction in the cost of Class II milk to handlers.

The record indicates that except for the summer season of flush production, the volume of Class II milk in the Tulsa market is small and represents largely the reserve supplies of milk necessary to compensate for short time variations in production and sales. Further, during the flush production months of 1950 Class II milk was diverted for manufacturing purposes to plants now named which the proposal would delete from the order. In at least one instance the record indicates that the price paid a Tulsa handler for milk so diverted was in excess of the quoted paying price to farmers of the manufacturing plant using the milk.

The record fails to show that the prices established by the present method of determining Class II prices do not represent a reasonable value for milk for manufacturing uses.

The Class II prices of the order have been slightly higher than the quoted prices paid to farmers for manufacturing milk by the handler proposing the change. The record indicates, however, that this handler has in addition paid some hauling costs on his supply of manufacturing milk, so that the quoted prices do not fully represent its cost.

It is concluded that no change should be made at this time in the method of determining Class II prices.

3. A "base and excess" plan of distributing among producers the market returns for milk should be employed in connection with the market-wide pool now provided in the order.

There is considerable seasonal variation in the production of milk for the Tulsa market, with production in the fall and winter months considerably less than that in the spring and summer months. The demand for fluid milk and cream has much less seasonal variation and there is some indication that consumption of fluid milk in this market is highest at the season of the year when production is at a low level. Fall shortages and burdensome spring surpluses result from this situation. A production pattern more nearly fitted to the sales pattern of fluid milk and cream should be encouraged.

Producers propose and handlers agree that a "base and excess" plan which provides returns to each producer related directly to his ability to deliver milk during the fall and winter will encourage a more level production pattern for the market as a whole. The record indicates that such a plan was widely discussed with producers before the amendment was proposed and that a large majority of producers favored such a plan. Before the order became effective in the Tulsa market handlers paid producers on a base plan. It appears that producers found such plans acceptable as a means of relating the returns of one producer to another but were dissatisfied with the total returns, since total payments were not directly related to sales.

The plan proposed by producers would establish for each producer a daily base quantity of milk equal to his average daily deliveries of milk during September, October, November, and December of each year (total deliveries in these

months divided by 122). During all months, other than April, May, and June, all producers would be paid the "pool" or uniform price for all deliveries. For the three months of April, May and June, separate uniform prices for base milk (that delivered by each producer up to but not in excess of his daily "base" times the number of days he delivers in the month) and excess milk would be computed so that Class I sales would be first allocated to base milk. Handlers suggested that some modification of this plan be made with respect to the base quantities to be established for producers who deliver milk during only a portion of the period for establishing bases.

A base plan is designed to apportion the total value of the milk purchased by all handlers among producers on the basis of their marketing of milk during a representative period of time. The base plan incorporated herein is intended to encourage total receipts of milk more nearly in accord with use of milk for fluid consumption in this market throughout the year than has been accomplished under the present method of payment to producers. For these purposes the plan to be adopted may logically be effective not only in influencing the production patterns of old producers but also in influencing the time of the year at which new producers will enter the market.

A large degree of flexibility should be incorporated in the base plan without destroying the desired effectiveness. This may be accomplished in part by limiting the period when the bases are to be effective to the months when production is normally in excess of fluid sales, the establishment of new bases by each producer each year during the months of lowest production and by providing for the payment of the uniform market-wide pool price to all producers during all months except the period when bases are applicable. The months proposed for establishing bases (September through December) appear to be those which are normally the period of lowest production, and should be used for this purpose. Limiting payments on the base plan to the months of April through June will promote a desired degree of flexibility in the plan and give individual producers ample opportunity to make adjustments in their production plans during the periods when they receive the uniform market price. The computation of a producer's daily average base on the number of days not less than 90, during which he delivers milk during the base-setting months will also promote flexibility of the plan.

The plan proposed by producers and with the modifications adopted herein with minor modification will also permit new producers entering the market when payments are made on the base plan to share with all other producers any Class I sales in excess of deliveries of base milk. Thus a new producer will immediately share in some Class I sales if his milk is needed when he enters the market in these months. Payments on a uniform price in all months of July through March will provide ample opportunity for new producers to enter the market to meet prospective needs.

Producers also proposed that some provision be made so that whenever Class I sales are less than established bases a producer who delivers less than his base should be protected in his price for base milk. Such a provision does not appear administratively feasible. In addition it would to some extent destroy the prime essential of a base plan, which is a fixed amount of milk up to which a producer knows that he will receive a pro rata share of the Class I sales of the market.

The sentiment in the market in favor of the immediate use of a base plan is such that payments to producers should be made on this plan in 1951 even though the full effectiveness of the plan may not be realized during this first year. In lieu of the months of September through November to be used for establishing bases under a long-time program, average deliveries in December 1950 and January 1951 should be used for this first year. Producers were given notice of the consideration of this period before December 1, 1950. As a result of country meetings among producers at which their proposals were thoroughly discussed, the testimony indicates that some producers have already made some changes in their production plans in anticipation of having the base and surplus plan effective during 1951. The use of the base plan in 1951 will tend to discourage the production of excess supplies in the flush production season, and further encourage production for the fall season of 1951.

It is necessary to provide certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. In order to accomplish this purpose and preserve the effectiveness of the plan no provisions should be made for the transfer of partial bases. Provision is made for the transfer of entire bases of an individual producer to members of his family in case of death, retirement or entry into military service and in the case of the termination of joint arrangements such as landlord-tenant relationships. Since the base plan is effective in determining producer payments in only three of the twelve months of each year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of bases or to meet unusual situations are not needed.

4. The order should not be amended at this time to require a handler who receives less producer milk than his Class I sales to make payments into the pool unless he can prove that no producer milk was available for such sales.

The allocation of provisions of the order allocate a handler's receipts of other source milk to Class II milk up to the handler's Class II milk usage in excess of allowable shrinkage of milk received from producers, with any excess allocated to Class I milk. This other source milk is allocated to Class I milk only when receipts of producer milk, whether directly from producers or from other handlers, are less than Class I sales. Producers proposed that a handler should pay into the pool the difference between the Class I and Class II values on any other source milk so allocated to Class I milk unless the handler could prove to the market administrator that other source milk was so used only to the extent that producer milk was not available.

The objective of such a proposal is to accomplish on a market-wide basis the priority on Class I sales for producer milk that the allocation provisions of the order now provide with respect to a single handler's operations. The administrative difficulties of achieving this objective through the order provisions proposed are, however, considerable. It was proposed that the market administrator be required on the basis of such evidence as a handler could produce, to determine whether producer milk was available to the handler, and in what quantities. The record fails to indicate the standards on which such a determination might be made in individual instances, or the evidence that would be required of the handler.

Provisions such as proposed may be needed when there are indications that some handlers are not using producer milk for Class I sales when the market as a whole is fully supplied. The record indicates, however, that in Tulsa handlers and producers have worked together during recent shortage periods to move milk to plants where it was needed for Class I uses. It is concluded that the proposal should not be adopted without further indication of need for it and a record indicating more definite standards for its administration.

5. The order should not be amended at this time to require that a specific percentage of either the receipts or Class I sales of an approved plant be Class I sales in the marketing area in order for the receipts of such plant to be included in the computation of the uniform price of the order.

The order presently provides that the milk "pooled" (that included in the computation of the uniform price to producers) be that received from producers holding permits issued by the health authorities of the marketing area received at approved plants which operate routes in the marketing area or serve as receiving stations for such plants. Producers proposed that an approved plant should be required to dispose of at least 20 percent of its Class I sales in the marketing area before its receipts could be pooled. At the hearing the proposed requirement was changed to 20 percent of the approved receipts.

In support of this proposal producers indicated fears that outside plants with considerable surplus milk might make token sales in the marketing area which would reduce the uniform prices paid to producers regularly supplying the market. The only indication that the record gives of such a possibility is from a distributor in the college town of Stillwater who was reported to have some interest in entering outlying portions of the marketing area for temporary periods of college vacations. The base-excess plan of distributing returns to producers which is decided upon elsewhere in this decision would protect the returns of regular pro-

ducers from being reduced by additional plants entering the market during the surplus production months. It is concluded that there is not sufficient evidence of need for an additional provision to protect such returns during other months to justify including such a provision in the order at this time.

6. The definition of "producer" should be clarified and the order should specify that a handler furnish a cooperative association certain information with respect to the producers from whom the handler makes marketing service deductions payable to such association.

The present order identifies a "producer" in part on the basis of a permit issued by the appropriate health authorities of the marketing area. The record indicates that the required health authority approval is also at times evidenced by what is known as a "permit authorization." This evidently occurs when two separate producers market milk from the same premises, in which case the health authorities will issue only one permit, but do issue a permit authorization to the second producer. The institution of a base plan makes it necessary that the individuals who are producers be defined precisely. Hence it is concluded that the definition of "producer" should be amended to provide for identification of a producer on the basis of a "permit authorization."

The order now provides that when a cooperative association performs certain marketing services for producers, a handler shall make such deductions from the payments due such producers as may be authorized by the agreement or contract between the cooperative association and such producers, and pay such deductions to the cooperative association. The record indicates that in order to perform these services satisfactorily, the cooperative association needs certain information concerning the deliveries of each individual producer. Such information is usually furnished by handlers as a matter of course. The record indicates that in the Tulsa market such information is not now being furnished by all handlers. It is concluded that the orderly operation of the marketing service provisions of the order require that all handlers furnish such information to the cooperative association. Since all the required data are furnished the market administrator by each handler, a handler may fulfill this requirement by authorizing the market administrator to release such data to the cooperative association.

It was also proposed that the definition of "producer" and "approved plant" should be modified so that any milk sold government institutions or bases in the marketing area would be priced and pooled, even though such milk might not be approved by local health authorities. The record does not show that any institutions or bases for which government purchase of milk supplies would be made are now located in the marketing area, or that there are immediate prospects of such. It is therefore concluded that the proposal need not be adopted at this time.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement and upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Pure Milk Producers Association of Tulsa and handlers subject to the order.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as hereby proposed to be amended.

1. Delete § 906.10 and substitute therefor the following:

§ 906.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided,* That such milk is produced under a dairy farm permit, permit authorization or rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. This definition shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 906.61.

2. Add the following as § 906.14:

§ 906.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 906.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

3. Add the following as § 906.15:

§ 906.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 906.65.

4. Delete § 906.22 (j) (2) and substitute therefor the following:

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.71 or § 906.72, as applicable, and the butterfat differential computed pursuant to § 906.82, both for the previous month; and

5. Delete § 906.30 (a) and substitute therefore the following:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

6. Delete § 906.31 (a) and substitute therefor the following:

(a) The total pounds of milk received from each producer and cooperative association the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producer including for the months of April through June such producer's deliveries of base milk and excess milk;

7. Delete § 906.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May, and June and plus $1.85 during all other months: *Provided,* That for each of the months of September, October, November, and December, such price shall be not less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month.

8. Add the following as a center heading and §§ 906.65 and 906.66:

DETERMINATION OF BASE

§ 906.65 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each pro-

ducer as follows, subject to the rules set forth in § 906.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceeding by the number of days, not to be less than ninety, of such producer's delivery in such period: *Provided,* That for the months of April through June 1951, the total pounds of milk received by handlers from a producer in December 1950 and January 1951 shall be divided by 62 in order to determine such producer's daily average base.

§ 906.66 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of April through June by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders or another person.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

9. Amend § 906.71 by deleting from the first sentence thereof the words: "For each month" and substituting therefor the words "For each of the months of July through March."

10. Add the following as § 906.72:

§ 906.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to §§ 906.80 and 906.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81;

(c) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 906.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or, add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 906.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations;

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

11. Delete § 906.80 (a) and substitute therefor the following:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 906.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 906.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 906.72, with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

12. In §§ 906.84 and 906.85 delete "§ 906.80 (a)" wherever it appears and substitute therefor "§ 906.80."

13. Amend § 906.87 (b) by deleting the period at the end thereof, substituting therefor a comma, and adding thereto the following: "identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31."

This decision filed at Washington, D. C., this 9th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2236; Filed, Feb. 14, 1951; 8:51 a. m.]

