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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10269

DELEGATING TO THE DIRECTOR OF DEFENSE MOBILIZATION THE AUTHORITY OF THE PRESIDENT TO DETERMINE, WITH RESPECT TO THE NEED FOR SCHOOL FACILITIES, AREAS WHICH ARE CRITICAL BY REASON OF NATIONAL-DEFENSE ACTIVITIES

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. There is hereby delegated to the Director of Defense Mobilization, or an officer of the Government designated by him and acting subject to his direction and control, the authority vested in the President by the paragraph appearing under the heading "Federal Security Agency—Office of Education—Grants for Surveys and School Construction" of the Third Supplemental Appropriation Act, 1951, Public Law 45, 82nd Congress, to determine areas which are critical areas by reason of national-defense activities.

2. The Commissioner of Education shall furnish the Director of Defense Mobilization, or the officer designated by the said Director under paragraph 1 hereof, such information as may be requested by the Director, or such officer, concerning measures taken to provide school facilities in areas determined, pursuant to paragraph 1 of this order, to be critical areas by reason of national-defense activities.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 6, 1951.

[F. R. Doc. 51-7970; Filed, July 6, 1951; 4:40 p. m.]

EXECUTIVE ORDER 10270

EXTENSION OF ENLISTMENTS IN THE ARMED FORCES OF THE UNITED STATES

By virtue of the authority vested in me by section 1 of the act of July 27, 1950, 64 Stat. 379, as amended by section 2 of the act of September 27, 1950, 64 Stat. 1074, and by section 2 of the 1951 Amendments to the Universal Military Training and Service Act, 65 Stat. 88 (Public Law 51, 82d Congress, approved June 19, 1951), and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby extend for a period of twelve months all enlistments (except enlistments pursuant to section 4 (c) (1) of the Universal Military Training and Service Act, as amended) in any component of the Army, the United States Navy and the United States Marine Corps, including the Naval Reserve and the Marine Corps Reserve, in any component of the Air Force of the United States, and the United States Coast Guard, including the Coast Guard Reserve, which shall expire after July 8, 1951, and prior to July 1, 1952, and which have not been extended heretofore for twelve months by Executive Order No. 10145 of July 27, 1950, or by Executive Order No. 10164 of September 27, 1950: *Provided*, that nothing contained herein shall be construed to prevent voluntary re-enlistments or voluntary extension of existing enlistments under the provisions of applicable laws or the regulations of the Departments of the Army, Navy, and Air Force, or the United States Coast Guard.

The Secretary of Defense and the Secretary of the Treasury are hereby directed to take such steps as they may respectively deem necessary to carry out the provisions of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 6, 1951.

[F. R. Doc. 51-7988; Filed, July 9, 1951; 10:36 a. m.]

EXECUTIVE ORDER 10271

DELEGATING THE AUTHORITY OF THE PRESIDENT TO ORDER MEMBERS AND UNITS OF RESERVE COMPONENTS OF THE ARMED FORCES INTO ACTIVE FEDERAL SERVICE

By virtue of the authority vested in me by section 10 (c) of the Universal Military Training and Service Act (62 Stat. 621), as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

There is hereby delegated to the Secretary of Defense the authority vested in the President by section 21 of the Universal Military Training and Service Act (64 Stat. 318), as amended by the 1951 Amendments to the Universal Military

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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Training and Service Act (65 Stat. 87; Public Law 51, 82d Congress), to order into the active military or naval service of the United States for a period not to exceed twenty-four months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces: *Provided*, that so much of the authority of the President under the said section 21, as amended, as relates to any Reserve component of the United States Coast Guard or to retired personnel of the Regular Coast Guard is hereby delegated to the Secretary of the Treasury.

The Secretary of Defense is hereby authorized to redelegate, subject to such conditions as the Secretary may deem appropriate, to the Secretaries of the Army, Navy, and Air Force such functions under this order as affect their respective services.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 7, 1951.

[F. R. Doc. 51–7989; Filed, July 9, 1951; 10:37 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 7—APPOINTMENT OF EMPLOYEES OF OTHER AGENCIES WITHOUT REEMPLOYMENT RIGHTS AND OF FORMER FEDERAL EMPLOYEES

PART 8—PROMOTION, DEMOTION, AND REASSIGNMENT AND MOVEMENT OF EMPLOYEES BETWEEN AGENCIES WITH REEMPLOYMENT RIGHTS

MISCELLANEOUS AMENDMENTS

Sections 2.115 (b), 7.105 (a) (5), 8.109 and 8.115 (a) are amended to read as set out below. These amendments are effective upon publication in the FEDERAL REGISTER.

The amendments to §§ 2.115 (b), 7.105 (a) (5) and 8.115 (a) are in the nature of cross references to § 8.109. The latter section has been revised completely. The result of these changes will be that the restrictions in § 8.109 will apply equally to competitive indefinite appointments made under agency recruiting authority, non-competitive appointments under authority of § 7.105 (a), non-competitive personnel changes within an agency made under § 8.108, and non-competitive indefinite appointments with reemployment rights made under § 8.115. The restrictions are not applicable in making competitive probational or indefinite appointments from civil service registers of eligibles.

It should be noted that § 8.109 now includes restrictions on personnel actions within a set period following competitive appointment. It should be noted further that under § 8.109 (b) there is no longer any time-in-grade restriction on promotions to positions at or below GS–5, or equivalent. This paragraph also permits promotions of two grades to positions below GS–12, or equivalent, to be made within one waiting period (6 months), either one grade at a time or two grades at one time.

1. Section 2.115 (b) is amended by the addition of a sentence at the end of the paragraph. As amended, it reads as follows:

§ 2.115 *Indefinite appointment.*

* * *

(b) *Special requirements when appointments are made in absence of eligibles.* Whenever there are insufficient available eligibles on registers, in making appointments under this section agencies shall (1) give perference first to 10-point veterans and second to 5-point veterans; and (2) obtain a decision from the Commission whenever it is necessary to determine whether any applicant is disqualified because of physical unfitness. In making appointments under this authority the restrictions of § 8.109 of this chapter must be observed.

2. Section 7.105 (a) (5) is amended to read as follows:

§ 7.105. *Agency authority and general requirements.* (a) After September 1, 1950, the employment non-competitively of employees of other agencies without reemployment rights and of former Federal employees shall be by indefinite appointment only. The Commission hereby delegates authority to agencies to make such indefinite appointments subject to the following conditions:

* * *

(5) The standards of the Commission must be met and the restrictions of § 8.109 of this chapter observed.

3. Section 8.109 is amended to read as follows:

§ 8.109 *Restrictions on promotion, appointment at a higher grade and reassignment to a different line of work.* (a) No promotion, appointment at a higher grade, or reassignment to a different line of work shall be made within 3 months of the person's latest competitive indefinite or probational appointment if the position to be filled is in grade GS–5, or equivalent, or lower, or within 6 months if the position to be filled is in a higher grade.

(b) No person shall be appointed or promoted to a position in any grade from GS–5 to GS–11, inclusive (or equivalent) which is more than two grades, or to a position in grade GS–12, or higher (or equivalent) which is more than one grade above the lowest grade held by him in the Federal civil service within the preceding six months under indefinite or permanent appointment.

(c) The Commission by prior general or specific approval may permit exceptions in the interest of the service to the restrictions in this section.

4. Section 8.115 (a) is amended to read as follows:

§ 8.115 *Appointment of employees with reemployment rights.* (a) The Commission hereby delegates authority to agencies to give indefinite appointments to employees with reemployment rights provided the standards of the Commission are met and the restrictions of § 8.109 are observed.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

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

[F. R. Doc. 51–7942; Filed, July 9, 1951; 8:55 a. m.]

TITLE 7—AGRICULTURE

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

PART 58—GRADING AND INSPECTION OF DAIRY PRODUCTS

DELEGATION OF AUTHORITY AFFECTING REGULATIONS

EDITORIAL NOTE: For delegation of authority to Director, Dairy Branch to exercise certain powers and functions of the Administrator set forth in §§ 58.4, 58.8, 58.9, 58.11, 58.13, 58.15, 58.16, 58.18, 58.20, 58.22, 58.24, 58.25, 58.28, 58.33, 58.34, 58.35, 58.38, 58.49, 58.50, 58.51, 58.53, 58.54, 58.56, 58.58, 58.59, and 58.61 relating to grading and inspection of dairy products, see F. R. Doc. 51–7925 under Department of Agriculture, Production and Marketing Administration, *infra.*

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

[998.302, Amdt. 1]

PART 998—IRISH POTATOES GROWN IN NEW JERSEY

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Marketing Agreement No. 116 and Order No. 98 (7 CFR Part 998) regulating the handling of Irish potatoes grown in New Jersey, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the New Jersey Potato Marketing Committee, established under said marketing agreement and order, and other available information, it is hereby found that the amended limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby 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 thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1951 crop Irish potatoes grown in the production area will have begun, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes on and after the effective date hereinafter provided in the manner set forth, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the New Jersey Potato Marketing Committee to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. The provisions in paragraph (b) (1) of § 998.302 (16 F. R. 6234) shall, on and after the effective date hereof, read as follows:

(1) During the period beginning July 12, 1951, and ending December 29, 1951, both dates inclusive, no handler shall ship potatoes grown in New Jersey which do not meet the requirements of U. S. Commercial, or better, grade, of which not less than 85 percent are of U. S. No. 1 quality, and which are of sizes not less than 2 inches minimum diameter, as such grades, qualities, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein, except that, in addition to the aforesaid potatoes, handlers may ship as such any U. S. No. 1, Size B potatoes grown in New Jersey, as such grades and sizes are defined in the aforementioned U. S. Standards for Potatoes, including the tolerances set forth therein.

