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Washington, Saturday, July 7, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10268

RESTORING CERTAIN LANDS COMPRISING PORTIONS OF THE FORT RUGER MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands on the Island of Oahu, Territory of Hawaii, were reserved for military purposes by Executive Order No. 395–A of January 18, 1906, as modified by Executive Orders No. 1106 of July 1, 1909, No. 1377 of June 26, 1911, No. 1767 of April 28, 1913, and No. 6408 of November 7, 1933; and

WHEREAS the hereinafter-described parcels of such lands are no longer needed for military purposes, and it is deemed advisable and in the public interest that they be restored to the use of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

The following-described parcels of land comprising portions of the Fort Ruger Military Reservation, located on the Island of Oahu, Territory of Hawaii, are hereby restored to the jurisdiction of the Territory of Hawaii:

TRACT NO. 1

Beginning at concrete monument No. 19 at the west corner of this piece of land, on the southeasterly side of Lot 10 of Diamond Head Terrace, the coordinates of said point of beginning referred to Government Survey triangulation station "Diamond Head" being 349.65 feet south and 1,673.06 feet west, thence running by azimuths measured clockwise from true south:

1. 244° 30′ 00″ 330.69 feet along Diamond Head Terrace to concrete monument No. 18;
2. 310° 14′ 00″ 81.46 feet along the remainder of Tract I of Presidential Executive Order No. 6408 dated November 7, 1933;
3. 40° 14′ 00″ 279.83 feet along the City and County of Honolulu's reservoir site to concrete monument 20;
4. 124° 32′ 50″ 218.43 feet to the point of beginning.

This tract is a portion of Tract No. 1 described in Executive Order No. 6408 of November 7, 1933.

The tract as described contains an area of 0.98 acre, more or less.

TRACTS NOS. 2, 3, AND 4

Tracts Nos. 2, 3, and 4 described in Executive Order No. 6408 of November 7, 1933.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 5, 1951.

[F. R. Doc. 51–7912; Filed, July 5, 1951; 4:23 p. m.]

LETTER OF JUNE 29, 1951

[CARRYING OUT THE TORQUAY PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE]

THE WHITE HOUSE,
Washington, June 29, 1951.

MY DEAR MR. SECRETARY:

Reference is made to my proclamation of June 2, 1951,[1] carrying out the Torquay Protocol to the General Agreement on Tariffs and Trade and for other purposes.

Pursuant to the procedure described in Part I (b) (I) of that proclamation, I hereby notify you that the following (1) complete items in Part I of Schedule XX to the Torquay Protocol (in cases in which only the item designation is specified), and (2) portions of such items to which particular rates are applicable (in cases in which the item designation is specified together with only one or more rates of duty) shall not be withheld pursuant to paragraph 4 of the Torquay Protocol on and after July 7, 1951:

Item designation:	*Rate of duty*
31 (b) (1)	
218 (f)	22½% ad val.
304 [first]	
304 [second]	3/8¢ per lb. and 12½% ad val.
331 [second]	
353 [fourth]	
353 [fifth]	12½% ad val. [first such rate].
355	8¢ each and 17½% ad val. 1¢ each and 12½% ad val. [first and second such rates]. 1¢ each and 17½% ad val. [second such rate].

[1] Proclamation 2929, 16 F. R. 5381.

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368 (g)
372 [eighth] 12½% ad val.
397 12½% ad val. [first such rate].
774 1½¢ per lb.
1404 1¼¢ per lb. and 3¾% ad val.

Very sincerely yours,

HARRY S. TRUMAN

Honorable JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 51–7908; Filed, July 6, 1951; 8:54 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, a new paragraph (d) is added to § 6.155 as follows:

§ 6.155 *Economic Stabilization Agency.* * * *

(d) *Salary Stabilization Board*—(1) Chairman of the Board.

(2) Members of the Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

2. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 20.9 is amended to read as set out below. This amendment consists in the deletion of the word "fully" which occurs in two places in the present regulation. It is made because of complaints that some agencies, in the field service in particular, are applying the term "fully qualified" in such a manner that reassignments to continuing positions are unreasonably restricted.

§ 20.9 *Actions.* * * *

(b) *Reassignments to continuing positions in local commuting area.* Reassignment is required in lieu of separation or furlough, within the local commuting area, without interruption to pay status whenever possible, to an available position for which the employee is qualified, unless a reasonable offer of reassignment is refused. No displacement will be required to permit the reassignment of an employee unless such employee is qualified to perform the duties of the position in question without undue interruption to the work program. Subject to these conditions, reassignment is required in each of the following cases: * * *

(Secs. 11 and 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51–7880; Filed, July 6, 1951; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Fresh Pea Order 1—1951]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

REGULATION BY GRADES AND SIZES

§ 910.314 *Fresh Pea Order 1—1951*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the grade and size limitations, as hereinafter provided, with respect to the handling of fresh peas, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237), in that, as hereinafter set forth, the time intervening between the date when information upon which

this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as soon as possible. A reasonable determination as to the supply of, and the demand for such peas must await the development of the crop; adequate information with respect to acreage was not available to the Administrative Committee until June 11, 1951; the supply and quality of fresh peas is subject to change by weather conditions and adequate information thereon as a basis for recommendation as to the need for, and the extent of, regulation of shipments of such peas was therefore not available until a short time before the beginning of harvest; such recommendation was made by the Administrative Committee at a meeting on June 22, 1951, after consideration of all available information relative to the supply and demand conditions for such peas, and submitted to the Department; and the committee gave prompt and adequate notice to handlers and producers of the recommended regulation and effective time thereof; shipments of the current crop of such peas are expected to begin on or about July 10, 1951, and this section should be applicable to all shipments of such peas in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 10, 1951, and ending at 12:01 a. m., m. s. t., September 11, 1951, no handler shall handle any fresh peas unless such peas grade at least U. S. No. 1 and are of a minimum pod length of three (3) inches.

(2) As used in this section, the terms "peas," "handler," and "handle" shall have the same meaning as when used in the amended marketing agreement and order; and the term "U. S. No. 1" shall have the same meaning as set forth in the United States Standards for Fresh Peas (14 F. R. 564) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 910).

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

Done at Washington this 3d day of July, 1951.

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

[F. R. Doc. 51-7875; Filed, July 6, 1951; 8:53 a. m.]

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

EDITORIAL NOTE: Federal Register Document 51-7642, appearing at page 6347 of the issue for Saturday, June 30, 1951, designated § 936.383, should be designated § 936.409.

[Lemon Reg. 390]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.497 *Lemon regulation 390*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 3, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 8, 1951, and ending at 12:01 a. m., P. s. t., July 15, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 389 (16 F. R. 6357), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 953; 14 F. R. 3612)

Done at Washington, D. C. this 5th day of July 1951.

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

[F. R. Doc. 51-7926; Filed, July 6, 1951; 9:45 a. m.]

[Orange Reg. 379]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.525 *Orange regulation 379.*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Ship-

ments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on July 5, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., July 8, 1951, and ending at 12:01 a. m. P. s. t., July 15, 1951, is hereby fixed as follows:

(i) *Valencia Oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1000 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(d) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia Oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

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

Done at Washington, D. C., this 6th day of July 1951.

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

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., July 8, 1951, to 12:01 a. m., P. d. s. t., July 15, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0786
A. F. G. Corona	.0425
A. F. G. Fullerton	.9985
A. F. G. Orange	.4161
A. F. G. Riverside	.1285
A. F. G. San Juan Capistrano	.6373
A. F. G. Santa Paula	.4997
Eadington Fruit Co., Inc	5.5843
Hazeltine Packing Co	.3587
Krinard Packing Co	.2056
Placentia Cooperative Orange Association	.5380
Placentia Pioneer Valencia Growers Association	.5900
Signal Fruit Association	.0988
Azusa Citrus Association	.5027
Covina Citrus Association	1.2740
Covina Orange Growers Association	.5371
Damerel-Allison Association	.7096
Glendora Citrus Association	.4261
Glendora Mutual Orange Association	.3748
Valencia Heights Orchard Association	.4246
Gold Buckle Association	.4478
La Verne Orange Association	.5506
Anaheim Valencia Orange Association	1.3356
Fullerton Mutual Orange Association	2.9470
La Habra Citrus Association	1.1177
Yorba Linda Citrus Association, The	1.0959
Escondido Orange Association	2.3071
Alta Loma Heights Citrus Association	.0593
Citrus Fruit Growers	.1409
Etiwanda Citrus Fruit Association	.0316
Old Baldy Citrus Association	.0630
Rialto Heights Orange Growers	.0555
Upland Citrus Association	.3403
Upland Heights Orange Association	.0894
Consolidated Orange Growers	1.8027
Frances Citrus Association	1.2858
Garden Grove Citrus Association	1.7493
Goldenwest Citrus Association	1.7043
Irvine Valencia Growers	3.7473
Olive Heights Citrus Association	2.5816
Santa Ana-Tustin Mutual Citrus Association	.9071
Santiago Orange Growers Association	3.6791
Tustin Hills Citrus Association	2.1808
Villa Park Orchards Association	2.0258
Bradford Bros., Inc	.8945
Placentia Mutual Orange Association	3.9462
Placentia Orange Growers Association	3.2058
Yorba Orange Growers Association	.8210
Call Ranch	.0687
Corona Citrus Association	.3655
Jameson Co	.1291
Orange Heights Orange Association	.5819
Crafton Orange Growers Association	.2612
East Highlands Citrus Association	.0596
Redlands Heights Groves	.1947
Redlands Orangedale Association	.1623

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

District No. 2—Continued

Handler	*Prorate base (percent)*
Rialto-Fontana Citrus Association	0.1009
Break & Son, Allen	.0454
Bryn Mawr Fruit Growers Association	.1039
Mission Citrus Association	.1451
Redlands Cooperative Fruit Association	.2575
Redlands Orange Growers Association	.1472
Redlands Select Groves	.2205
Rialto Orange Co	.1966
Southern Citrus Association	.1173
United Citrus Growers	.2106
Zilen Citrus Co	.0371
Arlington Heights Citrus Co	.1141
Brown Estate, L. V. W	.1291
Gavilan Citrus Association	.1410
Highgrove Fruit Association	.0592
McDermont Fruit Co	.1216
Monte Vista Citrus Association	.1844
National Orange Co	.0492
Riverside Heights Orange Growers Association, The	.0322
Sierra Vista Packing Association	.0414
Victoria Avenue Citrus Association	.1602
Claremont Citrus Association	.1137
College Heights Orange & Lemon Association	.3461
Indian Hill Citrus Association	.2204
Pomona Fruit Growers Exchange	.3159
Walnut Fruit Growers Association	.5323
West Ontario Citrus Association	.1822
El Cajon Valley Citrus Association	.1998
Escondido Cooperative Citrus Association	.2874
San Dimas Orange Growers Association	.3141
Canoga Citrus Association	.8641
North Whittier Heights Citrus Association	.7497
San Fernando Heights Orange Association	.7633
Sierra Madre-Lamanda Citrus Association	.3293
Camarillo Citrus Association	1.3343
Fillmore Citrus Association	3.0402
Mupu Citrus Association	1.9116
Ojai Orange Association	.6597
Piru Citrus Association	2.1050
Rancho Sespe	.7730
Santa Paula Orange Association	1.0441
Tapo Citrus Association	.7558
Ventura County Citrus Association	.3735
Limoneira Co	.4004
East Whittier Citrus Association	.3493
Murphy Ranch Co	.7991
Anaheim Cooperative Orange Association	2.2316
Bryn Mawr Mutual Orange Association	.1403
Chula Vista Mutual Lemon Association	.0871
Euclid Avenue Orange Association	.5091
Foothill Citrus Union, Inc	.1222
Fullerton Cooperative Orange Association	.3932
Garden Grove Orange Cooperative, Inc	1.3040
Golden Orange Groves, Inc	.1706
Highland Mutual Groves, Inc	.0090
Index Mutual Association	.4134
La Verne Cooperative Citrus Association	1.7049
Olive Hillside Groves, Inc	.7033
Orange Cooperative Citrus Association	2.0385
Redlands Foothill Groves	.4073
Redlands Mutual Orange Association	.1515
Ventura County Orange & Lemon Association	1.1600
Whittier Mutual Orange & Lemon Association	.1523
Babijuice Corp. of California	.8736

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

District No. 2—Continued

Handler	Prorate base (percent)
Banks, L. M.	0.7090
Becker, Samuel Eugene	.0093
Bennett Fruit Co.	.1074
Borden Fruit Co.	.5357
Cappos Bros. Produce	.0072
Cherokee Citrus Co., Inc.	.1079
Chess Co., Meyer W.	.4295
Dozier, Paul M.	.0126
Dunning Ranch	.0488
Evans Bros. Packing Co.	.6471
Gold Banner Association	.1731
Granada Hills Packing Co.	.0328
Granada Packing House	.6926
Hill Packing Co., Fred A.	.0624
Knapp Packing Co., John C.	.5116
L Bar S Ranch	.1089
Lawson, William J.	.0068
Lima & Sons, Joe	.1076
Orange Belt Fruit Distributors	1.2651
Orange Hill Groves	.0131
Otte, Arnold	.0622
Panno Fruit Co., Carlo	.3252
Paramount Citrus Association	.7278
Patitucci, Frank L.	.0091
Placentia Orchard Co.	.5219
Prescott, John A.	.0191
Redlands Fruit Association, Inc.	.0147
Riverside Citrus Association	.0235
Ronald, P. W.	.0210
San Antonio Orchard Co.	.2378
Stephens, T. F.	.2233
Summit Citrus Packers	.0172
Treesweet Products Co.	.2472
Wall, E. T., Grower-Shipper	.1336
Western Fruit Growers, Inc.	.4652

[F. R. Doc. 51-7946; Filed, July 6, 1951; 11:31 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 263—RULES OF PRACTICE FOR FORMAL HEARINGS

HEARINGS FOR THE PURPOSE OF TAKING EVIDENCE

1. Effective June 28, 1951, Part 263 is amended in the following respects:

a. Paragraph (j) of § 263.3 is amended to read as follows:

§263.3. *Hearings for the purpose of taking evidence.* * * *

(j) Subpoenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing, or requiring the production of documentary evidence, will be issued only by the Board, or such person as the Board may designate for this purpose, and as authorized by law. Application may be made either to the Secretary of the Board or to the person so designated by the Board. Such application must be in writing and must state, as definitely as practicable, the reasonable scope of the evidence sought (reasonably identifying any document desired) and the facts to be proved thereby, in sufficient detail to indicate the materiality and relevance thereof.

b. Paragraph (k) of § 263.3 is amended to read as follows:

(k) Witnesses summoned by the Board at the request of the respondent or of counsel for the Board will be paid the same fees and mileage that are paid to witnesses in the courts of the United States. Such payments as witnesses may be entitled to receive under this section shall be made by the party at whose instance the witnesses appear.

2. a. The purpose of these amendments is to clarify the provisions relating to the issuance of subpoenas and the payments of fees to witnesses.

b. Notice, public participation, and deferred effective date are not required by section 4 of the Administrative Procedure Act for rules of agency procedure or practice, and therefore were not provided in connection with the adoption of these amendments.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248)

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

[F. R. Doc. 51-7831; Filed, July 6, 1951; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

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

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 63 [1]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 370.9 *In-transit shipments without unloading,* is amended by adding thereto a note reading as follows:

NOTE: Any commodity which is excepted from the provisions of General In-Transit License GIT (§ 371.9 (c)) and which is manifested to the United States requires a validated license for on-forwarding to all destinations, regardless of whether unladen from a vessel in waters subject to the jurisdiction of the United States.

Commodities which are not so excepted unless originating in Japan or Canada pursuant to § 371.9 (b)) may be on-forwarded under the provisions of § 371.9 to all destinations except Subgroup A countries, Hong Kong, and Macao, as provided in §§ 384.6 and 384.9.

This part of the amendment shall become effective as of June 28, 1951.

2. Section 373.5 *Special provisions for chemicals and medicinals,* is amended to read as follows:

§ 373.5 *Special provisions for chemicals and medicinals*—(a) *General.* All applications for dicense to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately.

(b) *Bismuth salts and compounds.* All applications for licenses to export bismuth salts and compounds (bulk), Schedule B No. 813583, shall include (in addition to the total net weight of the commodity) the weight in pounds of bismuth contained in the commodity. This information shall be entered under item 9 (b) of Form IT-419.

This part of the amendment shall become effective as of June 28, 1951.

3. Section 373.16 *Special provisions for certain commodities: evidence of availability* is amended in the following particulars:

Paragraph (b) *Commodities* is amended to read as follows:

(b) *Commodities.* The requirements of this section are applicable to the following Positive List commodities:

Sulfur, crude, crushed, ground, refined, sublimed, and flowers: Schedule B Nos. 571400 and 571500.

All iron, steel, and nonferrous products with the processing codes STEE and NONF, except copper, steel, and aluminum in the shapes and forms described in Schedule I of CMP Regulation 1.[1] (A copy of Schedule I of CMP Regulation 1 is printed as Supplement 2 to Part 398.)

Rayon and special chemical grades of bleached sulfite wood pulp; sulfite wood pulp, bleached, other than rayon and special chemical grades; sulfite wood pulp, unbleached; soda wood pulp; sulfate wood pulp, unbleached; sulfate wood pulp, bleached; sulfate wood pulp, semi-bleached; groundwood pulp; other wood pulp and screenings: Schedule B Nos. 460100 through 461900.[2]

Waste-waste tinplate: Schedule B No. 604000.

Construction, excavating and conveying machinery: Schedule B Nos. 720110 through 721500, 722200 through 723510, and 729100.[2]

Tractors, tracklaying type, and parts: Schedule B Nos. 787310 through 787560, and 788901.[2]

This part of the amendment shall become effective as of June 28, 1951.

4. Section 398.4 *Priority assistance for essential export requirements,* is amended by adding thereto a new paragraph (d) to read as follows:

(d) *Steel drums for shipment of petroleum products.* Requests for supply assistance for steel drums to contain petroleum products for export should be submitted pursuant to the provisions of paragraph (b) of this section. The request shall give the information required under paragraph (b) of this section. Information as to end use, effect upon the production or activity abroad, relationship of the production or activity abroad with any of the three categories of export requirements, and validated

[1] This amendment was published in Current Export Bulletin No. 626, dated June 28, 1951. The note added to § 370.9 was published in the reprint pages (dated June 28, 1951) for the Comprehensive Export Schedule. These pages were issued with Current Export Bulletin No. 626.

[1] The provisions of this section shall become effective July 16, 1951, with respect to commodities coded NONF made subject to such provisions by CEB 626.

[2] Effective July 2, 1951.

[3] Effective July 16, 1951.

export license information (paragraphs (b) (5), (8), (11), and (12) of this section) shall relate to the petroleum products to be contained and exported in the drums. The information required by all other subparagraphs of paragraph (b) of this section shall relate to the steel drums.

In addition, the request for supply assistance for such steel drums shall state the name and address of the supplier from whom the applicant normally obtains his requirements for steel drums, the city or town in the United States where the drums will be filled, and a complete description of the petroleum products (including Schedule B number, quantity, and value) to be exported in the drums.

NOTE: Pursuant to a Directive by the National Production Authority, supply assistance will be granted for approximately 125,000 steel drums per month for use as export containers of petroleum products, during the months of June, July, August, and September 1951. Such drums will be 55 gallon capacity and of 18 gauge and lighter. It is estimated that 125,000 drums per month represent approximately 12.5% of the total number of drums necessary each month for the export of licensed quantities of petroleum products normally exported in drums.

The OIT will recommend action to be taken on individual requests (submitted to it) to the National Production Authority. Upon approval of the request, NPA will issue instructions to individual suppliers of steel drums to deliver a stated quantity of steel drums to a named exporter.

This part of the amendment shall become effective as of June 28, 1951.

5. Section 398.5 *Assignment of DO ratings by OIT for Controlled Materials Plan materials,* is amended, in the following particulars:

The following commodities are added to the materials listed in paragraph (c) *Transitional provisions,* subparagraph (2):

Dept. of Commerce Schedule B No.	Commodity
661000	Nickel silver, or German silver, in the following forms (if copper content is 40 percent and over): bars, rods and sheets (copper content) (specify by name).
664905	Beryllium metals, alloys, and scrap in the following forms: beryllium copper rods, beryllium copper strips, beryllium copper wire, and beryllium powder (copper content) (specify by name).
664998	Copper alloys, except brass, bronze, nickel, or gold, in the following forms (if copper content is 40 percent and over): bars, rods, bare wire, shapes, sheet, strip plate, rolls, pipe, tubing castings, and powder (copper content) (specify by name).
669198	Metal and metal composition manufactures, n. e. s. in the following forms: beryllium alloy castings, beryllium alloy tubes, beryllium metal castings, beryllium metal tubes, phosphor copper powder, cupro-nickel strips, cupro-nickel wire, copper nickel wire, nickel silver wire, and dumet wire (copper content) (specify by name).
	Electrical machinery and apparatus
709810	Building wire and cable.
709830	Weatherproof and slow burning wire.
709850	Insulated copper wire, n. e. s. (copper content) (specify by name).

This part of the amendment shall become effective as of June 28, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp. E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

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

[F. R. Doc. 51-7824; Filed, July 6, 1951; 8:45 a. m.]

[5th Gen. Rev. of Report Regs. Amdt. P. L. 54 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

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

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Electric incandescent and fluorescent lamp (bulb and tube) parts, except glass bulb and tube blanks:				
706590	Tungsten contacts and filaments	----------	NONF	None	RO
	X-ray apparatus:				
707550	Tungsten X-ray targets	----------	NONF	None	RO
	Electrical apparatus and parts, n.e.s.:				
709998	Tungsten wire coils	----------	NONF	None	RO

This part of the amendment shall become effective as of 12:01 a. m., July 3, 1951.

2. Certain commodities are changed from R to RO commodities as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Pneumatic tires and casings, new and used:				
206000	Other truck and bus casings	No.	RUBR 9	250	RO
206430	Other off-the-road casings (except farm tractor and implement).	No.	RUBR 9	250	RO
206450	Farm tractor and implement casings	No.	RUBR 9	250	RO
206490	Other industrial casings	No.	RUBR 9	250	RO
	Tire sundries and repair materials:				
206905	Camelback	Lb.	RUBR 9	100	RO
	Compounds of rubber or latex for use in further manufacture:				
209800	Masterbatch	Lb.	RUBR 13	100	RO
	Wire and manufactures:				
	Galvanized wire:				
608200	Tie wires for reinforcing bars	Lb.	STEE 38	100	RO
609109	Coated wire, iron and steel, n. e. s., except alloy	Lb.	STEE 38	1,000	RO
	Other wire and manufactures:				
609198	Other iron and steel wire manufactures, n. e. s	Lb.	STEE 38	100	RO
620933	Carbonyl iron powder, for use in the manufacture of magnetic cores for radio and other electrical equipment, and also in pyrotechnics.	Lb.	STEE 38	10	RO
663900	Tungsten carbide tool blanks, tips, and inserts (report tungsten carbide metal-cutting tools for machine operation in 744381).	Lb.	TOOL	25	RO
	Other electrical apparatus:				
709200	Starting, lighting and ignition equipment, except spark plugs.	----------	TRAN	100	RO
	Mining and quarrying machinery:				
731150	Rock drill bits, detachable, tungsten carbide type	No.	MINE	None	RO
	Acids and anhdrides:				
	Inorganic acids and anhydrides, n. e. s.:				
830980	Tungstic acid and anhydride	Lb.	ACID	25	RO

This part of the amendment shall become effective as of 12:01 a. m., July 1, 1951.

3. The following revisions are made in commodity descriptions. These revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing Code and related commodity Group	GLV dollar value limits	Validated license required
	Synthetic rubbers (dry rubber content):				
200901	Buna S (copolymers of butadiene and styrene) [1]	Lb.	RUBR 14	100	RO
	Parts for mining and quarrying machinery:				
733990	Other parts for mining and quarrying machinery included on the Positive List under Schedule B Nos. 730500 through 733910 for which validated license is required to R and O country destinations.[2]	----------	CONS	100	RO
733990	Other parts for mining and quarrying machinery included on the Positive List under Schedule B Nos. 730500 through 733910 for which validated license is required to R country destinations.[2]	----------	CONS	100	R

[1] The effect of this amendment is to extend the coverage to include Buna-S synthetic rubbers other than GR-S type, which type is already on the Positive List.

[2] The above revised entries are substituted for the third entry presently on the Positive List under Schedule B No. 733990 (Other parts for mining and quarrying machinery, etc.). The effect of this amendment is to change from R to RO control the parts presently included in the third entry for the specific mining and quarrying machinery subject to RO control, under Schedule B Nos. 730500 through 733910.

[1] This amendment was published in Current Export Bulletin No. 626, dated June 28, 1951.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Cannery machinery and parts:				
761250	Tanks, vats, kettles, piping and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (report steel storage tanks in 604300 if unlined; 620915 if lined).[3]	----------	GIEQ	25	RO
	Vegetable-oil mill machinery, and parts:				
761600	Tanks, vats, kettles, piping, and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (report steel storage tanks in 604300 if unlined; 620915 if lined).[3]	----------	GIEQ	25	RO
	Food-processing machinery and parts, n. e. s.:				
761950	Tanks, vats, kettles, piping, and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (report steel storage tanks in 604300 if unlined, 620915 if lined).[3]	----------	GIEQ	25	RO
	Other industrial chemicals:				
839000	Tungsten chlorides, oxides, salts, and all compounds [4]	----------	SALT 65	25	RO

[3] The above revised entries are substituted for the present three entries on the Positive List for acid-resistant tanks, kettles, piping and fixtures made of alloy steel under Schedule B Nos. 761250, 761600, and 761950, respectively. The effect of these amendments is to extend the coverage of the present entries; to include all tanks, vats, kettles, piping and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A"; to change from R to RO control all commodities included in the present entries; to add vats to the Positive List as RO commodities by including them in these revised entries; and to reduce the GLV dollar-value limits for the present entries for these commodities under Schedule B Nos. 761600 and 761950, respectively, from $100 to $25.

[4] The above revised entry is substituted for the entry on the Positive List under Schedule B No. 839900 for tungsten compounds, all. This changes the commodity description without making any substantive change in commodity coverage. The substantive effect of this amendment is to change from R to RO control the commodities included in the entry.

This part of the amendment shall become effective as of 12:01 a. m., July 3, 1951.

4. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodity listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
830300	Acids and anhydrides: Sebacic acid	None

This part of the amendment shall become effective as of 12:01 a. m., July 3, 1951.

5. The following commodities are removed from the Positive List and placed on general license for exportation to all Group O destinations and to all Group R destinations except those in Subgroup A, Hong Kong, and Macao. Exporters are advised that only those items listed below opposite the specific Schedule B numbers are removed from the Positive List.

Dept. of Commerce Schedule B No.	Commodity
	Other industrial chemicals:
839900	Nitrates, industrial.[1]
839900	Persulfates, n. e. s.[2]

[1] Attention is directed to the fact that the following nitrates remain on the Positive List: cellulose nitrate, Schedule B Nos. 826200, 826300, and 826400; potassium nitrate, Schedule B No. 835900; ammonium nitrate, Schedule B No. 838400; guanidine nitrate, Schedule B No. 838500; and barium nitrate, Schedule B No. 839900.

[2] Attention is directed to the fact that the following persulfates remain on the Positive List: potassium persulfate, Schedule B No. 835900; sodium persulfate, Schedule B No. 837990; and ammonium persulfate, Schedule B No. 838500.