[7 CFR, Part 960]

HANDLING OF IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA, AND IN CERTAIN COUNTIES OF IOWA AND OF INDIANA

REPORTS FROM HANDLERS

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), that the North Central Potato Committee, established pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and Order No. 60, as amended (7 CFR Part 960), regulating the handling of Irish potatoes grown in Michigan, Wisconsin, Minnesota, North Dakota, and in certain counties of Iowa and of Indiana, hereinafter referred to as the "order", has recommended the adoption of the following rule relevant to reports necessary to enable the committee to exercise its powers and perform its duties under said order.

§ 960.105 *Inspection reports*—(a) *Policy.* The North Central Potato Committee should have, for effective and efficient administration of the order, a record of the Federal-State Inspection Certificate applicable to each shipment of potatoes during any period in which inspection is required pursuant to § 960.65. A copy of the Federal-State Inspection Certificate shall be accepted as sufficient and adequate record for the committee when such certificate covers only the potatoes included within such shipment. If an inspection certificate covers more than one shipment of potatoes, the handler who obtained inspection on the whole lot from which each such shipment is a part should report each such shipment to the committee in such manner as to identify such shipment as part of the whole lot which was covered by an inspection certificate and to enable the committee to determine if each shipment has been inspected. Such reports should set forth appropriate and adequate information to serve the committee's requirements, including the name and address of the person to whom each such shipment is made, the hundredweight of potatoes in

each such shipment, the type of pack, the number of units, the inspection certificate number applicable to the lot from which such shipment is made, and such other necessary information as the committee may require.

(b) *Rule.* Each handler shall report inspections on potatoes which he ships by requesting the Federal-State Inspection Service to forward to the committee a copy of each certificate issued to such handler. If an inspection certificate covers more than one shipment of potatoes the handler who obtained such inspection shall report to the committee, on forms obtainable from the committee, the name and address of the person to whom each such shipment is made, the hundredweight of potatoes involved in each such shipment, the mode of transportation (if any) utilized in effecting each such shipment, the type of pack and the number of units in each such shipment, and the inspection certificate number applicable to such shipment: *Provided,* That a report other than a copy of the inspection certificate shall not be required hereunder for a potato shipment if (1) the applicable inspection certificate required by § 960.65 covers only the specific potatoes involved in such shipment, or (2) each potato container in such shipment is appropriately identified by tag or label supplied for such purposes by the inspection agency.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal may do so by submitting the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the 7th day following publication of this notice in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Supp. 608c)

Done at Washington, D. C., this 12th day of February 1951.

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

[F. R. Doc. 51-2234; Filed, Feb. 14, 1951; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

2¾ PERCENT TREASURY BONDS OF 1951-54

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2¾ percent Treasury Bonds of 1951-54, dated June 15, 1936, due June 15, 1954, are hereby called for redemption on June 15, 1951, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

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

FEBRUARY 14, 1951.

[F. R. Doc. 51-2239; Filed, Feb. 14, 1951; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 57324]

NEVADA

ESTABLISHING GRAZING DISTRICT NO. 6

FEBRUARY 9, 1951.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, § 2.22 (15 F. R. 5645) Nevada Grazing District 6 is hereby established, the exterior boundaries of which shall include the following described lands exclusive of National Forests, Indian Reservations, the Railroad Valley Wildlife Refuge, and existing grazing districts:

NEVADA

MOUNT DIABLO MERIDIAN

T. 10 N., R. 35 E., that part in Nye County.
Tps. 9 and 10 N., R. 36 E., unsurveyed, those parts in Nye County.
Tps. 8 to 12 N., R. 37 E., partly unsurveyed, those parts in Nye County.
Tps. 14 and 15 N., R. 37 E., partly unsurveyed, those parts in Lander County.
Tps. 7 to 19 N., R. 38 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 6 to 19 and 23 to 26 N., R. 39 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 4 to 8, 12 to 14 and 16 to 28 N., R. 40 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 3 to 8 and 12 to 30 N., R. 41 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 2 to 10 and 12 to 32 N., R. 42 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 1 to 15 and 17 to 32 N., R. 43 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 1 to 8, 10 to 17, and 19 to 32 N., R. 44 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 1 to 9 and 13 to 32 N., R. 45 E., partly unsurveyed.
Tps. 1 to 3, 7 to 14 and 17 to 32 N., R. 46 E., partly unsurveyed.
Tps. 1 to 32 N., R. 47 E., partly unsurveyed.
T. 8 N., R. 47½ E.
Tps. 1 to 8 and 13 to 32 N., R. 48 E., partly unsurveyed.
Tps. 24 and 25 N., R. 48½ E.
Tps. 1 to 13 and 18 to 26 N., R. 49 E., partly unsurveyed.
Tps. 4 and 5 N., R. 49½ E.
Tps. 1 to 26 N., Rs. 50 and 51 E., partly unsurveyed.
Tps. 1 to 3 N., R. 51½ E.
Tps. 1 to 11 and 15 to 26 N., R. 52 E., partly unsurveyed.
Tps. 1 to 11 and 15 to 26 N., R. 53 E., partly unsurveyed.
Tps. 1 to 9 and 15 to 26 N., R. 54 E., partly unsurveyed, those parts in Nye and Eureka Counties.
Tps. 3 to 9 and 19 to 24 N., R. 55 E., partly unsurveyed, those parts in Nye and Eureka Counties.
Tps. 4, 5, 6, and 9 N., R. 56 E.
Tps. 5, 6, 7, and 9 N., R. 57 E., partly unsurveyed.
Tps. 6 to 9 N., R. 58 E., unsurveyed.

The area described, includes approximately 7,367,000 acres of public lands.

The Federal Range Code for Grazing Districts (43 CFR, Part 161) as amended, shall be effective as to the lands embraced herein from and after the date of publication of this order in the FEDERAL REGISTER, except that the lands embraced herein shall not be subject to § 161.8, paragraphs (b), (c), (d), and (e), until one year from the date of such publication.

MARION CLAWSON,
Director.

[F. R. Doc. 51-2216; Filed, Feb. 14, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

STATEMENT OF ORGANIZATION AND FUNCTIONS

This notice supersedes the organization and functional statement for the Bureau of Animal Industry appearing in 11 F. R. 177A—236 as amended in 11 F. R. 11768 and 13 F. R. 7310.

I. ORGANIZATION

Sec.
1.1 Central organization.
1.2 Field organization.
1.3 Public information.
1.4 Delegations of final authority.

II. FUNCTIONS

RESEARCH FUNCTIONS

2.1 Animal Husbandry Division.
2.2 Pathological Division.
2.3 Zoological Division.

SERVICE AND REGULATORY FUNCTIONS

2.4 Brucellosis and Tuberculosis Eradication Division.
2.5 Inspection and Quarantine Division.
2.6 Interstate Inspection Division.
2.7 Virus-serum Control Division.

FOODS INSPECTION FUNCTIONS

2.8 Animal Foods Inspection Division.
2.9 Meat Inspection Division.

ADMINISTRATIVE FUNCTIONS

I. Organization

Section 1.1 *Central organization.* (a) The Chief of the Bureau has general administrative supervision and control over all the work of the Bureau. He is aided by Assistant Chiefs of Bureau in charge of research functions, service and regulatory functions, foods inspection functions and administrative functions. The work of the Bureau generally is concerned with the protection and development of the livestock industry and animal food resources in accordance with the following statutes and treaty: 5 U. S. C. 511; 7 U. S. C. 391–393; 7 U. S. C. 395; 7 U. S. C. 429–430; 7 U. S. C. 433–434; 7 U. S. C. 851–855; 19 U. S. C. 1201, par. 1606; 19 U. S. C. 1306; 21 U. S. C. 71–96; 21 U. S. C. 101–132; 21 U. S. C. 151–158; 45 U. S. C. 71–74; 46 U. S. C. 466a-b; and 46 Stat. 2451.

(b) The Bureau's work consists of scientific investigations of the prevalence, cause, prevention and treatment of livestock, poultry, and fur-bearing animal diseases, of investigations in breeding, feeding, and management of livestock, poultry, and fur-bearing animals, including the quality of their products, preventing the spread of animal diseases through import, interstate, and export controls, cooperating with states and foreign countries in the control and eradication of animal diseases, requiring the humane handling and safe transport of livestock in interstate and export trade, investigating the purity of breeding of animals imported for breeding purposes, and inspecting meat and meat food products to assure their wholesomeness and fitness for human consumption, and inspections of canned wet animal foods. The work is carried on through the Animal Husbandry, Pathological and Zoological research divisions, the Inspection and Quarantine, Interstate Inspection, Brucellosis and Tuberculosis Eradication and Virus-Serum Control service and regulatory divisions, the Animal Foods Inspection and Meat Inspection foods inspection divisions, and the Administrative Services, Budget and Fiscal, Information, and Personnel administrative divisions.

Sec. 1.2 *Field organization.* The Bureau has numerous field and research stations and laboratories located throughout the United States, its possessions and territories which are engaged in carrying on one or more functions. Because field station locations are frequently changed, it is impracticable to give detailed information about them here. Up-to-date information regarding their addresses, functions, and the names of officials in charge may be obtained at any time by submitting requests in accordance with section 1.3.

Sec. 1.3 *Public information.* Persons desiring information or to make submittals or requests regarding the work of the Bureau may address the official in charge of any field station or laboratory or the Chief, Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C.

Sec. 1.4 *Delegations of final authority.* All delegations of final authority are contained in 9 CFR chapter 1, except that officials in charge of field stations and laboratories are also authorized to exercise limited authority to contract for supplies, equipment, and services, to sell or exchange surplus breeding animals, and to sell animal and other perishable products.

II. Functions

RESEARCH FUNCTIONS

Sec. 2.1 *Animal husbandry division*—(a) *General.* Develops, through research, methods designed to improve productivity and quality of domestic farm animals, including poultry and fur-bearing animals raised in captivity and develops through research such methods as will improve the quality and quantity of their products.

(b) *Alaska fur farming.* In accordance with 7 U. S. C. 433 and 434, administers regulations for the Alaska fur farming industry which appear in 9 CFR Part 160 (BAI Order 382).

(c) *Poultry and turkey improvement.* Administers regulations for the improvement of poultry and turkeys in cooperation with State authorities and in compliance with the National Poultry and Turkey Improvement Plans (7 U. S. C. 429).

(d) *Work locations.* Work of the division is carried on at 18 Federal experiment and field stations. Cooperative work is carried on at 56 locations.

Sec. 2.2 *Pathological Division*—(a) *General.* Conducts research on infectious and non-infectious diseases and conditions of livestock, including poultry and fur-bearing animals raised in captivity; and provides laboratory facilities incident to control activities of the Bureau.

(b) *Rabies diagnoses.* Makes diagnoses of rabies specimens for the public on a fee basis (7 U. S. C. 395). Persons interested in obtaining this service may communicate with the Chief of the Bureau in accordance with section 1.3 above.

(c) *Work locations.* Work of the division is carried on at 8 Federal experiment and field stations and three laboratories. Cooperative work is carried on at 35 locations.

Sec. 2.3 *Zoological Division*—(a) *General.* Conducts investigations of parasites and parasitic diseases of domestic animals, fur animals, and poultry, and carries out research in parasitology for other divisions of the Bureau.

(b) *Work locations.* Work of the division is carried on at 9 Federal experiment and field stations. Cooperative work is carried on at 7 locations.

SERVICE AND REGULATORY FUNCTIONS

Sec. 2.4 *Brucellosis and Tuberculosis Eradication Division*—(a) *General.* In cooperation with the States (21 U. S. C. 111, 114–114a), carries out programs designed to eradicate brucellosis (Bang's Disease) in cattle, bovine and avian tuberculosis, tuberculosis in swine, and paratuberculosis in cattle, including, when necessary, direction of the testing and elimination by slaughter of animals affected with these diseases. Laws of some states have the effect of requiring livestock owners to participate in the Brucellosis Eradication program. Most states have similar laws regarding the Tuberculosis Eradication program.

(b) *Brucellosis eradication.* Information concerning Brucellosis testing and vaccination services may be obtained by cattle owners by making an informal request to the proper state officials, any Bureau employee, or to the Chief of Bureau in accordance with section 1.3 above. Regulations pertaining to the disposition of, and payment of indemnities for, cattle found to be affected with this disease will be found in 9 CFR Part 51 (BAI Order 375).