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

Done at Washington, D. C., this 5th day of July 1951 to become effective July 12, 1951.

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

[F. R. Doc. 51–7923; Filed, July 9, 1951; 8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter IV—Displaced Persons Commission

PART 702—SELECTION AND ELIGIBILITY

SELECTION OF APPLICANTS

In accordance with section 3 (a) of the Displaced Persons Act of 1948, as amended by Public Law 60, 82d Congress, § 702.1 of Chapter 4, Title 8, is hereby amended to read as follows:

§ 702.1 *Selection of applicants.* (a) Selection of applicants under sections 2 (c), 2 (e), 2 (f), 2 (g) and 12 (a) of the act for processing for admission to the United States shall be made by the Commission on the basis of assurances submitted in accordance with Part 701 of this chapter.

(b) For procedures under section 2 (d) of the act see § 701.5 of this chapter.

(c) No applicant under sections 2 (c), 2 (d) or 2 (g) of the act shall be entitled to a visa unless the Commission initiated the selection or processing of such applicant on or before July 31, 1951.

(d) Selection or processing of an applicant under the act is initiated by the Commission on or before July 31, 1951 when on or before that date:

(1) The Commission validated an assurance submitted by an individual sponsor, a public agency or voluntary agency recognized by the Commission for this purpose, in behalf of a named applicant under sections 2 (c), 2 (d) or 2 (g) of the act;

(2) The Commission received a nomination of an applicant under sections 2 (c), 2 (d) or 2 (g) of the act under an unnamed or blanket assurance from a public agency or voluntary agency recognized by the Commission for this purpose;

(3) The Commission initiated processing, under its pre-assurance program, of an applicant under sections 2 (c), 2 (d) or 2 (g) of the act, or the Commission selected an applicant under sections 2 (c), 2 (d) or 2 (g) of the act to fill an assurance for an unnamed person;

(4) Application is made to an American Consul by or on behalf of an applicant under section 2 (d) of the act in accordance with the procedures established under § 701.5 (f) of this chapter.

The foregoing amendment shall be effective upon the date of publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making is found to be contrary to the public interest because Public Law 774, 80th Congress (62 Stat. 1009), as amended by the act of June 16, 1950, which was implemented by the regulations which became effective on June 17, 1950, and the amendments thereto which became effective on April 7, 1951, and June 9, 1951, and as amended by the act of June 28, 1950, which is implemented by the foregoing amendment and became effective on June 28, 1950, and the execution of functions of the Displaced Persons Commission under that statute as amended, would be unduly impeded by such notice. For the same reason it is found that the provisions of section 4 (c) of the Administrative Procedure act providing for delayed effective date are inapplicable.

(Sec 8, 62 Stat. 1012, as amended; 50 U. S. C. App. 1957. Interprets or applies sec. 13, 62 Stat. 1014; 50 U. S. C. App. 1962)

HARRY N. ROSENFIELD,
Acting Chairman,
Displaced Persons Commission.

[F. R. Doc. 51-7911; Filed, July 9, 1951; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

FROZEN-FOOD LOCKER PLANTS

Part 779 is hereby amended by adding a new § 779.29 to read as follows:

§ 779.29 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to frozen-food locker plants.* (a) The general principles governing the application of the 13 (a) (2) and 13 (a) (4) exemptions apply, as is explained more fully in paragraphs (b) and (c) of this section, to establishments engaged in providing frozen-food locker service to farmers and other private individuals for the cold storage of meats, fruits and vegetables, in activities incidental to such service, and, in many cases, in other activities. It is the purpose of this section to show generally how these principles apply and, particularly, how they apply where the locker establishment also performs such services with respect to the customer's own goods as the custom slaughtering and dressing of livestock and poultry and related activities for cold storage purposes, or engages on its own account in such activities as the slaughtering and dressing of livestock or poultry and related activities for purposes of sale.

(b) Frozen-food locker plants provide locker service for the cold storage of frozen meats, fruits and vegetables and engage in incidental activities such as the cutting of meat, cleaning, packaging or wrapping and quick freezing, of meats, fruits, or vegetables for such locker service. In such establishments lockers are rented principally to farmers and other private individuals for the purpose of storage by them of such goods for their own personal or family use. Storage space and related services may also be provided for business or commercial use such as to hotels, stores or restaurants, or to farmers or other customers who use it to store meat and other goods for future sale. Such locker plants may also engage in such activities as the custom slaughtering and dressing of livestock or poultry and the curing, smoking or other processing of meat owned by farmers and other private individuals for storage by those customers either in their home freezers or in locker plants for the customers' personal or family use. The custom slaughtering or processing activities of such locker establishments may be performed on the premises of the establishments or at some location away from the establishment. An establishment engaged in some or all of these activities may be exempt under section 13 (a) (2) of the act if it meets the specific tests of that exemption. In applying these tests, the receipts from the locker service and the incidental activities mentioned in the first sentence of this paragraph, and from the slaughtering, dressing or other processing of livestock or poultry performed for farmers and other private individuals for their own use, but not where the goods are to be sold to others by the customer, will be counted as receipts from sales of services recognized as retail in the industry. Receipts from commercial storage and activities incidental thereto and from the sale of hides, offal or other by-products will be counted as receipts from sales of goods or services made for resale or which are not recognized as retail sales of goods or services in the industry. If the locker establishment meets the tests of the exemption, all employees employed by it, including those employees who are engaged at a location away from the establishment in performing the slaughtering or processing service sold by the locker establishment will be exempt.

(c) Some locker plant establishments also include a meat market of the type which slaughters its own livestock or poultry (as distinguished from the slaughtering performed as a service to customers on the customers' own livestock) and processes such meat for sale by it to the general public. In performing such operations as the slaughtering, curing, and smoking of meat and the rendering of fats for sale, the establishment is making or processing goods that it sells and is not performing retail services for its customers. Employees engaged in these activities in such an establishment, therefore, are not exempt under section 13 (a) (2) but may be exempt if the establishment meets the tests of a combination 13 (a) (2)–13 (a) (4) exemption in accordance with the principles stated in § 779.27. As a general rule, such a meat market which slaughters its own livestock and sells its meat to the general public is a type of establishment which may be recognized as a retail establishment in the industry within the meaning of the 13 (a) (4) exemption. Whether a particular establishment, however, is so recognized depends upon the facts of the case. It should be noted that where such slaughtering, curing or smoking is, for any reason, performed away from the premises of the establishment where the meat is sold, the employees engaged in such activities are not employees employed by a retail establishment which "makes or processes at the retail establishment the goods that it sells" within the meaning of the 13 (a) (4) exemption and cannot, therefore, be exempt under that section. It should also be noted that section 7 (c) of the act provides an exemption from its overtime requirements (but not from the minimum wage requirements) during not more than 14 workweeks in each calendar year for employees employed in a place of employment where their employer is engaged in handling, slaughtering or dressing poultry or livestock. This exemption may be claimed for employees in such a place of employment who are engaged only in performing such handling, slaughtering, and dressing operations and operations necessarily incident thereto, in the event that such employees are found not to come within the 13 (a) (2) or 13 (a) (4) exemption under the principles discussed in this section.

(52 Stat. 1060, as amended, sec. 16 (c), 63 Stat. 920; 29 U. S. C. and Sup. 201-219)

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

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-7903; Filed, July 9, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amendment 16]

GENERAL CEILING PRICE REGULATION

EXEMPTION OF VEGETABLE PLANTS

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. 2 (16 F. R. 738), this amendment to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from the General Ceiling Price Regulation sales and deliveries of vegetable plants, such as tomato, cabbage and pepper plants. This exemption from price control gives the same treatment as was given to seeds in the original regulation and as was also given to flowering plants, nursery stock and other floral products by Amendment 8.

Many vegetables, such as those listed above, are grown from seeds planted in greenhouses by commercial operators and the plants when they reach a cer-

tain size are sold through commercial channels to home gardeners and others who do not have the facilities for raising their own plants. Tomato plants, which perhaps represent the largest volume of production of such vegetable plants, are also purchased by canners who sell them to the growers with whom they enter into contracts for tomatoes for processing. This is the only effective way a canner can control the variety of tomato he is to receive for processing.

Vegetable plants are grown under the same conditions as nursery stock and flowering plants, and the same considerations which warranted the exemption from price control of such products are applicable. Furthermore due to the seasonal nature of the production of such plants, the base period of the GCPR is inappropriate in most producing areas, and sellers in such areas would have to resort to the Office of Price Stabilization for individual authorizations of their ceiling prices.

These commodities do not enter significantly into the cost of living. For the foregoing reasons the Director of Price Stabilization finds that the exemption from price control of vegetable plants is necessary to prevent hardships and inequities, and is not inconsistent with the purposes of the Defense Production Act of 1950.

AMENDATORY PROVISION

Section 14 (s) (17) of the General Ceiling Price Regulation is amended by adding immediately after the phrase "nursery stock" the following: "vegetable plants;".

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

Effective date. This amendment shall become effective July 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 9, 1951.