This part of the amendment shall become effective as of June 28, 1951.

6. Certain commodities are changed from RO to R commodities as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing Code and related commodity group	GLV dollar value limits	Validated license required
	Plastic and resin materials:				
	Synthetic gums and resins in all unfinished forms, except laminated (report laminated sheets, plates, strips, rods, and tubes in 826000):				
	Synthetic gums and resins, including film, bristles, and bristle filament, n. e. s.:				
	All other unfinished forms:				
825950	Polyacrilic	Lb	RESN 66	100	R

This part of the amendment shall become effective as of June 28, 1951.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts 1, 2, 3 and 4 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., July 3, 1951, in the case of the changes set forth in Parts 1, 3 and 4 of this amendment, and prior to 12:01 a. m., July 1, 1951, in the case of the changes set forth in Part 2 of this amendment, may be exported under the previous general license provisions up to and including July 28, 1951. Any such shipment not laden aboard the exporting carrier on or before July 28, 1951, requires a validated license for export.

Section 399.2 *Appendix B—Interpretations: Positive List of Commodities,* is amended to read as follows:

APPENDIX B

COMMODITY INTERPRETATIONS

The commodity interpretations set forth herein are for use in determining (1) the appropriate Schedule B number under which certain commodities are classified, or (2) the validated license requirements for these commodities. They are intended to clarify the question of control where it has been demonstrated that such clarification may prove helpful to the export community, and where such control is not apparent from the Positive List and the regulations.

INTERPRETATION 1: PIPE: CASING AND OIL-LINE

(1) Casing and oil-line pipe, Schedule B Nos. 606250, 606290, 606350, and 606390, have in the past been exported in considerable quantities under general license as pump installation parts. Such shipments were permissible, since pump installation parts do not require validated licenses for export. However, it is necessary to set forth a limitation on the quantity of these commodities that may be exported under general license as pump installation parts.

(2) It has been decided, therefore, that a maximum of 250 feet of the above-described pipe or casing may be exported under general license provided such pipe accompanies the pump requiring its use for installation purposes and also provided such pipe is of appropriate size and type for use with that pump. A validated license is required for any quantity in excess of 250 feet. If, however, the pipe is being shipped separately from the pump, a validated license is required for the full amount of the shipment if it exceeds the GLV value of the commodity.

INTERPRETATION 2: EXPORT OF MACHINES CONTAINING A TOOL OR DEVICE INCORPORATING DIAMONDS

(1) Machines containing as an integral part thereof a tool or device incorporating diamonds are included on the Positive List, and a validated license is required for export of such a machine to any foreign destination.

(2) This interpretation in no way changes the special provisions for diamonds set forth in § 373.9.

INTERPRETATION 3: BALL AND ROLLER BEARINGS AND PARTS

(1) A ball or roller bearing physically incorporated in a segment of a machine or in a complete machine prior to shipment loses its identity as a bearing and the machine or segment of machinery containing the bearing is the item subject to export license requirements.

(2) A ball or roller bearing not incorporated in a segment of a machine prior to shipment but shipped as a component of a complete unassembled (knocked-down) machine is considered a component of the machine, and the complete machine is the item subject to export license requirements.

(3) Ball and roller bearings shipped as spares or replacements are classified in Schedule B Nos. 769100–769315 (Ball and roller bearings and parts). This applies to separate shipments of ball and roller bearings and ball and roller bearings shipped with machinery or equipment for which they are intended to be used as spares or replacement parts.

INTERPRETATION 4: THERMOMETERS

Commodity	Schedule B No.
Thermometers, etched glass stem type	919098
Thermometers, clinical	915730
Thermometers, household type	984098
Other thermometers not falling within the above-named categories	774098

INTERPRETATION 5: PORTABLE SOIL IRRIGATION SYSTEMS

Commodity	Schedule B No.
Portable soil irrigation systems, consisting of specially fabricated pipe and fittings, regardless of length and diameter of such pipe.	787150
Pipe as spares or replacements:	
Specially fabricated [1]	787190
Not specially fabricated	Report in tubular products, according to material.
Fittings as spares or replacements:	
Specially fabricated for soil irrigation systems	787190
Not specialy fabricated for soil irrigation systems:	
If identifiable as pipe fittings	Report as "pipe fittings," according to type and material.
If not identifiable as pipe fittings	Report as "manufactures," according to material (e. g., aluminum, 630998; iron and steel, 629998).
Pumps, whether or not shipped with the irrigation system	Report in appropriate pump classification.

[1] At least one of the following descriptions shall be applicable in describing portable soil irrigation pipe in order to consider it "specially fabricated":
1. Permanently attached handles for easy handling.
2. Attached quick-action couplings.
3. Beaded and/or cupped pipe ends for special adapters.
4. 10 percent or more of pipe area perforated.

This part of the amendment shall become effective as of June 28, 1951.

Section 399.3 *Appendix C—Commodity Processing Codes,* is amended in the following particulars:

The processing codes for certain commodities are amended to read as set forth below. By this part of the amendment changes are also made in processing codes for Positive List entries (§ 399.1, Appendix A).

Dept. of Commerce Schedule B No.	Commodity	Processing code
724900	Conveyors, bucket, chain, or belt, for coal-mining operations [1]	MINE
	Other conveying equipment and parts:	
729100	Conveyors and parts for coal-mining operations; all-electric vibrating conveyors, and parts.[2]	MINE
729100	Magnetic pylleys and drums 30 inches in diameter and over, either induced or primary; and parts.[2]	MINE
730500–733990	Mining and quarrying machinery [2]	MINE
787310–787597	Tractors, track-laying [4]	CONS
787610–787980	Tractors, wheeltype and garden [4]	AGMT
788901	Parts and accessories for track-laying tractors	CONS
788905	Parts, and accessories for wheeltype tractors	AGMT

[1] In the Commodity Processing Code list the construction, excavating and conveying machinery classified under Schedule B Nos. 723410–724610 and 724900 except those specifically listed above retain the processing code of CONS.
[2] In the Commodity Processing Code list all the conveying equipment and parts classified under Schedule B No. 729100 except those specifically listed in the above two entries retain the processing code of CONS.
[3] In the Commodity Processing Code list all petroleum field and refining equipment, and parts; pumping equipment, and parts classified under Schedule B Nos. 734210–736990 retain the processing code of CONS. This includes both Positive List and non-Positive List commodities.
[4] The processing codes for the present entries on the Positive List under Schedule B Nos. 787310–787597 and 788901 are changed from FARM to CONS I. This permits the filing of single applications for Positive List commodities having the same processing code symbol and number.
[5] The processing codes for the present entries on the Positive List under Schedule B Nos. 787610–787890 and 788905 are changed from FARM to AGMT.

This part of the amendment shall become effective as of July 1, 1951.

The processing codes for certain commodities are amended as follows:

Dept. of Commerce Schedule B No.	Commodity	Processing code
	Electric incandescent and fluorescent lamps (bulb and tube) parts, except glass bulb and tube blanks:	
706590	Tungsten contacts and filaments [1]	NONF
	X-ray apparatus:	
707550	Tungsten X-ray targets [2]	NONF
	Electrical apparatus and parts, n. e. s.:	
709998	Tungsten wire coils [3]	NONF

[1] The electrical machinery and apparatus classified under Schedule B Nos. 705710–706555 retain the processing code of CDGS.
[2] The X-ray apparatus classified under Schedule B Nos. 707510, 707550 (except those specifically listed above); and the electric therapeutic apparatus and parts, n. e. s. except X-ray, retain the processing code of SATE.
[3] The electrical machinery and apparatus classified under Schedule B Nos. 709890, 709905, and 709998 (except those specifically listed above), retain the processing code of ELME.

(Sec. 3, 63 Stat. 7; 50 U. S. C. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp. E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

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

[F. R. Doc. 51–7823; Filed, July 6, 1951; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 385]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 380]

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

VARIOUS STATES

Amendment 385 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 380 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 31, is amended to describe the counties in the Defense-Rental Area as follows:

Sutter County; and Yuba County, except the Cities of Marysville and Wheatland, and the portion of Yuba County described as follows:

All north and east of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North Range six (6) East MDB&M and running thence west along said Township line to the southwest corner of said Township; then north along the west line of Township seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

Butte County, except the City of Gridley, and that portion described as follows:

All north and east of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T. 18 N., R. 5 E. and T. 18 N., R. 6 E., thence north in Butte County along the east lines of T. 18 N., R. 5 E., T. 19 N., R. 5 E. and T. 20 N., R. 5 E. to NE. corner of T. 20 N., R. 5 E.; thence west along north line of T. 20 N., R. 5 E. to SE. corner of T. 21 N., R. 4 E.; thence north along east lines of T. 21 N., R. 4 E., T. 22 N., R. 4E., and T. 23 N., R 4 E. to the NE. corner of T. 23 N., R. 4 E.; thence west along the north lines of T. 23 N., R. 4 E., T. 23 N., R. 3 E., and T. 23 N., R. 2 E. to the boundary line between Butte and Tehama Counties, California.

This decontrols the City of Gridley in Butte County, California, a portion of the Marysville-Chico, California, Defense-Rental Area.

2. Schedule A, Item 33a, is amended to describe the counties in the Defense-Rental Area as follows:

Monterey County, except the Cities of Carmel-by-the-Sea and Salinas; and in Santa Cruz County, the Township of Watsonville.

This decontrols the City of Carmel-by-the Sea in Monterey County, California, a portion of the Monterey Bay, California, Defense-Dental Area.

3. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, Calumet City, Des Plaines, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Brookfield,

Flossmoor, Kenilworth, La Grange, Lansing, Mt. Pospect, Oak Forest, Palatine, Riverdale, River Forest, Westchester, Wilmette, Winnetka, and those portions of the Villages of Barrington and Stegar located therein; Du Page County, except the City of West Chicago, and the Village of Glen Ellyn; Kane County, except that portion of the City of Elgin located therein; and Lake County, except the City of Lake Forest, and that portion of the Village of Barrington located therein.

This decontrols the City of West Chicago and the Village of Glen Ellyn in Du Page County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area.

4. Schedule A, Item 87, is amended to describe the counties in the Defense-Rental Area as follows:

Kankakee County, except the Village of Bonfield.

This decontrols the Village of Bonfield in Kankakee County, Illinois, a portion of the Kankakee, Illinois, Defense-Rental Area.

5. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Berkley, Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods and Plymouth, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Pleasant Ridge in Oakland County, Michigan, a portion of the Detroit, Michigan, Defense Rental Area.

6. Schedule A, Item 150, is amended to describe the counties in the Defense-Rental Area as follows:

Muskegon County, except the Cities of Muskegon, Roosevelt Park and Whitehall.

This decontrols the City of Whitehall in Muskegon County, Michigan, a portion of the Grand Rapids-Muskegon, Michigan, Defense-Rental Area.

7. Schedule A, Item 188a, is amended to describe the counties in the Defense-Rental Area as follows:

Camden County, except the Boroughs of Audubon, Haddonfield and Merchantville, and the Township of Pennsauken; Gloucester County; and Burlington County, except the Townships of Bass River, Tabernacle, Shamong, Woodland and Washington, and the Borough of Medford Lakes in Medford Township.

In Cape May County, the Borough of Woodbine; and in Cumberland County, the city of Millville, the Borough of Vineland and the Township of Landis.

This decontrols the Township of Pennsauken in Camden County, New Jersey, a portion of the Southern New Jersey Defense-Rental Area.

8. Schedule A, Item 221e, is amended to describe the counties in the Defense-Rental Area as follows:

Davidson County, except the Town of Denton, and Lexington Township; and in Rowan County, Salisbury Township, the Cities of Salisbury and Spencer, and the Town of East Spencer.

This decontrols the Town of Denton in Davidson County, North Carolina, a portion of the Salisbury, North Carolina, Defense-Rental Area.

9. Schedule A, Item 267, is amended to describe the counties in the Defense-Rental Area as follows:

Allegheny County, except the Boroughs of Bethel, Elizabeth and Rosslyn Farms, and the Townships of Crescent and Mount Lebanon; Armstrong County; Beaver County; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Greene County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

This decontrols the Borough of Rosslyn Farms in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

10. Schedule A, Item 347, is amended to describe the counties in the Defense-Rental Area as follows:

Whatcom County, except the City of Bellingham, and the Town of Ferndale.

Skagit County, except the City of Mount Vernon.

This decontrols the Town of Ferndale in Whatcom County, Washington, a portion of the Bellingham, Washington, Defense-Rental Area.

11. Schedule A, Item 352, is amended to describe the counties in the Defense-Rental Area as follows:

Those parts of King County lying west of the Snoqualmie National Forest, except the City of Kent; and those parts of Pierce County lying west of the Snoqualmie National Forest, except the Cities of Puyallup, Sumner and Tacoma, and the Towns of Orting and Ruston.

This decontrols the City of Tacoma in Pierce County, Washington, a portion of the Puget Sound, Washington, Defense-Rental Area.

12. Schedule A, Item 355a, is amended to describe the counties in the Defense-Rental Area as follows:

Harrison County, except the Town of Lumberport.

This decontrols the Town of Lumberport in Harrison County, West Virginia, a portion of the Clarksburg, West Virginia, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall be effective as of July 7, 1951.

Issued this 3d day of July 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-7853; Filed, July 6, 1951; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATON AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA

JUNE 29, 1951.

On May 24, 1951, there was published in the daily issue of the FEDERAL REGISTER notice of intention to modify § 130.13a *Big Horn Irrigation District, Crow Indian Reservation, Montana; charges;* § 130.13b *Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana; charges;* § 130.13c *Upper Little Horn Irrigation District, Crow Indian Reservation, Montana; charges* of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project that are subject to the jurisdiction of the three irrigation districts. Interested persons were thereby given the opportunity to participate in preparing the proposed amendments by submitting their views and data, in writing, within 30 days from the date of publication of the notice. No written comments, data, or arguments having been received within the prescribed period, the said sections are hereby amended as follows and are effective for the season of 1952 and thereafter until further notice:

Charges applicable to all irrigable lands in the Crow Indian Irrigation Project that are included within the boundaries and subject to the jurisdiction of the three irrigation districts.

§ 130.13a *Big Horn Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $16,900 is hereby fixed for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment involves an area of approximately 7,500 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.13b *Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the

Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $5,500 is hereby fixed for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment involves an area of approximately 2,430 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.13c *Upper Little Horn Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3,300 is hereby fixed for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment involves an area of approximately 1,460 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

(Sec. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-7825; Filed, July 6, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter II—Economic Stabilization Agency

[General Salary Stabilization Regulation 1]

GSSR 1—STABILIZATION OF SALARIES AND OTHER COMPENSATION OF PERSONS EMPLOYED IN BONA FIDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, OR OUTSIDE SALESMEN CAPACITIES, NOT REPRESENTED BY LABOR ORGANIZATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 8 (16 F. R. 4356), as amended (16 F. R. 5956), this General Salary Stabilization Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Salary Stabilization Regulation is issued by the Economic Stabilization Administrator in discharge of his responsibilities under the provisions of the Defense Production Act of 1950 and Executive Order 10161, and pursuant to Economic Stabilization Agency General Order No. 8, as amended. It is designed to stabilize salaries and other compensation of persons who are employed in bona fide executive, administrative, professional or outside salesmen capacities, as each of such terms is defined in section 6.02 of Economic Stabilization Agency General Order No. 8, as amended, and to effectuate the purposes and intent of said Statute and Executive Order and of said General Order No. 8, as amended. Due consideration has been given to the standards established by section 402 of the act.

The purpose of this regulation is to incorporate in a single regulation pertaining solely to employees under the jurisdiction of the Salary Stabilization Board the provisions of General Wage Stabilization Regulation 1 and of the General Wage Regulations applicable with respect to such employees.

Prior to the issuance of General Wage Stabilization Regulation 1 and of the General Wage Regulations, the Wage Stabilization Board distributed to representative labor and industry groups a series of questions, the answers to which would provide such Board with essential information for the development of wage stabilization policies. Thereafter, the Wage Stabilization Board conducted conferences which were attended by representatives of labor and industry, which presented their views respecting the development of wage stabilization policies. In the formulation of General Wage Stabilization Regulation 1 and the Wage Stabilization Regulations there was thus consultation with industry and labor representatives, including trade association and labor union representatives, and consideration was given to their recommendations.

It is contemplated that this regulation will from time to time be supplemented and modified or amended by the Salary Stabilization Board as the Board develops its salary stabilization policy. The issuance of this regulation is not intended in any way to preclude the development of such policy by the Salary Stabilization Board.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Scope of this regulation.
3. General stabilization of salaries and other compensation.
4. Increase agreed to or determined and communicated on or before January 25, 1951.
5. Compliance with statutes and orders establishing minimum rates of compensation.
6. Increases in salaries and other compensation of state, county, municipal, and other non-Federal government employees.
7. Adjustments for individual employees.
8. Increases in salaries and other compensation to correct certain inequities.
9. Adjustments for employees of religious, charitable and educational organizations.
10. Cost of living increases provided by salary plans.
11. Salary schedules for new plants.
12. Tandem salary increases.
13. Modifications and amendments.
14. General Wage Regulations superseded.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Definitions.* As used in this regulation:

(a) The word "employees" shall mean persons employed in bona fide executive, administrative, professional or outside salesmen capacities. The terms "outside salesmen" and "bona fide executive, administrative, or professional capacity" shall have the same meaning as provided by regulations under section 13 (a) (1) of the Fair Labor Standards Act, as amended, except insofar as the Salary Stabilization Board, with the concurrence of the Chairman of the Wage Stabilization Board, may determine that certain categories of such employees properly should be under the jurisdiction of the Wage Stabilization Board.

(b) The words "salaries and other compensation" shall include all forms of remuneration to employees by their employers for personal services, including, but not limited to, vacation and holiday payments, night shift and other bonuses, incentive payments, year-end bonuses, employer contributions to or payments of insurance or welfare benefits, employer contributions to a pension fund or annuity, payments in kind, and premium overtime practices and rates.

(c) The word "Administrator" shall mean the Economic Stabilization Administrator.

(d) The word "Board" shall mean the Salary Stabilization Board.

(e) The words "Office of Salary Stabilization" shall mean the Office of Salary Stabilization, formerly designated the Salary Stabilization Division, created by General Order No. 8, as amended.

(f) The words "General Wage Regulations" shall mean the General Wage Regulations heretofore issued by the Administrator and the Wage Stabilization Board.

SEC. 2. *Scope of this regulation.* This regulation relates to all employees as defined in section 1 (a), but relates only to such employees.

SEC. 3. *General stabilization of salaries and other compensation.*[1] (a) Except as authorized by this regulation, no employer shall pay any employee and no employee shall receive "salaries and other compensation" at a rate in excess of the rate at which such employee was compensated on January 25, 1951, without the prior approval or authorization of the Office of Salary Stabilization. New employees shall not be compensated at rates higher than those in effect on January 25, 1951, for the jobs for which they are hired.

(b) Nothing in this regulation shall be construed to require the stabilization of salaries and other compensation for any job at a rate less than that paid during the period from May 24, 1950, to June 24, 1950, inclusive.

(c) Petitions for the approval of any increase in salaries and other compensation not otherwise permitted by this regulation shall be filed with the Office of Salary Stabilization.

SEC. 4. *Increases agreed to or determined and communicated on or before*

[1] Based on General Wage Stabilization Regulation 1 issued by the Administrator on January 26, 1951, and General Wage Regulation No. 1 issued by the Wage Stabilization Board on January 30, 1951.

January 25, 1951.[2] (a) Increases in salaries and other compensation agreed to in writing or determined and communicated to the employees on or before January 25, 1951, but which, by the terms of such agreement or determination, were to become applicable only to work performed later than fifteen (15) calendar days after January 25, 1951, require the prior approval or authorization of the Office of Salary Stabilization.

(b) Authorization is hereby granted for the payment of increases in salaries and other compensation provided for by written agreement executed on or before January 25, 1951, or formally determined and communicated to the employees on or before said date, which increases, by the terms of said agreement or communications, were to take effect and to be applicable to work performed after January 25, 1951, but not later than fifteen (15) calendar days after said date.

(c) Authorization is hereby granted for the increases in salaries and other compensation resulting from the award or decision of an arbitrator or referee issued on or before January 25, 1951, which increases, by the terms of said award or decision, were to take effect and to be applicable to work performed after January 25, 1951, but not later than fifteen (15) calendar days after said date.

(d) Authorization is hereby granted also of payments pursuant to salary increase agreements entered into and effective prior to January 25, 1951, calling for application of a fixed amount of payroll increase to accomplish intra-plant adjustments, but which adjustments were not actually reflected in salary payments prior to that date because of the necessity for determining the allocation and method of applications of such increases among different job classifications.

(e) In all instances in which increases in salaries and other compensation were or are placed in effect under the terms of paragraphs (b) or (c) of this section 4, copies of the agreement, award, or decision providing for such increases, or, if no agreement, award, or decision exists, a statement of the amounts and manner in which the determination was formally made and communicated to the employees, and the date or dates, and place or places, shall, unless heretofore filed with the Wage Stabilization Board or the Office of Salary Stabilization, be filed with the Office of Salary Stabilization within thirty (30) days after the effective date of this regulation.

SEC. 5. *Compliance with statutes and orders establishing minimum rates of compensation.*[3] Increases are hereby authorized in salaries and other compensation of employees to bring such salaries and other compensation into compliance with any applicable statute or order of the duly constituted authorities acting under any law of the United States, or of any State, the District of Columbia, or any Territory or possession of the United States establishing minimum rates of compensation.

SEC. 6. *Increases in salaries and other compensation of State, county, municipal and other non-Federal government employees.*[4] (a) Increases in the salaries and other compensation of State, county, municipal and other non-Federal governmental employees, whose salaries and other compensation are fixed by statute, ordinance, or regulation of duly constituted authorities of such governmental bodies, may be made without the prior authorization of the Office of Salary Stabilization, subject to the provisions of paragraphs (b) and (c) of this section 6.

(b) State, county, municipal, and other non-Federal governments and agencies thereof, in making increases in salaries and other compensation of their employees, are expected to conform to the national wage stabilization policy as expressed in the Defense Production Act of 1950, Executive Order 10161, this regulation, and regulations and statements of policy issued by the Board pursuant thereto, and such orders or regulations as may from time to time be issued thereunder or in connection therewith.

(c) The Office of Salary Stabilization shall have the right to review increases made under the terms of paragraph (a) of this section 6, and to revoke or modify such increases when required in order to effectuate the policies of the Defense Production Act and the applicable orders or regulations issued thereunder or in connection therewith.

SEC. 7. *Adjustments for individual employees.*[5] Pending the issuance of further general regulations on the subjects covered in this Section 7, individual salary adjustments are authorized for employees, without prior approval of the Office of Salary Stabilization, subject to this Section 7.

(a) *Merit and/or length of service increases where plan exists.* Merit and/or length of service increases may be granted in accordance with a plan in effect on January 25, 1951, *Provided:*

(1) That such a plan existed—

(i) In the form of (*a*) a written statement of policy or procedure in effect on January 25, 1951, or (*b*) a written notice that had been furnished to or posted for the employees on or before January 25, 1951, and that

(ii) Such written statement, or notice, shall be kept available at all times for inspection by the Office of Salary Stabilization, and

(2) That such a plan contains job classification rate ranges with clearly designated maximum rates; and

(3) That in accordance with the normal operation of such a plan the employee would normally be reviewed for a merit increase or entitled to a length of service increase at the time the increase is granted, and

(4) That if the plan provides for increases in specific amounts or percentage increases shall not be granted in excess of such amounts or percentages; and

(5) That if the plan does not provide for increases in specific amounts or percentages, the amount of increase granted to any individual employee shall not exceed the figure reached by dividing the total amount of the merit and/or length of service increases granted to individual employees in that classification during the calendar year 1950 by the number of employees in that classification who received such increases. Where job classifications are grouped into labor grades or levels and salary rate administration has been in terms of such grades or levels, the average referred to may be computed for each such grade or level.

(6) That no employee's rate shall be raised above the maximum rate of his job classification.

(b) *Merit and/or length of service increases in absence of plan.* In the absence of an established plan meeting the requirements of paragraph (a) of this section, merit and/or length of service increases may be granted subject to the following conditions:

(1) That the employee shall not have received a merit and/or length of service increase during the 12 calendar months preceding the effective date of such increase, and

(2) That the number of employees whose rates may be increased in any one calendar month shall not exceed the proportionate number of increases granted per month during the calendar year 1950 in each appropriate group of employees, and

(3) That the increase granted any employee shall not exceed in amount the figure reached by dividing the total amount of merit and/or length of service increases granted to employees in the same job classification during the cal-

[2] Based on General Wage Regulation No. 2. The Statement of Considerations in such regulation includes the following statement:

"Collective bargaining conferences, arbitration proceedings and other proceedings directed to the resolution of wage questions were in progress prior to January 25, 1951, the effective date of General Wage Stabilization Regulation 1. In some instances collective bargaining agreements were reached, wage determinations made and awards issued prior to the effective date of that regulation. In the interest of furthering and maintaining sound working relations including collective bargaining and avoiding the imposition of inequities and hardships it is necessary and desirable to recognize and give effect to such agreements, determinations and awards applicable to work performed within a relatively short period of time after January 25, 1951, without prior approval of the Wage Stabilization Board."

[3] Based on General Wage Regulation No. 3.

[4] Based on General Wage Regulation No. 4.

[5] Based upon General Wage Regulation No. 5, as amended by Amendment 1. The Statement of Considerations in such regulation includes the following statement:

"The effective administration of wage stabilization program rests largely on the degree of success achieved in ensuring that individual wage and salary adjustments be not misused for the purposes of evading or avoiding the requirements of law. Efficient industrial management, harmonious labor-management relations and high level production cannot be attained unless a large measure of flexibility and discretion is reserved to management, or to management and labor, as the case may be, in the operation of sound systems for merit and/or length of service increases, promotions or transfers, establishing rates for new or changed jobs, new hirings, etc. It is the intention of the Board in the accompanying general regulation to permit the operation and administration of such systems subject to the standards and controls set forth therein."

endar year 1950, by the number of employees in that classification who received such increases; *Provided*, That in an establishment that has no system of job classifications, the increase shall not exceed in amount a figure similarly computed which averages the increases granted to employees doing similar work during the calendar year 1950. Where job classifications are grouped into labor grades or levels and salary rate administration has been in terms of such grades or levels the average referred to may be computed for each such grade or level, and

(4) That no employee shall be raised to a rate higher than the maximum rate of the job classification, or in the absence of a formal system of rate ranges, then the highest rate paid to any employee doing similar work on January 25, 1951, except as such highest rate may have been raised pursuant to the terms of section 4 of this regulation or other actions of the Board or Office of Salary Stabilization authorizing increases in salary rates.

(c) *Promotions and transfers.* When a bona fide promotion or transfer of an employee to a higher paid job is made, the payment to such employee of the rate for such job is permissible provided:

(1) That the employee is required to perform the normal duties of the job to which he is promoted or transferred, and

(2) That if the job to which the employee is promoted or transferred has a rate range, the rate within the range which he may be paid shall be governed by the practice followed under a written statement of policy or procedure existing and in actual operation on January 25, 1951. If such written statement does not exist, the employer shall follow the same practice in determining such rate as he followed in the calendar year 1950. In no event shall the employee receive a rate in excess of the maximum of the rate range to which he is promoted or transferred.