(c) *Tuberculosis eradication.* Livestock owners desiring to participate in the tuberculosis eradication program may make informal application to the proper state official, any Bureau employee, or to the Chief of the Bureau in accordance with section 1.3 above. Regulations pertaining to the disposition of, and payment of indemnities for, cattle found to be tuberculosis reactors will be found in 9 CFR Part 51 (BAI Order 375).

(d) *Work locations.* Work of the division is carried on at 48 field control and eradication stations.

Sec. 2.5. *Inspection and Quarantine Division*—(a) *General.* Administers acts governing the importation of livestock and animal by-products from foreign countries, advises and consults with representatives of foreign governments on animal disease problems and cooperates with the Mexican government in controlling and eradicating foot-and-mouth disease, cooperates with state, and local governments in the control and eradication of communicable livestock diseases such as foot-and-mouth disease and Asiatic Newcastle disease which are introduced from foreign sources and administers regulations relative to the inspection, safe transport and humane handling of export livestock.

(b) *Prohibited animals and products.* Section 306 (a) of the Tariff Act of 1930 (19 U. S. C. 1306a) prohibits the importation of domestic ruminants and swine and of fresh, chilled or frozen beef, veal, mutton, lamb, and pork from countries in which foot-and-mouth disease or rinderpest is known to exist. The countries to which such prohibition applies are designated in 9 CFR Part 94 (BAI Order 373). The importation of ruminants and swine which are diseased or which have been exposed to such infection within 60 days is also prohibited (21 U. S. C. 104). The regulations provide that prohibited animals or products which reach this country must be returned or destroyed.

(c) *Animals not prohibited.* All other livestock offered for importation into this country must be inspected to determine their freedom from disease (21 U. S. C. 101–105, 111). Inspectors are assigned at designated ports of en-

try along the international borders and at coastal ports to inspect the animals, examine accompanying certificates, and release, quarantine, or reject such animals. The conditions of inspection, methods of procedure, and other necessary information relating to the inspection of livestock offered for import appear in 9 CFR Parts 92–93 (BAI Orders 368 and 379).

(d) *Importation of ruminants and swine.* A prior permit must be obtained before ruminants or poultry are eligible for entry into this country, except from Canada. Application therefor must be submitted to the Chief of the Bureau, addressed in accordance with section 1.3, at which time the importer will be advised of special requirements to be met. General requirements are stated in 9 CFR Part 92 (BAI Order 379).

(e) *Mexican imports and exports.* Special regulations are prescribed in 9 CFR Part 93 (BAI Order 368) governing the inspection and quarantine of livestock imported from, or exported to Mexico, pursuant to a treaty with Mexico (46 Stat. 2451).

(f) *Importation of animal byproducts, hay and straw.* The importation of animal byproducts, hides, skins, hair, wool, glue stock, bones, hoofs, horns, bone meal, horn meal, blood meal, meat meal, tankage, glands, organs and other parts or byproducts of ruminants and swine unsuitable for human consumption, and hay and straw, is governed by regulations appearing in 9 CFR Part 95 (BAI Order 371), issued pursuant to 21 U. S. C. 111.

(g) *Importation of foreign animal casings.* The importation of animal casings from all foreign countries is governed by regulations appearing in 9 CFR Part 96 (BAI Order 305), issued in accordance with 21 U. S. C. 111.

(h) *Importation of purebred animals.* Paragraph 1606 of section 201 of the Tariff Act of 1930 (19 U. S. C. 1201, par. 1606) provides for the entry free of duty of purebred animals imported by citizens of the United States for breeding purposes. Action under this provision of the law is cooperative between the Department of Agriculture which is charged with determining purity of breeding and identity of imported animals for certification to the Treasury Department, which is responsible for refunding duty for animals so certified as being purebred. The regulations governing these importations are stated in 9 CFR Part 151 (BAI Order 379).

(i) *Inspection and testing of animals for export.* Freedom from disease of domestic ruminants and swine must be established when such animals are offered for export, and transporting vessels must be equipped to insure their safe and humane handling (21 U. S. C. 80–82, 105, 112–113, 120–122, 46 U. S. C. 466a–b). The provisions of 9 CFR Parts 91, 93 (BAI Orders 368 and 378) contain the procedures and methods to be followed.

(j) *Emergency disease outbreaks.* Whenever, in the opinion of the Secretary of Agriculture, contagious or infectious animal diseases which are introduced from foreign sources constitute an emergency and threaten the livestock industry of the country (21 U. S. C. 114 and 114a), programs to control and eradicate them are undertaken cooperatively with the states. Diseased or exposed animals are purchased and destroyed and indemnities are paid for their destruction. Regulations governing this authority will be found in 9 CFR Parts 71–77, and 53 (BAI Orders 309 and 376).

(k) *Work locations.* Work of the division is conducted at all ocean ports, airports of entry and embarkation, Mexican and Canadian border ports and at any Bureau station where cases of animal diseases of foreign origin are suspected and require investigation. An animal quarantine station is maintained near New York, N. Y., for the quarantine of animals when required.

SEC. 2.6 *Interstate Inspection Division*—(a) *General.* Administers regulations governing the interstate movement of livestock and live poultry to prevent the spread of communicable diseases and parasitic infestations, as well as the law governing the humane handling of livestock in interstate shipment, and directs field campaigns for the eradication of cattle-fever, ticks, scabies, and dourine and for the control of hog cholera.

(b) *Quarantine areas.* Administers the provisions of 9 CFR 72.2, 72.4–5 and 74.2–4 (BAI Orders 303 and 380) which quarantine certain areas of the United States on account of communicable diseases of livestock and 9 CFR Parts 71–77 (BAI Order 309), issued pursuant to statute (21 U. S. C. 111–119, 123–128), which regulates the interstate movement of livestock from such areas.

(c) *Interstate shipments of livestock and live poultry.* Restrictions upon the interstate movement of livestock and live poultry are prescribed in 9 CFR Parts 71–77, 81 (BAI Orders 291 and 309). Any person desiring information regarding these restrictions may obtain such information from officials in charge of any field station or from the Chief of Bureau in accordance with section 1.3 above.

(d) *Twenty-eight Hour Law enforcement.* Investigates reported violations of the so-called Twenty-eight Hour Law (45 U. S. C. 71–74), which provides that livestock shipped interstate by railroad or water shall not be confined in cars or boats for more than 28 hours (36 hours upon written request of owner) without unloading into properly equipped pens for rest, feed, and water, and that they shall be properly fed and watered. Complaints of violations of this law should be reported to the Chief of Bureau.

(e) *Disease control and eradication.* In cooperation with those states where laws permit, carries out programs designed to control and eradicate cattle-fever ticks, scabies of sheep and cattle, dourine in horses and asses, and hog cholera and related swine diseases. Regulations concerning these programs appear in 9 CFR Part 52, 72–76 (BAI Orders 303, 309 and 380).

(f) *Public stockyards inspection.* When animals are found upon inspection at public stockyards to be infected with communicable diseases, their further movement is restricted to prevent dissemination of the disease and the infection is immediately reported to livestock sanitary officials in the state where the shipment originated in order that immediate steps may be taken to control and eradicate such diseases. Regulations governing public stockyards inspection will be found in 9 CFR Part 71 (BAI Order 309).

(g) *Work locations.* Inspection and supervision of interstate shipments is carried on at 48 major livestock marketing centers. Cooperative control and eradication activities are carried on in 35 states.

SEC. 2.7 *Virus-serum Control Division*—(a) *General.* Administers the provisions of the Virus-Serum Toxin Act (21 U. S. C. 151–158) and regulations stated in 9 CFR Parts 101–123 (BAI Order 381) relating to the preparation, marketing, and distribution of veterinary biological products intended for use in treating diseases of domestic animals and poultry, thereby preventing the production and interstate distribution of worthless, contaminated, dangerous or harmful biological products and also administers regulations governing the importation and interstate transportation of organisms and vectors, issued pursuant to 21 U. S. C. 111.

(b) *Issuance of licenses and permits.* In accordance with the above Acts, administers regulations appearing in 9 CFR Parts 101–123 (BAI Order 381) providing for the issuance of U. S. Veterinary licenses for production and permits for the importation of biological products and U. S. Veterinary permits for the importation and interstate transportation of organisms and vectors.

(c) *Marketing agreement and order.* In accordance with 7 U. S. C. 851–855 and pursuant to an agreement between the handlers of anti-hog-cholera serum and hog-cholera virus and the Secretary of Agriculture, compiles statistics and information relative to the handling of all anti-hog-cholera serum and hog-cholera virus which burdens, obstructs, or affects interstate or foreign commerce, and conducts investigations of complaints of violations of the agreement in connection with the administration of regulations set forth in 9 CFR Parts 131–132 (BAI Order 361).

(d) *Work locations.* Work of this division is carried on at 15 stations and 37 substations which supervise the production activities of 65 licensed establishments.

FOOD INSPECTION FUNCTIONS

SEC. 2.8 *Animal Foods Inspection Division*—(a) *General.* Inspects, certifies, and identifies the class, quality, quantity, and condition of canned food and canned or fresh-frozen food supplements for dogs, cats, etc., commercially produced through voluntary participation in the inspection program.

(b) *Inspection program.* The inspection program consists of (1) supervising operations to assure cleanliness in the preparation of the certified food and food supplements; (2) determining that only sound, healthful, wholesome and otherwise fit ingredients are used which provide a nutritional level equal to the

standard of certification; (3) determining that animal foods and food supplements contain the kind and amount of proteins, vitamins, minerals and other elements known to be essential to produce the nutritional level for which certified; (4) inspection to determine that containers for the canned products are properly closed, hermetically sealed and heat processed at sufficient temperature to assure stability; (5) assuring that labeling material is informative and not false or misleading; and (6) determining that the proper insignia of certification is used. Regulations governing the inspection of animal foods and food supplements issued in accordance with 7 U. S. C. 1624 will be found in 9 CFR, Part 155.

(c) *Work locations.* The work of this division is carried on at 16 stations and 7 substations by employees of the Meat Inspection Division on a reimbursable basis.

SEC. 2.9 *Meat inspection division—* (a) *General.* Inspects meats and meat food products in interstate and foreign commerce to assure their wholesomeness and fitness for human consumption as required by the Meat Inspection Act (21 U. S. C. 71–92, 96; 19 U. S. C. 1306 (b) and (c)).

(b) *Inspection program.* The inspection program involves (1) the examination of food animals, including cattle, calves, sheep, swine, goats, and horses, before their slaughter to eliminate those found to be affected with disease or with other unwholesome conditions; (2) a thorough post-mortem examination of each carcass at time of slaughter to detect and eliminate diseased and otherwise unfit meat; (3) destruction for food purposes of all diseased, unsound or otherwise unwholesome meat and meat byproducts; (4) supervision of the preparation of meat and meat food products to assure their cleanliness and wholesomeness during their preparation into articles of food; (5) guarding against the use of harmful preservatives and other deleterious ingredients; (6) supervision of the application of marks to meat and meat food products to show that they are "U. S. Inspected and Passed"; (7) informative labeling and prevention of the use of false and deceptive labeling on meat and meat food products; (8) certification as to federal inspection of meat and meat food products offered for export; (9) inspection and certification as to wholesomeness of meat and meat food products offered for importation into this country; (10) examination of meat and meat food products for compliance with specification requirements of governmental purchasing agents; and (11) such investigations as are necessary to insure the accuracy and effectiveness of the inspection procedures. The Federal meat inspection regulations governing this program are set forth in 9 CFR 1–29.

(c) *Work locations.* Work of this division is carried on in 935 meat packing plants at 176 stations, 200 substations and 7 laboratories.

ADMINISTRATIVE FUNCTIONS

SEC. 2.10 *Administrative Services Division.* Carries out the Bureau's procurement, equipment, records, space-allotment, and management procedures programs.

SEC. 2.11 *Budget and Fiscal Division.* Carries out the Bureau's budget and fiscal program, involving the development of budgets, control of funds, and auditing of expenditures.

SEC. 2.12 *Information Division.* Prepares and issues informative material of public interest relating to Bureau activities.

SEC. 2.13 *Personnel Division.* Carries out the Bureau's personnel management program, including position classification, organization, employment, training, employee relations, and safety activities.