[F. R. Doc. 51-7993; Filed, July 9, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Amendment 1 to Revision 1 to Supplementary Regulation 2]

GCPR, SR 2, REV. 1—RETAIL COAL DEALERS

COAL BAGGED FOR ALASKA

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. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Historically, coal has been bagged in used sacks and shipped to Alaskan points for use as fuel. The actual sacking and shipping is handled by a few retail coal dealers in Seattle, Washington. The coal used originates in Utah because it is the nearest coal suitable for the purpose. The amount of coal involved is not large, approximately 6,000 tons annually, and the shipments have to be made during the summer months because of weather conditions at other times.

The price paid by the dealers for the used sacks has increased substantially. In some sizes the prices have doubled. The usual capacity of the sacks is 100 and 125 lbs. each, requiring 16 to 20 sacks per ton of coal.

Investigations by this office indicate that the increase in the price of the bags so used is in conformity with the provisions of the General Ceiling Price Regulation. If the coal described herein is to continue to be shipped to Alaska, the dealers involved must be granted some adjustment of ceiling price in order to relieve the inequitable cost price relationship that has developed. This Amendment 1 to Supplementary Regulation 2, Revision 1 will grant such relief but will not increase the dealers' margin. A used textile bag regulation is now under consideration by this office and should be issued within the near future. If this regulation affects the cost of used bags, this amendment may be further amended to bring this adjustment in line with the used bag regulation. Because time is of the essence to dealers who sack and ship coal to Alaskan points, this temporary relief is granted.

AMENDATORY PROVISIONS

Section 3 of Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation is hereby amended by adding paragraph (f), as follows:

(f) Retail coal dealers bagging coal in used bags for shipment to Alaska may increase the price charged for such coal by the amount of $1.25 per ton.

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

Effective date. This amendment 1 to Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation shall become effective July 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 9, 1951.

[F. R. Doc. 51-7991; Filed, July 9, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Amendment 4 to Supplementary Regulation 15]

GCPR, SR 15—EXCEPTIONS FOR CERTAIN SERVICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation 15 (16 F. R. 2908), is hereby issued.

STATEMENT OF CONSIDERATIONS

Exceptions for services covered by General Ceiling Price Regulation, Supplementary Regulation 15, as amended, are now covered by the provisions of General Overriding Regulation 14.

AMENDATORY PROVISIONS

1. Section 1 of Supplementary Regulation 15 to the General Ceiling Price Regulation is hereby amended to read as follows:

SECTION 1. *What this supplementary regulation does.* The purpose of this regulation is to suspend the rates, fees, charges and compensation charged for certain services from the provisions of the General Ceiling Price Regulation.

2. Section 2 (b), as amended, of Supplementary Regulation 15 to the General Ceiling Price Regulation is hereby revoked.

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

Effective date. This amendment 4 to Supplementary Regulation 15 to the General Ceiling Price Regulation is effective July 9, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 9, 1951.

[F. R. Doc. 51-7990; Filed, July 9, 1951; 10:47 a. m.]

[General Overriding Regulation 14]

GOR 14—EXCEPTED SERVICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation is an across-the-board regulation which exempts certain services from price control. All services now or hereafter totally exempted from price control will be listed in this General Overriding Regulation.

Some of the listed services have already been exempted under the provisions of Supplementary Regulation 15 to the General Ceiling Price Regulation. This supplementary regulation is simultaneously being revoked insofar as it deals with total exemptions. After this date, it will deal only with temporary suspensions and adjustable pricing authority as to sellers of certain services. The services which are now temporarily suspended are services furnished by hospitals and summer camps and certain services related to harvesting and packing of fresh fruits, vegetables, berries and nuts. The adjustable pricing authority is now applicable to contract carriers by motor vehicle and lessors of trucks and passenger cars.

Those services already exempted under such Supplementary Regulation 15 and which are merely incorporated into this General Overriding Regulation for convenience are services rendered by schools, printing and binding services pursuant to contract with the United States Government Printing Office, drilling of oil and gas wells and certain other services related to oil and gas wells, and certain rates regulated by the Department of Agriculture under the Packers and Stockyards Act. The statement of considerations for such

Supplementary Regulation 15 discusses the reasons for these exemptions.

A number of services are exempted from price control for the first time by this General Overriding Regulation. They fall within three groups: (1) services over which the Office of Price Stabilization has no control by virtue of the provisions of section 402 (e) of the Defense Production Act of 1950; (2) services which have minor significance and slight effect upon the cost of living; and (3) services which cannot practicably be controlled.

In the first category are a number of exemptions for professional services as well as exemptions relating to publishing, broadcasting, motion picture and insurance fields. These groups are dealt with by section 402 (e) of the Defense Production Act of 1950.

In the second category are services such as the repair and maintenance of antiques, shoe shining by shoe shine boys, taxidermy, etc.

The third group includes stevedoring and watchman and guard services. These services involve such a narrow margin over labor cost and often involve such an individualized pattern of charging that the administrative difficulties of control out-weigh the benefits.

The use of parking space on streets and thoroughfares when regulated by governmentally operated parking meters is exempted from price control. Parking fees usually partake more of the nature of a tax or the exercise of a municipal police power in the regulation of the use of public streets than a charge for a service. This exemption from parking does not apply to parking charges in lots operated by governmental agencies or private persons.

A number of services are exempted by an occupational designation. It is made clear in the regulation that the exemption extends to services which fall within the scope of the particular occupation and which are not performed as an incident to a non-exempt service.

All services rendered by employees are exempted since the control of wages and salaries is not within the scope of Office of Price Stabilization activities. Services rendered by way of employment are under Wage Stabilization Board jurisdiction.

This additional list was prepared after the Director of Price Stabilization had consulted with numerous representatives from various service fields and had given consideration to their recommendations. Subjecting the charges for these services to price control would have no appreciable effect on the program of price stabilization and would impose an unnecessary administrative and enforcement burden. In the judgment of the Director of Price Stabilization, in view of the nature of the additional services exempted, no ceilings are required to be applied to prices for such services.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability.
3. Exceptions.

AUTHORITY: Sections 1 to 3 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; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation excepts from any ceiling price restrictions imposed by the Office of Price Stabilization the rates, fees and charges for supplying the services enumerated.

SEC. 2. *Applicability.* The provisions of this General Overriding Regulation are applicable to services supplied in the 48 States of the United States, the District of Columbia, and Alaska, Guam, Hawaii, Puerto Rico, Samoa and the Virgin Islands.

SEC. 3. *Exceptions.* (a) No ceiling price regulation now or hereafter issued by the Office of Price Stabilization shall apply to the rates, fees and charges for the supply of the services listed below and the services which fall within the scope of the occupations listed below:

(1) Accountants and auditors.
(2) Actors and actresses.
(3) Actuaries.
(4) Architects.
(5) Artists.
(6) Athletes.
(7) Authors.
(8) Cartoonists.
(9) Chemists.
(10) Chiropodists.
(11) Chiropractors.
(12) Clergymen.
(13) Consuls and consulates of foreign governments.
(14) Correspondents and news commentators.
(15) Dentists.
(16) Detective agencies.
(17) Discounting, purchasing or advancing monies upon the security of accounts receivable, promissory notes, bills of exchange and other like commercial paper.
(18) Drilling of oil and gas wells, including necessary operations in connection therewith, such as electrical logging services, preparation of locations, shot hole and diamond core drilling, fishing jobs, pulling, salvaging and plugging operations.
(19) Economists.
(20) Editors.
(21) Educational services rendered in the educational facilities of schools and educational institutions which provide a systematic and supervised course of instruction in a branch of knowledge, art, craft, or skill.
(22) Engineers—(aeronautical, chemical, civil, electrical, industrial, mechanical, metallurgical, mining, marine, etc.) other than engineering firms engaged in the sale of equipment or in contract construction.
(23) Entertainers.
(24) Fire fighting services in connection with oil and gas wells.
(25) Foresters.
(26) Geologists.
(27) Trimming of hedges and cutting and maintenance of lawns.
(28) Services performed in any calendar or fiscal year by any individual in his own home, but only if the total amount of the rates, fees and charges received therefor in the next preceding calendar or fiscal year did not exceed the sum of $5,000.
(29) Hunting, fishing, and trapping privileges on preserves.
(30) Interest for the use of money.
(31) Investment counselling.
(32) Repair and engraving of jewelry and articles of gold, silver or plated ware and the cutting, polishing and setting of precious or semi-precious stones and pearls. (Storage of such materials in safe deposit facilities is subject to Ceiling Price Regulation 34 as well as storage otherwise than in safe deposit facilities.)
(33) Lawyers.
(34) Lecturers.
(35) Marketing forecasting.
(36) Mathematicians.
(37) Metallurgists.
(38) Meteorologists.
(39) Musicians.
(40) Naturopaths.
(41) Nurserymen rendering landscaping services in connection with a sale of an exempted commodity.
(42) Nurses.
(43) Repair and maintenance of objects of art and commodities made prior to 1850.
(44) Occult sciences practitioners—spiritualists, mediums, fortune-tellers, astrologers.
(45) Osteopaths.
(46) Use of parking space on public streets and thoroughfares when regulated by governmentally operated parking meters. This exemption does not apply to motor vehicle parking rates, fees and charges in parking lots operated by governmental agencies.
(47) Pharmacists—registered, for filling prescriptions which require the services of a registered pharmacist, and which contain a physician's, dentist's, veterinarian's, or any other licensed practitioner's written directions as to use, and is signed by him; provided, however, that where a registered pharmacist sells a product without transposing the written directions from the prescription to the label, that is the sale of a commodity and is not exempt under this regulation.
(48) Physicians and surgeons.
(49) Physicists.
(50) Printing and binding services rendered by printers and binders pursuant to "Standard Rate Contracts" entered into with the United States Government Printing Office.
(51) Program elements (package productions) furnished by independent contractors (package producers) for use in radio or television broadcasting or in a motion picture, theater or night club.
(52) Psychologists.
(53) Shoe shining services supplied otherwise than in the operation of a business establishment.
(54) Sports officials.
(55) Statisticians.
(56) Stevedoring (the loading or unloading of waterborne freight, the taking of goods from a place of rest on land or on a dock, pier, barge or lighter and stowing them in the hold or other cargo space of a ship or transferring goods similarly from the ship to a place of rest on land dock, pier, barge or lighter including the customary sorting and piling) and carloading and unloading services in connection with stevedoring (the loading or unloading of freight cars performed in connection with a "stevedoring" operation at the same general location on goods or merchandise that have been or are about to be subject to such "stevedoring" operation) when performed for any carrier by water, foreign or domestic.
(57) Surveyors.
(58) Syndicates which sell commodities or supply services the primary value of which depends upon editorial content, expression of ideas or dissemination of information.
(59) Taxidermy.
(60) Teachers.
(61) Transportation of United States mail and parcel post.
(62) Trust, estate, escrow and corporate fiscal agency services—executorships, administratorships, guardianships, conservators and committeeships of minors and incompetents, trusteeships (trustee services rendered with respect to personal, corporate and pension trusts, and agency, custody and investment advisory actions), escrow services, coupon and dividend paying agency services, stock transfer agency and registrarship services.