(d) *New or changed jobs.* Rates for new or changed jobs may be established in accordance with plans or procedures in effect on January 25, 1951, or, if no plan or procedure was in effect on such date, the rates established must be in balance with the existing rate structure. Slight or inconsequential changes in job content shall not provide the basis for establishing new job classifications, rates or rate ranges nor justify changes in existing job classifications, rates or rate ranges.

(e) *Hiring of new employees.* A new employee may not be hired at a rate exceeding:

(1) The minimum of the rate range of the job classification into which he is hired, provided that an employee who has special ability and experience may be hired at a rate corresponding to such ability and experience within the rate range, or

(2) The rate of the job, or

(3) The minimum rate paid to any employee doing similar work during the pay period immediately preceding January 25, 1951, if the establishment has no system of job classification.

(f) *Permissible variations in earnings.* Variations in earnings of individual employees subsequent to January 25, 1951, resulting from the following are permissible; *Provided*, Such variations result from the operation of plans or practices in effect on or before January 25, 1951, and further provided that the method of application of such plans or practices is consistent with the method of application over a reasonable period of time prior to January 25, 1951:

(1) The normal operation or application of incentive rates or plans; or

(2) Change from one shift to another; or

(3) The normal operation of a system for payment of commission on sales or business transactions; or

(4) The payment of overtime, premium, or penalty rate; or

(5) Other similar auxiliary pay practices.

(g) *Rates subject to revision.* The rate or rate ranges within which this section 7 is to be operative may be revised pursuant to the other applicable sections of this regulation.

(h) *Record keeping required.* The employer shall keep records of each salary adjustment made pursuant to the terms of paragraphs (a) through (e) of this section 7 in readily accessible form for inspection by the Office of Salary Stabilization.

(i) *Increases shall not justify price increases.* Increases in the salary rates of employees granted under the terms of this section 7 shall not furnish a basis either to increase price ceilings or resist otherwise justifiable reductions in price ceilings.

SEC. 8. *Increases in salaries and other compensation to correct certain inequities*—(a) *Policy.* If general increases in salary levels in an appropriate employee unit have been less than ten (10) percent since the base pay period, future increases in salaries and other compensation may be permitted in amounts up to but not in excess of the difference between such past increases, if any, and the permissible ten (10) percent.[6]

(b) *Definitions under section 8 of this regulation*—(1) *Base pay period.* The base pay period shall be the first regular payroll period for each appropriate employee unit ending on or after January 15, 1950.

(2) *Appropriate employee unit.* An appropriate employee unit for the measurement of changes in salary levels is a group composed of all employees in a plant or other establishment, or in a department thereof, or in a major business division of an employer, or in a company, or in an industry, as best adapted to preserve historical or usual relationships: *Provided, however*, That each such unit shall consist only of employees as defined in paragraph (a) of section 1 of this regulation.

(3) *Salary levels.* Salary levels include time and incentive earnings, commission rates, and actual or prorated sums of any regularly paid bonuses and night shift differentials, but exclude overtime premium payments, employer contributions to or payments of insurance or welfare benefits, employer contributions to pension funds or annuities, and other like allowances. Salary levels may be computed on the basis of regularly scheduled weekly, bi-weekly, semi-monthly, or monthly pay periods.

(4) *General increases in salaries.* For the purpose of calculating prior increases in salary levels, general increases are defined as those increases in salary rates which raised straight-time earnings by one (1) percent or more in the appropriate employee unit. General increases do not include merit increases, promotions, reclassifications, length of service increases or other salary adjustments of the types covered by section 7 of this regulation.

(5) *Other compensation.* Increases in other compensation to be considered for the purpose of applying the policy herein set forth are prorated changes in compensation benefits such as night shift bonuses, overtime premium rates, vacation, holiday and like allowances, pension, insurance, and health and welfare benefits paid by employers, or contributions of employers on account thereof.

(6) *Proration.* Proration of bonuses, commissions, incentive earnings, etc., and of other compensation, to a payroll period shall be done by allocating to said payroll period a proportionate share of the total of such payments within the appropriate employee unit over the calendar year or such shorter period of time as is representative in the case of each class of payments.

(c) *Administration.* Subject to subsequent administrative arrangement increases in salaries and other compensation permissible under the terms of the policy set forth in paragraph (a) of this section 8 do not require the specific prior authorization of the Office of Salary Stabilization: *Provided, however*, That

[6] This section is based on General Wage Regulation No. 6. The Statement of Considerations in such Regulation includes the following statements:

"There were broad changes in wages, salaries, and other compensation paid employees during 1950 and in January 1951 until the issuance of General Wage Regulation No. 1 by the Economic Stabilization Administrator. These changes followed the period of late 1949 and early 1950, when wage and salary rates had remained relatively unchanged. The consumer price index was also relatively stable in that same period. In the spring of 1950 business conditions improved, and both wages and the cost of living commenced to rise. The outbreak of the Korean war accentuated these developments. Disparities arose as between different groups of employees as a consequence of such factors as different expiration or wage reopening dates in collective bargaining agreements or other special circumstances. Disparities also developed in various industries between increases in wage and salary rates and increases in the cost of living. These disparities were frozen as a result of the issuance of General Wage Stabilization Regulation No. 1 of the Economic Stabilization Administrator. In order to deal with, and attempt to solve this time inequity, or 'catching up' problem, and to facilitate the effective prosecution of the national defense effort, the Wage Stabilization Board has determined and adopted the policies set forth below. These policies are designed to correct such inequities as have arisen because of disparities between increases in wages and salaries and the increase in the cost of living since January 15, 1950, or which may subsequently arise during the period covered by this policy."

no such increase shall be deemed permissible unless appropriate written reports are filed with the Office of Salary Stabilization within 10 days after such increases are made effective showing the essential facts and the method of calculation. These reports are subject to review and the increases on which they report are subject to revocation if they are found to exceed permissible amounts.

(d) *Base pay period abnormalities.* Companies, including appropriate employee units thereof, having no payroll period ending on or about January 15, 1950, because they were not in operation at that time, or having plainly abnormal pay levels during that period because of seasonal peculiarities, broad changes in product mix, wide swings in employment, and the like, may apply to the Office of Salary Stabilization for appropriate and supportable adjustments of the base period pay level figures against which employee compensation changes are to be measured. The Office of Salary Stabilization may give consideration on application to the special problems of seasonal industries; and to unusual cases involving firms or industries in which the rates on or about January 15, 1950, were grossly out of line with their normal relationships, provided the parties had no adequate opportunity to correct such misalignment by January 25, 1951.

(e) *Rare and unusual cases.* In rare and unusual cases where the critical needs of essential civilian or defense production require it, the Office of Salary Stabilization will consider the approval or authorization of increases in salaries and other compensation greater in amount than those specified in paragraph (a) of this section 8. Such cases will be limited to those situations where there are serious manpower shortages and in which other governmental agencies concerned with production and manpower problems certify to the Office of Salary Stabilization that a concerted program has been undertaken to remedy the shortages and that an increase in salaries or other compensation is indispensable to attract required labor to or retain it in essential civilian or defense industries or plants.

SEC. 9. *Adjustments for employees of religious, charitable and educational organizations.*[7] (a) Religious, charitable, scientific, literary, educational organizations, and cemetery companies which are exempt from Federal income taxes under section 101 (5) and (6) of the Internal Revenue Code may adjust the salaries or other compensation of their employees without prior approval of the Office of Salary Stabilization except as provided in paragraphs (b) and (c) of this section 9.

(b) The general authorization contained in paragraph (a) of this section 9 shall not apply to the salaries or other compensation of employees of a business enterprise owned or operated by an organization defined in paragraph (a), if the income of the business enterprise is not exempt from Federal income taxes.

(c) In adjusting salaries and other compensation authorized by paragraph (a), the specified employers are expected to conform to the national wage stabilization policies, as expressed in the Defense Production Act of 1950, Executive Order 10161, this Regulation and regulations and statements of policy issued by the Board pursuant thereto, and such orders or regulations as may from time to time be issued thereunder or in connection therewith.

(d) The Office of Salary Stabilization shall have the right (1) to review all salary adjustments made in pursuance of paragraph (a) of this section 9, and (2) to revoke the authorization granted by this section 9 with respect to any organization defined in paragraph (a) of this section. Without in any way limiting its right to modify or revoke any other section or any other provision of this regulation, the Board shall have the right to modify or revoke section 9 of this regulation at any time without prior notice.

SEC. 10. *Cost-of-living increases provided by salary plans*[8]—(a) *Definitions.* As used in section 10 of this regulation the term "cost-of-living provision" shall mean a provision in a written salary plan which establishes a defined relationship between the rates of salaries and other compensation covered by the plan and the cost-of-living index figure published by the Bureau of Labor Statistics, or such other cost-of-living indices as may be determined by the Administrator or the Board to be acceptable for the purposes of section 10 of this regulation.

(b) *Certain cost-of-living increases permissible without prior approval.* No prior approval is required for the putting into effect of increases which are required by the terms of a cost-of-living provision contained in a written salary plan which was formally determined and communicated to the employees on or before January 25, 1951.

(c) General increases agreed upon or formally determined and communicated to the employees after January 25, 1951, together with cost-of-living increases made pursuant to this section, shall not exceed the ten per cent formula provided in paragraph (a) of section 8 of this regulation.

(d) *Reports of increases made under section 10 of this regulation required.* Reports of increases made under section 10 of this regulation shall be filed with the Office of Salary Stabilization not more than twenty days after any general increase made hereunder is effective. Such reports shall include:

(1) Copies of the written salary plans containing the cost-of-living provisions, unless copies thereof have been filed under section 4 of this regulation.

(2) An identification of the cost-of-living provision in the salary plan, and a statement of the manner in which it was communicated.

(3) A statement of the amount of the increase and the unit of employees to which it is applicable.

(4) A statement of any general increases applicable to the same salaries and other compensation that have been put into effect after January 25, 1951.

(e) No increase herein authorized shall be made effective subsequent to July 31, 1951. This section shall be effective through July 31, 1951.

SEC. 11. *Salary schedules for new plants*[9]—(a) *Definitions.* The term "new plant" means a plant, enterprise, or other employment unit, which on January 25, 1951, had not commenced the production of the materials or services for which it is established or converted.

(b) *Criteria for establishing rates of salaries in new plants.* The following criteria shall be applied in determining and evaluating a schedule of rates of salaries in new plants:

(1) In a new plant of an existing enterprise, established at the same location, the rates of salaries for the jobs in the new plant shall be the same as the lawful rates for the same or comparable jobs in the existing enterprise.

(2) In all other cases the schedule of rates for the new plant shall not exceed:

(i) Rates for the same or comparable jobs in the same industry in the same local labor market area, or, if none

(ii) Rates for the same or comparable jobs in a comparable industry in the same local labor market area, or, if none

(iii) Rates for the same or comparable jobs in the same industry located in the most nearly comparable labor market area.

(3) For the purposes of subparagraph (2) of this paragraph, where only the comparable rates for key jobs are available in a given labor market, such rates may be selected, and the schedule may be constructed by interpolation with proper relationships between the rates of other jobs and the rates of the key jobs.

(c) *Procedures for establishing rates of salaries in new plants.* (1) A new plant shall file with the Office of Salary Stabilization a report containing the following:

[7] Based on General Wage Regulation No. 7.

[8] Based on General Wage Regulation 8. The Statement of Considerations in such regulation includes the following:

"Some collective bargaining contracts and some wage and salary plans in existence on January 25—the effective date of the first general price and wage control regulations—contain provisions for subsequent changes in wages and salaries. Such changes depend on the changes—up or down—in the cost of living. Those adjustments called for within the next few months will be upward because the cost of living has been rising since the Korean conflict.

"For the most part such increases will be covered by the ten per cent allowable rise in General Regulation No. 6. However, a few of the existing contracts and plans will provide in the near future for increases somewhat exceeding the allowable figure. General Regulation No. 6 makes no provision for such cases."

[9] Based on General Wage Regulation No. 9, including Amendment adding section 4 thereto. The Statement of Considerations included in such regulation includes the following statement:

"The purpose of this regulation is to provide procedures for obtaining approval of rates of wages, salaries, and other compensation for employees of new plants, enterprises, and other employment units. Insofar as practicable, these procedures preserve existing practices.

"In the formulation of the provisions hereof it has been impracticable to consult formally with industry and labor representatives."

(i) A statement of the facts relied upon to support the conclusion that it is a new plant; and

(ii) A schedule of the rates of salaries which are in effect for each job classification; and

(iii) A statement explaining how the criteria specified in paragraph (b) of this section 11 have been applied in determining the rates of salaries.

(2) The report required by subparagraph (1) of paragraph (c) of this section must be filed at least three weeks prior to the proposed date for hiring employees. If, after submitting the report, the employer receives no communications pertinent thereto from the Office of Salary Stabilization, the rates may be put into effect, subject to the condition, which shall be communicated by the employer to all employees affected by the schedule, that the rates are interim rates payable pending receipt of a ruling as to their approvability and subject to adjustment with respect to payroll periods beginning after the date of receipt by the employer of any ruling of partial disapproval.

(d) *Requests for modification.* The Office of Salary Stabilization, in accordance with regulations or statements of policy issued by the Board, will consider requests for modification of the criteria specified in paragraph (b) of this section 11 where the application of such criteria with respect to the internal structure of a salary schedule or with respect to supplemental compensation practices would be unworkable or would cause undue hardships in the circumstances of the particular case. Such requests should be accompanied by a full and clear statement of the circumstances on which the request is based. Terms of compensation not in accordance with paragraph (b) of this section 11 may not be put into effect without prior authorization by the Office of Salary Stabilization.

SEC. 12 *Tandem salary increases*[10]—(a) *Definitions.* As used in this section 12 the term:

(1) "Appropriate unit" means a group comprised of all employees in a plant or other establishment or in a department thereof; or in a company; or in an industry; or in a similar appropriate group; as best adapted to preserve the historical or usual relationships.

(2) "Tandem relationship" means a well established and maintained practice whereby the timing, amount and nature of general adjustments in the salaries and other compensation of employees in a given appropriate unit have been directly related to the salaries and other compensation of another unit of employees of the same employer or of other employers, including a unit of employees under the jurisdiction of the Wage Stabilization Board.

(b) *Approval of adjustments to restore tandem relationships.* The Office of Salary Stabilization will entertain petitions for approval of adjustments required to restore tandem relationships which have been disrupted. Such petitions shall contain (1) proof of a tandem relationship, including a statement of how adjustments in the appropriate unit involved have been related, in the past five years, to the adjustments in the unit with which the tandem relationship is claimed; (2) an explanation of the circumstances which have disrupted the tandem relationship; and (3) such other supporting data as the petitioner may deem pertinent. If the tandem relationship has existed for less than five years, a petition for approval may be filed, setting forth the circumstances in full.

SEC. 13. *Modifications and amendments.*" This regulation may be modified, amended or superseded by orders or regulations hereafter issued by the Board.

SEC. 14. *General Wage Regulations superseded.* (a) General Wage Stabilization Regulation 1 and the General Wage Regulations are hereby superseded insofar as they apply to employees under the jurisdiction of the Salary Stabilization Board: *Provided, however,* That nothing in this regulation shall affect the validity of the orders or rulings heretofore issued in writing by the Office of Salary Stabilization (formerly the Salary Stabilization Division) or of the orders or rulings issued in writing prior to May 10, 1951, by the Wage Stabilization Board or by the Wage and Hour and Public Contracts Division of the United States Department of Labor.

(b) All pending petitions and applications for rulings heretofore filed with the Wage Stabilization Board, the Wage and Hour and Public Contracts Division of the United States Department of Labor or the Office of Salary Stabilization (formerly Salary Stabilization Division) relating to employees as defined in section 1 (a) of this regulation shall be deemed to have been filed under this regulation.

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

Issued: July 5, 1951.

ERIC JOHNSTON,
Administrator.

[F. R. Doc. 51-7904; Filed, July 5, 1951; 11:44 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 1, Amdt. 1]

DFO 1—CASTOR OIL; RESTRICTIONS

It is hereby found and determined that the provisions of this amendatory order are necessary and appropriate to promote the national defense; and it is, therefore, made effective pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress, approved September 8, 1950) and delegations of authority thereunder.[1] In the formulation of this order there has been consultation with industry representatives, and consideration has been given to their recommendations. Consultation with representatives of trade associations in the formulation of this order has been rendered impracticable inasmuch as there is no trade association, as such, with respect to the castor oil industry, and this order applies to numerous trades.

The amendments made by this order are designed to facilitate the administration of controls on the inventory and use of castor oil. The definition of the term "castor oil" is made more explicit and certain use liberalizations are made, such being intended to benefit, primarily, the so-called "small users" of castor oil.

The definition of castor oil is revised by the inclusion of the products which result from blending, hydrogenating, esterifying and fractionating castor oil. The small user exemption is raised to a maximum use of 4,200 pounds of castor oil, thereby permitting a person in this category to use, during a calendar quarter, the smaller of (a) 4,200 pounds, or (b) the quantity actually used by him during the base period. The permitted use of castor oil is increased for the "all others" class of products, and for use in the production of leather, rubber factice, lubricating grease, pigment, dye, paint, varnish, lacquer, and petroleum demulsifying agents. No restriction is imposed upon the production of castor resins, and blown, blended, dehydrated, esterified, fractionated, hydrogenated, saponified or sulfonated castor oil when such products are delivered during the then current calendar quarter, to other persons for use in accordance with the provisions of DFO–1 as amended. In effect, however, it is provided that such

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[10] Based on General Wage Regulation No. 10 as amended by Amendment 1. The Statement of Considerations in such regulation includes the following statements:

"The purpose of this general wage regulation is to permit the continuation of tandem wage relationships to the extent consistent with stabilization requirements. As defined in the regulation, 'tandem relationships' refers to an historical practice whereby adjustments of wages, salaries and other compensation for one group of employees have been directly related to those of another group. The other group may be employees of the same employer, or of other employers. Many of these relationships were disrupted because of the issuance of General Wage Stabilization Regulation 1 on January 26, 1951.

"General Wage Regulation 10, issued on March 8, 1951, by the Economic Stabilization Administrator, was designed to permit a limited continuation of these tandem relationships. Under that regulation, the 'follow-the-leader' adjustment, to be covered, would have taken effect and been applicable to work performed on or before February 9, 1951. This limitation as to date is no longer necessary or desirable. The amended regulation deletes this limitation. Experience shows that other modifications of the definition 'tandem relationship' are desirable at this time."

[11] Based on section 6 of the General Wage Stabilization Regulation 1 issued by the Administrator on January 26, 1951.

[1] Executive Order No. 10161 (15 F. R. 6105), Executive Order No. 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738), Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446, 3311, 3519), Memorandum of Agreement between the Administrator (PMA) and the Administrator. (NPA), 16 F. R. 3410, and NPA Delegation 10 (16 F. R. 3669).

production will be limited to such reasonable quantities as these producers may need to fill their delivery orders during the quarter and not maintain in inventory on the last day of such quarter an amount of such products in excess of their September 30, 1950, inventories.

Defense Food Order No. 1 (16 F. R. 2970) is hereby amended as follows:

A. By deleting the provisions in paragraph (a) of section 1 *Definitions* and inserting, in lieu thereof, the following:

(a) "Castor oil" means that oil, commonly known as castor oil, whether crude, raw, filtered or refined, produced from the castor bean. The term also includes the lipide products which result from the blowing, blending, dehydrating, esterifying, fractionating, hydrogenating, saponifying, sulfonating, or other processing of castor oil. Such term, however, does not include tank bottoms or residues from storage tanks in which castor oil was stored.

B. By deleting the provisions in section 2 *Restrictions on inventory and use of castor oil* and inserting, in lieu thereof, the following:

SEC. 2. *Restrictions on inventory and use of castor oil.* (a) No person shall receive, accept delivery of, or use castor oil except as provided in this order.

(b) Beginning July 1, 1951, and subject to the limitations in paragraph (d) of this section, no person, other than a producer, importer, public warehouseman, or distributor, shall, during any day, receive or accept delivery of any quantity of castor oil if such receipt or delivery when added to the total quantity of castor oil owned by such person during such day would exceed an amount equal to one-third of his permitted usage of castor oil during the then current calendar quarter: *Provided*, That

(1) if such person customarily purchases castor oil in drum lots he may continue to do so and may exceed the limitation provided above by an amount less than 420 pounds; or

(2) if such person customarily purchases castor oil in tank car quantities he may continue to do so and may exceed the limitation provided above by an amount less than the total capacity of a tank car.

(c) Commencing with the calendar quarter beginning on July 1, 1951, no person shall use, during any calendar quarter, in any class use listed in Appendix A an aggregate quantity of castor oil in excess of the quantity obtained by multiplying the quantity of castor oil he used in the same class use during the base period by the percent specified in Appendix A for such class use. However, any person who used during the base period castor oil in the form of castor resins which he acquired from another person for any class use listed in Appendix A may include as a part of his base period castor oil use 40 percent of the weight of the solids of the castor resins so used. The use of castor resins acquired from another person shall, for the purpose of this order, be deemed as a use of castor oil to the extent of 40 percent of the weight of the castor resins solids used.

(d) During any calendar quarter, any person may use castor oil in any amount in the production of castor resins, and blown, blended, dehydrated, esterified, fractionated, hydrogenated, saponified, or sulfonated castor oil: Provided, that the aggregate quantity of such products (irrespective of whether produced by such person) owned by him on the last day of such calendar quarter does not exceed the total quantity of the same products owned by him on September 30, 1950. However, the use of any such product is subject to the limitations prescribed in paragraph (c) of this section.

(e) Any person who used not more than a total of 4,200 pounds of castor oil during the base period may use, during any calendar quarter, an aggregate amount of castor oil which is not in excess of his actual base period use.

(f) Any person who used more than a total of 4,200 pounds of castor oil during the base period and whose use during any calendar quarter is otherwise limited under this order to less than 4,200 pounds may, during such calendar quarter, use an aggregate amount of castor oil not in excess of 4,200 pounds.

(g) The Director is authorized to amend Appendix A, from time to time, whenever he determines it to be necessary or appropriate to promote the national defense.

C. By deleting the provisions in paragraph (b) of Sec. 3 *Exemptions* and inserting, in lieu thereof, the following:

(b) This order shall not apply to any person whose use of castor oil during a calendar quarter does not exceed 60 pounds of castor oil.

D. By inserting the words "during any calendar quarter" immediately following the phrase "of castor oil" in the introductory clause of paragraph (a) of section 4 *Records and reports.*

E. By deleting the provisions in *Appendix A to Defense Food Order No. 1* and inserting, in lieu thereof, the following:

Class Use	*Percent*
Sebacic acid	Unlimited
Medicinal and pharmaceutical preparations	100
Protective linings for the inside of food containers	100
Demulsification of petroleum products	100
Synthetic, foam and natural rubber	100
Rubber factice	100
Hydraulic fluid	100
Electrical insulation	100
Leather	100
Textiles	60
Imitation leather and coated fabrics	60
Brake lining	60
Paint, varnish, and lacquer	60
Pigment and dye	60
Lubricating grease	60
Plastics	60
All other	30

This order shall become effective upon publication in the FEDERAL REGISTER. With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order No. 1 prior to the effective time of the provisions hereof, all provisions of said Defense Food Order No. 1 shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: The reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong.

Done at Washington, D. C., this 5th day of July 1951.

[SEAL] G. F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7922; Filed, July 5, 1951; 5:01 p. m.]

[Defense Food Order No. 3]

DFO-3—AGRICULTURAL IMPORTS RESTRICTIONS

Correction

In Federal Register Document 51-7640, appearing at page 6389 of the issue for Saturday, June 30, 1951, the introductory paragraph should read as follows:

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and delegations of authority thereunder. Consultation with industry representatives in the formulation of this order has been rendered impracticable. All of the items subject to this import order are presently included among the items subject to similar controls under the Agriculture-Import Order (14 F. R. 3701, 4660; 16 F. R. 1113). The statutory authority pursuant to which the Agriculture-Import Order was issued will expire at the close of June 30, 1951, unless it is extended. It is essential that import controls over the items covered by this Defense Food Order not be allowed to lapse. Time is not available to permit communication with representatives of the numerous segments of the economy affected by this order. Accordingly, consultation with industry representatives has been omitted.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 211—ADMINISTRATION

APPEALS FROM ADMINISTRATIVE ACTION

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), Regulation A-10 of the regulations relating to the occupancy, use, protection and administration of the national forests, which constitutes § 211.2, Chapter II, Title 36,

Code of Federal Regulations, is hereby amended to read as follows:

§ 211.2 *Appeals from administrative action.* (a) An appeal may be taken from any administrative action or decision by filing with the officer who rendered the decision a written request for reconsideration thereof or notice of appeal. Decisions of forest officers shall be final unless appeal is taken therefrom within thirty days from the date of the decision or unless the appellant furnishes satisfactory reasons for allowing a longer time. The decision appealed from shall be reviewed by the immediate superior of the officer by whom the decision was rendered; that is, in the following order: Forest supervisor, regional forester, Chief of the Forest Service, and Secretary of Agriculture.

(b) Unless the written notice of appeals or a subsequent written application contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant shall file within thirty days after the filing of the notice of appeal a statement or brief setting forth in detail the respects in which the action or decision from which appeal is taken is contrary to or in conflict with the law, the regulations of the Secretary, or the determined facts. Upon receipt of such statement or brief the officer from whose action or decision the appeal is made shall prepare a statement or brief reviewing the case and presenting the facts and considerations upon which his action or decision is based. The two statements or briefs, together with all papers conprising the record in the case, shall then be transmitted to the officer to whom the appeal is made, who will thereupon review the case and advise both the appellant and the subordinate officer of his decision.

(c) The officer to whom an appeal is made, upon the written request of the appellant, will afford the appellant the opportunity to present his case at a hearing. Such officer will select the time and place at which the hearing will be held, and will designate the person to conduct the hearing.

(d) The appellant may be represented by an attorney at such a hearing. The Forest Service may request the Office of the Solicitor to represent it at such a hearing.

(30 Stat. 35 as amended; 16 U. S. C. 551. Interprets or applies sec. 1, 33 Stat. 628; 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, D. C., this 2d day of July 1951.

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

[F. R. Doc. 51-7835; Filed, July 6, 1951; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

OFFICE OF HEARING EXAMINER; ASSIGNMENT AND DUTIES

In § 1.9 *Office of the Postmaster General* (39 CFR 1.9, 15 F. R. 4681), make the following changes:

a. Amend paragraph (b) to read as follows:

(b) *Officers attached to.* The Deputy Postmaster General, the Administrative Assistant to the Postmaster General, the Solicitor, the Chief Post Office Inspector, the Executive Assistant to the Postmaster General, the Chief Clerk and Director of Personnel, the Comptroller, the Purchasing Agent, and the Hearing Examiners.

b. In paragraph (f) (1) strike out "with the supervision of all proceedings before the department, arising out of the enforcement of the postal fraud, lottery and fictitious statutes, and with the making of recommendations to the Postmaster General relative to the issuance of orders pursuant to the provisions of such laws", and insert in lieu thereof "with the preparation and presentation before the hearing examiners of all cases in which final adjudication is required by the Administrative Procedure Act to be made upon the record after opportunity for agency hearing."

c. Add paragraph (l) to read as follows:

(l) *Hearing examiners.* The hearing examiners, one of whom shall be designated as the Chief Hearing Examiner, are assigned, under the direction and control of the Postmaster General, the duty of hearing and receiving evidence in all proceedings before the Post Office Department wherein final adjudication is required by the Administrative Procedure Act to be made upon the record after opportunity for an agency hearing. The Chief Hearing Examiner and all hearing examiners assigned shall exercise all power and authority vested in them by law and by the rules of practice promulgated by the Postmaster General. In the absence of the Chief Hearing Examiner the hearing examiners in the order of their standing shall act in his stead.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; Reorg. Plan No. 3 of 1949; 5 U. S. C. 22, 133z-15, 369)

The foregoing amendments shall become effective July 8, 1951.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-7951; Filed, July 6, 1951; 12:00 m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 106]

DRY BEAN WAREHOUSE REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture proposes to amend the Dry Bean Warehouse Regulations (7 CFR Part 106) under the United States Warehouse Act, as amended (7 U. S. C. 241-273) as follows:

1. Section 106.2 (q) defining "dockage" would be deleted.

2. Section 106.2 (r) would be redesignated as "(q)" and amended to read:

(q) "Defects" means defects as defined in the official bean standards of the United States.