Issued at Washington, D. C., this 7th day of February 1951.

[SEAL] B. T. SIMMS,
Chief, Bureau of Animal Industry, Agricultural Research Administration.

Approved:

F. H. SPENCER,
Acting Research Administrator.

[F. R. Doc. 51–2262; Filed, Feb. 14, 1951; 8:59 a. m.]

Rural Electrification Administration

[Administrative Order 3127]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 2, 1951.

Inasmuch as Stonewall Electric Company has transferred certain of its properties and assets to Central N. M. Electric Cooperative, Inc., and Central N. M. Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Stonewall Electric Company, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 553, dated January 16, 1941, by changing the project designation appearing therein as "New Mexico 1013A1 S. E." in the amount of $216,000 to read "New Mexico 1013A1 S. E." in the amount of $126,000 and "New Mexico 21 Lincoln (New Mexico 1013A1 S. E.)" in the amount of $90,000.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–2263; Filed, Feb. 14, 1951; 8:59 a. m.]

[Administrative Order 3128]

IOWA

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 81D Union	$855,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–2264; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3129]

MISSISSIPPI

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 34P LeFlore	$1,200,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–2265; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3130]

MISSISSIPPI

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 20P, R Yazoo	$475,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–2266; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3131]

TEXAS

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 125K Jasper	$212,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–2267; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3132]

OKLAHOMA

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 30P, S Choctaw	$915,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2268; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3133]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 35P Abbeville	$105,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2269; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3134]

NEW MEXICO

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 23C Lea	$1,425,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2270; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3135]

COLORADO

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 29P Phillips	$135,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2271; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3136]

NEW MEXICO

LOAN ANNOUNCEMENT

JANUARY 9, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 21E Lincoln	$120,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2272; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3137]

WYOMING

LOAN ANNOUNCEMENT

JANUARY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wyoming 6N Goshen	$120,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2273; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3138]

LOUISIANA

LOAN ANNOUNCEMENT

JANUARY 16, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 11N Bossier	$385,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2274; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3139]

NEW MEXICO

LOAN ANNOUNCEMENT

JANUARY 19, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 26C Union	$75,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2275; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3140]

WISCONSIN

LOAN ANNOUNCEMENT

JANUARY 19, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 16P Douglas	$150,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2276; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3141]

MISSOURI

LOAN ANNOUNCEMENT

JANUARY 25, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 38T Reynolds	$970,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2277; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3142]

MISSOURI

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 53V Polk	$975,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2278; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3143]

MISSOURI

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 55R Cedar	$215,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2279; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3144]

IOWA

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 9AA Scott	$420,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2280; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3145]

PENNSYLVANIA

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pennsylvania 25K Adams	$285,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2281; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3146]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 22R Fairfield	$260,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2282; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order 3147]

VIRGINIA

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 27AA Nottoway	$150,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2283; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order 3148]

VIRGINIA

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 27Z Nottoway	$1,050,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2284; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order 3149]

WASHINGTON

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 9M San Juan	$540,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2285; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order 3150]

WISCONSIN

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 64AG La Crosse	$5,440,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2286; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order 3151]

NEW YORK

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New York 23C Chautauqua	$54,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2287; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order T-10]

TENNESSEE

LOAN ANNOUNCEMENT

JANUARY 25, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Yorkville Mutual Telephone Co., Inc., Tennessee 513-A	$124,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-2288; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order T-11]

LOUISIANA

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Lafourche Telephone Co., Inc., Louisiana 506-A	$450,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-2289; Filed, Feb. 14, 1951; 9:03 a. m.]

[Administrative Order T-12]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Yadkin Valley Telephone Membership Corp., North Carolina 509–A	$518,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51–2290; Filed, Feb. 14, 1951; 9:03 a. m.]

[Administrative Order T-13]

MINNESOTA

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pine Island Telephone Co., Minnesota 515–A	$103,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51–2291; Filed, Feb. 14, 1951; 9:03 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC LUMBER CARRIERS' ASSN.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 6310–4, between the member lines of the Pacific Lumber Carriers' Association, modifies the basic agreement of said Association (No. 6310) to remove therefrom the prohibition against the payment of brokerage. Agreement 6310 covers the trades between California ports; between California ports and ports in Oregon and Washington; and between California ports and ports in British Columbia south of Powell River.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: February 12, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51–2237; Filed, Feb. 14, 1951; 8:51 a. m.]

Office of International Trade

[Case No. 91]

REDIKER BROS. SHIPPING CO., INC.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of Rediker Bros. Shipping Co., Inc., 377 Broadway, New York, N. Y., Respondent.

Under date of August 31, 1950, a suspension order was issued against the above-named respondent corporation based on the finding that it had knowingly participated as forwarding agent in an irregular exportation of steel to Colombia. The suspension, limited to Positive List items, was for twenty days. (Certain exporting firms and officials; the Colombian consignee; and George Rediker, a former official of this respondent corporation, were found to have been more directly involved and culpable, and for these and other reasons mentioned below, were suspended for longer periods of time.) The suspension order was published in the FEDERAL REGISTER, September 9, 1950, 15 F. R. 6094.

Respondent appealed from the order. The Appeals Board, after oral hearing, by order remanded the case against respondent to the Compliance Commissioner for further consideration. This order was published in the FEDERAL REGISTER, October 7, 1950, 15 F. R. 6792. It was agreed by the counsel for respondent and the Office of International Trade that written answers to interrogatories propounded by each other would suffice to present to the Commissioner the additional material on the issues with which the Appeals Board was concerned. Such interrogatories were, in fact, exchanged and answered and on the basis thereof, as well as upon a review and reexamination of the entire record, including the transcript of the hearing before the Appeals Board and the Board's decision dated September 25, 1950, the Compliance Commissioner has now duly filed his report.

It appears from the record and the report of the Compliance Commissioner that on the initial and basic question, whether the evidence does in fact establish a violation of the export control law and regulations on the part of this respondent, no new evidence has been offered in the rehearing. It was concluded by the Compliance Commissioner, after careful re-examination of all of the evidence on these points, that the record amply justifies the finding that this respondent did knowingly participate in the unlawful exportation and was properly held in violation.

It further appears from the record and the report of the Compliance Commissioner that the arguments brought forward at the rehearing do not challenge the propriety of the finding of violation so much as they do the propriety of the suspension. In other words, respondent's position is that, even though a violation did take place, the circumstances do not justify the imposition of the suspension. The assertion has been made that the violation was at most technical in nature and more or less inconsequential insofar as concerns any possible conflict with national policy or security.

On this issue, the Compliance Commissioner has taken the view that even though the splitting of steel shipments into fictitious GLV lots may not be as serious as the diversion of strategic materials to forbidden destinations, this respondent's actions were nevertheless in clear violation of export regulations and took place under circumstances justifying the conclusion that they were intentional. Whether or not a license would have been granted had application been made is conjectural and, in any event, the exportation in issue was effected without any proper application having been made. A violation through resort to a subterfuge to avoid securing a license surely is not to be condoned because of the possibility, or even probability, that a license might have been obtained. It is relevant also that any violation in some measure undermines effective administration of export controls, and a violation of the GLV general license is particularly reprehensible since it tends to undermine the licensing requirements applicable to Positive List commodities. The Compliance Commissioner has therefore rightly concluded on the whole record that respondent, through its former vice president, George Rediker, did have such knowledge of and participation in the transactions involved as to warrant a finding that respondent's violation properly calls for the imposition of some period of suspension.

It further appears from the record and the report of the Compliance Commissioner that as a proper basis for determining an appropriate suspension herein he has attempted to ascertain the intentions of respondent by examination of its previous course of conduct in connection with exportations. In view of the warning letter sent to respondent under date of April 20, 1949, which dealt specifically with a case in which respondent had served as forwarder, and having in mind the fact that the Office of International Trade regulations dealing with responsibilities of forwarders had been issued and widely publicized long before the shipments of steel were made, little significance can be attached to respondent's argument that the forwarding trade in general, and it in particular, were not clearly informed of the legal obligations of forwarding agents and that it is unfair to make respondent the subject of the first actual suspension to be imposed on a forwarder.

It is nevertheless not the intention of the Office of International Trade to impose a suspension which will unduly in-

jure the respondent. George Rediker, although vice-president and in active charge of respondent corporation when the transactions herein involved took place, is no longer associated with it or any of the other Rediker corporations. He apparently never had any financial interest in any of the concerns, and while his position was ministerial in nature he nevertheless appears to have been given a relatively free hand in operations. He was accordingly made a party to the proceeding and is presently under suspension. Moe and Harry Rediker, the actual owners of respondent and of Rediker Bros., Inc. (also originally a respondent), were made parties to the original proceeding but they were not found to have had any knowledge of, or to have participated in, the unlawful transactions, and consequently they were not subjected to the original suspension order. However, since the two brothers owned and operate respondent corporation, any suspension against the latter necessarily amounts to a suspension of them in their corporate capacity, may collaterally affect other Rediker enterprises, and accordingly any financial loss must be borne by them.

It is recognized, furthermore, that a suspension measured in terms of months, if imposed on a concern of this type, which handles hundreds of shipments weekly for many exporters, would be unduly severe from a financial viewpoint and would also unduly penalize individuals not personally responsible for the wrongs that were committed. It is also recognized that respondent has already, as a result of this and the earlier proceeding and its attendant publicity, been adversely affected to such a degree as to warrant some reduction in the original term of suspension.

It further appears from the record and the report of the Compliance Commissioner that despite the overlapping type of business activities in which respondent and all other Rediker enterprises (except the Rediker Air Cargo, Inc., which is limited to forwarding by air) appear to be engaged, the other Rediker corporations can and should be permitted to continue their normal activities, although they should of course be prevented from taking over any business from respondent during the term of its suspension. It is believed that this result can be accomplished by prohibiting the Redikers and all of their enterprises other than respondent from handling any shipments on behalf of any person, firm or corporation for whom respondent has handled any shipment since January 1, 1950, with the provision, however, that the Office of International Trade may, on application, make exception in any case where it is shown that a particular customer of respondent has also been a regular customer of one of the other Rediker enterprises since January 1, 1950. This formula should be fair inasmuch as respondent's customers have been represented as belonging exclusively to respondent (with perhaps a few exceptions) and not shared by other Rediker corporations.

The Compliance Commissioner has accordingly recommended that respondent's export license and forwarding privileges be suspended with respect to shipment under validated or general license to any destination of any commodity included in the export control Positive List; that such suspension be for the period of one calendar week beginning not less than 30 days after publication in the FEDERAL REGISTER of such suspension order; and that any organization or person having an interest in respondent or in which respondent has an interest be likewise suspended from export license and forwarding privileges involving shipments, otherwise than by air, on behalf of any customer for whom respondent has handled forwarding transactions since January 1, 1950, unless it can be shown to the satisfaction of the Office of International Trade that such customer was also an established customer of the proposed forwarder since January 1, 1950.

The findings and recommendations of the Compliance Commissioner, together with the record in this matter, have been carefully considered and it appears that such findings are supported by the evidence and that such recommendations are fair and reasonable and should be adopted. Now, therefore, *It is ordered* as follows:

1. That respondent be denied, for the period of one calendar week beginning at the opening of business on March 19, 1951, and terminating at the opening of business on March 26, 1951, the privilege of filing, procuring the issuance, validation or authentication of, or using, any export license, shipper's export declaration, bill of lading, or other export control document, or participating directly or indirectly as exporter, forwarder, or in any other capacity, in respect to the exportation to any destination of any commodity included at the time of any proposed shipment in the Positive List issued by the Office of International Trade whether exportable under validated or general license.

2. That any person, trade name, firm, corporation or other business organization owning or controlling respondent, owned or controlled by respondent, or under common ownership or control with respondent, be prohibited from exercising any of the privileges specified in the preceding paragraph insofar as they involve the forwarding of shipments otherwise than by air on behalf of any customer for whom respondent has handled a forwarding transaction since January 1, 1950: *Provided, however,* That the Office of International Trade may, on advance application, permit such forwarding on behalf of any such customer where it is shown that such customer was also an established customer of the proposed forwarder since January 1, 1950.

Issued this 9th day of February 1951.

JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 51-2238; Filed, Feb. 14, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6325]

ATHOL GAS AND ELECTRIC CO. ET AL.