(63) Veterinarians—registered or licensed under State or Municipal law.

(64) (i) Services, the rates for which are regulated by the United States Department of Agriculture under the Packers and Stockyards Act, as amended.

(ii) Grading, inspecting, classing, testing, weighing, analyzing, or licensing the fees or charges for which are fixed, approved or collected by the United States Department of Agriculture; and fees collected or charges made by the United States Department of Agriculture under its programs.

(iii) Financing operations paid directly by the United States Department of Agriculture under its programs.

(65) Services supplied by the United States Post Office Department.

(66) Snow removal services and rental equipment used in connection with snow removal, when performed for or rented to, the United States or any agency thereof, or to any State or Territorial government, or any agency or political subdivision thereof.

(67) Watchman and guard services.

Effective date. This General Overriding Regulation is effective July 9, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 9, 1951.

[F. R. Doc. 51-7992; Filed, July 9, 1951; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 5]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this regulation has been rendered impracticable because the regulation affects almost all industries.

NPA Reg. 4 is revoked effective July 6, 1951. Direction 2 to NPA Reg. 4, as amended June 25, 1951, shall be considered as a direction to this regulation. On and after July 6, 1951, any reference to NPA Reg. 4 contained in any order or regulation of NPA (other than this regulation) shall be deemed a reference to CMP Regulation No. 5.

Sec.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law. 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* The purpose of this regulation is to provide a uniform procedure by which any business enterprise, Government agency, or public or private institution may obtain limited quantities of controlled materials and products and materials other than controlled materials for maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO") as well as for minor capital additions. It provides for the establishment of quarterly quotas for MRO. The regulation does not limit the quantity of materials and products which a person may obtain without using the procedure provided in this regulation. However, a person who makes use of the procedure provided in this regulation to obtain in any quarter materials or products in excess of 20 percent of his quota shall comply with the quota limitations whether or not he is able to obtain additional materials and products without using the procedure provided in this regulation. A person may use the procedure provided in this regulation to obtain MRO and minor capital additions up to $1,000 in any one quarter regardless of his quota. The procedure provided in this regulation may not be used to secure materials for personal or household use.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution. If, in the calendar year 1950, or in his last fiscal year ending prior to March 1, 1951, a person operated more than one plant, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO, he may elect to treat any one or more of such units as a separate person for the purposes of this regulation, or to treat his entire operation within the United States, its territories and possessions, as a single person. An election so made may not thereafter be changed without prior written approval of NPA.

(b) "NPA" means the National Production Authority.

(c) "Business enterprise" means a lawful activity conducted for profit in the United States, its territories or possessions.

(d) "Government agency" means the United States, its territories and possessions, any of the 48 States, or the District of Columbia, any political subdivision of any of the foregoing, and any agency of any of the foregoing which is not a business enterprise.

(e) "Institution" means any lawful organization, public or private, within the United States, its territories and possessions, which is neither a business enterprise nor a Government agency. It includes, but is not limited to schools, libraries, hospitals, churches, clubs, and welfare establishments.

(f) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment, or the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with materials of a new or different kind, quality, or design.

(g) "Operating supplies" means, in the case of a business enterprise, any kind of material carried by such business enterprise as operating supplies according to its established accounting practice. It includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge. "Operating supplies" means, in the case of a Government agency or an institution, any kind of material used by the agency or institution in conducting any activity or rendering any service, provided such material is consumed in the course of operation and was not carried as capital equipment by the agency or institution according to its established accounting practice. Materials incorporated in a product are operating supplies if, but only if, they were carried as operating supplies according to the established accounting practice of the business enterprise, Government agency, or institution. The term "operating supplies" does not include any controlled material required by a controlled materials producer for the production of other controlled materials, regardless of the accounting methods of such producer, and regardless of the fact that they are not physically incorporated in his product. Such materials are obtained as provided in section 21 of CMP Regulation No. 1.

(h) "Minor capital addition" means any improvement or addition of a kind carried by a person as capital according to his established accounting practice, the total cost of which (excluding the purchaser's cost of labor) does not exceed $750 for any one complete capital addition. No capital addition may be subdivided for the purpose of bringing it or any part of it within this definition. In computing the cost of such improvement or addition, for the purpose of this regulation, the cost of all materials obtained for such improvement or addition shall be included whether or not acquired by use of an allotment symbol or

rating, and whether or not ordered or delivered at different times and obtained from different suppliers. Where the capital addition or improvement involves construction of a type which requires authorization under NPA Order M–4, the procedure provided for herein may not be used to obtain materials therefor unless the authorization specifically so provides.

(i) "MRO" means materials for maintenance, repair, and operating supplies. It does not include capital additions. The term "minor capital addition" is specifically used whenever it is intended to be included within the provisions of this regulation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(j) "Material" means any raw, in-process, or manufactured commodity equipment, component, accessory, part, or product of any kind.

(k) "Controlled material" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(l) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1950, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1950, the term means the accounting practice established by him in such operation.

SEC. 3. *How a person obtains controlled materials.* (a) Subject to the quantity restrictions contained in section 7 of this regulation, every business enterprise, Government agency, and institution shall have the right to use the allotment symbol MRO on delivery orders for controlled materials for maintenance, repair, and operating supplies, and minor capital additions. The assignment of the right to use the allotment symbol MRO does not constitute the making of an allotment of the amount of controlled materials for MRO and minor capital additions specified in section 7 of this regulation. The allotment symbol MRO may be used to acquire only that amount of controlled material actually needed for MRO and minor capital additions.

(b) A delivery order bearing the symbol MRO, together with the certification provided for in section 11 of this regulation, shall constitute an authorized controlled material order for the purposes of all CMP regulations.

SEC. 4. *How a person obtains products and materials other than controlled materials.* (a) Subject to the quantity restrictions contained in section 7 of this regulation, every business enterprise, Government agency, and institution shall have the right to use the rating DO–MRO on delivery orders for products and materials other than controlled materials for maintenance, repair, and operating supplies, and minor capital additions. The rating DO–MRO may be used to acquire such products and materials only up to that portion of the amount specified in section 7 of this regulation which is actually needed for the purposes of MRO and minor capital additions.

(b) A delivery order bearing the rating DO–MRO, together with the certification provided for in section 11 of this regulation, shall constitute a rated order with an allotment symbol for the purpose of all NPA regulations and orders.

SEC. 5. *Status of orders rated DO–97.* (a) Notwithstanding the provisions of section 4 (c) of CMP Regulation No. 3, a delivery order for controlled materials calling for delivery in the third quarter, 1951, placed prior to the effective date of this regulation in accordance with the provisions of NPA Reg. 4 and bearing the rating DO–97 shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(b) Notwithstanding the provisions of section 5 (c) of CMP Regulation No. 3, a delivery order for products and materials other than controlled materials calling for delivery in the third quarter, 1951, placed prior to the effective date of this regulation in accordance with the provisions of NPA Reg. 4 and bearing the rating DO–97 shall constitute a rated order with the allotment symbol MRO for the purpose of all CMP regulations.

(c) A producer of a Class A or of a Class B product who has, prior to the effective date of this regulation, extended an order bearing the rating DO–97 to a supplier of a controlled material, and who has received an authorized production schedule with a related allotment, shall charge against such allotment the amount of any controlled material which he receives pursuant to such order.

(d) A delivery order calling for delivery after the third quarter, 1951, placed prior to the effective date of this regulation in accordance with the provisions of NPA Reg. 4 and bearing the rating DO–97 must be converted into an authorized controlled material order or into a rated order with the allotment symbol MRO, as the case may be, in accordance with the provisions of CMP Regulation No. 3. In the absence of such conversion on or before August 15, 1951, the order shall constitute an unrated order.