3. A new § 106.3a would be added to read:

§ 106.3a *Space to be covered by application.* All space within the same city or town operated for the storage of beans by an applicant for a warehouseman's license shall be included in the application. Should a licensed warehouseman acquire any additional bean storage space within the same city or town in which his licensed warehouse is located, he shall file promptly an application to include such space in his license, or surrender the license.

4. The third sentence in § 106.7 would be amended by redesignating paragraph (e) thereof as (f), deleting the word "or" immediately preceding it and inserting a new paragraph (e) to read "has failed to file an application to include additional warehouse space under license as provided for in § 106.3a, or". The fourth sentence in said section would be amended to read: "Whenever any of the conditions mentioned in paragraphs (a) through (f) of this section shall come into existence it shall be the duty of the warehouseman to notify the Administrator immediately of such condition."

5. Section 106.16 (a) (9) would be amended to read "(9) the net weight of the beans including defects, if any".

6. Section 106.16 (a) would be further amended by deleting therefrom the phrase ", and (11) a statement indicating the amount of shrinkage and/or pickage agreed upon between the depositor and the warehouseman, in the case of nonidentity preserved beans,", adding a period at the end of the remaining portion of § 106.16 (a), and inserting the word "and" before the figure "(10)".

7. Section 106.16 would be amended by adding thereto new paragraphs (g), (h), and (i) reading, respectively, as follows:

(g) Every receipt issued for beans shall specify whether the beans covered by it are stored identity preserved or on a fungible basis.

(h) Every receipt issued for uncleaned beans or beans "in the dirt", stored on a fungible basis, shall embody within its written or printed terms a statement showing the percentage of sound beans, and the total percentage of defects, in addition to the other statements required by this section. Such a receipt may also provide that the beans covered by it may be cleaned while the receipt is outstanding.

(i) Every receipt issued for beans to be stored identity preserved shall provide for delivery of the identical beans deposited in the warehouse. Every receipt issued for beans which were cleaned before storage and are to be stored on a fungible basis shall provide for delivery of the net weight, class, and grade of beans specified in the receipt. Every receipt issued for uncleaned beans to be stored on a fungible basis shall provide for delivery of (1) if the beans are not cleaned while in storage, the net weight and class of beans containing not less than the percentage of sound beans specified in the receipt, and (2) if the beans are cleaned while in storage, beans grading U. S. No. 3 or better of the class specified in the receipt and of sufficient quantity to yield, after allowance for defects in the beans being delivered, the weight of sound beans covered by the receipt.

8. Section 106.18 (b) would be amended to read:

(b) Before such new or duplicate receipt may be issued the warehouseman and the person to whom it is to be issued shall comply with the applicable statutes of the United States or of any of the States relating to issuance of such a receipt. If there is no such statute applicable, the warehouseman shall require the person to whom the new or duplicate receipt is to be issued to make and file with the warehouseman (1) an affidavit showing that he is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, how the original receipt was lost or destroyed, and if lost, that diligent effort has been made to find the receipt without success, and (2) a bond in an amount double the value, at the time the bond is given, of the beans represented by the lost or destroyed receipt. Such bond shall be in the form approved for the purpose by the Secretary, or his designated representative, shall be conditioned to indemnify the warehouseman against any loss sustained by reason of the issuance of such new or duplicate receipt, and shall have as surety thereon preferably a surety company which is authorized to do business, and is subject to service of process in a suit on the bond, in the State in which the warehouse is located, or at least two individuals who are residents of such State and each of whom owns real property therein having a value, in excess of all exemptions and encumbrances, equal to the amount of the bond. However, when the beans for which a new or duplicate receipt is to be issued belong to a Federal Government Agency and there is no Federal statute applicable and compliance with the relevant State statutes or the requirements of this paragraph as set forth above would burden the proper performance of the functions of such agency, in lieu of such compliance a new or duplicate receipt may be issued upon the furnishing of bond by the United States Treasury Department under section 3b of the Government Losses In Shipment Act (5 U. S. C. 134b–2) or, if the commodity belongs to the Commodity Credit Corporation, upon the furnishing of a Certificate of Indemnity issued by an authorized official of the Commodity Credit Corporation.

9. Section 106.21 would be amended by adding at the end thereof a new sentence reading as follows: "Before delivery is made of the last portion of a lot of beans covered by a nonnegotiable receipt, the receipt itself shall be surrendered."

10. Section 106.27 relating to shrinkage of beans would be deleted and §§ 106.28 through 106.34 would be renumbered as §§ 106.27 through 106.33.

11. Present § 106.35 would be redesignated as § 106.34 and would be amended by adding at the end thereof the following sentence: "After beans stored as substandard grade beans in accordance with § 106.45 have been cleaned while in storage, their grade and weight shall promptly be redetermined and recertified by a licensed inspector and weigher and copies of the reinspection and reweighing certificates shall be disposed of as provided in § 106.54."

12. A new § 106.35 would be added to read:

§ 106.35. *Storage of uncleaned beans.* Uncleaned beans, or beans "in the dirt", stored on a fungible basis as substandard grade beans under § 106.45, may be cleaned while in storage without prior return of the receipt therefor if such receipt so provides and calls for the delivery of (a) in case the beans are not cleaned while in storage, the net weight and class of beans containing not less than the percentage of sound beans specified in the receipt; and (b) in case the beans are cleaned while in storage, beans grading U. S. No. 3 or better of the class specified in the receipt, and of sufficient quantity to yield, after allowance for defects in the beans being delivered, the weight of sound beans covered by the receipt. The obligation of a warehouseman to deliver beans under such a receipt may be discharged by a delivery as provided in either paragraphs (a) or (b) of this section. The warehouseman shall not make any milling or cleaning charge for beans delivered as provided in paragraph (a) of this section.

13. Section 106.36 would be amended to read:

§ 106.36 *Delivery of beans from storage.* Except as may be provided by law or by the regulations in this part, each warehouseman upon proper presentation of a receipt for beans and payment or tender of all advances and legal charges as stated in the receipt shall deliver beans in accordance with the terms of the receipt.

14. Section 106.37 would be amended to read:

§ 106.37 *System of accounts.* Each warehouseman shall use for his warehouse a system of accounts, approved by the Administrator, which shall show for all beans stored, the name of the depositor, the weight of the beans, the number of bags in each lot when beans are stored in bags, the grade when grade is required to be or is ascertained, the number of any inspection or weight certificate isued on the beans, the location in the warehouse, and the dates received for and delivered out of storage. In the case of beans the identity of which is to be preserved, the tag number or stencil identification mark provided for in § 106.32 shall be shown. A record shall also be kept of receipts issued and cancelled. A separate record of the foregoing shall be kept for each depositor. The accounts shall also include a detailed record of all moneys received and disbursed and of all effective insurance policies.

15. Section 106.42 would be amended to read:

§ 106.42 *Weighing apparatus.* The weighing apparatus used for ascertaining the weight of beans stated in a receipt or certicate shall be a part of the equipment of the warehouse, shall be so located that all beans can be weighed in and out of the warehouse, shall be under the control and supervision of the warehouseman at all times, and shall be subject to examination by representatives of the Department and to disapproval by the Administrator. If the Administrator disapproves any weighing apparatus it shall not thereafter be used in ascertaining the weight of any beans for the purposes of the act and the regulations in this part unless such disapproval in withdrawn.

16. Section 106.45 would be amended to read:

§ 106.45 *Uncleaned beans; beans unsuitable for storage.* Uncleaned beans, or beans "in the dirt", may be stored as substandard grade beans. However, a warehouseman shall not, under any circumstances, accept for storage any beans which have a moisture content in excess of 17 percent, or which contain foreign material likely to injure the keeping qualities of the beans or adversely affect their commercial value for their particular grade, or which are otherwise of a condition rendering them unsuitable for storage, but he may accept such beans for conditioning purposes and for storage after conditioning.

17. Section 106.54 would be amended to read:

§ 106.54 *Copies of certificates.* When an inspection or weight certificate has been issued by a licensed inspector or weigher, a copy of such certificate shall be filed with the warehouseman in whose warehouse the beans covered by such certificate are stored. Such copy shall become a part of the records of the warehouseman. In the case of beans cleaned while in storage and regraded and reweighed as required by § 106.34, the orig-

inal copy of the certificates issued on such regrading and reweighing shall be filed with the warehouseman, and shall be used for the purpose of determining the class and grade of beans with which said cleaned beans may lawfully be mingled in storage. The number of the warehouse receipt issued for the beans covered by any certificate shall be written on the certificate before filing.

18. Section 106.63 (g) would be amended to read:

(g) the class, the grade, the total and individual percentages of defects as specfied in the official bean standards, the percentage of sound beans, and the condition of the beans for storage at the time of inspection.

19. A new § 106.63a would be added to read:

§ 106.63a *Defects.* Defects shall be calculated in terms of percentage based upon the total weight of the beans including the defects.

20. Section 106.64 (g) would be amended to read:

(g) the net weight of the beans including the defects, if any.

21. Wherever in the regulations in Part 106 the word "variety" appears, the word "class" would be substituted therefor, and wherever in said regulations the figures "§ 106.33" appear, the figures "§ 106.32" would be substituted therefor.

The primary purpose of the proposed amendments is to permit the storage in federally licensed warehouses of uncleaned beans on a fungible basis and the cleaning of such beans while in storage without the return of the warehouse receipts therefor. It is also proposed to impose stricter requirements with respect to the delivery of beans under receipts issued for beans "in the dirt" which are not cleaned while in storage. It is further proposed to require applications for warehouse licenses to cover all space used by the applicants for bean storage purposes in the same city or town; to provide different methods than are now prescribed in the regulations by which Federal Government agencies can obtain duplicates of lost or destroyed receipts for products owned by them; to enlarge upon the requirements for warehousemen's records and weighing apparatus; and to make certain formal changes in the regulations for consistency or clarity.

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

Done at Washington, D. C., this 3d day of July 1951.

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

[F. R. Doc. 51-7873; Filed, July 6, 1951; 8:53 a. m.]

[7 CFR Parts 725, 726]

BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF TOBACCO FARM ACREAGE ALLOTMENTS

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313, 1375), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for marketing quotas to be in effect during the 1951–52 marketing year for Burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco.

Subsection (a) of section 312 of the act requires the Secretary to proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. Marketing quotas were proclaimed for the 1951–52 marketing year for Burley tobacco (15 F. R. 8216) (16 F. R. 1931), flue-cured tobacco (15 F. R. 8216) (16 F. R. 1931), fire-cured tobacco (15 F. R. 8237), dark air-cured tobacco (15 F. R. 8237), and Virginia sun-cured tobacco (15 F. R. 8237).

Growers of Burley and flue-cured tobacco voting in referenda held on November 26, 1949, and July 23, 1949, respectively, approved marketing quotas for the marketing years 1950–51 through 1952–53. Growers of fire-cured and dark air-cured tobacco voting in referenda held on November 27, 1948, approved marketing quotas for the marketing years 1949–50 through 1951–52. Therefore, the regulations to be formulated with respect to fire-cured and dark air-cured tobacco for the 1952-53 marketing year will be contingent on referenda to be held this fall on quotas for such kinds of tobacco. Growers of Virginia sun-cured tobacco voting in a referendum held on December 15, 1949, approved marketing quotas for the marketing years 1950–51 through 1952–53.

It is proposed that the regulations for the 1952–53 marketing year be substantially the same as the regulations now in effect for the 1951–52 marketing year.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C. this 2d day of July 1951.

[SEAL] G. F. GEISSLER,
Administrator.

[F. R. Doc. 51-7836; Filed, July 6, 1951; 8:47 a. m.]

[7 CFR Part 946]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER, AS AMENDED

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 proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. Public hearings, on the record of which the proposed marketing agreement and the proposed order, as amended, were called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of petitions filed by the Falls Cities Cooperative Milk Producers' Association, Inc., Louisville, Kentucky. Additional proposals were submitted by Louisville Milk Dealers' Association, Ideal Pure Milk Company, Inc., and Dairy Branch, Production and Marketing Administration. The public hearings were conducted at Louisville, Kentucky on December 18–21, 1950 and on March 9 and 14, 1951 pursuant to notices duly published in the FEDERAL REGISTER (15 F. R. 8827 and 16 F. R. 2041, respectively).

The material issues presented on the record of the hearings were whether:

1. The level of Class I prices should be revised.

2. Deductions for the fall production incentive payment plan should be increased and the method of distributing payments should be revised.

3. An emergency exists which warrants immediate effectuation of the proposed amendments to the provisions relating to classification, pricing, and payments.

4. The order should be amended to provide for a definition of "pool plant" which is based on the extent to which the operations of such plants are associated with the marketing of fluid milk in the marketing area, and which would include all portions of such plants used during the month in the processing of producer milk.

5. The definition of "producer" should be amended to clearly define the regular

source of supply of graded milk for the market.

6. Provisions applicable to the procedure for determining plant shrinkage and the classification thereof should be amended.

7. Language of the order should be clarified with respect to responsibility of handlers in determining the classification and reclassification of skim milk and butterfat.

8. Class I and Class II milk should be included in one class.

9. The order should be clarified with respect to the classification of milk which was received from producers and transferred to other plants.

10. The level of the basic formula price should be revised.

11. The level of prices for Class III should be revised.

12. The Class I butterfat differential should be reduced.

13. Prices charged handlers for Class I milk and uniform prices to be paid producers for milk received at pool plants located 50 miles or more from Louisville should be adjusted by a location differential.

14. Other administrative changes should be made.

Findings and conclusions. The evidence introduced at the hearings and the record thereof indicated the need for prompt action with respect to issues Nos. 1 through 3. Accordingly, a recommended decision with respect to these issues was issued April 11, 1951 (16 F. R. 3307). After consideration of exceptions thereto, the Secretary issued a final decision April 23, 1951 (16 F. R. 3588) and an order April 25, 1951 (16 F. R. 3639) effective May 1, 1951. The following findings and conclusions on issues Nos. 4 through 14 are based upon the evidence introduced at the hearings and the record thereof and are supplementary to the findings and conclusions made with respect to the aforesaid decision.

4. The order should be amended to provide for a definition of "pool plant" which would make the participation of supply plants in the pool dependent upon the level of participation of such plants in the marketing of fluid milk in the marketing area, and which would include all portions of such plant used during the month in the processing of producer milk.

Currently, the order provides for the participation in the market wide pool of any plant at which milk is received from producers and from which milk or cream is disposed of in the marketing area for consumption as fluid milk or fluid cream, or any plant at which milk is received from producers and which is approved by the appropriate health authority in the marketing area to furnish milk or cream to a plant from which milk or cream is so disposed.

Producers contend that the present provision is inadequate in that sources of milk which have not fully demonstrated themselves to be a part of the regular supply for the market, may be priced and included in the pool. The only requirement is that a plant be approved by the appropriate health authority in the marketing area for receiving producer milk which may be furnished to another plant which is also approved by such health authority for the distribution of fluid milk or fluid cream in the marketing area. There is no provision requiring that such milk, or any portion thereof, actually be furnished to the Louisville market.

The record indicates there are three so-called country plants or receiving stations in the Louisville milk shed at which producer milk is received and which have facilities approved by the appropriate health authority in the marketing area for receiving milk for shipment to a plant in the city for distribution on routes. One of these plants, located approximately equidistant from the Cincinnati, Ohio and Louisville marketing areas, is operated by a handler who does not process milk for distribution on routes, but who has made bulk shipments to another handler during the short production season when the milk was needed for bottling purposes. There is some question on the record whether the supply from this plant is available to other handlers for bottling purposes.

The remaining two approved country plants, located at Madison, Indiana and Taylorsville, Kentucky, are operated by a handler as receiving stations for his bottling plant located in the marketing area. The supply of these plants is channeled into manufacturing outlets when it is not needed for fluid uses.

It is not appropriate that approved supplies for Louisville be withheld for manufacturing uses when needed by other handlers for fluid uses. Such supplies are instrumental in determining the order price levels within the market, and therefore should be available for Class I use.

It is therefore concluded that during the period of October through March a receiving station (defined herein as a country plant) may participate in the pool during any of the months in which 10 percent of its receipts of milk from producers is delivered in the form of milk, skim milk, or cream to a plant where milk is processed and distributed as Class I milk on routes or through plant stores in the marketing area (defined herein as a city plant). During the period of April through September, a receiving station would participate in the pool only if more than 50 percent of its combined receipts from producers during the preceding period of October through February were delivered to city plants, unless the operator of such receiving station notifies the market administrator in writing on or before March 15 of the withdrawal of such plant from the pool for the April–September period. In such an event, the operator of the plant would be free of the obligation to pay the minimum order prices to suppliers. In this connection, the interest of producers and handlers in the uniformity of application of class price should be protected by requiring any handler to make a compensatory payment to the producer-settlement fund if he purchases Class I milk from such a plant or from an otherwise unregulated nonpool plant. This payment on milk sold as Class I under the Louisville order would be at the rate of the difference between the Class II and the Class I price adjusted by the butterfat differential to handlers.

Handlers receiving milk from producers and disposing of such milk in the marketing area as Class I would be exempted from certain provisions of the order in the event no more than 10 percent of receipts of producers at such plant is disposed of as Class I on routes or through plant stores in the marketing area. The operator of such a plant would be exempt from all of the provisions of the order except that he would be required to make reports to the market administrator with respect to the quantity of Class I milk disposed of in the marketing area, make payment to the producer-settlement fund of the amount which represents the difference between the value of such quantity of milk at the Class II price and the Class I price, and pay his pro rata share of the cost of administering the order on the quantity of milk disposed of in the marketing area. As now provided in the order such a handler would be included in the pool on the basis of any sales of Class I milk from routes in the marketing area. The proposal recommended would set up a minimum requirement with regard to the quantity of milk which a handler must sell in the area before he is required to have all his receipts of producer milk priced under the order. The minimum requirement of 10 percent would apply also during the months of October through March to those plants receiving milk from producers which milk is transferred to bottling plants. This would prevent having such a handler who had made an incidental sale of Class I milk in the market from being subject to the provisions of the order that month. Conversely, it sets up a qualification with which a plant must comply by shipping at least 10 percent of its receipts of milk from producers for fluid use in the marketing area in order to be considered as a pool plant.

Presently, a plant which is not approved by the local health authorities would not be considered a pool plant nor subject to the provisions of the order by reason of a sale of bottled milk in the marketing area. It is not likely, from the record, that the operator of such a plant would make such a sale without the approval of local health authorities as evidenced by the issuance of a permit to the plant and the farms supplying the milk. Nevertheless, it is necessary that the manner for applying the order provisions in such instances be specified in order to maintain equity among handlers until such time as the problem can be reviewed in detail at a future hearing. This can be accomplished by having such distributors make limited payments to the producer-settlement fund based on the quantity of Class I milk sold from delivery routes and plant stores in the marketing area, file reports with the market administrator, and pay a pro rata share of the cost of administering the order.

In the marketing area some handlers receive both graded and ungraded milk at their plants. In Louisville the Health Department does not permit milk from

ungraded producers to be received and handled in the same portion of a building in which the milk from graded producers is received and processed. In the Indiana portion of the marketing area the health authorities there permit the use of the same facilities for the handling of ungraded milk only after the receiving and processing of graded milk in that plant has been completed. The handlers in Louisville who receive milk from both graded and ungraded dairy farms maintain separate facilities for receiving and processing the milk from ungraded dairy farms. Milk received from graded producers which is in excess of the requirements of the graded plant is normally utilized in the ungraded operation. The quantities of graded milk and butterfat thus utilized may not always be determined nor accurately recorded. When graded milk is thus intermingled with ungraded receipts, it is not possible to isolate the utilization of the graded producer milk as distinguished from the utilization of the ungraded milk. As proposed herein, the total operation would be considered as one unit whenever graded and ungraded milk is intermingled in the same building. To determine and verify the quantities of graded milk which are utilized in the ungraded operation it is necessary to have full information of all operations involving the ungraded milk. Not only is this information necessary to determine the quantity of graded milk which was so utilized but such complete information is needed in order to allocate properly the shrinkage applicable to the graded milk. The problems involved in attempting to determine shrinkage on such milk without having full information of the operations in the ungraded operations to which such graded milk was moved is set forth fully in the discussion of issue No. 6. When no milk is moved between a graded and ungraded operation in the same building the interest of the market administrator would extend only to the operations of the graded section. However, when milk from the graded section is utilized in the ungraded operation the market administrator in order to effectuate the provisions of the act should consider as one plant the total operation and should obtain reports and verify by audit both the graded and ungraded operation in the same building for each month during which graded milk is moved from the graded to the ungraded section.

Producers proposed that in order for a country plant to be qualified to participate in the pool during the months of October through February not less than 40 percent of its receipts of milk from producers should be delivered to a city plant in the month of October, 75 percent in November, 65 percent in December, 55 percent in January, and 40 percent in February. Their proposal would also disqualify a country plant for pool plant status during the months of March through September if the required percentage of its receipts of milk from producers was not delivered to a city plant during each of the preceeding months of October through February. Such a plant after having failed to meet a percentage requirement in any month would not be eligible to become a pool plant until such plant met the percentage requirement beginning with October next following such disqualification. In view of the findings concerning issue No. 1 relative to the supply of and demand for milk, it is concluded that such proposal should be modified to the extent as proposed herein.

5. The "producer" definition should be revised so as to limit the extent to which handlers may divert producer milk during the months of short production. As presently provided in the order, a handler may divert milk of a producer indefinitely from a pool plant to a nonpool plant. The proposed definition would provide that milk of a producer be delivered to a pool plant on at least half of the days during each of the months of October through February in order to be considered a producer under the order for such month for milk diverted to nonpool plants. This proposed change ties in directly with the pool plant definition outlined above for qualifying a country plant as a pool plant. The standards herein proposed establish a reasonable basis for defining as producers those dairy farmers who "ordinarily deliver" fluid milk to the Louisville market and who are regularly associated with it.

The definition of producer should be clarified with respect to those dairy farmers delivering milk to plants which are approved for the sale of fluid milk to Fort Knox Military Reservation and other similer installations in the marketing area. The military installation at Fort Knox is part of the Louisville marketing area. The health authority for this military reservation is an army officer in charge of administering the standards for fluid milk and cream disposed of on the reservation. The standards used in Fort Knox with regard to the approval of producers is not carried on in the same manner as are those in Louisville and other parts of the marketing area. The record does not indicate the exact standards, or the manner of administering them, which are followed by the "appropriate health authority" in Fort Knox. The source of supply of milk for Fort Knox has been and is at present from handlers located in Louisville. In the past, the only physical inspection made directly by the Fort Knox authority has been the milk plants of Louisville handlers from which Class I milk is sold at Fort Knox. Since written dairy farm inspection permits are not issued to producers by the Fort Knox authorities, the producer definition should be so worded as to include in such definition dairy farmers whose milk is disposed of as Class I in Fort Knox, providing such farms meet the inspection standards prescribed by the Fort Knox authority. By so wording the order, provision likewise would be made for establishing the same qualifications for producers whose milk was disposed of to any other military reservation or similar installation of the United States Government which might be established in the marketing area.

6. The quantity of shrinkage which may be allocated to the lower class should be limited at each plant to 2 percent of the quantities of skim milk and butterfat in milk received directly from producers, except for the months of April through July when a maximum of 5 percent of such skim milk shrinkage would be permitted. Currently the order allows up to 2 percent of the butterfat and skim milk shrinkage in milk received from producers or diverted to a nonpool plant to be classified in Class III. When butterfat shrinkage is not in excess of 2 percent, all unaccounted for skim milk may be allocated to Class III. Handlers may also allocate to Class III the skim milk shrinkage above that required to "float" the butterfat in excess of 2 percent of producer milk. The butterfat test used in this computation is the average test of milk, skim milk and cream from producer milk available for use in Class III.

As proposed, the shrinkage allowance for butterfat will not be changed from the maximum allowance of 2 percent now provided in the order. Maximum skim milk shrinkage allocated to the lower class would be a specific percentage of producer receipts instead of varying amounts as heretofore. The current provision for determining the quantity of skim milk which may be included in Class III has tended to create inequities among handlers.

Handlers have experienced larger losses in skim milk than in butterfat. Greater than normal losses result during the period of flush production because of the abnormally large quantities of skim milk handled during such period. In some instances, small quantities of skim milk are dumped because the expense of moving it is greater than the value which can be realized from its sale. There is a demand for skim milk in the fall because the butterfat test of producer milk then is greater than the butterfat test required by handlers for bottling. Under these circumstances, additional skim milk is needed to standardize the excess fat, and consequently less waste and loss of skim milk is experienced during the short production months than in the flush season. A maximum skim milk shrinkage allowance of 5 percent during months of April through July should be adequate to cover unavoidable skim milk losses experienced by handlers during this period.

A study of the records of the individual handlers shows a wide range in their shrinkage experience and this might result from the manner currently provided for in the order for classifying skim milk shrinkage. Currently, handlers classify and report only milk from approved source of supply and the market administrator audits the records of handlers relative to that producer milk which is intermingled with ungraded milk in its ultimate disposition. It is proposed and recommended in another part of this decision that a handler also report and classify receipts of ungraded milk at a plant wherein producer milk is intermingled and processed with ungraded milk. Movement of producer milk is accomplished by: (a) Transfer or diversion to an ungraded plant at another location; (b) transfer by pipeline from the graded to the ungraded section of the same building; or (c) use in the same

plant, after completion of the graded milk operation, in combination with receipt of ungraded milk.

As now provided in the order, when producer milk is transferred to the ungraded portion of the same building, the shrinkage of skim milk and butterfat allowed on such milk is computed on a pro rata basis with the skim milk and butterfat contained in all milk, skim milk, and cream received in the ungraded portion. The shrinkage thus determined is added to the shrinkage of producer milk handled in the handler's graded operation. When "supporting transfer records satisfactory to the market administrator" are not available in connection with the intermingling of graded and ungraded milk, the total unaccounted for milk of the graded and ungraded operations is prorated over the total receipts from producers and from all other sources.

The recommended change, in conjunction with the proposal requiring handlers to report and classify ungraded receipts at a plant where producer milk is intermingled with it, would provide that the shrinkage in milk received from producers would be computed and allocated to producer milk on a pro rata basis with ungraded milk. This would provide uniform treatment for all handlers and would remove administrative difficulties which prevailed heretofore in determining the shrinkage of producer milk.

Handlers proposed that allocation of shrinkage to the lower class be allowed on producer milk received from other plants. This allowance would be in addition to that which is permitted on milk received directly from producers. In effect, this proposal would provide for allowing shrinkage twice on the same milk and would increase the quantity of producer milk which could be classified in the lower class. The prices charged for milk in inter-handler sales can give consideration to such shrinkage at may be involved. The producer's responsibility ends when his milk is delivered to the handler's plant and he should not be expected to stand any reduction in his return by providing increased shrinkage classification in the lower class because of inter-handler movements of milk.