NOTICE OF ORDER DISMISSING APPLICATION

FEBRUARY 9, 1951.

In the matter of Athol Gas and Electric Company, Central Massachusetts Electric Company, Gardner Electric Light Company, The Spencer Gas Company, Wachusett Electric Company, Winchendon Electric Light and Power Company, Worcester Suburban Electric Company, and Worcester County Electric Company; Docket No. E-6325.

Notice is hereby given that, on February 8, 1951, the Federal Power Commission issued its order entered February 8, 1951, dismissing application for want of jurisdiction in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2219; Filed, Feb. 14, 1951; 8:46 a. m.]

[Project No. 2009]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF OPINION AND ORDER

FEBRUARY 9, 1951.

Notice is hereby given that, on January 26, 1951, the Federal Power Commission issued its Opinion No. 204 and order entered January 24, 1951, issuing license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2217; Filed, Feb. 14, 1951; 8:46 a. m.]

[Project No. 2034]

ELECTRIC POWER CO. OF NEW JERSEY, INC.

NOTICE OF ORDER DENYING REQUEST FOR EXTENSION OF TIME AND DISMISSING APPLICATION

FEBRUARY 9, 1951.

Notice is hereby given that, on February 9, 1951, the Federal Power Commission issued its order entered February 8, 1951, denying request for extension of time and dismissing incomplete application for license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2218; Filed, Feb. 14, 1951; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4328]

LINEAS AEREAS NACIONALES, S. A.

NOTICE OF HEARING

In the matter of the application of Lineas Aereas Nacionales, S. A. of Colombia, under section 402 of the Civil Aeronautics Act of 1938, as amended,

for a foreign air carrier permit authorizing the foreign air transportation of persons, property, and mail between the terminal point Bogota and/or Barranquilla and/or Cartagena, and the terminal point Miami, Fla., with or without an intermediate traffic stop at Havana, Cuba.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 19, 1951, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., February 9, 1951.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-2220; Filed, Feb. 14, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9446]

RADIO READING

ORDER CONTINUING HEARING

In re application of Radio Reading, Reading, Pennsylvania, for construction permit; Docket No. 9446, File No. BP-7589.

It appearing that the schedule of the Examiner who is designated to preside in the above proceeding is such as to require his departure from Washington, D. C., prior to February 12, 1951, the date scheduled for the commencement of the hearing in the above-entitled proceeding; and

It appearing that a continuance of the case is satisfactory to the applicant, respondent, and Commission counsel;

It is ordered, This the 9th day of February 1951, on the motion of the Examiner that the hearing in the above-entitled proceeding is continued from February 12, 1951, to March 14, 1951, beginning at 10:00 a. m. in the offices of the Commission in Washington, D. C.

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

[F. R. Doc. 51-2241; Filed, Feb. 14, 1951; 8:54 a. m.]

[Docket Nos. 9811, 9812, 9813]

ARK-VALLEY BROADCASTING CO., INC. (KGAR), ET AL.

ORDER CONTINUING HEARING

In re applications of Ark-Valley Broadcasting Company, Inc. (KGAR), Garden City, Kansas, Docket No. 9811, File No. BP-7704; The Southeast Colorado Broadcasting Company (KLMR), Lamar, Colorado, Docket No. 9812, File No. BP-7783; Capital Broadcasting Company (KFNF), Lincoln, Nebraska, Docket No. 9813, File No. BP-7805; for construction permits.

The Commission having under consideration a motion filed on February 2, 1951, by the Southeast Colorado Broadcasting Company (KLMR) Lamar, Colorado, requesting that the further hearing in the above-entitled proceeding, which is now scheduled to be held in Washington, D. C., on February 12, 1951, be continued for a period of thirty days; an opposition to the said motion filed on February 6, 1951, by the Ark-Valley Broadcasting Company, Inc. (KGAR), Garden City, Kansas; and oral argument which was held on the said motion and opposition on February 8, 1951; and

It appearing, from the allegations in the said motion and statements of counsel for the petitioner that John B. Heffelfinger, the Consulting Radio Engineer for Southeast Colorado Broadcasting Company, will be unable to appear at the further hearing on February 12, 1951, due to other professional commitments involving a proof of performance at Montrose, Colorado, the completion of which has been delayed because of adverse weather conditions and failure to obtain delivery of radio equipment at that point; that unsettled weather conditions and unauthorized railroad strikes make travel arrangements extremely precarious at this time; that Mr. Heffelfinger is an essential witness on engineering matters involved in this proceeding; and that Representative Chenoweth, a lay witness, who is scheduled to appear and testify on behalf of the Southeast Colorado Broadcasting Company, will also be unavailable to testify in Washington on February 12 as the result of unavoidable commitments which he had not previously anticipated; and

It further appearing, that the opposition to the above motion is based upon allegations contained therein and statements of counsel for the Ark-Valley Broadcasting Company, Inc., to the effect that the Consulting Radio Engineer for Station KGAR has been conducting a proof of performance in northern Wisconsin but is already en route to Washington, D. C., in anticipation of the further hearing now scheduled to be held on February 12, 1951; that it does not appear from the petition that Representative Chenoweth is a necessary witness in the presentation of evidence on behalf of the Southeast Colorado Broadcasting Company; that air transportation is available to Mr. John B. Heffelfinger, supra; that due to other future professional commitments by counsel for Ark-Valley Broadcasting Company, Inc., a continuance of the above-entitled proceeding for an extended period of time would cause undue hardship to that applicant; and that no good cause has been shown for the continuance requested herein; and

It further appearing, that the petitioner herein has set forth sufficient reasons to warrant a postponement of the hearing in the above-entitled proceeding for a limited period of time in order to afford the said petitioner a reasonable opportunity to arrange for the presentation of its two witnesses who will not be available on February 12, 1951, but that a postponement for a period of thirty days as requested would unduly delay the completion of the said hearing and would impose hardship upon a competing applicant, namely, the Ark-Valley Broadcasting Company, Inc.;

It is ordered, This 8th day of February 1951, that the above motion for continuance be, and it is hereby, granted in part, and that the hearing in the above-entitled proceeding is hereby continued to 10:00 a. m., Tuesday, February 20, 1951, at Washington, D. C.

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

[F. R. Doc. 51-2240; Filed, Feb. 14, 1951; 8:54 a. m.]

[Docket Nos. 9869, 9870]

TAYLOR COUNTY BROADCASTING CO., INC., (WLCK) AND CLARK-MONTGOMERY BROADCASTING CO. INC.

ORDER CONTINUING HEARING

In re applications of Taylor County Broadcasting Company, Inc. (WLCK), Campbellsville, Kentucky, for modification of construction permit, Docket No. 9869, File No. BMP-5276; Clark-Montgomery Broadcasting Company, Inc., Winchester, Kentucky, for construction permit, Docket No. 9870, File No. BP-7780.

The Commission having under consideration a petition filed February 7, 1951, by Taylor County Broadcasting Company, Inc. (ULCK), Campbellsville, Kentucky, requesting a 21 days continuance of the hearing presently scheduled for February 19, 1951, at Washington, D. C., in the proceeding upon the above-entitled applications; and

It appearing, that the other parties to the proceeding have consented to a grant of the petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of this request;

It is ordered, This 9th day of February 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, March 12, 1951, at Washington, D. C.

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

[F. R. Doc. 51-2243; Filed, Feb. 14, 1951; 8:54 a. m.]

[Docket Nos. 9877, 9878]

R. W. TOWERY AND PULASKI BROADCASTING CO. (WKSR)

ORDER CONTINUING HEARING

In re applications of R. W. Towery, Iuka, Mississippi, Docket No. 9877, File No. BP-7893; John R. Crowder and James Porter Clark d/b as Pulaski Broadcasting Company (WKSR), Pulaski, Tennessee,

Docket No. 9878, File No. BP-7922; for construction permits.

The Commission having under consideration a motion filed January 31, 1951, by Pulaski Broadcasting Company (WKSR), Pulaski, Tennessee, requesting a 60-day continuance of the hearing presently scheduled for February 26, 1951, at Washington, D. C., in the proceeding upon the above-entitled applications for construction permits; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 9th day of February 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Thursday, April 26, 1951, at Washington, D. C.

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

[F. R. Doc. 51-2242; Filed, Feb. 14, 1951; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25832]

BENZENE HEXACHLORIDE AND DDT FROM EASTERN POINTS TO SOUTHWEST

APPLICATION FOR RELIEF

FEBRUARY 12, 1951.

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 carriers parties to his tariffs I. C. C. Nos. 3912, 3899, 3927 and 3883.

Commodities involved: benzene hexachloride and dichloro diphenyl trichloroethane, straight or mixed carloads.

From: Points in Delaware, Indiana, New York and Pennsylvania.

To: Points in Arkansas, Louisiana and Texas.

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

Schedules filed containing proposed rates; D. Q. Marsh's tariffs I. C. C. Nos. 3912—Supp. 33, 3899—Supp. 34, 3927—Supp. 7, and 3883—Supp. 34.

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. 51-2231; Filed, Feb. 14, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

JOHN D. WILLIAMS

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of February 1951.

In the matter of John D. Williams, 545 West 112th Street, New York City.

I. The Commission's public official files disclose that John D. Williams, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto, and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

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

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 19th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 12, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 19, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2224; Filed, Feb. 14, 1951; 8:47 a. m.]

L. A. VAN PATTEN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of February 1951.

In the matter of L. A. Van Patten, 465 West 57th Street, New York City.

I. The Commission's public official files disclose that L. A. Van Patten, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition

[1] Filed as part of the original document.

during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

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

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 19th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 12, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 19, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2225; Filed, Feb. 14, 1951; 8:47 a. m.]

HAROLD C. STAYSA

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of February 1951.

In the matter of Harold C. Staysa, 1728 Rand Building, Buffalo, New York.

I. The Commission's public official files disclose that Harold C. Staysa, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

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

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 19th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 12, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 19, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2226; Filed, Feb. 14, 1951; 8:48 a. m.]

S. H. JUNGER & CO.

MEMORANDUM OPINION AND ORDER PERMITTING REGISTRATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of February A. D. 1951.

In the matter of S. H. Junger & Company, 40 Exchange Place, New York 5, New York.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 ("Exchange Act") to determine whether it is in the public interest to deny the application for registration as a broker and dealer of S. H. Junger & Company, a partnership consisting of

[1] Filed as part of the original document.

Samuel H. Junger and his wife, Frances Morrow Junger.[1]

Applicant by stipulation has agreed that the record herein should include certain affidavits and has waived a hearing, trial examiner's report and oral argument.[2] On the basis of the record we make the following findings.

On July 27, 1950, we revoked the broker-dealer registration of Junger, Anderson & Co., a partnership composed of Junger, George Theodore Anderson, and Junger's son, Robert Selig Junger.[3] We found that, on May 3, 1949, the Jungers and Anderson, individually and as partners of Junger, Anderson & Co., had been permanently enjoined by the District Court of the United States for the Southern District of New York from engaging in certain practices in connection with the purchase and sale of securities; [4] that Junger, Anderson & Co., through the use of "dummy accounts," had participated in a fraudulent scheme with one Hancock, an employee of an investment company, in connection with purchases of securities from and sales of securities to the investment company; and that the firm had willfully violated the anti-fraud provisions of the Securities Act of 1933, the Exchange Act, and rules promulgated thereunder, as well as the record-keeping requirements of section 17(a) of the Exchange Act and Rule X-17A-3 promulgated thereunder.[5]

We found, however, that Anderson was primarily responsible for the firm's participation in the fraudulent scheme and that Junger had played a much less blameworthy role therein. In our opinion we stated:

The record shows that practically all of registrant's contacts with Hancock and the setting up and servicing of the "Harriet Squire" and "Margaret Lewis" accounts were by Anderson, to whom the responsibility for most of registrant's fraudulent conduct must be attributed. There is evidence, however, that, during the absence of Anderson, Hancock placed orders of the type described herein with Samuel Junger; that Samuel Junger made daily inspections of the firm's books and that, consequently, he knew or should have known what actually transpired. In this connection, however, it may be noted that Samuel Junger from time to time requested Anderson to obtain the resignation of "Margaret Lewis" unless a meeting with her could be arranged, and that it was probably as a result of his insistence that such resignation was effected in October 1948.