(e) A delivery order for MRO or minor capital additions placed after the effective date of this regulation and in accordance with its provisions must bear the allotment symbol MRO or the rating DO–MRO, as the case may be.

SEC. 6. *Materials for which the allotment symbol MRO and the rating DO–MRO may not be applied or extended—* (a) *Prohibited list.* The allotment symbol MRO and the rating DO–MRO shall not be applied or extended by a person to obtain any of the materials or articles listed in Schedules I and II of this regulation, or to obtain any equipment pursuant to any lease.

(b) *Limitation for minor capital additions.* The allotment symbol MRO and the rating DO–MRO may not be applied by a person to obtain in any quarter (calendar or fiscal) materials for a total of minor capital additions exceeding in the aggregate 10 percent of the quarterly MRO quota established as provided in section 7 of this regulation or $750, whichever is greater.

(c) *Limitation on extension of the rating DO–MRO.* A producer of Class A products who receives a delivery order with the rating DO–MRO shall not extend such rating, but shall obtain his production materials in accordance with the provisions of section 15 of CMP Regulation No. 1. A producer of Class B products who receives a delivery order with the rating DO–MRO shall not extend such rating, but shall obtain his production materials from an industry division or claimant agency, as provided in CMP Regulations No. 1 and No. 3. All other suppliers may extend a DO–MRO rating to obtain materials to the extent permitted by and in accordance with the provisions of NPA Reg. 2.

SEC. 7. *Quarterly MRO quotas.*—(a) *The quota base.* A person who applies the allotment symbol MRO to buy controlled materials or the rating DO–MRO to buy products and materials other than controlled materials must establish his quarterly MRO quota. The MRO quota base to be used in establishing the MRO quota shall include all expenditures made by a person in the base period for MRO (except for materials referred to in Schedule II of this regulation), even though such MRO consists of materials listed in Schedule I of this regulation. Expenditures during the base period for capital additions shall not be included in the quota base.

(b) *Standard base period.* The standard base period is the calendar year 1950.

(c) *Fiscal year base period.* If a person operated on the basis of a fiscal year prior to March 1, 1951, he may elect to take as his base period his last fiscal year ending prior to that date. After such an election has been made, it may not thereafter be changed without the prior written approval of NPA.

(d) *Standard quota.* The standard quarterly quota is 30 percent of the quota base.

(e) *Seasonal quota.* A person may elect to establish seasonal quarterly quotas. An election so made may not be changed thereafter without the prior written approval of NPA. Such seasonal quota for any quarter shall be 120 percent of the expenditures by the person for MRO during the corresponding quarter in 1950.

(f) *Persons not in operation throughout the base period.* A person not in operation throughout the entire base period shall establish and report his quarterly MRO quota as follows:

(1) *Person operating during part of the base period.* A person who was in operation during a part but not all of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951) shall determine his quota base by computing the amount he would have spent for MRO (except for materials referred to in Schedule II) had he continued the same rate of expenditure throughout the year as during that part of the year in which he was in operation, making nec-

essary corrections to compensate for seasonal or other exceptional characteristics of the period in which he was in operation. His standard quarterly MRO quota shall be 30 percent of his quota base. If he elects to establish seasonal quarterly quotas, as above provided, he may divide 120 percent of his quota base into four quarterly MRO quotas in accordance with the seasonal demands of the activity in which he is engaged.

(2) *Persons not in operation during the base period.* If a person was not in operation in any part of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951), his quarterly MRO quota (standard or seasonal) shall be the amount which he determines to be necessary for his operation. The quota of such person may not, however, exceed $5,000 for any quarter without the prior written approval of NPA.

(3) *Notice to NPA.* A person who establishes a quarterly MRO quota in excess of $1,000 pursuant to subparagraphs (1) or (2) of this paragraph (f) shall, within 30 days after he first applies either the allotment symbol MRO or the rating DO–MRO, notify NPA in writing of the quota he has established, the base period he has used, the method he used in computing his quota, and the corrections he made for seasonal or other factors.

(g) *Future use of increased quotas.* If the quarterly MRO quota of a person is increased by specific authorization of NPA pursuant to section 15 of this regulation, the increased quota becomes his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota may be used only in the corresponding quarter of subsequent years.

(h) *Increase not retroactive.* An increase in quota granted pursuant to section 15 of this regulation is not retroactive.

SEC. 8. *Charges against quota*—(a) *When to charge against quota.* A person may elect to charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which his purchase order specifies delivery is to be made (the delivery basis), or against his MRO quota for the quarter in which the materials are actually received (the receipts basis). Having elected to use one method, he may not thereafter change to the other without the prior written approval of NPA.

(b) *What to charge against quota.* A person shall charge against his MRO quota in each quarter:

(1) All expenditures for materials for MRO (except materials referred to in Schedule II) ordered for delivery (or, if on the receipts basis, received) during the quarter, whether or not obtained by use of the allotment symbol MRO or the rating DO–MRO, and

(2) All expenditures for minor capital additions ordered for delivery (or, if on the receipts basis, received) during the quarter if, but only if, obtained by the use of the allotment symbol MRO or the rating DO–MRO.

(c) *Exceptions.* (1) A person may order (or receive) in any quarter MRO and materials for minor capital additions aggregating not more than $1,000 without regard to quota limitations.

(2) Any person who uses the allotment symbol MRO or the rating DO–MRO to order for delivery (or, if on the receipts basis, to receive) during any quarter materials which aggregate not more than 20 percent of his MRO quota for such quarter, may, in addition, order for delivery (or receive) in such quarter other material for MRO and minor capital additions without use of the allotment symbol MRO or the rating DO–MRO and without regard to quota limitations.

SEC. 9. *Materials obtained for benefit of another*—(a) *Materials supplied by a repairman.* Any business enterprise (such as a repair shop) engaged in doing maintenance or repair work or installing minor capital additions for any other person may apply the allotment symbol MRO to obtain controlled materials and the rating DO-MRO to obtain products and materials other than controlled materials to the same extent that such other person would be entitled to apply the allotment symbol or rating if he were doing the work himself. The cost of materials so obtained shall be charged to the MRO quota of the person for whom the work is done.

(b) *Obligation to supply MRO under lease or other agreement.* A person who is obligated to maintain, repair, or operate any plant, facility, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may apply the allotment symbol MRO or the rating DO–MRO to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus applying the allotment symbol MRO or the rating DO–MRO except that, if his purchase is made on a reimbursable basis for the account of the person using the property, the MRO quota of the latter shall be charged.

SEC. 10. *Use of materials for another purpose.* If a person has obtained materials for MRO or minor capital additions by applying the allotment symbol MRO or the rating DO–MRO, as the case may be, he may use them for a different purpose if under an authorized production schedule or authorized construction schedule he could have applied any other allotment number or symbol or rating to acquire them for such purpose. However, if he does use them for such other purpose, he may not use the allotment symbol MRO or the rating DO–MRO to replace them in inventory. To replace such materials in inventory he may use only the allotment number or symbol, or DO rating under such authorized production or construction schedule which he might have applied to obtain them for the purpose for which he used them. If he uses such materials obtained by applying the allotment symbol MRO or rating DO–MRO for such other purpose, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized uses.

SEC. 11. *Certification.* A delivery order for MRO or materials for minor capital additions must contain a certification in addition to the allotment symbol MRO or the rating DO–MRO. Unless another form of certification is specifically prescribed by an applicable order or regulation of NPA, such certification shall be in the following words:

Certified under CMP Regulation No. 5

and shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the allotment symbol or the rating under the provisions of this regulation to obtain the materials covered by the delivery order.

SEC. 12. *Supplier receiving orders improperly bearing the allotment symbol MRO or the rating DO–MRO.* When a supplier has received a purchase order bearing the allotment symbol MRO or the rating DO–MRO, which symbol or rating he knows, or has reason to believe, has been used in violation of any NPA regulation or order, the supplier shall refuse to accept it as an authorized controlled material order or rated order, as the case may be. In such event, the supplier shall advise the buyer of his reason for such refusal, and shall also advise NPA of his receipt of the order, his refusal to accept it, and his reason for such refusal.

SEC. 13. *Relation to other regulations and orders*—(a) *Rules governing use of the allotment symbol MRO or the rating DO–MRO.* Any person who is entitled to obtain materials for his MRO or minor capital additions under any other NPA regulation or order, shall be governed by the provisions of such other order or regulation and shall not use the allotment symbol MRO or the rating DO–MRO as provided in this regulation.

(b) *Inventory limitations.* Nothing in this regulation shall be deemed to authorize any person to order or receive any controlled materials if acceptance thereof would increase his inventory beyond the limitations permitted by CMP Regulation No. 2, or the limit fixed in any other applicable NPA regulation or order. Nothing in this regulation shall be deemed to authorize any person to order or receive products or materials other than controlled materials if acceptance thereof would increase his inventory beyond a minimum practicable working inventory as defined in NPA Reg. 1 or beyond the limit fixed in any other applicable NPA order or regulation.

(c) *Delegations to Government agencies.* This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use allotment symbols other than MRO or ratings other than DO-MRO, as the case may be, for direct procurement of its own requirements of MRO or minor capital additions.