It was brought out on the hearing record that a shrinkage allowance on producer milk diverted to a nonpool plant was not warranted. Milk so diverted is delivered directly from producers' farms to the nonpool plant and producers are paid for the quantity received at such plant. Permitting a shrinkage allowance on such milk arbitrarily increases the quantity of skim milk and butterfat which may be allocated to the lower class at the expense of producers. The order should be clarified so that shrinkage is not permitted on producer milk which does not actually pass through a pool plant.

7. The language of the order should be clarified with respect to responsibility of handlers in determining classification and reclassification of skim milk and butterfat. In conjunction with the proposal covered in issue No. 6, this rewording and clarification of the order requires that a handler establish the utilization of skim milk and butterfat in producer milk before allocating shrinkage on such milk to the lower class. The allocation of shrinkage to Class II would be permitted only after a handler had established that the quantities of skim milk and butterfat utilized were disposed of as milk and milk products. In the event such utilization was not established none of the handler's producer milk would be classified as shrinkage in Class II but all such unaccounted for milk would be classified as Class I. The proposed change would also spell out clearly the responsibility of the handler who first received milk from producers when reclassification of such milk after audit is made by the market administrator.

8. All skim milk and butterfat disposed of in fluid form as milk, cream, skim milk, buttermilk, milk drinks or any other milk or cream products which are required by the appropriate health authority in the marketing area to be made from approved milk or cream should be classified as Class I milk. Skim milk and butterfat used in the manufacture of milk products which need not be made from graded milk would be placed in Class II. Normally such manufactured dairy products are made from graded milk only when a handler's supply of such milk is in excess of his needs for fluid purposes.

As currently provided in the order, Class I milk is skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks and that milk which is not specifically accounted for as Class II or Class III milk. Skim milk and butterfat now considered in the category of Class II is that disposed of as fluid cream and any cream product disposed of in fluid form which is required by the appropriate health authority in the marketing area to be made from approved milk or cream. The Class III category contains the skim milk and butterfat used to produce products other than those specified in Classes I and II. The change herein proposed would result in all skim milk and butterfat heretofore considered as Class I and Class II being Class I, and the current Class III would be designated Class II.

The health authorities having jurisdiction in the marketing area require that milk disposed of for consumption as milk, cream, skim milk, buttermilk, and milk drinks be derived from milk produced in conformity with their standards. Accordingly, milk producers in the local supply area are inspected by the appropriate health authorities and those producers in the area who meet the standards are given permits to ship to the marketing area. Normally only inspected producers may supply milk to be disposed of as milk, cream, skim milk, buttermilk and milk drinks. In times of shortage, however, it has been the practice to allow the importation of milk, skim milk and cream from sources outside the milkshed. Such importations must meet sanitary standards similar to those applying to milk produced in the local supply area.

A principle of milk classification systems is that uses of milk with similar economic values be in the same classes. The transportation costs of milk from approved farms are the same whether such milk is used for milk or cream for approved fluid purposes. The cost of producing milk to meet the sanitary standards of the Louisville market are the same for all uses. In view of the foregoing, milk from producers so disposed of as to have been heretofore classified as Class I or Class II should be merged into one class designated as Class I.

At the hearing it was proposed that skim milk and butterfat disposed of as yogart be Class I. Provision is made above for yogart and similar products by providing that if such product is required by the local health authorities in the marketing area to be made from milk from approved sources, the skim milk and butterfat therein should be Class I.

Proposal was made by producers to delete from the order the provision that handlers make payment for Class I milk for relief distribution at the Class III price plus 12 cents. This provision was incorporated into the order at a time when economic conditions were such in the Louisville area so that a significant number of families were not able to purchase milk at the established prices and there was a surplus supply of milk for the market. Conditions have changed since the special category and pricing for "Class I milk for relief distribution" was incorporated in the order. The quantities sold in this category have declined to a negligible amount (0.24 of 1 percent of the total production in February of 1951), and the problem of burdensome surpluses of producer milk which prevailed in the early days of the order has been replaced by that of obtaining an adequate supply of milk for the market. It is concluded that all Class I milk for relief distribution should return to producers the same price as all other Class I milk.

9. The order should be clarified with respect to the classification of milk which was received from producers and transferred to other plants. This revision is necessary to carry out the change in the pool plant definition wherein the operation of the graded and ungraded milk sections of the same building are considered as one plant. Heretofore milk transferred from the graded to the ungraded side of the same plant was classified on the basis of the pro rata utilization of the milk handled in the ungraded side. The wording as proposed with regard to the classification of other source milk will more clearly carry out the intent of the order by preventing the classification of other source milk in such a manner as to allocate to producer milk a lower classification than such other source milk.

10. The basis for determining the value of the skim milk component of the butter-skim formula of the basic formula price should be revised. As now provided in the order the quotation for roller process, non-fat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area is used as the basis for the skim milk value

of the butter-skim formula. The proposed change would replace this with the average quotation for spray and roller process skim milk powder. Currently, from the average of the roller powder quotations an amount of 5.5 cents per pound (make allowance) is deducted and each full half cent remaining is multiplied by 3.5 cents. The "make allowance" in the formula proposed would remain at 5.5 cents and the balance remaining after this deduction would be multiplied by 8.2. The net effect of the change proposed above would be to increase the skim milk value by about 15 to 17 cents per hundredweight relative to the present value. Because 15 cents is now added to the butter-powder formula in the basic price, the increase of 15 to 17 cents resulting from the change herein proposed will have the net effect of increasing the Class I price by about 0 to 2 cents per hundredweight.

With the change herein proposed, the basic formula price in the Louisville order will be determined in the same manner as the basic formula price in the Cincinnati order. The Cincinnati order provides for a basic formula price which is the higher of the butter-skim formula (as herein proposed) and the average price paid by 18 midwestern condenseries. These components would be provided for in the Louisville order. An additional alternative in the Louisville order would be the Class III price when that was higher than the other two determinants.

The production areas for the Louisville and Cincinnati markets overlap. Unless Class I prices under the Louisville and Cincinnati orders are maintained in appropriate relationship, producers who are needed to supply the Louisville market would be lost to Cincinnati handlers.

Producers proposed that the average price for 3.5 percent milk paid by the 18 condensaries be converted by direct ratio to the 3.8 percent basis used for pricing under the order. This would replace the Chicago butter price plus 20 percent as the basis for adjusting the announced 3.5 percent condensory price to the order price basis of 3.8 percent. The effect of this change would be to increase the basic formula price alternative derived from this quotation. Another price quotation used in the order is that for 4.0 percent milk at 7 local plants, which is one of alternative price basis for determining the Class III price. This price is reduced to the 3.8 percent basis of the Louisville order in the same manner as is now provided for converting the 18 condensory price to a 3.8 percent basis. Proponents contended that the direct ratio method is justified because it is used in some other markets in converting the 18 condensory price for 3.5 percent milk to a different test, and that some of the plants whose prices paid are used in determining the 18 condensory price pay butterfat differentials on a direct ratio basis. The proposal is not in keeping with the need for maintaining an appropriate relationship between the Louisville and Cincinnati Class I prices. It is concluded that this proposal should be denied.

Substitution of the quotations for spray process skim milk powder instead of roller process quotations in the butter-skim component of the basic formula was proposed by producer representatives. For the reasons set forth in connection with the decision made above to use the average of spray and roller quotations in the basic price this proposal is denied.

11. The price of Class II milk, i. e., that which is used for manufacturing purposes, should be increased during the months of August through March and decreased the flush production months of April through July. As now provided in the order, the pricing of Class III (hereinafter referred to as Class II, the designation used in this decision) is a butter-skim formula or the average price paid by seven local manufacturing plants, whichever is higher. The butter-skim formula price has been the determinant more frequently used as the basis for the Class II price. This price is computed by multiplying 120 percent of the average 92-score butter price by 3.8 and adding thereto 3.5 cents per hundredweight for each full one-half cent that the average quotation for nonfat dry milk solids by roller process for human consumption in the Chicago marketing area is above 5.5 cents. The payment by handlers for butterfat above or below 3.8 percent in Class II milk now provided in the order is at the rate of 120 percent of the Chicago butter price. An additional factor in the surplus class pricing provided in the order is the butter manufacturing credit, which during the months of April, May, and June allows handlers on butterfat in producer milk used in the manufacture of butter ten percent of the price of 92-score butter at Chicago per pound of butterfat. The amount of this credit is limited to ten percent of such handlers disposition of Class I butterfat during the same month.

As proposed, the Class II price for the months of August through March would be the price arrived at by the butter-skim formula which would be used in determining the basic formula price. This formula is described in the discussion of issue No. 10, and would result in an increase to producers for milk sold in the lower class of approximately 15 to 17 cents per hundredweight during the months of August through March. The butterfat differential during these months would remain at 0.12 of the Chicago butter price as now provided in the order. For the months of April through July the Class II price would be revised to provide for changing the butter-skim formula now provided in the order from 120 to 115 percent of the Chicago butter price multiplied by 3.8, and changing the yield factor for skim powder in this formula from 7 to 8.2, and deducting 8 cents. The butterfat differential would be 0.115 of the Chicago butter price. The provision crediting handlers for butter manufacture would be eliminated from the order.

The record shows that the yield of nonfat dry milk solids from 100 pounds of skim milk by roller process in plants operated by Louisville handlers ranged from a monthly average of 7.9 to 9.3 pounds. The average yield for the 2-year period was 8.5 pounds of nonfat dry milk solids from 100 pounds of skim milk. This average yield approximates that of 8.6 pounds per 100 pounds of skim milk which was obtained by the operator of a plant in the Louisville area who manufactures substantial quantities of skim milk powder. Converting this yield to give consideration to the skim milk in 100 pounds of milk establishes the 8.2 yield recommended herein as a reasonable figure. The deductions of 8 cents per hundredweight will maintain the value of skim milk in Class II milk during the months of April through July at approximately the same value as currently provided.

The lower price provided in the formula during the flush production months by the revised butter-skim formula would be offset by the discontinuance of the butter credit allowance to handlers. On the basis of the price quotations for the most recent month available at the time of the hearing, February 1951, the Class II price as determined by the butter-skim formula which is proposed for the months of April through July would have been 13.1 cents less than the current Class II butter-skim provision provides. The butter credit to handlers, which it is proposed to eliminate, would have been 6.9 cents per pound of butterfat or 26.2 cents per hundredweight of 3.8 percent producer milk used in the manufacture of butter. A lower price for all Class II butterfat during these months would provide relief to all handlers in the disposition of surplus milk. Heretofore only those handlers utilizing surplus milk for butter manufacture obtained such relief.

Testimony of handlers indicated that they were required to handle surplus milk from producers during the months of flush production in order to have adequate supply of milk in the fall months. The Class II uses of milk disposed of during the flush production season are not, on the whole, as profitable outlets to handlers as are those outlets in the fall of the year when the supply of producer-milk available for Class II is lower. With a limited supply of milk for Class II, the market for those products which will command the best return are served first; and conversely, during the months of flush production, when the supply is excessive, large quantities of milk are disposed of for use in those products which are least profitable or actually result in a loss to those handlers receiving the milk from producers.

The pricing of milk in the months of flush production should be at the rate at which milk produced for the market will be handled so that such surplus milk production will not disrupt the orderly marketing of milk. The higher prices for Class II milk during the months of short production will also encourage the transfer of milk from manufacturing uses to fluid uses in time of short supply in the fall and winter.

Revising the Class II price for April through July by changing the several factors in the butter-skim formula as outlined above and eliminating the "butter credit" heretofore allowed handlers as a reduction in their milk costs, would likely have the net effect of reducing slightly the Class II price during

these months from the level currently prevailing.

Producers proposed that the Class II price be increased by 30 cents per hundredweight for the months of September through December. They contended that by pricing milk for manufacturing uses at such higher prices during these months, handlers who had supplies above their fluid needs during this period of short production would be more inclined to make the milk available to other handlers who needed it for Class I purposes. They further contended that since there was less milk available from producers for Class II use during the September–December period, it "should be priced high." The price of Class II milk has been established on the basis of the price for which unapproved milk could be obtained since such milk, skim milk, and cream competes with producer milk for Class II uses. To ignore consideration of this basis of pricing milk for Class II uses will result in outlets being lost for such milk not only during the short season but also during the flush months when markets for surplus milk are badly needed. This proposal should be denied for these reasons.

The proposal that nonfat dry milk solids quotation for spray process be substituted for the roller processes quotation in computing a formula price for Class II milk should be denied. There are no spray process operations in the Louisville area and none of the producer milk is sold to any outlets making spray powder. There are some plants in the Louisville area having equipment for making roller process powder and such rollers are operated principally during the spring months. Other times during the year, the operations of these rollers may be negligible compared to the operations in the spring months. The demand for skim milk for uses other than for the manufacturing of nonfat dry milk solids is well below the supply during the spring months and to provide for using the higher spray quotations during that period is therefore not warranted. During the remaining months of the year, the roller process quotation for skim milk powder would be replaced by the average of the quotations for spray and roller powder. Although there are no spray plants in the market, the inclusion of the higher quotation in these months is believed to be more representative of value of the uses of skim milk in manufactured products during such months.

Handlers proposed that the butter credit which had heretofore been allowed on producer milk during the months of April through June be extended throughout all months of the year. An equivalent of the butter credit is proposed by reason of the change in the butterfat value of Class II milk and the butterfat differential during the months of April through July. To extend the butter credit or its equivalent during the other months of the year would give encouragement to the use of producer milk in the manufacture of butter when such milk might be needed by other handlers for Class I uses. The proposal for the butterfat credit throughout the year should be denied.

12. The present Class I butterfat differential of the average price of 92-score butter plus 30 percent should be reduced to the average price of 92-score butter plus 25 percent.

During the past two years the average monthly test of all Class I sales was between 3.5 and 3.6 percent, and that of milk received from producers was approximately 4.0 percent. The present differential does not encourage the sale of high test milk and does not properly reflect the value of the skim milk portion of whole milk. Because milk delivered by Louisville producers is at a higher test than that sold as Class I milk in the short production months it is necessary to obtain skim milk from outside sources to standardize producer deliveries of milk. Reducing the Class I butterfat differential as proposed would establish a more appropriate relationship in the value for the skim milk and butterfat in producer milk.

13. The order should not be amended to provide for location differentials applicable to milk received at pool plants located 50 miles or more from Louisville.

The order does not now provide for any location differentials of the type which were proposed. Handlers are required to pay the Class I price provided in the order for all producer milk classified as Class I regardless of the location of their plants, and producers likewise receive the same uniform prices regardless of the location of the plant to which their milk is delivered. Producers proposed that handlers be permitted a location differential to be deducted from the Class I prices on producer milk received at plants located 50 miles or more from Louisville, which was moved to city plants and classified as Class I milk. Producers making deliveries to these plants would receive a uniform price which would be reduced by the same amounts per hundredweight as was proposed for the handler location differential on Class I milk.

At the time of the hearing in December 1950 there was but one plant located more than 50 miles from Louisville which was approved for the shipment of fluid milk to the marketing area. The record fails to substantiate that a plant located more than 50 miles from Louisville and producers delivering to such plant have an advantage over other plants and other producers. The record also does not show that the location differential rates proposed can be justified or are proper when considered in the light of hauling rates presently being paid by producers delivering their milk to receiving stations located at substantial distances from the marketing area. Moreover, the record does not show that the best interests of the Louisville market would be served by establishing location differentials at this time. The proposed location differential should be denied.

14. Definitions should be included in the order for "cooperative associations," "producer milk," and "Chicago butter price." Heretofore none of these terms were specifically defined in the order. These definitions are proposed to shorten the language within the order when reference is made to these terms.

The definition of "delivery period" as defined in the order is deleted. The delivery periods to which reference is made in the order are calendar months and the proposed change would have "month" to replace "delivery period" throughout the order where reference was made thereto.

Duties of the market administrator as set forth in the order should be revised and clarified with regard to certain portions thereof. The provision that the market administrator shall publicly announce the failure of a handler to make reports or payments as required by the order within 15 days should be changed to "within 5 days." This provision is included in orders as a means of notifying producers and those who have an interest in compliance by handlers that a particular handler is not complying with the order so that they may take steps to protect themselves. A period of 5 days intervenes between the time that handlers are required to file reports and the administrator is required to complete the monthly pool computation. The shorter period of 5 days to replace the 15-day period heretofore provided is necessary in order to effectuate the intent of this provision.

The order should spell out within the section listing the duties of the market administrator, the requirement that he should verify all reports and payments which relate to utilization and classification of producer milk. The market administrator has been empowered to and has been performing this function. The change merely sets forth more specifically those duties which he is required to perform.

The market administrator should be required to obtain a bond covering employees who handle funds entrusted to him. Heretofore the order had stated only that the market administrator should be covered by a bond. The reasons for covering the market administrator by a bond apply equally as well to those in his employ who handle funds entrusted to him.

The reporting requirements of the order should be amended to provide that handlers report a breakdown of Class I sales showing quantities of Class I milk which are sold within the marketing area and the quantities sold outside the marketing area. Such information is not only of value to all interested parties for statistical purposes but it is also helpful in making determinations with respect to the supply and demand situation for the Louisville market.

Reports to the market administrator should be made by handlers listing the transportation rates paid by producers for the hauling of their milk from the farm to milk plants. This information is necessary to verify payments to producers and authorizations by them for the deduction of such transportation rates.

Provision should be made in the order to determine the extent to which the various provisions thereof shall apply with respect to a person who may be a handler under the Louisville order and who is also a handler under another order or marketing agreement issued pursuant to the act. Under such cir-

cumstances a conflict or duplication of obligations would result. The Louisville order at present does not provide a method whereby such a conflict or duplication could be resolved. It is recognized that any specific rule adopted in the order may be inadequate to resolve all the conflicts and duplications which could ensue under various circumstances and that a hearing might be needed to consider the circumstances of a particular situation. However, in view of the impracticability of amending orders by hearing processes prior to the time at which a conflict or duplication of obligations may arise, it is believed that a specific rule should be adopted. Furthermore, such rule should place the person on notice as to the extent of his obligations under the order. This can best be accomplished by exempting from the pricing and payment provisions of the Louisville order any person who is a handler under the Louisville order and who is also a handler under another order or marketing agreement issued pursuant to the act, with respect to the same milk, a greater portion of which is determined by the Secretary to be disposed of as Class I milk in the marketing area under another order. Such person should be required to make reports to the market administrator at such time and in such manner as the market administrator may request.

The date on which handlers are required to make payment to the producer-settlement fund should be changed from the 15th day to the 13th day after the end of the month and the date for payments by the market administrator to handlers from the producer-settlement fund should be changed from the 20th day to the 14th day after the end of the month. The present schedule of payments is not consistent with that provision of the order requiring that producers be paid on or before the 15th day of the month since handlers receiving payments from the producer-settlement fund could hold up payments to producers if such funds had not been received by the 15th. As herein proposed, with the pool computation completed on or before the 10th of the month as provided in the order, ample time is allowed for handlers to receive billings so as to make payment to the fund by the 13th of the month and the market administrator to make payment out of the fund by the 14th.

It was suggested at the hearing that the sections, paragraphs, subparagraphs, and subdivisions of the order be renumbered in accordance with the revised Federal Register procedure. In this connection, it is believed that the reissuance and publication of the present order in the form of an order, as amended, incorporating the proposed amendments will be of convenience to all interested parties.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

General findings. (a) The proposed marketing agreement and the proposed order, as 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 order, as 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 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.

Recommended Marketing Agreement and Order, As Amended

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

DEFINITIONS

§ 946.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 946.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the act of the said Secretary of Agriculture.

§ 946.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 946.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 946.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 946.6 *Louisville, Kentucky, marketing area.* "Louisville, Kentucky, marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the city of Louisville, Fort Knox Military Reservation; the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in said county; and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charleston, in Clark County, Indiana.

§ 946.7 *City plant.* "City plant" means the building and facilities, except those of a producer-handler, which are used during the month in the processing and packaging of producer milk and from which not less than 10 percent of such milk is distributed in the container in which packaged from delivery routes or plant stores as Class I milk in the marketing area: *Provided,* That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.8 *Country plant.* "Country plant" means the building and facilities, except those of a city plant, which are used in the receipt of milk from dairy farmers who hold a dairy farm inspection permit issued by the appropriate health authority having jurisdiction in the marketing area and which are approved by such health authority to furnish milk to a city plant for use as Class I milk: *Provided,* That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.9 *Pool plant.* "Pool plant" means:

(a) A city plant;

(b) A country plant during the period of October through March for each month in which not less than 10 percent of its receipts from dairy farmers who hold a dairy farm inspection permit issued by the appropriate health authority having jurisdiction in the marketing area is delivered to a city plant in the form of milk, skim milk, or cream; or

(c) A country plant during the period of April through September from which more than 50 percent of its combined receipts from dairy farmers who hold a dairy farm inspection permit issued by the appropriate health authority having jurisdiction in the marketing area during the preceding period of October through February were delivered to one or more city plants in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15th of withdrawal of the plant from the pool for the months of April through September.

§ 946.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing,

processing or bottling plant other than a pool plant.

§ 946.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A producer-handler;

(c) Any cooperative association with respect to milk of producers which it causes to be diverted to a nonpool plant for the account of such cooperative association; or

(d) Any person, other than a producer-handler, in his capacity as operator of a nonpool plant from which Class I milk is disposed of in the marketing area from delivery routes or plant stores during the month.

§ 946.12 *Producer.* "Producer" means any person who produces, under a dairy farm inspection permit issued to such person by the appropriate health authority having jurisdiction in the marketing area (As used in this subpart, "dairy farm inspection permit" shall include approval of milk by the authority to administer regulations governing the quality of milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases located in the marketing area, which is received at a plant from which any portion of such milk is disposed of to such institutions or bases in the container in which packaged as Class I milk.), milk which is:

(a) Delivered from his farm to a pool plant;

(b) Diverted by a handler to a nonpool plant: *Provided,* That any such milk be diverted shall be deemed to have been received at the pool plant from which it was diverted: *And provided further,* That this definition shall not include during any of the months of October through February, any person whose milk was diverted to a nonpool plant for more than one-half of the days of such month; or

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided,* That any such milk so diverted shall be deemed to have been received by the cooperative association.

§ 946.13 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer.

§ 946.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler and from a source other than producers or pool plants, except the receipt of any non-fluid milk product which is disposed of in non-fluid form.

§ 946.15 *Producer-handler.* "Producer-handler" means any person who processes and packages milk from his own farm production, distributing any portion of such milk within the marketing area as Class I milk and who receives no milk from producers.

§ 946.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month.

MARKET ADMINISTRATOR

§ 946.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 946.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 946.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 946.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 946.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 946.30 through 946.32, or payments pursuant to §§ 946.80 through 946.85;

(j) On or before the 15th day after the end of each month, report to each cooperative association the percentage in each class of the producer milk caused to be delivered by the cooperative association or by its members to each handler during the month. For the purpose of this report the milk so received shall be allocated in each class for each handler in the same ratio as milk received from all producers by such handler during the month.

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 10th day after the end of each month, the minimum prices for each class of milk computed pursuant to § 946.51, and the butterfat differentials for each class computed pursuant to § 946.52; and

(2) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 946.71, and the butterfat differential computed pursuant to § 946.81;

(l) On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The quantities of milk in each class received by such handler from producers and the value thereof; and

(2) The amounts to be paid by such handler pursuant to §§ 946.61, 946.83, 946.86 and 946.87.

REPORTS, RECORDS, AND FACILITIES

§ 946.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on the forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers (including such handler's own farm production);

(b) The quantities of skim milk and butterfat contained in receipts from pool plants of other handlers (except the receipt of any nonfluid milk product which is disposed of in nonfluid form);

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I milk other than on routes and through plant stores operated wholly or partially within the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 946.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which may show (a) the total pounds of milk received from each producer and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 946.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided*, That milk diverted as described in § 946.12 (b) need not be reported pursuant to this paragraph.

(c) On or before the 10th day after the request of the market administrator, each handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 946.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled:

(c) Payments to producers; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month.

§ 946.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 946.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat which is received within the month by a handler and which is required to be reported pursuant to §§ 946.30 and 946.61 shall be classified by the market administrator pursuant to the provisions of §§ 946.41 through 946.46.

§ 946.41 *Classes of utilization.* Subject to the conditions set forth in §§ 946.42 through 946.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), except skim milk and butterfat disposed of in fluid form for livestock feed, (2) disposed of in fluid form as any milk product which is required by the appropriate health authority in the marketing area to be made from milk, skim milk, or cream, from sources approved by such authority and (3) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat the utilization of which is established: (1) As used to produce any product other than those specified in paragraph (a) of this section, (2) as disposed of for livestock feed, (3) as disposed of in any form in bulk and used for non-fluid purposes by soda fountains, restaurants, bakeries, candy and soup manufacturers, and retail food establishments which, under the applicable health regulations, are permitted to receive milk, skim milk, and cream of other than Grade A quality for nonfluid uses, (4) in plant shrinkage of skim milk and butterfat in milk received from producers and other sources computed pursuant to § 946.42.

§ 946.42 *Unaccounted for skim milk and butterfat and plant shrinkage.* Skim milk and butterfat received at a handler's pool plant(s) in excess of such handler's established utilization of skim milk and butterfat pursuant to paragraph (a) and subparagraphs (1) (2) and (3) of paragraph (b) of § 946.41 at such plant(s) shall be known as unaccounted for skim milk and butterfat and classified as follows: *Provided*, That if producer milk is diverted by such handler to a pool plant of another handler without having been received for purposes of weighing and testing in the diverting handler's plant, the respective quantities of skim milk and butterfat contained in such receipts of milk shall be included in the receipts of skim milk and butterfat, respectively, of the second handler in computing his plant shrinkage or unaccounted for skim milk and butterfat and shall be excluded from the receipts of skim milk and butterfat, respectively, in such computation for the diverting handler: *And provided further*, That if producer milk is so diverted to a nonpool plant the respective quantities of skim milk and butterfat contained therein shall be excluded from the receipts of the diverting handler in computing his plant shrinkage or unaccounted for skim milk and butterfat.

(a) Prorate the quantities of unaccounted for skim milk and butterfat between such handler's receipts of skim milk and butterfat, respectively, in the milk received from producers and other source milk.

(b) The following portion of the quantities computed pursuant to paragraph (a) of this section shall be known as shrinkage and classified as Class II milk: *Provided*, That if the quantities of skim milk and butterfat utilized and disposed of in milk and all milk products is not established by such handler all unaccounted for skim milk and butterfat prorated to receipts of milk from producers pursuant to paragraph (a) of this section shall be classified as Class I milk:

(1) That portion of skim milk and butterfat respectively prorated to receipts of other source milk;

(2) That portion which is prorated to skim milk in receipts of milk from producers but which, during the months of August through March, is not in excess of 2 percent of the total quantity of skim milk in such receipts and, during the months of April through July, is not in excess of 5 percent of the total quantity of skim milk in such receipts; and

(3) That portion which is prorated to butterfat in receipts of milk from producers but which is not in excess of 2 percent of the total quantity of butterfat in such receipts.

(c) That portion of skim milk and butterfat which is prorated to receipts of milk from producers, pursuant to paragraph (a) of this section, which is in excess of the amount of skim milk and butterfat, respectively, classified as Class II milk, pursuant to paragraph (b) of this section, shall be classified as Class I milk.