On June 1, 1950, about two months prior to our order of revocation, Junger terminated the Junger, Anderson & Co., partnership. He states that since that time he has not acted directly or indirectly as a broker or dealer, nor engaged in any other business, except for the sale for his own account of 500 shares of stock he had purchased a number of years ago.[6] Aside from the proceedings in connection with the transactions by Junger, Anderson & Co., the record reveals no other complaints involving him during the twenty years he was engaged in the securities business.

Taking into account all of the above circumstances, we are of the opinion that the public interest does not require denial of the application for registration and that the registration should be permitted to become effective.

It is ordered, Therefore, pursuant to section 15 (b) of the act, that the registration as a broker and dealer of S. H. Junger & Company, a partnership consisting of Samuel H. Junger and Frances Morrow Junger, be, and it hereby is, permitted to become effective.

By the Commission.

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

[F. R. Doc. 51-2227; Filed, Feb. 14, 1951; 8:48 a. m.]

[File No. 7-1277]

PACIFIC WESTERN OIL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of February A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the $10.00 Par Value, Cumulative Preferred Stock, of Pacific Western Oil Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 2, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

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

[F. R. Doc. 51-2228; Filed, Feb. 14, 1951; 8:49 a. m.]

[File No. 7-1281]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of February A. D. 1951.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the 5 percent Non-Cumulative Series A Preferred Stock, $100 Par Value, of Chicago, Milwaukee, St. Paul & Pacific Railroad Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and

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[1] Section 15 (b) of the Exchange Act provides in pertinent part: "The Commission shall, after appropriate notice and opportunity for hearing, by order deny registration to * * * any broker or dealer if it finds that such denial * * * is in the public interest and that (1) such broker or dealer whether prior or subsequent to becoming such, or (2) any partner * * * of such broker or dealer * * * whether prior or subsequent to becoming such * * * (C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or (D) has willfully violated any provision of the Securities Act of 1933, as amended, or of this title, or of any rule or regulation thereunder."

[2] On January 4, 1951, we ordered, with applicant's consent, that the effective date of its registration be postponed pending a final determination on the question whether registration should be denied.

[3] Junger, Anderson & Co., — S. E. C. — (1950), Securities Exchange Act Release No. 4473.

[4] This injunction, still outstanding, was entered after the parties executed a stipulation which contained a consent by the partnership firm and Junger to the entry of a final judgment and order of injunction, but which also contained a denial by Junger that he had engaged in the alleged acts with any willful intent.

[5] The revocation automatically barred Junger, Anderson & Co., from membership in National Association of Securities Dealers, Inc. ("NASD"). On May 22, 1950, before we revoked its registration, the firm was suspended by the NASD for ninety days and fined $2,000 and costs.

[6] By stipulation of counsel, there was included in the record a statement by a Commission representative, that he had reviewed the bank statements and cancelled checks of Junger and Junger, Anderson & Co. and that they are consistent with the affidavits submitted in support of the present application.

other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2229; Filed, Feb. 14, 1951; 8:49 a. m.]

[File No. 7-1282]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of February A. D. 1951.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Chicago, Milwaukee, St. Paul & Pacific Railroad Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2230; Filed, Feb. 14, 1951; 8:49 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 17070]

UNIVERSUM-FILM A. G. ET AL.

In re: Rights in motion pictures owned by Universum-Film A. G. and others.

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 (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Exhibit A attached hereto and made a part hereof, are residents of, or are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in, Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibit A, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts.

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States.

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in said Exhibit A and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A;

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A;

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this Vesting Order;

(c) All monies and amounts and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b) of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b), and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

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 persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to 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 in subparagraph 2 hereof, 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 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Copyright numbers: Unknown]

Titles of Works and Producers or Distributors

Das Abenteuer geht weiter; Bavaria Filmkunst G. m. b. H., Munich, Germany.

Achtung! Feind hört mit; Terra-Filmkunst G. m. b. H., Terra, Berlin, Germany.

Affenstreiche; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Allotria; Cine-Allianz-Tonfilmproduktions G. m. b. H., Tobis-Europa, both of Berlin, Germany.

Alm im Karwendel; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Alt-Regensburg; Tobis, Tobis Melofilm G. m. b. H., Berlin, Germany.

Am Lagerfeuer; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Am seidenen Faden; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Ameisenstaat (The Ant City); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Amphitryon; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Andalusische Nächte; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Andere; Terra-Film A. G., Berlin, Germany.

Anna Favetti; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Arbeitsmaiden helfen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Arme Millionär; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Arzt aus Leidenschaft; Euphono-Film G. m. b. H., Berlin, Germany.

Aufforderung zum Tanz; Cicero-Film G. m. b. H., Universum-Film A. G., also known as "Ufa", both of Berlin, Germany.

Aus der Heimat des Freischütz; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Bluff; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Boccaccio; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Brand im Ozean; Tera-Filmkunst G. m. b. H., Berlin, Germany.

Bremen (Free Hansa City of); Hamburg-Amerikanische Packetfehrt A. G., Hamburg, Germany; Norddeutscher Lloyd, Eremen, Germany.

Briefe fliegen über den Ozean; Reichpostministerium und Lufthansa Universum-Film A. G., also known as "Ufa", both of Berlin, Germany.

Bunte Fischwelt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Bunte Tierwelt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Capriolen; Deutsche Forst-Filmproduktions G. m. b. H., Berlin, Germany.

Der Clown; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

A Day in Hamburg; Hamburg Amerikanische Packetfehrt A. G., Hamburg, Germany, Norddeutscher Lloyd, Bremen, Germany.

Das deutsche Heer; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Deutsche Pflanzer am Kamerunberg; Lieberenz, Berlin, Germany.

Der Dickschädel; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Diskretion Ehrensache; Cine-Allianz-Tonfilmproduktions G. m. b. H., Berlin, Germany.

Donogoo Tonka; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die drei Codonas; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Drei Mäderl um Schubert; Algefa-Film G. m. b. H., Berlin, Germany.

Drei Räuber im Pelz; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Aus Flur und Forst, Bilder über Deutschlands Niederwild; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ave Maria; Itala Film G. m. b. H., Berlin, Germany.

Bal pare; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Barbara wo bist Du; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Bauernhochzeit; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Barmherzige Lüge; Euphono-Film G. m. b. H., Tobis-Filmverleih G. m. b. H., both of Berlin, Germany.

Die Bauten Adolf Hitlers; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Befreite Hände; Bavaria Filmkunst G. m. b. H., Munich, Germany.

Bei den Bansa auf Borneo; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Besserer Herr sucht Anschluss; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Besuch in Frankfurt am Main; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Bettelstudent (1936 Production); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Bezirksvertreter gesucht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Biberpolz; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.

Der Bienenstaat; Universum-Film A. G., also known as "Ufa", Berlin Germany.

Der Blaufuchs; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Blinde Passagiere; Majestic Film G. m. b. H., Berlin, Germany.

Blitzkrieg im Westen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Drei um Christine; Bavaria-Film A. G., Munich, Germany.

Drei Väter um Anna; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Dreikland; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Dschungel ruft; Ariel-Film G. m. b. H., Berlin, Germany.

Du bist mein Glück; Bavaria-Film A. G., Munich, Germany.

Echo der Heimat; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Edelweisskönig; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ehestreik; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Eichhorn-Bayer Expedition; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Einer zeviel am Bord; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

I-A [Eins-A] in Oberbayern; Bavaria Film A. G., Munich, Germany.

Das Ekel; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Elbefahrt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Es geht um mein Leben; Eichberg-Film G. m. b. H., Berlin, Germany.

Es ist nichts so fein gesponnen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Es leuchten die Sterne; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Es war eine rauschende Ballnacht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Fallschirmjäger; Terra-Filmhunst G. m. b. H., Berlin, Germany.

Feindliche Ufer; Deutsche Film Herstellungsund Verwertungs Gesellschaft, Berlin, Germany.

Feldzug in Polen; D. F. G., Deutsche Film Gesellschaft, Berlin, Germany.

Das Fenster im 2. Stock; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ferngespräch mit Hamburg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Feuerteufel; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Fez und Schleier; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Florshtjmer Hut; Terra-Film A. G., Berlin, Germany.

Frau am Steuer; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Frau nach Mass; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Frau ohne Bedeutung; Majestic Film G. m. b. H., Berlin, Germany.

Frau Sylvelin; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Eine Frau wie Du; Atalanta-Film G. m. b. H. Berlin, Germany.

Frischer Wind aus Kanada; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Früh übt sich; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Fünf Millionen suchen einen Erben; Majestic-Film G. m. b. H., Berlin Germany.

Fünf Personnen suchen Anschluss; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Gabriele eins, zwei, drei; Tonfilmstudio Carl Froelich & Co., Tobis-Filmverleih G. m. b. H., both of Berlin, Germany.

Garmisch-Partenkirchen; Hamburg Amerikanische Packetfehrt A. G., Hamburg, Germany, Norddeutscher Lloyd, Bremen, Germany.

Gartenfest in Wien; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Gasparone; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Gefährliches Spiel; Klagemann-Film G. m. b. H., Berlin, Germany.

Gefiederte Strandgäste an der Ostsee; Universum Film A. G., also known as "Ufa", Berlin, Germany.

Das Geheimnis der Eischale; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Geheimzeichen LB-17; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Die Geierwally; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Geigenzauber; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Germany, Historical and beautiful; Reichsbahnzentrale für den deutschen Reisevovkehr.

Gewitter im Mai; Tonlicht Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Gleisdreieck; F. D. F. Fabrikation deutscher Filme G. m. b. H., Universum Film A. G., also known as "Ufa", both of Berlin, Germany.

Das Glück auf dem Lande; Terra-Film A. G., Berlin, Germany.

Glückskinder; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die göttliche Jette; Fanal-Film Productions G. m. b. H., Tobis-Europa, both of Berlin, Germany.

Gold; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Gold des Nordens; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Gorch Park; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Gouverneur; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Die Grossglockner Hochalpenstrasse; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Grüne Vagabunden; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Guatemala; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Guten Abend, gute Nacht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Halt! Meine Uhr; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Heeres Reit-und Fahrschule Hanover; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Heideschulmeister Uwe Karsten, Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Heilbehandlung von Kunstwerken; Kulturfilm-Institut G. m. b. H., Universum-Film A. G., also known as "Ufa", both of Berlin, Germany.

Heimat; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Heimat im Lied; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Heimat ruft; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Heimatland; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Herz der Königin; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Hilde Petersen postlagernd; R. N. (Robert Neppach) Filmproduktions G. m. b. H., Berlin, Germany.

Das himmelblaue Abendkleid; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Hinein hinunter; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Hitlerjunge Quex; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Hochzeitsreise; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Hochzeitsreise (1939 Production); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der höhere Befehl; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ein hoffnungsloser Fall; Klagemann-Film G. m. b. H., Berlin, Germany.

Horch, Horch die Lerch im Aether blau; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Hurrah, Ich bin Papa; Cine-Allianz Tonfilmproduktions G. m. b. H., Berlin, Germany.

Husaren der See; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ihr erstes Erlebnis; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Im Lande der Inka Maya und Azteken; Universum-Film A. G. also known as "Ufa", Berlin, Germany.

Im Lande der 1000 Seen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Im Lande Widukinds; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

In der Rott; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

In vierzig Minuten; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das indische Grabmal (2. Teil des "Der Tiger von Eschnapur"); Eichberg-Film G. m. b. H., Berlin, Germany.

Intermezzo; Majestic Film G. m. b. H., Tobis-Rota A. G., both of Berlin, Germany.

Irrtum des Herzens; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Jäger von Fall; Tonlicht-Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Johannisfeuer; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Jugend; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Jugend der Lippizaner; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Jugend im Tanz; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Jugend von heute; Universum Film A. G., also known as "Ufa", Berlin, Germany.

Jungens, Männer und Motore; Universum Film A. G., also known as "Ufa", Berlin, Germany.

Jungfrau gegen Mönch; Majestic Film G. m. b. H., Berlin, Germany.

Kamerajagd auf Seehunde; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Kampf mit dem Drachen; Bavaria-Film A. G., Munich, Germany.