(d) *Other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from the

obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

SEC. 14. *Records and reports*—(a) *Records to be kept.* Each person who makes any use of the allotment symbol MRO or the rating DO–MRO pursuant to this regulation shall make and preserve at his regular place of business for at least 2 years accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, and records of receipts, deliveries, inventories, and use of all materials for use as MRO or minor capital additions, whether or not by use of the allotment symbol or rating, in sufficient detail to permit an audit that will permit determination for each transaction whether the provisions of this regulation have been met. This requirement does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) *Inspection and audit.* All records required by this regulation shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) *Other records and reports.* Persons subject to this regulation shall maintain such further records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 15. *Applications for adjustment or exception.* (a) Any person subject to any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate on Form NPAF–78. The request shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Subject to the provisions of paragraphs (g) and (h) of section 7 of this regulation, any adjustments or exceptions granted under the provisions of NPA Reg. 4 shall continue to apply under this regulation.

SEC. 16. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 5.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This regulation shall take effect on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

Materials to which the allotment symbol MRO or the rating DO–MRO may not be applied or extended under CMP Regulation No. 5:

1. All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
2. Items appearing in List A or List B of NPA Order M–47A, as the same may be amended from time to time.
3. Nylon fibers and yarns.
4. Packaging materials and containers.
5. Paint, lacquer, and varnish.
6. Paper and paper products.
7. Paperboard and paperboard products.
8. Printed matter.
9. Photographic film.
10. Rails, tie plates, track spikes, splice bars, rail joints, frogs, and switches. (See NPA Order M–73)
11. Rubber tires and tubes.

SCHEDULE II

Materials contained in NPA Reg. 2, List A, as the same may be amended or supplemented from time to time, the allocation and distribution of which are subject to regulation by other Government agencies and which, therefore, are not subject to any DO rating issued by or under the authority of NPA.

[F. R. Doc. 51–7963; Filed, July 6, 1951; 4:37 p. m.]

[CMP Regulation No. 7]

CMP REG. 7—REPAIR PARTS AND MATERIALS FOR REPAIRMEN UNDER THE CONTROLLED MATERIALS PLAN

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this regulation has been rendered impracticable because the regulation affects almost all industries.

Sec.
1. What this regulation does.
2. Definitions.
3. Amount of controlled materials that a repairman may buy.
4. How a repairman obtains products and materials other than controlled materials.
5. Certification.
6. Use of materials by a repairman.
7. Restrictions on inventory.
8. Applicability of other regulations and orders.
9. Records and reports.
10. Applications for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82nd Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* The purpose of this regulation is to describe the rules under which a person in the business of making repairs may obtain controlled materials and products and materials other than controlled materials under the Controlled Materials Plan for use in maintenance and repair work for persons who do not have and are not entitled to establish a quota under CMP Regulation No. 5. A repairman obtains materials for maintenance and repair work for persons who have a quota under CMP Regulation No. 5 by using the allotment symbol MRO and the rating DO–MRO of such person as provided in section 9 of CMP Regulation No. 5. This regulation does not limit the quantity of controlled materials or products and materials other than controlled materials which a repairman may obtain without using the procedure established by this regulation. However, if a repairman makes use of the procedure provided in this regulation in any quarter to obtain materials, he is subject to all the provisions of this regulation. This regulation also imposes special restrictions on inventory applicable to every repairman.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Controlled material" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(b) "Repairman" means any person in the business of providing maintenance or making repairs commercially for other persons. The term "repairman" includes but is not limited to a carpenter, electrician, electrical contractor, motor rewinder, plumber, or the operator of an automotive repair shop, bicycle repair shop, blacksmith shop, boiler repair shop, domestic appliance repair shop, farm machinery repair shop, radio and/or television repair shop, refrigeration repair shop, upholstery repair shop, and sheet metal shop. It also includes repair shops owned by the persons for whom the repair work is done if the person can

segregate the purchases of his repair shop from his other purchases and if he employs at least one person who spends his full time on maintenance and repair. The term also includes any person who reconditions or rebuilds damaged or used items for resale.

(c) "Repair parts and materials" means any item which a repairman stocks and uses for repair work. The term "repair parts and materials" does not include a complete item which is ordinarily usable as a unit. For example, a repairman may use the allotment symbol or the rating specified in this regulation to obtain an item such as a furnace grate to repair a furnace. He may not, however, use the symbol or rating to obtain a new furnace for installation as a complete unit.

(d) "Maintenance" means the minimum upkeep necessary to continue any building, appliance, machine, or piece of equipment in sound working condition, and "repair" means the restoration of a building, appliance, machine, or piece of equipment to sound working condition, when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the replacement of a plant, facility, or equipment, or the improvement of any plant, facility, or equipment by replacing parts or materials which are in sound working condition with parts or materials of a new or different kind, quality, or design.

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

(f) "NPA" means the National Production Authority.

SEC. 3. *Amount of controlled materials that a repairman may buy.* (a) During the calendar quarter commencing on July 1, 1951, and during each calendar quarter thereafter, a repairman may use the allotment symbol RE on delivery orders for controlled materials to the extent he actually requires such materials in doing maintenance and repair work for persons who do not have and are not entitled to establish a quota under CMP Regulation No. 5, but for not in excess of the following quantities:

Carbon steel (including wrought iron), alloy steel (except stainless steel), stainless steel (to include not more than 3 tons of alloy steel and 1 ton of stainless steel)	20 tons.
Copper and copper-base alloy brass mill products, copper and copper-base alloy foundry products and powder	500 pounds.
Aluminum	500 pounds.

A repairman who requires copper wire mill products for functional uses in his repair and maintenance work may use during the calendar quarter commencing on July 1, 1951, and during each calendar quarter thereafter, the allotment symbol RE on delivery orders for copper wire mill products to the extent he actually requires such materials in maintenance and repair work for persons who do not have and are not entitled to establish a quota under CMP Regulation No. 5, but for not in excess of $150 worth or 20 percent of what he used in his repair and maintenance work in the calendar year 1950, whichever is greater. A delivery order for controlled materials bearing the symbol RE, together with the certification provided in section 5 of this regulation, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(b) A repairman who does repair or maintenance work for persons who have the right to use the allotment symbol MRO under CMP Regulation No. 5, or an allotment symbol under any other NPA regulation or order, to buy controlled materials for their own maintenance and repair or minor capital additions, must use the allotment symbol MRO and the certification provided in CMP Regulation No. 5, or the allotment symbol and certification specified in such other regulation or order, to obtain the amount of controlled materials he needs to do their work or to replace in inventory what he has already used for that purpose. He shall not use the allotment symbol RE to acquire controlled materials for maintenance and repair work for such persons.

SEC. 4. *How a repairman obtains products and materials other than controlled materials.* (a) Commencing July 1, 1951, a repairman may use the rating DO-RE on delivery orders for products and materials other than controlled materials which he actually needs to perform his repair and maintenance work and for which he has not received from another person a purchase order bearing a DO-MRO rating. A delivery order bearing the rating DO-RE together with the certification provided in section 5 of this regulation, shall constitute a rated order with an allotment symbol for the purpose of all CMP regulations.

(b) A repairman who does repair or maintenance work for persons who have the right to use the rating DO-MRO under CMP Regulation No. 5, or another rating under any other NPA regulation or order, to buy products and materials other than controlled materials for their own maintenance and repair or minor capital additions, must use the rating DO-MRO and the certification provided in CMP Regulation No. 5, or the rating and certification provided in such other regulation or order, to obtain the products and materials which he needs to do their work or to replace in inventory what he has already used for that purpose. He shall not use the rating DO-RE to acquire products and materials other than controlled materials for maintenance and repair work for such persons.

SEC. 5. *Certification.* A repairman shall place on each of his delivery orders for repair parts and materials under this regulation, in addition to the allotment symbol RE provided in section 3 (a) or the rating DO-RE provided in section 4 (a) of this regulation, a certification in the following form:

Certified under CMP Regulation No. 7.

Such certification shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the repairman is authorized to use the allotment symbol RE or the rating DO-RE under the provisions of this regulation to obtain the materials covered by the delivery order.

SEC. 6. *Use of materials by a repairman.* A repairman may use the repair parts and materials which he buys under this regulation only to do maintenance and repair work, as defined in section 2 (d) of this regulation. He may not use what he buys under this regulation to make products, such as repair parts, which he does not expect to use himself in making repairs, nor may he use it to replace materials or parts solely to improve the original design. A repairman may, however, use repair parts and materials which he buys under this regulation to recondition or rebuild a damaged or used item which he plans to sell.

SEC. 7. *Restrictions on inventory.* Whether or not he uses the procedure specified in this regulation to obtain materials, a repairman may not receive or accept delivery of any item of controlled material if his inventory of that item is, or by such receipt would become, more than he needs to operate his business as a repairman during the next 60 calendar days, or of any item of a product or material other than a controlled material, if his inventory of that item is, or by such receipt would become, in excess of a "practicable minimum working inventory," as defined in NPA Reg. 1. If his inventory of those items of repair parts and materials which are normally marketed only in minimum sales quantities is less than such permitted amount, a repairman may order and receive from his supplier a minimum sales quantity, even if his inventory of such item or items is thereby increased beyond such permitted amount.

SEC. 8. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

SEC. 9. *Records and reports.* (a) Each person subject to this regulation shall retain for at least 2 years at his regular place of business all documents on which he relies as entitling him to accept delivery of controlled materials or of products and materials other than controlled materials, segregated and available for inspection by representatives of NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(b) The provisions of this section do not require any particular accounting method, provided the records maintained supply the information specified by this section and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(c) Persons subject to this regulation shall maintain such further records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. If the request for relief is a request for authorization to use the allotment symbol RE, to obtain more controlled materials than permitted under section 3 (a) of this regulation, such request shall also state the additional amount of controlled materials required, the type of maintenance and repair work being done, and the kind of customers for which it is being done.