§ 946.43 *Responsibility for classification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect, or if used or reused by such handler or by another handler except a producer-handler in another class.

§ 946.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of fluid milk, skim milk, or cream (excluding frozen cream) to a pool plant of another handler, unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transaction occurred: *Provided*, That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use the remaining quantity

shall be classified as Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to producer milk.

(b) As Class I milk if transferred or diverted to a producer-handler in the form of fluid milk, skim milk, or cream (excluding frozen cream).

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to a nonpool plant located 100 miles or more from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator.

(d) As Class I milk if transferred or diverted in the form of milk or skim milk to a nonpool plant located less than 100 miles from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator, and as Class I milk if transferred in the form of fluid cream to such a plant, wherever located, unless the following conditions are met:

(1) The handler claims classification in Class II milk on the basis of a utilization mutually indicated in writing to the market administrator by both the handler and the operator of the nonpool plant on or before the 5th day after the end of the month within which such transaction occurred;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonpool plant; and

(3) An amount of skim milk or butterfat, respectively, not less than that so transferred or diverted was used in the indicated use: *Provided*, That if upon inspection of the records of the nonpool plant it is found that an equivalent of skim milk or butterfat, respectively, was not actually used in such indicated use the remaining quantity shall be classified as Class I milk.

§ 946.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler.

§ 946.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 946.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract the plant shrinkage of skim milk in milk received from producers, determined pursuant to § 946.42 (b) (2), from the total pounds of skim milk in Class II;

(2) Subtract the pounds of skim milk in receipts of other source milk from the remaining pounds of skim milk in Class II: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract the pounds of skim milk in milk, skim milk, and cream received from pool plants of other handlers from the pounds of skim milk in the class to which it was assigned: *Provided*, That, if the pounds of skim milk to be subtracted is greater than the pounds of skim milk in such class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class;

(4) Add the plant shrinkage of skim milk in milk received from producers subtracted in subparagraph (1) of this paragraph, to the remaining pounds of skim milk in Class II; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 946.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section and subparagraphs (1) and (2) of § 946.51 (b).

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Add 20 percent to the Chicago butter price for the month and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

(b) The price per hundredweight computed by adding together the values pursuant to subparagraphs (1) and (2) of this paragraph, dividing by 7, adding 30 percent thereof, and then multiplying by 3.8.

(1) Multiply by 6 the Chicago butter price for the month.

(2) Multiply by 2.4 the simple average, as published by the Department of Agriculture, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month.

(c) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 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 of Agriculture:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 946.52 (b) for the month by 3.

§ 946.51 *Class prices.* Subject to the provisions of § 946.52, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price plus $1.25 per hundredweight.

(b) *Class II milk.* The price of Class II milk for the months of August through March shall be the price per hundredweight computed pursuant to § 946.50 (a), and for the months of April through July the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) From the average of the basic or field prices per hundredweight reported by, and ascertained by the market administrator to have been paid by the following concerns at the plants or places listed below, for ungraded milk of 4.0 percent butterfat content, without deductions for hauling or other charges to be paid by the farmer shipper, received from dairy farmers during the month:

Concern and Location

Kraft Foods Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Salem, Ind.
Ewing-Von Allmen Co., Corydon, Ind.
Ewing-Von Allmen Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

subtract the amount computed by multiplying the butterfat differential computed pursuant to § 946.52 (b) for the month by 2.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Add 15 percent to the Chicago butter price for the month and multiply by 3.8.

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, roller process, for human consumption,

f. o. b. manufacturing plants in Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents and multiply by 8.2, and then deduct 8 cents.

§ 946.52 *Butterfat differential to handlers.* If the weighted average butterfat content of milk received from producers allocated to Class I milk or Class II milk, respectively, pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each $\frac{1}{10}$th of one percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(a) *Class I milk.* Multiply by 1.25 the Chicago butter price for the month and divide the result by 10.

(b) *Class II price.* For the months of August through March, multiply by 1.2 the Chicago butter price for the month and divide the result by 10, and for the months of April through July, multiply by 1.15 the Chicago butter price for the month and divide by 10.

APPLICATION OF PROVISIONS

§ 946.60 *Producer-handlers.* Sections 946.40 through 946.46, 946.50 through 946.52, 946.61, 946.70, 946.71, and 946.80 through 946.88 shall not apply to a producer-handler.

§ 946.61 *Handlers operating nonpool plants.* Sections 946.30 through 946.32, 946.50 through 946.52, 946.70, 946.71, 946.80 through 946.84, 946.86 and 946.87 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 946.11 (d), except that such handler shall:

(a) On or before the 5th day after the end of the month, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) On or before the 13th day after the end of each month, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the manner described in § 946.11 (d) by the difference between the price of Class II milk and the price of Class I milk adjusted by the butterfat differential to handlers; and

(c) On or before the 15th day after the end of the month, pay to the market administrator, as such handler's pro rata share of the expense of administration of this order, 2.5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II products disposed of during the month in the marketing area in the manner described in § 946.11 (d).

§ 946.62 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, the provisions of this subpart shall not apply except the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 946.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of such milk in each class computed pursuant to § 946.46 by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 946.46 by the applicable class prices; and

(d) Add the amount computed by multiplying the pounds of other source milk which were allocated to Class I by the difference between the Class II and the Class I prices adjusted by the butterfat differential to handlers.

§ 946.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in § 946.30 for the month and who are not in default of payments pursuant to § 946.83 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 946.81 and multiplying the resulting figure by the total hundredweight of such milk;

(c) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year;

(d) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 946.84 (a), and less the aggregate of the amounts held pursuant to paragraph (c) of this section for payment pursuant to § 946.84 (b);

(e) Divide the resulting total by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers at a handler's pool plant.

PAYMENTS

§ 946.80 *Time and method of payment.* On or before the 15th day after the end of each month, each handler shall pay to each producer from whom he received milk during the month an amount of money representing not less than the total value of such producer's milk at the uniform price per hundredweight, subject to the producer butterfat differential, and less deductions authorized by such producer: *Provided,* That, if by such date such handler has not received full payment for such month pursuant to § 946.84, he may reduce uniformly per hundredweight for all producers his payments pursuant to this section by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 946.81 *Producer butterfat differential.* In making payment to producers pursuant to § 946.80, each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, the amount set forth in the following schedule for the price range in which falls the Chicago butter price for the month during which such milk was received.

Butter price range (cents):	*Butterfat differential (cents)*
17.499 or less	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 946.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 946.61, 946.83, and 946.85 and out of which he shall make all payments pursuant to §§ 946.84 and 946.85: *Provided,* That payments due any handler shall be offset by payments due from such handler.

§ 946.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential.

§ 946.84 *Payments out of the producer-settlement fund.* (a) On or before the 14th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 14th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer from whom milk was received by all handlers during the month an amount computed as follows: Divide one-fourth of the aggregate amount held pursuant to § 946.71 (c) by the hundredweight of milk received from producers by all handlers during the month and multiply the resulting amount (computed to the nearest full cent per hundredweight) by the milk received from such producer during the month: *Provided*, That payment under this paragraph to any producer who has given authority to a cooperative association to receive payment for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payments.

§ 946.85 *Adjustment of accounts.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 946.84, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 946.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

§ 946.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 946.80, shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.80 as are authorized by such producers, and, on or before the 15th day after the end of each month, pay such deductions to the cooperative association rendering such services.

§ 946.87 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 2.5 cents per hundredweight, or such amount to be not in excess thereof as the Secretary may prescribe, with respect to all receipts by such handler during the month of (a) milk from producers (including such handler's own farm production), and (b) other source milk classified as Class I milk pursuant to § 946.46. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be delivered by such cooperative association to a nonpool plant and milk received from producers at a pool plant of such cooperative association.

§ 946.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 946.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

§ 946.91 *Suspension and termination.* Any or all provisions of this subpart, or any amendment to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 946.92 *Continuing power and duty.* (a) If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising hereunder the final accrual or ascertain-

ment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this subpart.

§ 946.93. *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, except §§ 946.35, 946.88, 946.91 through 946.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§946.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 946.101 *Separability of provisions.* If any provisions of this subpart, or its application to any person, or circumstances, is held invalid, the application of such provisions and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C. this 2d day of July 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 51-7876, Filed, July 6, 1951; 8:53 a. m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the administrative committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.207 *Budget of expenses and rate of assessment.* (1) The expenses necessary to be incurred by the administrative committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1952, will amount to $5,250.00.

(2) The rate of assessment to be paid by each handler who first ships potatoes shall be three eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(3) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

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

Done at Washington, D. C., this 3d day of July 1951.

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

[F. R. Doc. 51-7874; Filed, July 6, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

JUNE 29, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 80 acres.

NEVADA SMALL TRACT CLASSIFICATION NO. 71

For lease and sale for homesites only:

T. 22 S., R. 61 E., M. D. M.
Sec. 9, W½SW¼.

The land is situated in Clark County, Nevada, about 7 miles south of Las Vegas, one of the largest towns in the state. It can be reached over U. S. Highway 91. The land is desert in character. The area is one that is used extensively for health and recreational purposes.

2. As to applications regularly filed prior to 10:00 a. m., March 29, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 31, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 31, 1951, to close of business on November 29, 1951.

(b) Advance period for veterans' simultaneous filings from 10:00 a. m., March 29, 1949, to 10:00 a. m., August 31, 1951.

4. Any of the land remaining unappropriated will become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 30, 1951.

(a) Advance period for simultaneous nonpreference filings from 10:00 a. m., March 29, 1949, to 10:00 a. m., November 30, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran will accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims will accompany their application by duly

corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet, except that along the west side of the subdivision there will be a row of tracts 330 by 660 feet, the longer dimension of which will extend east and west, which latter tracts will be subject to a 200-foot highway right-of-way. This highway extends north and south along the western side of said subdivision.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Leases will be for a period of three years. Homesite leases will be for a period of three years. Homesite leases will be at an annual rental of $5.00 and business site leases at an annual rental of $20.00, all of the rental to be paid in advance for the entire period of the lease. Leases will contain an option to purchase clause at the appraised value of $125.00 per tract, except that those tracts bordering the State Highway are appraised at $175.00 per tract. Application for purchase may be filed during the term of the lease, but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to rights-of-way for road and public utilities as follows:

16½ feet along the north side of the NW¼SW¼ and SW¼SW¼
16½ feet along the south side of the NW¼SW¼
33 feet along the south side of the SW¼SW¼

Such rights-of-way may be utilized by the Federal Government or the State, County, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-7852; Filed, July 6, 1951; 8:49 a. m.

[Misc. 1724268]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM BOISE PROJECT

JULY 2, 1951.

An order of the Bureau of Reclamation dated December 20, 1948, concurred in by the Director, Bureau of Land Management, December 27, 1948, revoked the Departmental orders of December 22, 1903, February 10, 1906, and April 26, 1938, so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described lands in connection with the Boise Project, Idaho, and provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands described:

BOISE MERIDIAN

T 11 N., R. 3 E.,
Sec. 2, lots 11 and 12.
T. 3 N., R. 3 W.,
Sec. 26, NW¼.

The lands in T. 11 N., R. 3 E., are definitely forest in type, and not of agricultural value, and it is unlikely that they will be classified for disposal under any public-land law. The NW¼ sec. 26, T. 3 N., R. 3 W. is chiefly valuable for gravel.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other non-mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall become effective at 10:00 a. m. on the 35th day after the date hereof. At that time the surveyed public lands within the above-described area shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for those lands may be obtained on request from the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-7826; Filed, July 6, 1951; 8:45 a. m.]

[Misc. 1218080]

MONTANA

NOTICE OF REMOVAL OF TRACT FROM PUBLIC WATER RESERVE NO. 107

Pursuant to the authority contained in Departmental Order No. 2583, section 1.1 (a) of August 16, 1950 (15 F. R. 5643), and the instructions of the Frst Assistant Secretary of the Interior of March 29, 1951, notice is hereby given that the following-described public land, which was construed by Public Water Interpretation No. 212 of January 18, 1935, to be included in Public Water Reserve No. 107 created by the Executive order of April 17, 1926, has been found to be unsuitable for withdrawal as a public water reserve and that Interpretation No. 212 will be deleted from the records:

PRINCIPAL MERIDIAN

T. 8 N., R. 41 E.,
Sec. 24, SW¼SE¼.

The area described contains 40 acres.

The land is isolated and primarily valuable for grazing, and contains no water. It will not be subject to occupancy or disposition until it has been classified. It is unlikely that it will be classified as suitable for homestead, desert-land, or small-tract use.

This order shall become effective at 10:00 a. m. on the 35th day after the date of publication in FEDERAL REGISTER. At that time the said land shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Land Office at Billings, Montana.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-7827; Filed, July 6, 1951; 8:46 a. m.]

[Misc. No. 1218080]

OREGON

NOTICE OF REMOVAL OF TRACTS FROM PUBLIC WATER RESERVE NO. 107

Pursuant to the authority contained in Departmental Order No. 2583, section 1.1 (a) of August 16, 1950 (15 F. R. 5643), and the instructions of the First Assistant Secretary of the Interior on March 29, 1941, notice is hereby given that the following-described land which was construed by Interpretation No. 199 of February 27, 1934, to be included in Public Water Reserve No. 107 created by Executive order dated April 17, 1926, has been found to be unsuitable for withdrawal as a public water reserve and that the Interpretation No. 199 will be deleted from the records:

WILLAMETTE MERIDIAN

T. 7 S., R. 42 E.,
Sec. 21, SW¼.

The area described contains 160 acres.

The land affected by this notice is chiefly valuable for grazing. No application for this land may be allowed under the homestead, small tract, or desert-land laws, or any other non-mineral public-land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

This order shall become effective at 10:00 a. m. on the 35th day after publication in the FEDERAL REGISTER. At that time the said land shall become subject to application, petition, location and selection, subject to the provisions of existing withdrawals, the requirements of applicable law and the 90-day preference right filing period for veterans and others entitled to preference

under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51–7828; Filed, July 6, 1951; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

SPECIAL ASSISTANT TO ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO POWER CONTRACTS

Effective June 8, 1951, the following delegation of authority has been authorized:

Authority has been delegated to Ershel G. Keffer, Special Assistant to the Administrator, to approve, "for Claude R. Wickard, Administrator," large power contracts between REA borrowers in Region IX and consumers where such contracts are in accordance with the REA standard form of agreement for the purchase of power, or where such contracts follow a form previously approved by the Office of the Solicitor.

This delegation is in addition to and does not supersede existing delegations of authority.

Issued this 8th day of June 1951.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51–7877; Filed, July 6, 1951; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region III, Redelegation of Authority No. 1]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO AHTHORIZE MARKUPS IN EXCESS OF APPENDIX E OF CPR 7, AND TO PERMIT PRICING METHODS FOR SETS (GROUPS OF ARTICLES) TO WHICH SERVICES HAVE BEEN ADDED AND FOR REPAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, No. 3, pursuant to delegation of authority No. 5 (16 F. R. 3672) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Philadelphia, Pittsburgh and Erie, Pennsylvania, and Wilmington, Delaware, Offices of Price Stabilization to authorize, by order, in accordance with section 39 (b) (3) of Ceiling Price Regulation 7, markups higher than those listed in Appendix E of that regulation.

2. Authority is hereby redelegated to the Directors of the Philadelphia, Pittsburgh and Erie, Pennsylvania, and Wilmington, Delaware, Offices of Price Stabilization to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, sellers to add to the total net costs of the constituent articles of assembled sets (groups of articles) to which services have been added, the cost of the services provided and a markup in line with the level of prices established by that regulation.

3. Authority is hereby redelegated to the Directors of the Philadelphia, Pittsburgh and Erie, Pennsylvania, and Wilmington, Delaware, Offices of Price Stabilization to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold.

This redelegation of authority shall take effect on July 7, 1951.

JOSEPH J. MCBRYAN,
Acting Director of Regional Office No. 3.

JULY 6, 1951.

[F. R. Doc. 51–9730, Filed, July 6, 1951; 8:46 a. m.]

[Region III, Redelegation of Authority No. 2]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO ACT ON ALL APPLICATIONS AND CERTAIN ADJUSTMENTS

Redelegation of authority to act on all applications for price action and adjustments under the provisions of sections 15 (c), 26a, 28a and 28b of CPR 14; sections 26, 26a, 27 and 30 (b) of CPR 15; and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, No. 3, pursuant to Delegation of Authority No. 8 (16 F. R. 738) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Philadelphia, Pittsburgh and Erie, Pennsylvania, and Wilmington, Delaware, Offices of Price Stabilization to act on all applications for price action and adjustment under the provisions of sections 15 (c), 26a, 28a, and 28b of CPR 14; sections 26, 26a, 27, and 30 (b) of CPR 15; and sections 22 (b), 24, 24a and 26 (b) of CPR 16.

This redelegation of authority shall take effect on July 7, 1951.

JOSEPH J. MCBRYAN,
Acting Director of Regional Office No. 3.

JULY 6, 1951.

[F. R. Doc. 51–7931; Filed, July 6, 1951; 8:46 a. m.]

[Region VI, Redelegation of Authority No. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to delegation of authority No. 8 (16 F. R. 5659) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio.; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky, and Toledo, Ohio, District Offices of the Office of Price Stabilization to act under sections 15 (c), 26a, 28a, and 28b of CPR 14, sections 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky, and Toledo, Ohio, District Offices of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of sections 15 (c), 26a, 28a and 28b of CPR 14, sections 26, 26a, 27 and 30 (b) of CPR 15, and sections 22 (b), 24, 24a and 26 (b) of CPR 16.

This redelegation of authority shall take effect on July 7, 1951.

SYDNEY A. HESSE,
Director of Regional Office No. 4.

JULY 6, 1951.

[F. R. Doc. 51–7932; Filed, July 6, 1951; 8:46 a. m.]

[Region VI, Redelegation of Authority No. 2]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO AUTHORIZE MARKUPS IN EXCESS OF APPENDIX E OF CPR 7, AND TO PERMIT PRICING METHODS FOR SETS (GROUPS OF ARTICLES) TO WHICH SERVICES HAVE BEEN ADDED AND FOR REPAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to delegation of authority No. 5 (16 F. R. 3672) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky, and Toledo, Ohio District Offices of the Office of Price Stabilization to authorize, by order, in accordance with section 39 (b) of Ceiling Price Regulation 7, markups higher than those listed in Appendix E of that regulation.

2. Authority is hereby redelegated to the Director of the Cincinnati, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky, and Toledo, Ohio District Offices of the Office of Price Stabilization to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, sellers to add to the total net costs of the constituent articles of assembled sets (groups of articles) to which services have been added, the cost of the services provided and a markup in line with the level of prices established by that regulation.

3. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky and Toledo, Ohio District Offices of the Office of Price Stabilization to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold.

This redelegation of authority shall take effect on July 7, 1951.

SYDNEY A. HESSE,
Director of Regional Office No. 4.

JULY 6, 1951.

[F. R. Doc. 51-7933; Filed, July 6, 1951; 8:46 a. m.]

[Delegation of Authority 8, Amendment 1]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

Delegation of Authority 8 (16 F. R. 5659) is amended by adding item 2 to read as follows:

2. *Authority to act under section 21a of CPR 15.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act on all applications, price actions and adjustments under the provisions of section 21a of CPR 15. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization. The delegation of authority in this item shall take effect on July 7, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 6, 1951.

[F. R Doc. 51-7949; Filed, July 6, 1951; 11:25 a. m.]

[Delegation of Authority 10, Supp. 1]

DIRECTORS OF THE DIVISIONS OF THE OFFICE OF PRICE OPERATIONS

REDELEGATION OF AUTHORITY TO DISAPPROVE OR REQUEST FURTHER INFORMATION REGARDING CHANGES IN COUPON EXCHANGE PLANS PURSUANT TO SECTION 4 OF SR 25 TO GCPR

By virtue of the authority vested in me as Assistant Director for Price Operations, Office of Price Stabilization, pursuant to the Defense Production Act of 1950, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) by Office of Price Stabilization Delegation of Authority No. 10 (16 F. R. 6260), this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization, to request further information from a seller who has submitted for approval proposed changes in a coupon exchange plan or other premium program pursuant to Supplementary Regulation 25, as amended, to the General Ceiling Price Regulation.

2. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization, to disapprove proposed changes in a coupon exchange plan or other premium program submitted by a seller pursuant to Supplementary Regulation 25, as amended, to the General Ceiling Price Regulation.

This delegation of authority shall take effect on July 7, 1951.

EDWARD F. PHELPS, Jr.,
Assistant Director for Price Stabilization.

JULY 6, 1951.

[F. R. Doc. 51-7950; Filed, July 6, 1951; 11:25 a. m.]

Wage Stabilization Board

[General Wage Regulation 12]

ESTABLISHMENT OF CONSTRUCTION INDUSTRY STABILIZATION COMMISSION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Wage Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes a tripartite Construction Industry Stabilization Commission to administer the wage stabilization functions in the building and construction industry. The considerations supporting this regulation are as follows:

The work of the industry is performed on separate project sites, rather than in fixed industrial plants. Both contractors and workers are mobile. Contractors move into an area, complete their project as required or allowed by such variables as weather conditions and contractual provisions, and move on to a new job site. Workers may be employed by a number of different contractors, on different projects, in the course of a single season. The employment relationship is thus temporary and intermittent.

The construction industry is highly organized both as to contractors and workers. Most of the approximately 2,500,000 employees belong to one of the 19 international unions affiliated with the Building and Construction Trades Department of the AFL, and most contractors, general, specialty or home builders, bargain through associations. Collective bargaining typically takes place between the unions and associations in a locality, and normally proceeds with each craft union negotiating separately. There may also be participation by the national unions and contractors associations. There are accordingly many thousands of separate agreements entered into each year. The wage rates determined through these negotiations are adopted in many cases by contractors who are not association members.

Wage rates for federally financed construction projects in the building and construction industry are determined by the Secretary of Labor under the Davis-Bacon and similar Acts which contain provisions stating that the minimum wages to be paid various classes of laborers and mechanics shall be based upon the wages that are determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the locality in which the work is to be performed. Inasmuch as it would be impractical and unstabilizing to have more than one rate for a particular craft and type of project in an area, rates established under the wage stabilization program and those established by Davis-Bacon determinations must be coordinated and integrated. This cannot be done effectively on a regional basis; it must be accomplished at the national level.

The organization and functions of the Commission are similar to those of the Wage Adjustment Board, which was responsible for wage stabilization in World War II, and continued operation after other wage controls were removed. This record led to the request, on February 9, 1951, by representatives of the Building and Construction Trades Department, AFL, and nine national contractors' associations that the Board establish a similar agency.

The regulation authorizes the Commission to stabilize wages on the basis of areas traditionally established for collective bargaining purposes. This is called for by the nature and practice of the industry and is in accord with stabilization experience.

The special characteristics of the industry make many of the Board's present regulations, intended for general applicability to industrial employment relations, technically unsuited to the building and construction industry. Effective administration of the wage stabilization function requires a specialized, expert Commission. In no other way can the case load and other problems posed by the operational and bargaining peculiarities of this industry be solved.

Due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act of 1950. This regulation is in accord with a joint request signed by representatives of both contractor associations and labor organizations in the building and construction industry. The regulation is issued by a tripartite Board which has consulted representatives of labor and industry, including trade associations representatives. In the judgment of the Wage Stabilization Board, this regulation is generally fair and equitable and will effectuate the pur-

poses of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. Organization of Construction Industry Stabilization Commission.
2. Functions of the Construction Industry Stabilization Commission.
3. Jurisdiction of the Construction Industry Stabilization Commission.

AUTHORITY: Sections 1 through 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161 (15 F. R. 6105); E. O. 10233 (16 F. R. 3503); General Order No. 3, Economic Stabilization Administrator (16 F. R. 739).

SECTION 1. *Organization of Construction Industry Stabilization Commission.* (a) The Wage Stabilization Board hereby establishes a Construction Industry Stabilization Commission. The Commission shall consist of twelve members appointed by the Board, of whom four, including the Chairman and the Vice Chairman, shall be representative of the public, four representative of labor in the building and construction industry, and four representative of management in the building and construction industry, including two representative of general contractors and two representatives of sub-contractors.

(b) The Board in consultation with the Secretary of Labor, and the Commission, will appoint the key personnel of the Commission. Other staff and services for the Commission shall be furnished by the United States Department of Labor. Employees assigned to the Commission by the Department shall be responsible to the Commission in respect to the functions to be performed by them for the Commission.

(c) The Commission is authorized to establish rules for its internal organization and procedure, including quorum rules, provision for and designation of alternate members, and establishment of panels and committees.

SEC. 2. *Functions of the Construction Industry Stabilization Commission.* (a) The Commission shall administer the wage stabilization functions in the building and construction industry. In performing these functions, the Commission shall conform to the regulations, policies, orders and decisions of the Board and its authority shall be limited to that provided in this regulation and in Executive Order 10161 and 10233. The Commission may issue other regulations, rulings, and procedures applicable to the building and construction industry, upon approval of the Board.

(b) The Commission shall stabilize rates of "wages, salaries and other compensation", as defined in section 702 (c) of the Defense Production Act of 1950, in the building and construction industry, on the basis of area rates so far as practicable. In securing wage data, the Commission shall utilize to the fullest practicable extent the information available in the Wage Determination Branch of the United States Department of Labor.

(c) Any ruling or decision issued by the Commission in a particular case shall be final unless reviewed and modified by the Board on its own motion or unless review by the Board is obtained pursuant to the procedural regulations of the Board.

SEC. 3. *Jurisdiction of the Construction Industry Stabilization Commission.* The jurisdiction of the Commission covers the administration of stabilization rules with respect to all wages and salaries paid to mechanics and laborers in the building and construction industry employed directly upon the site of the work.

(a) The term "mechanics and laborers" includes employees performing manual labor in connection with and at the site of any building and construction project, including working foremen and mechanic's apprentices. The term does not include employees whose work, although connected with building and construction projects, is non-manual or not performed directly and primarily at the site of a particular building project, such as executive, administrative, technical and clerical employees, and manual employees working in shops or away from the site of the project.

(b) The term "building and construction industry" includes all persons whether employers, contractors, employees or others, engaged in erecting, constructing, altering, remodeling, painting and decorating installations such as buildings, bridges, highways and the like. Work performed in the building and construction industry includes the transporting of materials and supplies to or from a particular building or construction project by the employees of the employer or contractor performing the construction and the manufacturing of materials, supplies or equipment on the site of a project by the employer or contractor for use thereon but does not otherwise include the manufacturing or furnishing of materials nor the performance of servicing or maintenance work. Maintenance work is work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition but does not include similar work performed on a contract basis, for various plants and facilities under different ownership.

(c) The term "site of the work" means the place or places at which the direct labor involved in a building or construction project is performed and includes temporary installations used in connection with a particular project even though such installations may not be directly on the site of the project. Installations of a permanent or commercial nature used to serve numerous projects are not considered as being on the site of construction.

(d) The term "project" means a particular building job or a particular construction job undertaken by an employer in the building and construction industry at a specified location. A project may be classified by the Commission as involving one of three types of construction, namely building construction, heavy construction and highway construction, and the approved wage rates for a particular job classification in a particular area may vary depending on the type of construction involved in a project.

(e) The term "area" means the geographical area, generally at least a county or metropolitan area, which is the historical basis for collective bargaining for the particular craft and type of construction.

Adopted by unanimous vote of the Board on May 31, 1951.