Kampf um Anastasia; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Kampfgeschwader Lutzow; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Kanarien; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Kannst Due Pfeifen Johanna? Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Karneval; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Katzensteg; Euphono-Film G. m. b. H., Berlin, Germany.

Kautschuk, Die grüne Hölle; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die keusche Geliebte; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Eine kleine Nachtmusik; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Der kleine Schreibgehilfe; Tobis-Cinema Film A. G., Berlin, Germany.

Die kleine Sünderin; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Die kleine und die grosse Liebe; Klagemann-Film G. m. b. H., Berlin, Germany.

Der Klosterjäger; Tonlicht-Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Die kluge Schwiegermutter; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Königswalzer; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Kongo Express; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Korallenprinzessin; F. D. F. Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.

Kraftleistungen, der Pflanzen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Kreutzersonate; Georg Witt-Film G. m. b. H., Berlin, Germany.

Leidenschaft; Rolf Randolf-Film G. m. b. H., Berlin, Germany.

The Leipzig Fair; Boehner-Film, Dresden, Germany.

Das letzte Boot im Herbst; Kulturfilm-Institut G. m. b. H., Berlin, Germany.

Letzte Grüsse von Marie; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Libellen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Liebe, Tod und Teufel; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Liebe kann lügen; Deka-Film G. m. b. H., Berlin, Germany.

Liebe streng verboten; Aco-Film G. m. b. H., Berlin, Germany.

Liesbesbriefe aus den Engadin; Luis Trenker-Film G. m. b. H., Berlin, Germany.

Liebeskommando; Super-film A. G., Berlin, Germany.

Liebesleute; Fanal-Filmproduktion G. m. b. H., Berlin, Germany.

Liebeschule; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Liet der Wüste; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Liquid Air; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Lockvogel; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Lokomotivenbraut; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Lorenzi Tag; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Lotsen der Luft; Universum-Film A. G., also known as "Ufa", in collaboration with Deutsche Luft-Hansa, both of Berlin, Germany.

Luftexpress Berlin-Rom; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Nacht der Berge; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Mädchen Irene; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Mädchen Johanna; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Mädchen von gestern Nacht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Mädchenräuber; Majestic Film G. m. b. H., Berlin, Germany.

Männer müssen so sein; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Der Mann der Sherlock Holmes war; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Mann mit dem Affen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ein Mann will in die Heimat (Ein Mann will nach Deutschland?; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Mannesmann; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Marguerite: 3; Minerva-Tonfilm G. m. b. H., Berlin, Germany.

Maria Ilona; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Meerestiere in der Adria; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Meine Freundin Barbara; Fanal-Film Produktions G. m. b. H., Berlin, Germany.

Meistersinger von Nurnberg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Metall des Himmels; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Mit Kreuzer Königsberg in See; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Mit Versiegelter Order; Majestic Film G. m. b. H., Berlin, Germany.

Der Mörder Dimitri Karamasoff; Terra-Film A. G., Berlin, Germany.

Morgen werde ich verhaftet; Euphono-Film G. m. b. H., Berlin, Germany.

Der Mustergatte; Imagoton-Film G. m. b. H., Berlin, Germany.

Mysterium des Lebens; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Eine Nacht in Mai; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Nacht mit dem Kaiser; Klagemann-Film G. m. b. H., Berlin, Germany.

Nanette; Klagemann-Film G. m. b. H., Berlin, Germany.

Nanon; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Nanu, Sie kennen Korff noch nicht?; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Napoleon ist an allem Schuld; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Natur und Technik; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Nimrod mit der Kamera; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Nordische Vogelberge; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Olympia unserer Kleinsten; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Opernball; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Papas Fehltritt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Paradies der Junggesellen; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Das Paradies der Pferde; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Patentkunstschloss; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Patrioten; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Peer Gynt; Bavaria Film A. G., Munich, Germany.

Pirateninseln; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Prinzessin Turandot; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Psst, Ich bin Tante Emma; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Pulsschlag des Meeres; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Quartett; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Quick—The King of Clowns; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Räuber unter Wasser; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Raub der Sabinerinnen; Carl Froehlich-Tonfilm Produktions G. m. b. H., both of Berlin, Germany.

Das Recht auf Liebe; Rolf Randolf-Film G. m. b. H., Berlin, Germany.

Die Reise nach Tilsit; Majestic-Film G. m. b. H., Berlin, Germany.

Rheinische Brautfahrt; Euphono-Film G. m. b. H., Berlin, Germany.

Rheinland; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Riesen deutscher Käferwelt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ritt in die Freiheit; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Rivalen der Luft; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Robert Koch, der Bekämpfer des Todes; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Röntgenstrahlen (Moving X-Rays); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sag es mit Liedern; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Salzburg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Schären und Fjorde Adria; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Schauspieldirektor; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Schiff in Not; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Schimmelkrieg in der Holledau; Euphono-Film G. m. b. H., Berlin, Germany.

Schloss Vogelöd; Tonlicht Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Schlussakkord; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Schnelle Truppen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das schöne Fräulein Schragg; Tonlicht Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Schönes gastliches Land zwischen Rhein und Main; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Schorfheide; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Schritt von Wege; Terra-Filkunst G. m. b. H., Berlin, Germany.

Schubertlieder; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Schutz den Singvögeln; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Schweigen im Walde; Tonlicht Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Der See der wilden Schwäne; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sein bester Freund; Ariel-Filmproduktions G. m. b. H., Tobis Rota-Film A. G., both of Berlin, Germany.

Die Seitensprünge des Herrn Biohn; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sieben Ohrfeigen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sieg auf der ganzen Linie; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sinfonie der Wolken; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sinnesleben der Pflanzen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sinnvolle Zwecklosigkeiten; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ski Marathon, German Railroads Information Office.

Sommer, Sonne, Erika; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sonne, Erde und Mond; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Spätere Heirat nicht ausgeschlossen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Spiel auf der Tenne; Universum-Film, A. G., also known as Ufa", Berlin, Germany.

Spiel im Sommerwind; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Spiel mit dem Feuer; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Stärker als die Liebe; Rolf Randolf-Film G. m. b. H., Berlin, Germany.

Standesamt 10:15; F. D. F. Fabrikation-deutscher Filme, G. m. b. H., Berlin, Germany.

Der Stern von Valencia; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Stimmen im Schilf; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Störenfried; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Streit um den Knaben Jo; Fanal-Film Produktions G. m. b. H., Berlin, Germany.

Stuttgart, Grosstadt zwischen Wald und Reben; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Stutgarter Turnfest; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das süundige Dorf; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Tee zu zweien; Universum-Film A. G., also known as "Ufa"; Berlin, Germany.

Tiergarten des Meeres; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Tiger von Eschnapur; Eichberg-Film G. m. b. H., Berlin, Germany.

Tintenfische; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Traumulus; Carl Froehlich Film Produktions G. m. b. H., Berlin, Germany.

Ufa Märchen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ufa News (Series) (Some numbered, others unnumbered; some badly cut); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ufa Tonwoche; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die unheimliche Nacht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Unser Fräulein Doktor; Klagemann-Film G. m. b. H., Berlin, Germany.

Unsere Artillerie; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das unsterbliche Herz; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Unternehmen Michael; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Urlaub auf Ehrenwort; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der verkannte Lebensmann; Aco-Film G. m. b. H., Berlin, Germany.

Verklungene Melodie; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Verräter; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Versprich mir nichts; Meteor-Film G. m. b. H., Berlin, Germany.

Vier Mädeln und ein Mann; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Vierte kommt nicht; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Ein Volk im Krieg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Von Gemsen und Steinböcken; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wald im Winter; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wald ohne Weg; Tobis-Melofilm G. m. b. H., Berlin, Germany.

Waldrausch; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Waldwinter; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Walzerkrieg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Was die Isar rauscht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Was ein Häckchen werden will; Universum Film A. G., also known as "Ufa", Berlin, Germany.

Wasser hat Balken; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wasserfreuden im Tierpark; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wasserkraft Segen schafft; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Watzmann und seine Kinder; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

We meet in Germany; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Weiberregiment; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Weisser Flieder; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Weltstadt am Wasser; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Weltstrasse-Seehafen Hamburg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wenn der Hahn krähut; Carl Froelich-Tonfilm Produktions G. m. b. H., Berlin, Germany.

Wenn die Sonne sinkt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wenn Frauen schweigen; Universum-Film A. G., also known as "Ufa," Berlin, Germany.

Wer hat Angst vor Marmaduke?; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wer küsst Madeleine?; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Westwall; Wochenschauzentrale Universum-Film A. G., also known as "Ufa", Berlin, Germany (both).

Die Wette; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wie ein Ei dem anderen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Wille zum Licht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wir erobern Land (in both the 35- and 16-mm. sizes); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wir fahren nach Amerika; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Wonders of the World; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

The World of Machinery; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Die Wunder der hellen Nächte; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Wunder des Vogelzuges; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Wunderschiessbude; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Wunderwelt des Teiches; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ziel in den Wolken; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Zu neuen Ufern; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Zweimal zwei im Himmelbett; Tonlicht-Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Zwielicht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Zwischen den Eltern; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Zwischen Hamburg and Haiti; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Können Tiere denken; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der ungetreue Eckehart (1940 Production); Algefa-Film G. m. b. H., Berlin, Germany.

Wissenschaft weist neue Wege; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Zigeunerbaron; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

[F. R. Doc. 51-2140; Filed, Feb. 12, 1951; 8:54 a. m.]

[Vesting Order 17128]

H. M. H. ALBERT DE BARY & CO.

In re: Securities and bank accounts of H. M. H. Albert de Bary & Co., N. V., Amsterdam, Netherlands. F-49-1180; F-49-1180-A-1 through A-8; F-49-1180-E-1 through E-18.

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 Deutsche Bank, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That H. M. H. Albert de Bary & Co., N. V., the last known address of which is Amsterdam, The Netherlands, is a corporation organized under the laws of The Netherlands, whose principal place of business is located in Amsterdam, The Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Deutsche Bank, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain shares of stock, bonds, scrip certificates and detached bond coupons on deposit with and in the custody of the banks and other financial institutions, whose names and addresses are set forth in Exhibit A, attached hereto and made a part hereof, in accounts entitled as set forth in the aforesaid Exhibit A, together with any and all rights thereunder and thereto and any and all declared and unpaid dividends on said shares of stock, and

b. Those certain debts or other obligations of the banks and other financial institutions, whose names and addresses are set forth in Exhibit B, attached hereto and made a part hereof, arising out of accounts entitled as set forth in the aforesaid Exhibit B, 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, H. M. H. Albert de Bary & Co., N. V., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That H. M. H. Albert de Bary & Co., N. V., is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of custodian	Title of account	Number of account	Contents
Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., blocked clients account, nonresident account.	F-86569	Stock,
Do	H. M. H. Albert de Bary & Co., N. V., blocked special clients account, nonresident account.	F-86570	Do.
Do	H. M. H. Albert de Bary & Co., N. V., blocked clients account, Dutch residents account.	R-86237	Stock, bonds, scrip, coupons.
Do	H. M. H. Albert de Bary & Co., N. V., Netherlands blocked clients coupon account, Dutch residents account.	R-86238	Coupons.
Do	H. M. H. Albert de Bary & Co., N. V., Netherlands blocked special clients account, Dutch residents account.	R-86239	Bonds.
Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., blocked securities account.	----------	Stock.
National City Bank of New York, 55 Wall St., New York, N. Y.	do	----------	Do.
The New York Trust Co., 100 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., regular account.	5-6034	Do.
Do	H. M. H. Albert de Bary & Co., N. V., special deposit account.	5-6035	Stock, bonds.
Do	H. M. H. Albert de Bary & Co., N. V., noncoupon collection account.	5-6037	Bonds.
Do	H. M. H. Albert de Bary & Co., N. V., special deposit noncoupon collection account.	5-6040	Do.
Do	H. M. H. Albert de Bary & Co., N. V., coupon deposit account.	5-6170	Coupons, bonds.
Do	H. M. H. Albert de Bary & Co., N. V., N account.	5-6258	Stock, bonds, scrip.
Do	H. M. H. Albert de Bary & Co., N. V., deposit N account.	5-6259	Stocks, bonds.
J. Henry Schroder Banking Corp., 57 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V.	----------	Stock.
Swiss Bank Corp., 15 Nassau St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., blocked securities deposit account.	----------	Bonds.