SEC. 11. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C.; Ref: CMP Regulation No. 7.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this regulation or any other order or regulation of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This regulation shall take effect on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7964; Filed, July 6, 1951; 4:38 p. m.]

[NPA Order M-70, as Amended July 6, 1951]

M-70—MARINE MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order as amended, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

NPA Order M-70 is hereby amended in the following respects: Sections 8 through 17 are renumbered as sections 9 through 18; a new section 8, respecting the status of orders rated DO-91P, is added; and a new sentence is added to section 14 as renumbered. As so amended, NPA Order M-70 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. DO rating assigned.
4. Water transportation system consumer's use of rating and quota limitations.
5. Supplier's use of rating, increase of inventory, and inventory limitation.
6. Ship repair yard's use of rating, increase of inventory, and inventory limitation.
7. Foreign flag vessel's use of rating.
8. Status of orders rated DO-91P.
9. Canadian flag vessel's use of rating.
10. Application and certification of rating.
11. Limitation on application of rating.
12. Limitation on extension of rating.
13. Prohibited deliveries.
14. Application to other orders and regulations.
15. Records, reports, audit, and inspection.
16. Applications for adjustment or exception.
17. Communications.
18. Violations.

AUTHORITY: Sections 1 to 18 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide a procedure whereby maintenance, repair, and operating supplies, as well as minor capital additions, for water transportation systems may be obtained during the third calendar quarter of 1951 or until the NPA Controlled Materials Plan shall be effective as to such items. It provides a procedure to be used for the application of DO ratings during the said third quarter.

SEC. 2. *Definitions.* For the purposes of this order:

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

(b) "Water transportation system" means any domestically owned American flag vessel of any type on the inland waterways, or Great Lakes, or in coastwise, intercoastal, or seagoing service, except a vessel subject to the jurisdiction of the Coast Guard or to the jurisdiction of the Department of Defense as a claimant agency under DPA Order 1, except floating equipment owned by a railroad when MRO is furnished or performed by such railroad, and except vessels operated exclusively for pleasure.

(c) "Water transportation system consumer" means the owner, lessee, or charterer of a water transportation system.

(d) "Foreign flag vessels" means those vessels registered in countries other than the United States or Canada.

(e) "Canadian flag vessels" means those vessels registered in the Dominion of Canada.

(f) "Supplier" means a distributor of marine MRO or minor capital additions for the use of water transportation systems.

(g) "Ship repair yard" means any person, located in the United States, its territories or possessions, who regularly provides MRO or minor capital additions for boats and vessels.

(h) "Maintenance" means the minimum upkeep necessary to continue any unit of water transportation or a part or a component thereof in sound working condititon. "Maintenance" also means the reactivation of vessels in storage or not in usable condition.

(i) "Repair" means the restoration to sound working condition of any vessel or a part or a component thereof when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like.

(j) "Maintenance" and "repair" include the replacement of any marine equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes addition to a unit of water transportation or a part or a component thereof which is in sound working condition with material of a new or different kind, quality, or design. Where a replacement is more economical than a repair, such replacement shall not be undertaken under any provision of this order in the absence of the specific approval of the National Production Authority.

(k) "Operating supplies" means material, other than fuel, which is used or consumed in the course of operations of a water transportation system.

(l) "Minor capital additions" means any improvement, addition, betterment, or conversion of a kind carried as capital by a water transportation system, but no such improvement, addition, betterment, or conversion shall exceed $750 in cost. In computing the cost of such improvement, addition, betterment, or conversion for purposes of this order, the cost of all materials obtained by the person pursuant to the same project or plan shall be included even though the respective materials are ordered or delivered at different times and are obtained from different sources of supply. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing limitations. "Minor capital addition" does not include conversions covered by present or future orders or directives issued by the National Production Authority.

(m) "MRO" means maintenance, repair, and operating supplies as defined in this section but exclusive of fuel, and does not include minor capital additions. The latter term is specifically used in this order wherever the meaning so requires. Materials or products sold by a supplier thereof or a ship repair yard for

"MRO" shall not be deemed "MRO" as to such supplier. While the order applies to water transportation system consumers, suppliers, and ship repair yards and supersedes NPA Reg. 4, as amended, with respect to their marine MRO, it does not provide for their other "MRO" and minor capital additions, the procurement of which remains subject to all of the provision of NPA Reg. 4, as amended.

(n) "Controlled materials" means steel, copper, and aluminum in the forms and shapes specified in Schedule I of CMP Regulation No. 1.

(o) "NPA" means the National Production Authority.

SEC. 3. *DO rating assigned.* Subject to the limitations of section 4 of this order with respect to water transportation system consumers, section 5 of this order with respect to suppliers, section 6 with respect to ship repair yards, section 7 with respect to foreign flag vessels, and section 9 with respect to Canadian flag vessels, the NPA hereby assigns to such persons the right to apply a DO–91P rating to obtain MRO and minor capital additions for delivery during the third calendar quarter of 1951. The DO–91P rating shall be applied as provided in section 10 of this order.

SEC. 4. *Water transportation system consumer's use of rating and quota limitations.* A water transportation system consumer who desires to apply the DO rating herein assigned shall apply the rating only to the extent and in the manner prescribed by this section as follows:

(a) *Quarterly MRO and minor capital additions quota.* Every water transportation system consumer applying the DO–91P rating to obtain the MRO and minor capital additions of a water transportation system or systems must establish a quarterly quota for this purpose, which quota shall be 120 percent of the amount he expended to obtain MRO for his water transportation system or systems during the fourth calendar quarter of 1950, unless he elects to use the first calendar quarter of 1951. An election to use the first calendar quarter of 1951 may not subsequently be changed without the prior written authorization of NPA. In computing his quota, the water transportation system consumer shall include total expenditures for such MRO during the quarter selected, excluding expenditures for minor capital additions.

(b) *Charges against quota.* Any water transportation system consumer who applies the DO–91P rating for the purposes of this section shall charge against his quarterly MRO quota:

(1) The cost of all MRO ordered for delivery during the quarter, whether or not obtained by use of the DO–91P rating, and

(2) The cost of all minor capital additions ordered for delivery during the quarter only if obtained by use of the DO–91P rating.

(c) *Prohibition against exceeding quota.* No person shall order for delivery during the third calendar quarter of 1951 a quantity of material chargeable against his MRO quota which exceeds the amount of such quota.

SEC. 5. *Supplier's use of rating, increase of inventory, and inventory limitation.* A supplier may apply the DO–91P rating to obtain stocks of inventory for delivery during the third calendar quarter of 1951 to the extent necessary to bring his inventory to 120 percent of the dollar amount of his average, end-of-the-month inventory during the fourth calendar quarter of 1950, or to a practicable minimum working inventory as defined by NPA Reg. 1, as amended, whichever is less. No inventory stocks obtained by use of the DO–91P rating shall be used, sold, transferred, or otherwise disposed of, for any purpose other than the maintenance, repair, or operation of a water transportation system, foreign flag vessel, or Canadian flag vessel, including minor capital additions therefor. Further, any inventory stocks obtained by the use of the DO–91P rating may be used only to fill orders rated with a DO–91P rating.

SEC. 6. *Ship repair yard's use of rating, increase of inventory, and inventory limitation*—(a) *Controlled materials.* No ship repair yard shall apply the DO–91P rating to obtain MRO of controlled materials. Ship repair yards will obtain controlled materials in accordance with the provisions of CMP Regulations Nos. 1 and 3.

(b) *Increase of inventory and inventory limitation on materials other than controlled materials.* A ship repair yard may apply the DO–91P rating to obtain stocks of inventory of materials other than controlled materials for delivery during the third calendar quarter of 1951 to the extent necessary to bring such inventory to 120 percent of the dollar amount of his average, end-of-the-month inventory of such materials other than controlled materials during the fourth calendar quarter of 1950, or to a practicable minimum working inventory as defined by NPA Reg. 1, as amended, whichever is less. No inventory stocks obtained by use of the DO–91P rating shall be used, sold, transferred, or otherwise disposed of, for any purpose other than the maintenance, repair, or operation of a water transportation system, foreign flag vessel, or Canadian flag vessel, including minor capital additions therefor. Further, any inventory stocks obtained by the use of the DO–91P rating may be used only to fill orders rated with a DO–91P rating.

SEC. 7. *Foreign flag vessel's use of rating.* The DO–91P rating herein assigned may not be applied to obtain MRO or minor capital additions for foreign flag vessels unless authorized in writing by NPA pursuant to a written application for such authority. Such application shall be made in triplicate on Form NPAF–104 and filed with the National Production Authority, Washington 25, D. C. Where a foreign flag vessel is damaged at sea and cannot continue safely to its own port, either under its own power or otherwise, but is able to reach a port in the United States for repairs, application may be made by telegraph or radiogram stating such facts, the identification of the vessel, and any other facts believed pertinent. Such telegraph or radiogram application shall be supported, as soon as possible, by filing completed Form NPAF–104 in triplicate with NPA.