GEORGE W. TAYLOR,
Chairman.

[F. R. Doc. 51-7909; Filed, July 5, 1951; 1:46 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-227]

INVESTIGATION OF ACCIDENT NEAR REARDON, WASHINGTON

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-93054, which occurred near Reardon, Washington, on January 16, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be reconvened on Wednesday, July 11, 1951, at 9:30 a. m. (local time) in the Lowry Hotel, Fourth and Wabashaw Streets, St. Paul, Minnesota.

Dated at Washington, D. C., July 2, 1951.

ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 51-7872; Filed, July 6, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1725]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION FOR ORDER PERMITTING AND APPROVING PARTIAL ABANDONMENT OF SERVICE

JULY 2, 1951.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal place of business at 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on June 21, 1951, an application pursuant to section 7 of the Natural Gas Act for an order permitting and approving partial abandonment of natural gas service as hereinafter set forth.

Applicant proposes to reduce its natural-gas deliveries to Michigan Consolidated Gas Company at Detroit, Michigan, from a daily maximum volume of 125,000 Mcf per day, as required under its existing contract, as supplemented, to a daily maximum volume of 87,500 Mcf per day, or 32 million Mcf per year. Said reduction is to become effective January 1, 1952. Applicant states that its existing contract with Michigan Consolidated will terminate on December 31, 1951, after which date it proposes to serve Michigan Consolidated on the reduced basis by virtue of findings and orders of the Federal Power Commission issued in Docket No. G-669, In the Mat-

ter of Michigan-Wisconsin Pipe Line. Applicant states that it will tender Michigan Consolidated Gas Company a new contract effectuating the proposed reduced natural gas service.

Protests or petitions to intervene may be filed with the Federal Power Comission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7829; Filed, July 6, 1951; 8:46 a. m.]

[Docket No. G-1727]

SHIPPENSBURG GAS CO.

NOTICE OF APPLICATION

JULY 2, 1951.

Shippensburg Gas Company (Applicant), a Pennsylvania corporation with its principal place of business at Shippensburg, Pennsylvania, filed on June 25, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 67,600 feet of 6-inch natural-gas transmission pipeline, extending from a point on the main natural-gas pipeline of Texas Eastern Transmission Corporation in Pennsylvania to Shippensburg's present manufactured-gas distribution system in the town of Shippensburg, Pennsylvania. Applicant proposes to purchase up to 376 Mcf of natural gas per day from Texas Eastern and to transport such gas through the proposed facilities for distribution in the Town of Shippensburg and environs. Applicant stated in its application that Texas Eastern proposes by its application in Docket No. G-1693 to sell up to 376 Mcf of natural gas per day to it.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7830; Filed, July 6, 1951; 8:46 a. m.]

FEDERAL SECURITY AGENCY

Office of Education

ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, AND PLACES AT WHICH INFORMATION MAY BE SECURED

Section 751 of the uncodified material of the Federal Security Agency, Office of Education, covering the organization, delegations of final authority, and places at which information may be secured, is amended by substituting the following for the corresponding material which was published at 13 F. R. 7455-7457, and which was amended, supplemented, or otherwise affected by material published at 14 F. R. 5852-5853; 15 F. R. 2683-2685; and 15 F. R. 4300.

SEC. 751. *Office of Education.* (a) The Office of Education is headed by a Commissioner who functions under the general direction of the Federal Security Administrator. The Office of Education includes the following divisions which carry on activities relating to education:

Office of the Commissioner.
Division of State and Local School Systems.
Division of Higher Education.
Division of Vocational Education.

(b) *Office of the Commissioner.* (1) The Commissioner of Education administers the program of the Office.

(2) The Executive Officer directs the functions and activities of administrative management and services to the Office. This office also administers the collection of loans made to students under the Student War Loans Program (56 Stat. 576; 57 Stat. 501; 11 F. R. 177A).

(3) The Program Development and Coordination Branch studies and identifies emerging problems and trends in American education, plans and recommends Office programs and objectives, reviews proposed projects and activities for conformity to over-all goals, assists in implementation of programs, and reviews Division operations for effectiveness and conformity to policy. In addition it provides central statistical research services, informational services, and publication controls and services for the Office.

(4) There is also in the Office of the Commissioner an Assistant Commissioner who coordinates defense activities of the Office of Education and administers the National Scientific Register. The National Scientific Register Project has been established in the Office of Education under an agreement with the National Security Resources Board pursuant to the National Security Act of 1947 (61 Stat. 495).

(c) *Division of State and Local School Systems.* The Division of State and Local School Systems is headed by an Assistant Commissioner for State and Local School Systems. The Division provides educational leadership in the general field of elementary and secondary education. It furnishes advisory services to State and local school systems and educational organizations in the field of elementary and secondary education, on such matters as administration and supervision, instruction, and auxiliary services. The Division administers the program for the exchange of teachers and students between the United States and other countries and for the training of teachers from foreign countries under sec. 1, 53 Stat. 1290; 22 U. S. C. 501-502; and as delegated by the Department of State under 62 Stat. 6 (22 U. S. C. 1435; 22 C. F. R. 65.1-65.12 inclusive). The Division also administers the programs for financial assistance to local school districts in Federally affected areas for maintenance and operation (Public Law 874, 81st Cong.; 64 Stat. 1100; 20 U. S. C. 236-244), for school facilities inventories and surveys (Pub. Law 815, Title I, 81st Cong.; 64 Stat. 967; 20 U. S. C. 251-255), and for school construction (Public Law 815, Title II, 81st Cong., 64 Stat. 967; 20 U. S. C. 271-280).

(d) *Division of Higher Education.* The Division of Higher Education is headed by an Assistant Commissioner for Higher Education. The Division provides educational leadership in the general field of higher education. It furnishes advisory services to institutions of higher education on such matters as administration, supervision, and instruction. The Division also administers the grants-in-aid to land grant colleges under the provisions of the Morrill Act and supplementary acts (secs. 4 and 5, 12 Stat. 503; 14 Stat. 208; 22 Stat. 484; secs. 1 to 6, 26 Stat. 417; 34 Stat. 1281; 44 Stat. 247; sec. 22, 49 Stat. 439; 54 Stat. 39; 7 U. S. C. 301, 305, 307, 308, 321-326, 328, 329, 331; 5 U. S. C. 133t note). The Division studies the needs for and utilization of housing facilities in colleges and universities and makes recommendations to the Administrator of the Housing and Home Finance Agency with reference to the making of loans to these institutions to provide housing for their students and faculties (Pub. Law 475, 81st Congress). The Division studies foreign school systems and makes reports thereon. It also evaluates foreign credentials of students as requested by institutions of higher education.

(e) *Division of Vocational Education.* The Division of Vocational Education is headed by an Assistant Commissioner for Vocational Education. In his absence or disability the Assistant Director, State Plans and Grants, acts for him. The Division administers grants-in-aid for vocational education under the provisions of the Smith-Hughes Vocational Education Act and the Vocational Education Act of 1946 (sec. 1 to 18, 39 Stat. 929, as amended, and sec. 1 to 9, 60 Stat. 775; 20 U. S. C. 11-30; 45 CFR 102.1-102.219, inclusive), and provides leadership in the general field of vocational education. It also furnishes advisory services to State Boards for Vocational Education, other Federal agencies, and professional organizations on such matters as guidance and counseling, and vocational education in agriculture, home economics, trade and industry, and distributive and other commercial occupations.

[SEAL] EARL J. McGRATH,
U. S. Commissioner of Education.

Approved: July 2, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-7846; Filed, July 6, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26228]

CEREALS AND POULTRY FEED BETWEEN PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

JULY 3, 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: J. P. Haynes, Agent, for carriers parties to his tariff ICC No. 1474.

Commodities involved: Cereals and cereal products, animal and poultry feed and related articles, and seeds, carloads.

Between: Points in Pacific coast territory.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: J. P. Haynes, Agent, ICC No. 1474, supp. 98.

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. 51-7837; Filed, July 6, 1951; 8:47 a. m.]

[4th Sec. Application 26229]

CEMENT FROM KANSAS GAS BELT TO KANSAS AND MISSOURI

APPLICATION FOR RELIEF

JULY 3, 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 L. E. Kipp, Agent, for the Missouri-Kansas-Texas Railroad Company.

Commodities involved: Cement, hydraulic, portland or natural, carloads.

From: Chanute, Kans., Dewey, Okla., Fort Scott, Humboldt and Iola, Kans.

To: Points in Kansas and Missouri.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, ICC No. A-3850, supp. 16; L. E. Kipp, Agent, ICC No. A-3815, supp. 19.

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. 51-7838; Filed, July 6, 1951; 8:47 a. m.]

[4th Sec. Application 26230]

VARIOUS COMMODITIES BETWEEN TEXAS POINTS

APPLICATION FOR RELIEF

JULY 3, 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: H. N. Roberts, Alternate Agent, for carriers parties to his tariff ICC No. 666.

Commodities involved: Sugar, clay, fullers earth, kaolin and rice hulls, carloads.

Between: Points in Texas.

Grounds for relief: Competition with rail carriers. To supply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. N. Roberts, Alternate Agent, ICC No. 666, supp. 148.

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. 51-7839; Filed, July 6, 1951; 8:47 a. m.]

[4th Sec. Application 26231]

GRAIN FROM IOWA AND MINNESOTA TO GULF PORTS

APPLICATION FOR RELIEF

JULY 3, 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: L. E. Kipp, Agent, for carriers parties to Chicago, Milwaukee, St. Paul and Pacific Railroad Company tariff ICC No. B-7626.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: Points in Iowa and Minnesota.

To: Beaumont, Galveston, Houston, Orange, Port Arthur and Texas City, Tex., Lake Charles and New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: Chicago, Milwaukee, St. Paul and Pacific Railroad Company tariff ICC No. B-7626, supp. 9.

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. 51-7840; Filed, July 6, 1951; 8:47 a. m.]

[4th Sec. Application 26232]

PERLITE FROM NEW ORLEANS AND PORT CHALMETTE, LA. TO ILLINOIS, KENTUCKY, TENNESSEE, AND MISSISSIPPI

APPLICATION FOR RELIEF

JULY 3, 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: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and others.

Commodities involved: Perlite, other than crude, carloads.

From: New Orleans and Port Chalmette, La.

To: Cairo, Ill., Paducah, Ky., Jackson, Tenn., Jackson, Miss., and certain other points in Mississippi and Tennessee.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to 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. 51-7841; Filed, July 6, 1951; 8:48 a. m.]

[4th Sec. Application 26233]

SCRAP IRON FROM ALBANY, GA., TO ALABAMA CITY AND GADSEN, ALA.

APPLICATION FOR RELIEF

JULY 3, 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: R. E. Boyle, Jr., Agent, for The Central of Georgia Railway Company and others.

Commodities involved: Scrap iron or steel, carloads.

From: Albany, Ga.

To: Alabama City and Gadsden, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 950, supp. 153.

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. 51-7842; Filed, July 6, 1951; 8:48 a. m.]

[4th Sec. Application 26234]

CEMENT FROM KANSAS GAS BELT TO POINTS IN OKLAHOMA

APPLICATION FOR RELIEF

JULY 3, 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 the Missouri-Kansas-Texas Railroad Company.

Commodities involved: Cement, hydraulic, portland or natural, carloads.

From: Chanute, Kans., Dewey, Okla., Fort Scott, Humboldt and Iola, Kans.

To: Points in Oklahoma.

Grounds for relief: 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, Agent, ICC No. 3934, supp. 9.

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. 51-7843; Filed, July 6, 1951; 8:48 a. m.]

[4th Sec. Application 26235]

GRAIN FROM KANSAS AND COLORADO TO TEXAS

APPLICATION FOR RELIEF

JULY 3, 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 the Atchison, Topeka and Santa Fe Railway Company and Panhandle and Santa Fe Railway Company.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: Points in Kansas and Colorado.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3941, supp. 14.

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. 51-7844; Filed, July 6, 1951; 8:48 a. m.]

[4th Sec. Application 26236]

SULPHURIC ACID FROM WILMINGTON, N. C., TO ALABAMA CITY, ALA.

APPLICATION FOR RELIEF

JULY 3, 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: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1200.

Commodities involved: Sulphuric acid, in tank-carloads.

From: Wilmington, N. C.

To: Alabama City, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1200, supp. 18.

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. 51-7845; Filed, July 6, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2652]

AMERICAN & FOREIGN POWER CO. INC.

ORDER AUTHORIZING PROPOSED EXTENSION OF LOAN AGREEMENT FROM JULY 1, 1951 TO JULY 1, 1952 AND THE BORROWING FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D., 1951.

American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company, having filed a declaration with the Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, regarding the following transactions:

The Commission, on December 30, 1949, issued its Findings, Opinion and Order authorizing Foreign Power to obtain a 5-year 3½ percent bank loan in the amount of $15,000,000 pursuant to a Loan Agreement dated December 16, 1949, from Bankers Trust Company, Mellon National Bank and Trust Company, and The National City Bank of New York ("Banks"). Pursuant to that Loan Agreement, Foreign Power borrowed on December 30, 1949, the principal amount of $10,000,000 retaining the right to borrow the remaining $5,000,000 at any time on or before July 1, 1951.

Foreign Power now proposes (a) the extension from July 1, 1951 to July 1, 1952, pursuant to a Supplemental Loan Agreement dated June 11, 1951, of the period during which it shall have the right to borrow the remaining $5,000,000 of the original $15,000,000 credit available to the Company under the Loan Agreement dated December 16, 1949, with the Banks and (b) the borrowing by Foreign Power, if such borrowing is decided necessary, of all or any part of said remaining $5,000,000 at any time on or before July 1, 1952. Such borrowing, if made, would be evidenced by promissory notes made payable to the Banks. The Supplemental Loan Agreement provides, among other things, that the interest rate, if such borrowing is made, would be 3½ percent per annum and that a commitment fee of ½ of 1 percent per annum would continue to be payable by the Company on the daily averaged unused portion of the commitment of each of the three Banks until the expiration or cancellation of the commitment.

The declarant represents that, if the proposed borrowing is made, the proceeds would be used to aid its subsidiaries in financing extensive construction programs to be carried out over the next few years. It is further represented that the actual borrowing is contingent upon whether Foreign Power is successful in obtaining a line of credit from the Export-Import Bank of Washington for use in aiding the construction program of the Company's subsidiaries.

Said declaration having been filed on June 13, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

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

[F. R. Doc. 51-7851; Filed, July 6, 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 18065]

ERIKA HUYSSEN

In re: Rights of Erika Huyssen under insurance contract. File No. F-28-31474-H-1.

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

1. That Erika Huyssen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Erika Huyssen under a contract of insurance evidenced by policy No. M 1081685, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Erika Huyssen, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7778; Filed, July 5, 1951; 8:56 a. m.]

[Vesting Order 18066]

KATHERINA IHRIG

In re: Estate of Katherina Ihrig, deceased. File No. D-28-12989.

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 Hilda Sommer, Katche Neureuther, Anna Nerbel, Hilda Ihrig, Marie Kaiser, Emma Ihrig, Martin Ihrig, Anna Geiger, Hilda Moar, Louise (Luise) Schattmueller, Fritz Gerhard, Werner Gerhard and Elsa Muller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Anna Gerhard, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Katherina Ihrig, 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 John P. Fendt, as executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. 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);

6. That the national interest of the United States requires that the said Anna Gerhard be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and it being deemed necessary in the national interest,

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7779; Filed, July 5, 1951; 8:56 a. m.]

[Vesting Order 18067]

AUGUST J. W. JAHN

In re: Estate of August J. W. Jahn, also known as August John, deceased. File No. D-28-12992.

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

1. That Charlotte Hildegard Starnberger, also known as Lotte Lengefeld and Selma Lengfeld, 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 Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky, also of Johanna Lengfeld and of Guenther Lengfeld, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of August J. W. Jahn, also known as August John, deceased, subject to the jurisdiction of the County Court, Clark County, South Dakota, 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:

4. 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 Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky, also of Johanna Lengfeld and of Guenther Lengfeld, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7780; Filed, July 7, 1951; 8:57 a. m.]

[Vesting Order 18068]

WALTER AND SADYE JOHNSON

In re: In the matter of the application of Walter Johnson and Sayde Johnson, his wife, for an order cancelling mortgage. File No. D-28-12984; E. T. sec. 17119.

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 Schleicher, Bertha Schleicher, Mrs. Emilie Kreigshauser, and Hildegarde Schonhardt, 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 sum of $4,768.34, deposited with the Treasurer of Erie County, Buffalo, New York, pursuant to an order of the Supreme Court of the State of New York, in and for the County of Erie, in the matter of the application of Walter Johnson and Sadye Johnson, his wife, for an order under section 333b, of the Real Property Law, cancelling and discharging of record the mortgage recorded in Liber 2108 of Mortgages, at page 271, in the office of the Clerk of the County of Erie, and any accruals thereto, 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 Treasurer of Erie County, Buffalo, New York, as depositary, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of Erie;

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 June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7781; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18069]

JOSEPHINE KLARER

In re: Estate of Josephine Klarer, deceased. File No. 017-26859.

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

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the Estate of Josephine Klarer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Comptroller of the State of New York, as depositary, acting under the judicial supervision of the Surrogate's Court of Erie County, New York;

and it is hereby determined:

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

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

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

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7782; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18070]

FRIEDA METTKE

In re: Estate of Frieda Mettke, deceased. File: D-28-12835; E. T. sec. 17003.

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 Konrad Mettke, Walli Mettke, Erwin Mettke and Wilhelm Mettke, 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 in and to the following described property:

(a) Five (5) shares of stock of the American Home Products Corporation bequeathed to Konrad Mettke under paragraph second of the will of Frieda Mettke;

(b) the residuary estate of Frieda Mettke devised and bequeathed to Walli Mettke, Erwin Mettke and Wilhelm Mettke under paragraph sixteenth of the will of Frieda Mettke

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 Elizabeth Denninger, as executrix, acting under the judicial supervision of the Surrogate's Court of Nassau County, New York;

and it is hereby determined:

4. That to the extent that the persons identified 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.

No. 131——6

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7783; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18071]

ROSA OMONSKY

In re: Estate of Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky. File No. D-28-12992.

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

1. That Charlotte Hildegard Starnberger, also known as Lotte Lengefeld, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky, 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 Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky, subject to the jurisdiction of the County Court, Clark County, South Dakota,

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:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7784; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18072]

MARKUS OSTERMEIER

In re: Estate of Markus Ostermeier, deceased. File No. D-28-13020; E. T. sec. 17146.

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 Maria Ostermeier and Elizabeth Bauer, 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 Alois Ostermeier, deceased, except Alois Ostermeier, Jr., a resident of the United States, 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, except Alois Ostermeier, Jr., a resident of the United States, and each of them, in and to the estate of Markus Ostermeier, 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 James W. Brown, Public Administrator of Bronx County, as administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Alois Ostermeier, deceased, except Alois Ostermeier, a resident of the United States, 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 other-

wise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7785; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18073]

EMILIE SCHMELZKOPF RENSING

In re: Estate of Emilie Schmelzkopf Rensing, deceased. File No. D-28-11460; E. T. sec. 15692.

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 Lieselotte R. Rensing, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That such property is in the process of administration by F. M. Hohwiesner, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Kern;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7786; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18077]

PAUL ZWERSCHKE

In re: Estate of Paul Zwerschke, deceased. File No. D-28-13026; E. T. sec. 17149.

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

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the Estate of Paul Zwerschke, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, California, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7788; Filed, July 5, 1951; 8:58 a. m.]

[Vesting Order 18074]

ANNIE SCHMELZKOPF SCHOENER

In re: Estate of Annie Schmelzkopf Schoener, deceased. File No. D-28-11459; E. & T. sec. 15690.

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 Enri Schoener, Ludwig Schoener, Jr., and Fritzi Schoener, 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 Ludwig Schoener, Jr., and Fritzi Schoener, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Annie Schmelzkopf Schoener, 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 F. M. Hohwiesner, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Kern;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Ludwig Schoener, Jr. and Fritzi Schoener are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7787; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18079]

FRITZ HAERTIG

In re: Stock owned by Fritz Haertig. F-28-31285.

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 Fritz Haertig, whose last known address is 65 Niederelsdorf, Leipzig, Germany, is a resident of Germany

and a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, presently in the custody of R. V. Hiscoe, 11 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, and

(b) One hundred (100) shares of common capital stock of Butte and Superior Mining Company, evidenced by a certificate numbered NY 23873, registered in the name of Fritz Haertig and presently in the custody of R. V. Hiscoe, 11 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, and any and all rights in and to the proceeds of liquidation of the aforesaid company,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Issuer	Type of stock	Number of shares	Certificate No.	Par value	Registered owner
Robert Reis & Co., 2 Park Ave., New York, N. Y.	Common	100	7588	$1.00	Reginald V. Hiscoe.
Callahan Zinc Lead Co., Empire State Bldg., New York, N. Y.	Capital	100	H-100834	1.00	Thomson & McKinnon.
Ahumada Lead Co., Warren, Ariz.	Common	100	C 31456		Brown Bros., Harriman & Co.
The Fisk Rubber Co.	do	100	C 62740		Fritz Haertiz.
Jordan Motor Car Co., Inc.	do	100	CC 2056		Brown Bros., Harriman & Co.
	do	100	C2587		R. V. Hiscoe & Co.
National Radiator Corp.	do	100	NY 4675		Fritz Haertig.
Seaboard Airline Ry. Co.	do	100	NY 23272		Brown Bros., Harriman & Co.

[F. R. Doc. 51-7789; Filed, July 5, 1951; 8:58 a. m.]

[Vesting Order 18080]

T. HARAGUCHI

In re: Debt owing to T. Haraguchi. F-39-7003-C-1.

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

1. That T. Haraguchi, whose last known address is 732 Haraguchi Go, Ohmura Shi, Nagasaki 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 obligation owing to T. Haraguchi by Shanghai Power Company, 2 Rector Street, New York 6, New York, arising out of superannuation which became due the aforesaid T. Haraguchi on the date he left employ of Shanghai Power Company and representing a portion of funds held in the account of the Shanghai Power Company, maintained with the National City Bank of New York, 5 Wall Street, New York, New York, 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, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7790; Filed, July 5, 1951; 8:58 a. m.]

[Vesting Order 18081]

R. KANEKO

In re: Bank account owned by R. Kaneko, also known as Reizo Kaneko, and as Ryataro Kaneko and Hyotaro Kaneko. D-39-5338-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 R. Kaneko, also known as Reizo Kaneko, and as Ryotaro Kaneko and Hyotaro Kaneko, whose last known address is 37 Banchi Aza Kamiyachi, Oaza Narikawa Torikawa Mura Shinobu Gun, 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 The Sumitomo Bank of Seattle, Seattle, Washington, in Liquidation, Valentine C. Hammack, 214 Federal Office Building, San Francisco, California, Liquidating Trustee, arising out of a savings account, Account Number 9975, entitled "R. Kaneko", maintained with the aforesaid bank in liquidation, 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, R. Kaneko, also known as Reizo Kaneko, and as Ryataro Kaneko and Hyotaro Kaneko, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

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

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

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

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7791; Filed, July 5, 1951; 8:58 a. m.]

[Vesting Order 18083]

LUXEMBOURGER UNION BANK, S. A.

In re: Bank account and portion of bank account owned by Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank.

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 members of the Ratjen family, including the personal representatives, heirs, next of kin, legatees and distributees of Gustav Ratjen, deceased, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank, is a corporation organized under the laws of Luxembourg, whose principal place of business is located in Luxembourg, 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 members of the Ratjen family, including the personal representatives, heirs, next of kin, legatees and distributees of Gustav Ratjen, deceased, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank, by Swiss Bank Corporation, New York, New York, arising out of a Deposit Account entitled Luxembourg Union Bank maintained at the aforesaid Swiss Bank Corporation, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of the receipt of the proceeds of redemption of three hundred and thirteen (313) shares of 5½ percent cumulative, convertible, preferred stock of Shell Union Oil Corporation evidenced by certificates numbered 9856/8 for one hundred (100) shares each and certificate number 025834 for thirteen (13) shares, which proceeds are presently on deposit at said Chase National Bank of the City of New York in an account entitled Banque Internationale a Luxembourg, S. A. Old A/C, Luxembourg, Luxembourg, 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 Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank, 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 Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank, and 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 above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7792; Filed, July 5, 1951; 8:58 a. m.]

[Vesting Order 18084]

FRANK MASAICHI NISHIOKA

In re: Bonds owned by Frank Masaichi Nishioka, also known as F. M. Nishioka. F-39-7005.

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 Masaichi Nishioka, also known as F. M. Nishioka, whose last known address is Tozaki, Naruto Mura, Kuga Gun, Yamaguchi Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured evidenced by one (1) First Liberty Loan Converted 4 percent Bond of 1932-47, of $100 face value, bearing the number 85257, and one (1) First Liberty Loan Converted 4 percent Bond of 1932-47, of $50 face value, bearing the number 8556, registered in the name of F. M. Nishioka, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under said bonds,

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, Frank Masaichi Nishioka, also known as F. M. Nishioka, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7793; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18085]

HANS NITSCHMANN

In re: Securities owned by and debts owing to Hans Nitschmann. F-28-31482.

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 Hans Nitschmann, whose last known address is Schenkensell, Schwarzw, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests evidenced by ten (10) certificates for North American Trust Shares of 1953, said certificates numbered X166829/36, X157263 and X157303, each for 10 shares, and representing a participating non-voting ownership in stock deposited with Distributors Group, Incorporated, New York and the Guaranty Trust Company of

New York, as Trustee, together with any and all rights in, to and under the aforesaid certificates,

b. All rights and interests evidenced by two (2) certificates for North American Trust Shares of 1956, said certificates numbered DD32702 and DD37615, for 100 shares each, and representing a participating non-voting ownership in stock deposited with Distributors Group, Incorporated, New York, and the City Bank Farmers Trust Company, as Trustee, 22 William Street, New York 15, New York, together with any and all rights in, to and under the aforesaid certificates,

c. That certain debt or other obligation, matured and unmatured, evidenced by a Cities Service Power & Light Company 5½ percent Gold Debenture, due 1949, of $1,000.00 face value, bearing the number M–5388, 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, and any and all rights in, to and under the aforesaid bond, and

d. Those certain debts or other obligations, matured and unmatured, evidenced by coupons detached from two (2) Southern Pacific Company San Francisco Terminal First Mortgage 4 percent Bonds due 1950 numbered M 1207/08, said coupons due October 1, 1940 to October 1, 1944, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid coupons,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–7794; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18102]

JOHN AND MARIE SCHWALM

In re: Bank accounts owned by and debts owing to John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm. F–28–585.

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

1. That John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm, 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. That certain debt or other obligation owing to John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm, by Franklin Savings Bank of the City of Boston, 6 Park Square, Boston 16, Massachusetts, arising out of an account, account number 99476, entitled John Schwalm and Marie Schwalm, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm, by Workingmens Cooperative Bank, 73 Cornhill, Boston 8, Massachusetts, arising out of an account, account number 35503, entitled John or Marie Schwalm, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm, by Germania Cooperative Bank of Boston, 120 Tremont Street, Boston, Massachusetts, arising out of a dividend savings account, account number 85, entitled John or Marie Schwalm, maintained at the aforesaid said bank, and any and all rights to demand, enforce and collect the same,

d. Those certain debts or other obligations of Germania Co-operative Bank of Boston, 120 Tremont Street, Boston 8, Massachusetts, evidenced by three (3) matured share certificates, issued by the aforesaid Germania Co-operative Bank of Boston, numbered 368 for $2,000.00; 369 for $400.00 and 772 for $1,600.00, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said certificates, and

e. Those certain debts or other obligations of Merchants Co-operative Bank, 24 School Street, Boston 8, Massachusetts, evidenced by two (2) paid-up share certificates issued by the aforesaid Merchants Co-operative Bank, numbered 5196 for five (5) paid-up shares and 5197 for ten (10) paid-up shares, said certificates registered in the names of John or Marie Schwalm, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said certificates,

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, John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51–7806; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 18103]

ERWIN G. HANSEN

In re: Securities owned by Erwin G. Hansen, also known as Erwin Gunther Hansen. F–28–31384.