EXHIBIT B

Name and address of financial institution	*Designation of account*
The American Express Co., Inc., 65 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., demand account.
Baker, Weeks & Harden, 1 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., credit balance.
Bank of The Manhattan Co., Inc., 40 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., bank deposit.
Bankers Trust Co., 16 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., deposit account.
Brown Bros., Harriman & Co., 59 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., ordinary account, blocked account.
Central Hanover Bank & Trust Co., 70 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., deposit account.
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, old account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, client's account, old account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, client's account (set-up account).
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, special client's account, old account.
Chemical Bank & Trust Co., 165 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, blocked demand deposit account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, blocked custody cash account.
The Commercial National Bank & Trust Co., 46 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., checking account.
Continental Illinois Bank & Trust Co. of Chicago, 231 South LaSalle St., Chicago, Ill.	Do.
The First National Bank of Boston, 67 Milk St., Boston, Mass.	Do.
Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., deposit account.

EXHIBIT B—Continued

Name and address of financial institution	*Designation of account*
H. Hentz & Co., 60 Beaver St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., credit balance.
Irving Trust Co., 1 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., demand deposit account.
Liberty National Bank of Chicago, Chicago, Ill.	H. M. H. Albert de Bary & Co., N. V., current credit balance.
Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., current blocked account.
Manufacturers Trust Co., 55 Broad St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., bank deposit.
Carl Marks & Co., 50 Broad St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., current credit balance.
The National City Bank of New York, 55 Wall St., New York, N. Y.	Do.
The New York Trust Co., 100 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., Amsterdam, plain account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, coupon deposit account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, special deposit account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, special deposit noncoupon collection account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, subaccount ELS.
The Philadelphia National Bank, 421 Chestnut St., Philadelphia, Pa.	H. M. H. Albert de Bary & Co., N. V., demand deposit.
Pyne, Kendall & Hollister, 60 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., blocked credit cash balance.
J. Henry Schroder Banking Corp., 57 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., current account.
Swiss Bank Corp., 15 Nassau St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., blocked cash account.

[F. R. Doc. 51-2246; Filed, Feb. 14, 1951; 8:54 a. m.]

[Vesting Order 17281]

ERNEST LOEFFLER

In re: Bank account owned by Ernest Loeffler. D-28-418-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 Ernest Loeffler, whose last known address is Hauptstrasse 78, Endingen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ernest Loeffler by The Rahway National Bank, Rahway, New Jersey, arising out of a savings account, account numbered 13222, entitled Ernest ownership or control by 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 (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, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2209; Filed, Feb. 13, 1951; 8:54 a. m.]

[Vesting Order 17283]

NOBUO MIKAMI

In re: Bank account owned by Nobuo Mikami, also known as N. B. Mikami. D-39-7148.

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 Nobuo Mikami, also known as N. B. Mikami, whose last known address is 111 Shimizu, Miharumachi, Fukushima-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a commercial account, entitled N. B. Mikami or T. Mikami, maintained at the branch office of the aforesaid bank located at Brentwood, Centra Costa County, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nobuo Mikami, also known as N. B. Mikami, 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, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2211; Filed, Feb. 13, 1951; 8:55 a. m.]

[Vesting Order 17195]

HERMANN AND IDA BOHM

In re: Stock and a debt owned by Hermann Bohm and Ida Bohm. F-28-14451, D-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 Hermann Bohm and Ida Bohm, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Eighty-three (83) shares of $100.00 par value common capital stock of American Telephone and Telegraph Company, 195 Broadway, New York, New

York, a corporation organized under the laws of the State of New York, evidenced by stock certificates numbered NM50944 for 50 shares, NL57788 for 25 shares, TN81863 for 5 shares and SN58418 for 3 shares, registered in the name of Hermann Bohm and Ida Bohm, joint tenants with right of survivorship, and presently in the custody of Department of State, Division of Protective Services, Washington, D. C., together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by American Telephone and Telegraph Company, 195 Broadway, New York, New York, arising out of the sale of certain subscription rights issued by said American Telephone and Telegraph Company, in the amount of $390.00, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hermann Bohm and Ida Bohm, 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 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2247; Filed, Feb. 14, 1951; 8:55 a. m.]

[Vesting Order 17197]

CARLOWITZ & CO.

In re: Bank accounts owned by Carlowitz & Co.

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

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

3. That Carlowitz & Co. is a partnership organized under the laws of China, whose principal place of business is located at Shanghai, China, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Johannes Lindner, and the personal representatives, heirs, next of kin, legatees and distributees of Ottomar Lord, deceased, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain debts or other obligations owing to Carlowitz & Co. by Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, arising out of Commercial Deposit Accounts entitled Carlowitz & Co., Shanghai and Carlowitz & Co., Shanghai (London Transfer Acct.), maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Carlowitz & Co. by Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, arising out of an Unpresented Draft Account entitled Correspondents Drawings Debited—Not Paid, maintained with 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 Carlowitz & Co., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Carlowitz & Co. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that Johannes Lindner, Carlowitz & Co. and the personal representatives, heirs, next of kin, legatees and distributees of Ottomar Lord, 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 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2248; Filed, Feb. 14, 1951; 8:55 a. m.]

[Vesting Order 17255]

KATHARINE SCHAUREN

In re: Estate of Katharine Schauren, deceased. File No. F-28-17800.

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 Margarete Stingel, Dora Stelter, Heinrich Stingel, Katharine Von Vulte and Georg Stingel, 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 identified in subparagraph 1 hereof and each of them, in and to the Estate of Katharine Schauren, 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 the County Treasurer of Dutchess County, as depositary, acting under the judicial supervision of the Surrogate's Court, Dutchess County, New York;

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, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2250; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17243]

ANNA A. A. BRANDT

In re: Estate of Anna A. A. Brandt, deceased. File 017-26733.

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 Karl Lubert, Auguste Hartwig, Adele Kurze, Emil Lubert, Ida Blumenauer, Gustav Hoppner, Luise Brassler, Frederike Hensler, Wilhelmine Hoppner, Johanna Luise Heidemann, Herman Bruning, Anna Schnier, Johanna Fredericke Usling, Auguste Haubrock, August Bruning, Karl Friederick Beiderwieden and Emma Heidemann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

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

4. That such property is in the process of administration by Frederick Behr, as surviving administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

5. That the property described as follows:

An undivided sixteen-seventeenths (16/17) interest in that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, being the premises numbered 2735 University Avenue in the Borough of Bronx, City of New York, located on the westerly side of University Avenue distant one hundred and five and three-tenths (105.3) feet from the southerly side of West 195th Street in size fifty-two and two-tenths (52.2) feet by Ninety-four and twenty-six Hundredths (94.26) feet, more particularly described on tax map as Lot 96, Block 3248, Section 12, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

An undivided sixteen-seventeenths (16/17) interest in that certain lot, piece or parcel of land with the buildings and improvements thereon erected, being the premises numbered 887 East 178th Street in the Borough of Bronx, City of New York, located at the northwest corner of East 178th Street and Honeywell Avenue in size thirty-six and fifty-two one hundredths (36.52) feet by seventy and twenty-four hundredths (70.24) feet, more particularly described on tax map as Lot 30, Block 3123, Section 11, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

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

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Karl Beiderwieden 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 in subparagraph 3 hereof, and,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 5 hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property 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, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2249; Filed, Feb. 14, 1951; 8:55 a. m.]

[Vesting Order 17258]

JULIUS SURMANN

In re: Estate of Julius Surmann, deceased. File No. D-28-12824; E. T. sec. 16994.

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 Gertrud Mihatsch, Heinrich Buschler, Anna Gertrud Buschler, Elizabeth Kraft, Josephine Menke, Alois Buschler, Elizabeth Soeller, Maria Niefer, Theresia Hermes, Paula Schuhknech, Hubert Dieckmann, Maria Josephine Kaizers, Wilhelmine Helfterkamp, Johann Hans Soeller, Paula Bromkamp, Anna Maria Schuster, Josephine Schulte, Gertrude Dickmann, Johanna Diedrich, Joseph Koerner, Toni Koener, Hermann Josept Koerner, Anna Maria Bette, and Heinrich Koerner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Bernard Soeller, also known as Johann Bernhard Soeller, of Anna Buschler, deceased, of Anna Maria Koerner, deceased, and of Hermann Koerner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

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

4. That such property is in the process of administration by Frank W. Lees, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, County of Grant;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Bernard Soeller, deceased also known as Johann Bernhard Soeller, of Anna Buschler, deceased, of Anna Maria Koerner, deceased, and of Hermann Koerner, 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, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2251; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17285]

PAUL PATZER

In re: Debt owing to Paul Patzer. D-28-12861.

Under the authority of the Trading With the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Patzer, whose last known address is 14B Rottweil AN Dammstrasse 13, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Paul Patzer by Richard A. Abbott, 463 Hamilton Street, Allentown, Pennsylvania, arising out of the receipt by said Richard A. Abbott of the net proceeds of the sale of eleven (11) acres and ninety-eight (98) perches of land situated in Upper Saucon Township, Lehigh County, State of Pennsylvania, to William H. Price and Gladys G. Price, Upper Saucon, Pennsylvania, together with any and all accruals to the aforesaid debt or other obligation 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 Paul Patzer, 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, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2252; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17289]

HUGO SCHREYER

In re: Bank account owned by Hugo Schreyer. F-28-12147.

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 Hugo Schreyer, whose last known address is Care, August Brand, Surfeldstrasse No. 13, Bremenhaven-Lebe, Bremen, Enclave, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Franklin Savings Bank, 656 Eighth Avenue, New York, New York, arising out of a savings account, account number 396850, entitled Hugo Schreyer, 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, Hugo Schreyer, 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, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2253; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17290]

BEHR SCHULTZ & CO.

In re: Rights of Behr Schultz & Company, under insurance contracts. F-28-14145.

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 Behr Schultz & Company, the last known address of which is 31 Moenckelbergstrasse, Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany and which has or, since, the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: All rights, interests and claims of Behr Schultz & Company, in, to and under Marine Insurance Policies Numbers 56177, 56178, and 56179, issued by Insurance Company of North America, Philadelphia, Pennsylvania, covering shipments on board S. S. "Triton", arising on account of seizure of such shipments by British authorities, together with the right to demand, enforce, receive 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 Behr Schultz & Company, 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, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2254; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17293]

FRANK STEILMANN

In re: Bank account owned by Frank Steilmann. D-28-12952.

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 Frank Steilmann, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Frank Steilmann by Port Chester Savings Bank, Port Chester, New York, arising out of an account number 38138, entitled Frank Steilmann, maintained at the aforesaid Port Chester Savings 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 de-

liverable 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, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2255; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17296]

KOUKO AND SANSHO YAMAGATA

In re: Bank account owned by Kouko Yamagata and Sansho Yamagata, also known as S. Yamagata. F-39-4788.

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 Kouko Yamagata and Sansho Yamagata, also known as S. Yamagata, each of whose last known address is 319 Shinohara-Cho, Kouhoku-Ku, Yokohama, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kouko Yamagata and Sansho Yamagata, also known as S. Yamagata, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a Savings Account, account number 672, entitled Sansho Yamagata and/or Kouko Yamagata, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2256; Filed, Feb. 14, 1951; 8:57 a. m.]

[Return Order 883]

PIERRE MARCEL LEMOIGNE

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

Pierre Marcel Lemoigne, Montrouge (Seine), France; Claim No. 13241; December 27, 1950 (15 F. R. 9350); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial No. 280,863 (now Patent No. 2,313,491). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 8, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2257; Filed, Feb. 14, 1951; 8:57 a. m.]

[Return Order 885]

VENDELIN HEMMERLE ET AL.

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

Vendelin Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 41245; Charles Hemmerle, Strasbourg (Bas-Rhin), France; Claim No. 43818; Jacques Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 43819; Mathilde Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 43820; Emilie Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 43821; January 3, 1951 (16 F. R. 50); 5/7 of $7,352.44 in the Treasury of the United States, said 5/7 to be divided equally among the claimants. All right, title and interest of the claimants in and to the Estate of Wendell Hamlin, deceased; estate administered under judicial supervision of Surrogate's Court of Oneida County, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 8, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2258; Filed, Feb. 14, 1951; 8:58 a. m.]