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 Erwin G. Hansen, also known as Erwin Gunther Hansen, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain bonds described in Exhibit A set forth below and by reference made a part hereof, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, and constituting a portion of the securities held by J. Henry Schroder Banking Corporation in an account entitled "Rhodius Koenigs Handel-Maatschappij, N. V. First subaccount

Clients stocks", together with any and all rights thereunder and thereto,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Bond Nos.		
Hugo Stinnes Corp. 4% (7%) gold notes, due July 1946 with deferred interest certificates.	22 @ $1,000	1803	4714	9828
		1884	4715	9829
		3964	4716	9830
		4709	5465	9831
		4710	5466	9832
		4711	5467	9833
		4712	6813	9838
		4713		
	6 @ $500	128	333	1050
		233	391	1057
Berlin City Electric Co., Inc. sinking fund 6½% debenture bonds due February 1959.	10 @ $1,000	5093	8586	8589
		8583	8587	8590
		8584	8588	8591
		8585		
German Consolidated Municipal Loan of German Savings Banks & Clearing Association, sinking fund 7% bonds due February 1947.	12 @ $1,000	7868	8432	18915
		8681	22714	18916
		15799	22715	4213
		13148	22716	18325

[F. R. Doc. 51-7807; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 16907, Amdt.]

SOPHIE VOSS

In re: Rights of Sophie Voss under contract of insurance. File No. F-28-26746-H-1.

Vesting Order 16907, dated January 4, 1951, is hereby amended to read as follows:

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

2. That the net proceeds due or to become due to Sophie Voss under a contract of insurance evidenced by Policy No. 15578658, issued by the Metropolitan Life Insurance Company, New York, New York, to Sophie Voss, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Henry Voss, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company 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, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7808; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 17119, Amdt.]

SABURO SONODA

In re: Bonds owned by Saburo Sonoda. F-39-876-A-1.

Vesting Order 17119, dated January 17, 1951, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 (a) of said Vesting Order 17119 the figures "1970" set forth with respect to Ten (10) Taiwan Electric Power Company, Ltd., 5½ percent bonds and substituting therefor the figures "1971".

All other provisions of said Vesting Order 17119 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7809; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 17591, Amdt.]

DR. LUDWIG RIECHELMANN ET AL.

In re: Securities owned by and debts owing to Dr. Ludwig Riechelmann, and others. F-28-31094.

Vesting Order 17591, dated March 30, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 4-k therefrom in its entirety, and substituting therefor the following:

4-k. Ninety-two (92) shares of 5 par value common capital stock of General Motors Corporation, 3044 W. Grand Boulevard, Detroit, Michigan, a corporation organized under the laws of the State of Delaware, evidenced by forty-six ninety-eighths (46/98) part of a certificate numbered G104371 for ninety-eight (98) shares of $10 par value common capital stock of said corporation registered in the name of Hallgarten & Co., 44 Wall Street, New York 5, New York, issued prior to the 2 for 1 stock split effective October 3, 1950, of said corporation, together with all declared and unpaid dividends thereon,

All other provisions of said Vesting Order 17591 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7810; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 18101]

SANWA BANK, LTD.

In re: All rights and interests of Sanwa Bank, Limited, under certain drafts. F-39-827-C-2.

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

1. That Sanwa Bank, Limited, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: All rights and interests of Sanwa Bank, Limited to the net proceeds of collection, in partial or full settlement, of outstanding drafts held by the Chase National Bank of the City of New York, Pine Street, Corner of Nassau, New York 15, New York, for collection on behalf of the aforesaid Sanwa Bank, Limited, said drafts described in Exhibit A, attached hereto and by reference made a part hereof, including particularly but not limited to those funds in the amount of $11,486.77 as of June 6, 1951, received by the Chase National Bank of the City of New York, and presently on deposit in an account entitled "Accounts payable Division No. 6" maintained with the said bank,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Date of draft	Chase National Bank No.	Draft No.	Name of drawer	Name and address of drawee	Face amount of draft
May 8, 1940	59933	BB-5145	Asari Yoko	T. Sato & Co., Quayaquil, Ecuador.	$513.00
Aug. 16, 1940	22263	H-40001	Kitagawa Kabushiki Kaisha	Constantino J. Larach & Hno., San Pedro Sula, Honduras.	2,020.20
Do	22264	H-40002	do	do	834.75
Sept. 23, 1940	29777	BB-10149	do	do	1,850.10
Do	29778	BB-10150	do	Elias Yaceman, San Pedro Sula, Honduras.	189.00
Do	29779	BB-10151	do	Bishara C. Yuja, San Pedro, Sula, Honduras.	336.54
Do	29780	BB-10152	do	Damasio Katlan & Hno., San Pedro Sula, Honduras.	376.75
Do	29781	BB-10143	do	Juan S. Canahuati, San Pedro Sula, Honduras.	428.56
Do	29782	BB-10145	do	Taufic G. Andonie, San Pedro Sula, Honduras.	824.86
Do	29783	BB-10146	do	Jacobo S. Canahuati, San Pedro Sula, Honduras.	350.00
Do	29784	BB-10147	do	do	643.14
Do	29785	BB-10148	do	Damasio Katlan & Hno., San Pedro Sula, Honduras.	606.36
Do	29786	BB-10153	do	Juan S. Canahuati, San Pedro Sula, Honduras.	910.75
Do	29787	BB-10154	do	Taufic Geo. Andonie, San Pedro Sula, Honduras.	298.02
Do	29788	BB-10155	do	Handal & Cia., Santa Rosa de Copan, Honduras.	1,134.40
Do	29789	BB-10156	do	Bishara C. Yuja, San Pedro Sula, Honduras.	300.00
Do	29790	BB-10157	do	Damasio Kattan & Hno., San Pedro Sula, Honduras.	268.56
Do	29794	BB-10158	do	Emilo Mourra, Tegucigalpa, Honduras.	329.28
Do	29795	BB-10159	do	Chueri Zablah, Tegucigalpa, Honduras.	729.12
Sept. 25, 1940	30255	BB-10162	do	Elias Yacaman, San Pedro Sula, Honduras.	267.05
Sept. 30, 1940	31301	BB-10168	do	Elias Salame, Tegucigalpa, Honduras.	284.20
Do	31302	BB-10169	do	Constantino J. Larach & Hno., San Pedro Sula, Honduras.	2,379.76
Do	31303	BB-10170	do	Damasio Kattan & Hno., San Pedro Sula, Honduras.	144.83
Do	31304	BB-10171	do	Bishara C. Yuja, San Pedro Sula, Honduras.	189.00
Do	31306	BB-10173	do	Nicolas J. Facusse, Tegucigalpa, Honduras.	729.13
Do	31308	BB-10175	do	Constantino J. Larach & Hno., San Pedro Sula, Honduras.	490.00
Do	31309	BB-10176	do	do	1,397.20
Do	31310	BB-10177	do	H. Y. Kawas & Co., Honduras (La Ceiba).	214.20
Do	31311	BB-10178	do	Dip & Co., La Ceiba, Honduras.	315.00
Do	31312	BB-10179	do	Nicolas J. Facusse, Tegucigalpa, Honduras.	122.50
Do	31313	BB-10180	do	Facusse Hnos., Tegucigalpa, Honduras.	300.00
Oct. 4, 1940	32522	BB-9344	do	Nicolas J. Facusse, Tegucigalpa, Honduras.	164.64
Do	32523	BB-9344A	do	Facusse Hnos., Tegucigalpa, Honduras.	356.50
Oct. 21, 1940	35936	BB-10184	do	Elias Yacaman, San Pedro Sula, Honduras.	252.00
Oct. 28, 1940	37566	BB-10188	do	Handal & Co., Santa Rosa de Copen, Honduras.	520.80
Do	37568	BB-10190	do	Constantino J. Larach, & Hno., San Pedro Sula, Honduras.	412.51
Do	37569	BB-10191	do	Juan S. Canchuati, San Pedro Sula, Honduras.	1,531.00
Do	37570	BB-10192	do	Jacobo Simon, Tegucigalpa, Honduras.	909.00
Nov. 12, 1940	40483	BB-10194	do	Bishara C. Yuja, San Pedro Sula, Honduras.	435.05
Do	40484	BB-10195	do	Yuja Hnos., San Pedro Sula, Honduras.	850.75
Do	40485	BB-10196	do	Damasio Kattan & Hnos. San Pedro Sula, Honduras.	612.40
Do	40486	BB-10197	do	Chueri Zablah, Tegucigalpa, Honduras.	784.54
Do	40487	BB-10198	do	Felipe S. Canahuati, San Pedro Sula, Honduras.	1,695.00
Do	40488	BB-10199	do	Damasio Kattan & Hnos., San Pedro Sula, Honduras.	490.50
Do	40489	BB-10202	do	Dip & Co., La Ceiba, Honduras.	317.40
Do	40490	BB-10201	do	Yuja Hnos., San Pedro Sula, Honduras.	367.87
Do	40491	BB-10200	do	Taufic Geo., Andonie, San Pedro Sula, Honduras.	762.75
Do	40492	BB-10203	do	Dip & Co., Ceiba, Honduras.	169.21
Do	40493	BB-10204	do	Antonio Kattan, San Pedro Sula, Honduras.	534.10
Do	40494	BB-10205	do	Larach Hnos, San Pedro Sula, Honduras.	118.58
Do	40495	BB-10206	do	Erich Engelhardt, Tela, Honduras.	372.40
Nov. 22, 1940	42967	BB-10210	do	H. Y. Kawas & Co., La Ceiba, Honduras.	343.19
Do	42968	BB-10211	do	Jorge Issa, Kawas, La Ceiba, Honduras.	474.17
Nov. 25, 1940	43485	BB-10207	do	Handal & Co., Santa Rosa de Copan.	478.40
Dec. 17, 1940	49111	BB-10212	do	Larach Hnos., San Pedro Sula, Honduras.	140.35
Sept. 30, 1940	31300	BB-10167	do	Taufic Geo. Andonie, San Pedor Sula, Honduras.	318.31

EXHIBIT A—Continued

Date of draft	Chase National Bank No.	Draft No.	Name of drawer	Name and address of drawee	Face amount of draft
Sept. 23, 1940	29796	BB-10160	Kitagawa Kabushiki Kaisha	Jorge Facusse, Tegucigalpa, Honduras.	$955.26
Oct. 28, 1940	37567	BB-10189	do	Stiehle, Motz & Co. (Casa Rossner) Tegucigalpa.	311.79
Sept. 30, 1940	31314	BB-10181	do	do	475.30
Do	31307	BB-10174	do	Santos Soto Sora, Tegucigalpa	531.89
Do	31305	BB-10172	do	Stiehle Motz & Co. (Casa Rossner), Tegucigalpa.	493.92
Sept. 23, 1940	29797	BB-10161	do	Casa Uhler, S. A. Tegucigalpa, Honduras.	319.48

[F. R. Doc. 51-7805; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 18086]

LABOUCHERE & CO.

In re: Stock registered in the name of Labouchere & Co., Amsterdam, Holland, and owned by persons whose names are unknown. F-49-730.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Labouchere & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

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, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

N. Y. Ontario & Western Railway common stock evidenced by the ten share certificates whose numbers are set forth below:

N 49882	N 49966	N 50005	N 50238
N 49884	N 49967	N 50006	N 50239
N 49885	N 49969	N 50007	N 50241
N 49886	N 49970	N 50008	N 50242
N 49888	N 49971	N 50009	N 50243
N 49890	N 49972	N 50012	N 50244
N 49891	N 49973	N 50013	N 50245
N 49892	N 49974	N 50014	N 50246
N 49893	N 49975	N 50015	N 50247
N 49895	N 49976	N 50016	N 50248
N 49896	N 49977	N 50017	N 50249
N 49897	N 49978	N 50018	N 50250
N 49898	N 49979	N 50019	N 50251
N 49899	N 49980	N 50022	N 50253
N 49900	N 49981	N 50023	N 50254
N 49902	N 49982	N 50024	N 50255
N 49903	N 49983	N 50033	N 50256
N 49904	N 49984	N 50034	N 50498
N 49905	N 49986	N 50035	N 50511
N 49906	N 49988	N 50036	N 50512
N 49907	N 49989	N 50040	N 50513
N 49908	N 49990	N 50041	N 50515
N 49909	N 49992	N 50042	N 50517
N 49910	N 49993	N 50228	N 50518
N 49911	N 49995	N 50229	N 50519
N 49912	N 49998	N 50230	N 50520
N 49913	N 49999	N 50231	N 50521
N 49918	N 50000	N 50232	N 50522
N 49919	N 50001	N 50233	N 50525
N 49963	N 50002	N 50234	N 50526
N 49964	N 50003	N 50235	N 50527
N 49965	N 50004	N 50236	N 50528
N 50529	N 50850	N 51124	N 52359
N 50530	N 50858	N 51125	N 52360
N 50531	N 50859	N 51126	N 52361
N 50532	N 50860	N 51127	N 52362
N 50533	N 50861	N 51128	N 52363
N 50534	N 50862	N 51129	N 52364
N 50535	N 50863	N 51130	N 52365
N 50536	N 50864	N 51134	N 52366
N 50537	N 50865	N 51135	N 52367
N 50538	N 50866	N 51449	N 52368
N 50540	N 50867	N 51452	N 52369
N 50541	N 50868	N 51453	N 52370
N 50543	N 50869	N 51454	N 52371
N 50544	N 50870	N 51455	N 52374
N 50545	N 50871	N 51456	N 52375
N 50546	N 50872	N 51457	N 52376
N 50550	N 50873	N 51458	N 52377
N 50551	N 50874	N 51460	N 52378
N 50552	N 50875	N 51461	N 52379
N 50553	N 50876	N 51462	N 52380
N 50554	N 50877	N 51463	N 52381
N 50555	N 50879	N 51464	N 52382
N 50556	N 50880	N 51465	N 52383
N 50557	N 50881	N 51466	N 52384
N 50559	N 50883	N 51717	N 52385
N 50560	N 50886	N 51718	N 52386
N 50561	N 50887	N 51719	N 52387
N 50562	N 50888	N 51722	N 52388
N 50563	N 50890	N 51724	N 52394
N 50564	N 50892	N 51725	N 52395
N 50565	N 50893	N 51726	N 52627
N 50566	N 50894	N 51727	N 52629
N 50570	N 50896	N 51728	N 52630
N 50571	N 50897	N 51729	N 52631
N 50572	N 50899	N 51730	N 52632
N 50573	N 50901	N 51731	N 52633
N 50574	N 50902	N 51732	N 52634
N 50575	N 50903	N 51733	N 52635
N 50576	N 50904	N 51734	N 52636
N 50577	N 50905	N 51735	N 52637
N 50578	N 50907	N 51736	N 52638
N 50580	N 50908	N 51787	N 52639
N 50581	N 50909	N 51788	N 52640
N 50582	N 50910	N 51789	N 52641
N 50583	N 50911	N 51790	N 52642
N 50584	N 50912	N 51793	N 52643
N 50585	N 50913	N 51794	N 52644
N 50586	N 50914	N 51795	N 52645
N 50587	N 50915	N 51883	N 52646
N 50588	N 50916	N 51884	N 53044
N 50590	N 50917	N 51885	N 53045
N 50591	N 50918	N 51886	N 53046
N 50593	N 50919	N 51887	N 53047
N 50595	N 50920	N 51888	N 53048
N 50597	N 50921	N 51889	N 53049
N 50811	N 50923	N 51901	N 53050
N 50812	N 50924	N 51903	N 53051
N 50813	N 50925	N 51904	N 53052
N 50814	N 50926	N 51905	N 53055
N 50815	N 50929	N 51906	N 53056
N 50816	N 50930	N 51907	N 53058
N 50817	N 50932	N 51908	N 53059
N 50818	N 50933	N 51909	N 53060
N 50819	N 50934	N 52037	N 53062
N 50821	N 50935	N 52038	N 53063
N 50822	N 50936	N 52039	N 53064
N 50823	N 50938	N 52040	N 53065
N 50824	N 50939	N 52041	N 53066
N 50825	N 50940	N 52042	N 53067
N 50826	N 50941	N 52043	N 53068
N 50827	N 50942	N 52044	N 53069
N 50828	N 50943	N 52045	N 53070
N 50829	N 50944	N 52046	N 53071
N 50830	N 50945	N 52047	N 53072
N 50831	N 50946	N 52048	N 53073
N 50832	N 50947	N 52049	N 53074
N 50833	N 50951	N 52050	N 53075
N 50834	N 51106	N 52051	N 53076
N 50835	N 51107	N 52052	N 53077
N 50836	N 51108	N 52053	N 53079
N 50837	N 51109	N 52054	N 53084
N 50838	N 51110	N 52056	N 53086
N 50840	N 51111	N 52346	N 53087
N 50841	N 51112	N 52347	N 53088
N 50842	N 51114	N 52348	N 53089
N 50843	N 51115	N 52349	N 53090
N 50844	N 51116	N 52350	N 53091
N 50845	N 51118	N 52351	N 53092
N 50846	N 51119	N 52354	N 53093
N 50847	N 51120	N 52355	N 53094
N 50848	N 51121	N 52356	N 53148
N 50849	N 51122	N 52357	N 53152
		N 52358	N 53153

N 53154	N 53490	N 54653	N 54751
N 53155	N 53491	N 54654	N 54752
N 53156	N 53492	N 54655	N 54753
N 53157	N 53493	N 54656	N 54754
N 53158	N 53494	N 54657	N 54755
N 53159	N 53495	N 54658	N 54756
N 53160	N 53496	N 54659	N 54757
N 53161	N 53497	N 54661	N 54759
N 53162	N 53498	N 54662	N 54760
N 53163	N 53499	N 54663	N 54761
N 53164	N 53500	N 54664	N 54762
N 53165	N 53501	N 54665	N 54763
N 63166	N 53502	N 54666	N 54764
N 53167	N 53505	N 54667	N 54765
N 53168	N 53506	N 54668	N 54766
N 53169	N 53507	N 54669	N 54767
N 53170	N 53511	N 54670	N 54768
N 53171	N 53512	N 54671	N 54769
N 53173	N 53514	N 54672	N 54770
N 53174	N 53515	N 54673	N 54771
N 53175	N 53516	N 54674	N 54772
N 53176	N 53517	N 54675	N 54773
N 53177	N 53519	N 54676	N 54774
N 53202	N 53520	N 54677	N 54775
N 53203	N 53521	N 54678	N 54776
N 53204	N 53522	N 54679	N 54777
N 53208	N 53523	N 54680	N 54778
N 53209	N 53524	N 54681	N 54779
N 53210	N 53525	N 54682	N 54780
N 53211	N 53526	N 54683	N 54781
N 53212	N 53527	N 54684	N 54782
N 53213	N 53528	N 54685	N 54783
N 53214	N 53529	N 54686	N 54784
N 53215	N 53530	N 54687	N 54785
N 53216	N 53531	N 54688	N 54786
N 53217	N 53532	N 54689	N 54787
N 53218	N 53533	N 54690	N 54788
N 53219	N 53536	N 54691	N 54789
N 53220	N 53537	N 54692	N 54790
N 53222	N 53538	N 54693	N 54791
N 53223	N 53539	N 54694	N 54792
N 53227	N 53540	N 54695	N 54793
N 53228	N 53541	N 54696	N 54794
N 53239	N 53542	N 54697	N 54795
N 53240	N 53543	N 54698	N 54796
N 53241	N 53544	N 54699	N 54797
N 53408	N 53545	N 54700	N 54798
N 53412	N 54218	N 54701	N 54799
N 53413	N 54219	N 54702	N 54800
N 53414	N 54220	N 54703	N 54801
N 53415	N 54221	N 54704	N 54802
N 53416	N 54282	N 54705	N 54803
N 53417	N 54283	N 54706	N 54804
N 53450	N 54284	N 54707	N 54805
N 53451	N 54285	N 54708	N 54806
N 53452	N 54286	N 54709	N 54807
N 53453	N 54287	N 54710	N 54808
N 53454	N 54288	N 54711	N 54809
N 53455	N 54289	N 54712	N 54810
N 53456	N 54290	N 54713	N 54811
N 53457	N 54291	N 54714	N 54812
N 53458	N 54352	N 54715	N 54813
N 53459	N 54358	N 54716	N 54814
N 53461	N 54354	N 54717	N 54815
N 53462	N 54355	N 54728	N 54816
N 53463	N 54356	N 54729	N 54817
N 53464	N 54357	N 54730	N 54818
N 53465	N 54358	N 54731	N 54819
N 53466	N 54359	N 54732	N 54820
N 53467	N 54360	N 54733	N 54821
N 53468	N 54361	N 54734	N 54822
N 53469	N 54648	N 54735	N 54823
N 53486	N 54649	N 54736	N 54824
N 53487	N 54650	N 54737	N 54825
N 53488	N 54651	N 54748	N 54826
N 53489	N 54652	N 54749	N 54827
		N 54750	N 54828

[F. R. Doc. 51-7795; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18090]

WILHELMINE L. BAYERDORFER

In re: Estate of Wilhelmine L. Bayerdorfer, deceased. File No. F-28-3852.

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 Amalie Ritter, August Goluke, Therese Schneider, Wilhelmine Hohnsel, August Brakhage, Katherine Brakhage, Herman Brakhage, Albert Hoffman, Emmi Seyband, Wilhelm Hoffman, Karl Goluke, Walter Goluke, Erna Goluke and Erika Goluke, 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 Wilhelmine L. Bayerdorfer, 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 Phil C. Katz, as administrator, acting under the judicial supervision of the Superior Court of the City and County of San Francisco, California;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7796; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18091]

HEDWIG BENNER

In re: Rights of Hedwig Benner under insurance contract. File No. D-28-12469-H-1.

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

1. That Hedwig Benner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Hedwig Benner under a contract of insurance evidenced by policy No. 457884, issued by the Guardian Life Insurance Company of America, New York, New York, to Friedrich Wilhelm Benner, together with the right to demand, receive and collect said net proceeds,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7797; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18093]

OTTO LIPP

In re: Estate of Otto Lipp, deceased. File No. D-28-11463; E. T. sec. 15684.

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 Magdalena (Leni) Plattner, nee Lipp, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Otto Lipp, 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 the Treasurer of the City of New York, New York, New York, as depositary, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Otto Lipp, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7798; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18094]

JOHANN JACOB LUTSCH

In re: Estate of Johann Jacob Lutsch, also known as J. J. Lutsch, deceased. File D-28-9308.

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 Ulrich, Johann Joseph Wolff, Maria Anna Marner, Maria Gertrud Marner, Anton Robert Sebastian, Josef Vincenz Sebastian, Peter Rudolf Sebastian, Gottfried Josef Gieler, Helena Katherina Gieler, Rudolf Joseph Gieler, Maria Mechtildis Wolff, Anna Katherina Wolff, Maria Christine Wolff, Maria Elisabeth Wolff, Hermann Joseph Wolff, Hildegard Wolff, and Gertrud Maria Wolff, 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 Johann Ulrich, of Theresia Gieler, of Albert August Wolff, and of Gottfried Wolff, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Johann Jacob Lutsch, also known as J. J. Lutsch, deceased, to the extent not heretofore vested by Vesting Order No. 4993, 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 Henry J. Kruger, as executor, acting under the judicial supervision of the Probate Court of Fremont County, State of Idaho;

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 Johann Ulrich, of Theresia Gieler, of Albert August Wolff, and of Gottfried Wolff, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7799; Filed, July 5, 1951; 9:00 a. m.]

[Vesting Order 18095]

FRED E. UNGER ET AL.

In re: Rights of Fred E. Unger et al., under insurance contract. File No. F-28-31467-H-1.

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

1. That Fred E. Unger and Bertel Unger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4,603,765, issued by the Equitable Life Assurance Society of the United States, New York, New York, to Fred E. Unger, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance, except those of the said the Equitable Life Assurance Society of the United States, 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 Fred E. Unger or Bertel Unger, or the children, names unknown, of Fred E. Unger, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Fred E. Unger, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the children, names unknown, of Fred E. Unger, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Fred E. Unger, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7800; Filed, July 5, 1951; 9:00 a. m.]

[Vesting Order 18096]

ANNA WEISNER ET AL.

In re: Rights of Anna Weisner et al., under insurance contract. File No. F-28-31481-H-1.

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

1. That Anna Weisner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8,185,402, issued by the Equitable Life Assurance Society of the United States, New York, New York, to Anna Weisner, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Anna Weisner, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Weisner, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Weisner, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7801; Filed, July 5, 1951; 9:00 a. m.]

[Vesting Order 18098]

HANS AND ADELHEID BORCHERS

In re: Stock owned by Hans Borchers and Adelheid Borchers. D-28-96.

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 Hans Borchers and Adelheid Borchers, 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: Six hundred (600) shares of no par value common capital stock of Anchor Post Fence Company [now Anchor Post Products, Inc., (New Jersey)], Eastern Avenue and Kane Street, Baltimore, Maryland, evidenced by certificates numbered C 23580/5 for one hundred (100) shares each, registered in the name of C. B. Richard & Co., and presently in the custody of the Department of State, Division of Protective Services, Washington, D. C., together with all declared and unpaid dividends thereon,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7802; Filed, July 5, 1951; 9:00 a. m.]

[Vesting Order 18099]

GEORGE YUNKER

In re: Bank accounts owned by the personal representatives, heirs, next of kin, legatees and distributees of George Yunker, deceased. F-28-734-E-2/3.

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

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

2. That the property described as follows:

a. That certain debt or other obligation of The Central National Bank and Trust Company of Peoria, Peoria, Illinois, arising out of a Savings Account, account number 10261, entitled George Yunker, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The First National Bank of Peoria, Peoria, Illinois, arising out of a Savings Account, account number 231, entitled George Yunker, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of George Yunker, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of George Yunker, deceased, 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 above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7803; Filed, July 5, 1951; 9:00 a. m.]

[Vesting Order 18100]

YEKICHI HARA

In re: Cash owned by and claims of Yekichi Hara. F-39-7009.

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 Yekichi Hara whose last known address is Saga-Ken, Miyaki-Gun, Kitashigeyasu-Mura, Aza-Nishio, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Any and all rights and claims to Social Security benefits of Yekichi Hara

under the Social Security Act, approved August 14, 1935, as amended (Pub. Law. 74th Cong., 1st Sess. 49 Stat. 620) to January 1, 1947, identified by Social Security Account No. 533–16–6440 and any and all rights to demand, enforce and collect the same, and

b. Cash in the amount of $20.89 on deposit with the Treasury Department, Washington, D. C., Bureau of Accounts in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks" and representing the proceeds of a withheld check drawn for the payment of insurance benefits to Yekichi Hara for December 1945 and identified by Social Security Account No. 533–16–6440 together with any and all rights to demand, enforce and collect the same,

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

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–7804; Filed, July 5, 1951; 9:00 a. m.]