SEC. 8. *Status of orders rated DO–91P.* (a) Notwithstanding the provisions of section 4 (c) of CMP Regulation No. 3 and of paragraph (d) of this section, a delivery order for controlled materials placed prior to the effective date of this amendment, calling for delivery in the third calendar quarter of 1951, placed by a water transportation system consumer pursuant to section 4 of this order or by a supplier pursuant to section 5 of this order, and bearing the rating DO–91P, shall constitute an authorized controlled material order for the purposes of all CMP regulations and the purposes of this order.

(b) Notwithstanding the provisions of section 5 (c) of CMP Regulation No. 3 and of paragraph (d) of this section, a delivery order for products and materials other than controlled materials placed prior to the effective date of this amendment, calling for delivery in the third calendar quarter of 1951, placed in accordance with the provisions of sections 4, 5, or 6 of this order, and bearing the rating DO–91P, shall constitute a rated order with the allotment number R–9 for the purpose of this order and all CMP regulations.

(c) A delivery order calling for delivery after the third calendar quarter of 1951, and placed prior to the effective date of this amendment but in accordance with the provisions of this order prior to this amendment, and bearing the rating DO–91P, must be converted into an authorized controlled material order or into a rated order with the allotment number R–9, as the case may be, in accordance with the provisions of CMP Regulation No. 3. In the absence of such conversion on or before August 15, 1951, the order shall constitute an unrated order.

(d) Unless NPA shall otherwise provide, the allotment number R–9 shall be used on all delivery orders for controlled materials, and the DO rating DO–R9 shall be used on all delivery orders for products and materials other than controlled materials placed pursuant to this order. Such orders shall be certified as provided in section 10 of this order, and such certification shall constitute a representation to the seller and NPA that the purchaser is authorized to use the allotment number or the rating under the provisions of this order to obtain the materials covered by the delivery order.

SEC. 9. *Canadian flag vessel's use of rating.* Notwithstanding the provisions of NPA Reg. 3, as amended, Canadian flag vessels shall apply for assistance in connection with MRO and minor capital additions in the same manner as provided in section 7 of this order and, when authorized, shall apply the DO–91P rating and not the DO–47 rating authorized by said Reg. 3.

SEC. 10. *Application and certification of rating*—(a) *By water transportation system consumer and supplier.* The DO rating may be applied by a water transportation system consumer or supplier by placing on an order, or on a separate piece of paper attached to the order, the symbol "DO–91P," together with the words "Certified under NPA Order M–70 and NPA Reg. 2." Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. This certification constitutes a representation to the recipient and to NPA that the person using the DO–91P rating is authorized to use it as provided in this order.

(b) *By ship repair yard.* (1) The DO rating and certification on an order by a ship repair yard for materials other than controlled materials shall be applied and certified in accordance with paragraph (a) of this section.

(2) The DO rating and certification on an order by a ship repair yard for controlled materials shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number assigned by NPA in granting the assistance.

(c) *By foreign flag and Canadian vessels.* The DO rating and certification by a foreign flag or Canadian vessel shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number assigned by NPA in granting the assistance.

SEC. 11. *Limitation on application of rating.* No person shall apply the DO–91P rating to obtain material:

(a) For any unauthorized purpose or in amounts greater than required for an authorized purpose under this order

(b) Which can be obtained within the time required without the use of a rating.

(c) The use of which can be eliminated without serious loss of efficiency by substitution of less scarce material.

SEC. 12. *Limitation on extension of rating.* A supplier or ship repair yard may apply the DO–91P rating assigned by this order and within its limitations, but neither a supplier nor a ship repair yard may extend, either to obtain materials other than controlled materials normally carried in his inventory or to obtain controlled materials, a DO–91P rating received by him from another person.

SEC. 13. *Prohibited deliveries.* No person shall accept an order for, or sell, deliver, or cause to be delivered, material which he knows, or has reason to believe, will be accepted, held, or used in violation of any provision of this order.

SEC. 14. *Application to other orders and regulations.* The provisions of NPA Reg. 4, as amended, relating to MRO and minor capital additions, are superseded to the extent that they are inconsistent with this order, except that a DO–91P rating may not be applied under this order to the items listed in List A of NPA Reg. 2, or Table I of NPA Reg. 4, as they may be amended from time to time. The provisions of NPA Reg. 3, as amended, relating to MRO and minor capital additions for persons located in Canada, are superseded to the extent that they are inconsistent with this order. All of the provisions of CMP Regulation No. 3, section 5, as to status of delivery orders, shall apply to orders bearing an allotment number or DO rating pursuant to section 8 of this order.

SEC. 15. *Records, reports, audit, and inspection.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventory, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system provides an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 16. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. More particularly, the applicant shall fully describe the nature of his business or other activity, indicating any seasonal or other unusual features, products made or distributed, or services or other activities performed, and the quarterly volume of such business or other activity since January 1, 1950. The applicant shall state the total amount spent for MRO in each quarter since January 1, 1950, and, if increase in quota is requested, specify the amount of increase requested.

SEC. 17. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–70.

SEC. 18. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order shall take effect on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7968; Filed, July 6, 1951; 4:39 p. m.]

[NPA Reg. 4, Revocation]

REG. 4—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

NPA Reg. 4, as amended May 22, 1951, is revoked, effective July 6, 1951. NPA Reg. 4 has been superseded by CMP Regulations Nos. 5 and 7. Adjustments or exceptions granted under the provisions of NPA Reg. 4 shall continue to apply under CMP Regulation No. 5 as provided in section 15 of CMP Regulation No. 5.

This revocation does not affect any liabilities incurred for violation of NPA Reg. 4, as amended from time to time, or for violation of any adjustments, exceptions, directions, directives, or other actions of the National Production Authority under it.

Issued this 6th day of July 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7966; Filed, July 6, 1951; 4:38 p. m.]

[NPA Order M–1, as Amended July 6, 1951]

M–1—IRON AND STEEL

This order, M–1, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section

101 of the Defense Production Act of 1950. In the issuance of this order as originally issued and as previously amended, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In its issuance as amended July 6, 1951, however, consultation with industry representatives has been rendered impracticable, due to the necessity for immediate action.

NPA Order M–1, as last amended June 8, 1951, is hereby amended in the following respects: Sections 5 and 6 and Table I of the order are amended to change certain of the product limitation percentages contained in part C of said Table I, and to change the basis for computing required shipments of alloy steel products from one related to a base period to one related to planned monthly production. Section 8 is amended to place a floor of 100 percent on deliveries of cold-finished carbon steel bars made by a producer supplier to a converter customer. A new section 15 is added, and sections 15 and 20 are renumbered as sections 16 to 21. As so amended, NPA Order M–1 reads as follows:

Sec.

AUTHORITY: Sections 1 to 21 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of iron and steel and provides rules for placing, accepting, and scheduling rated orders for iron and steel. Its purpose is to provide equitable distribution of rated orders among all iron and steel producers of the particular products in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It makes provision for required acceptance of rated orders based on a percentage of previous shipments, and provides for allotment and maximum inventories. It supplements NPA Regs. 1 and 2, but only those provisions of Regs. 1 and 2 which are inconsistent with this order are superseded, and all other provisions of those regulations continue to apply to the iron and steel industry.

SEC. 2. *Forms of iron and steel products to which this order applies.* The iron and steel products to which this order applies are set out in Table I at the end of this order. Table I also sets out the lead time (days) and product limitation for acceptance of rated orders. This order also applies to all second quality materials and shearings and material sorted or salvaged from steel scrap and sold for other than remelting purposes.

SEC. 3. *Required shipment dates.* A rated order for iron or steel in any of the forms listed in part A of Table I must specify shipment on a particular date or in a particular month, which, in no case, may be earlier than required by the person placing the order. The producer of iron or steel must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders (lead time).* A producer of iron or steel in a form listed in part A of Table I need not accept a rated order which is received by him less than the number of days (lead time) set forth in part B of Table I prior to the first day of the month in which shipment is requested, unless specifically directed to accept such order by the National Production Authority.

SEC. 5. *Product limitation for acceptance of rated orders.* Unless specifically directed by NPA, no iron or steel producer shall be required to accept rated orders for shipment from any one producing unit regardless of location, in any month (a) in excess of the percentages set forth in columns (1) and (2) in part C of Table I, of his average monthly shipments of the products indicated in said columns (1) and (2), as made by him during the period from January 1, 1950, through August 31, 1950, or (b) in excess of the percentages set forth in column (3) in part C of Table I of his planned monthly production of the products indicated in said column (3). Where no percentage limitation is set forth as to any product, it is expected that the amount of such product to be called for by rated orders will be relatively small.

SEC. 6. *Conditions for acceptance of rated orders.* Unless otherwise specifically directed by the National Production Authority, and subject to the provisions of NPA Reg. 2, each iron or steel producer shall be required to accept rated orders calling for shipment in any one month from any one of his producing units regardless of location, of products listed in part A of Table I (a) up to the amount of the percentages listed in columns (1) and (2) in part C of Table I of his average monthly shipments of such products from that producing unit during the period from January 1, 1950, through August 31, 1950, and (b) up to the amount of the percentages listed in column 3 in part C of Table I of his planned monthly production of the products indicated in said column 3. Where no percentage is listed in part C, in regard to any iron or steel product, each iron or steel producer shall be required to accept all rated orders served upon him, subject to the provisions of NPA Reg. 2, unless otherwise specifically directed by the National Production Authority.

SEC. 7. *Changes in lead time.* (a) If an iron or steel producer would have an open space on his production schedule created by the difference between the lead time of 45 days as established by this order as originally issued or as subsequently amended, and a longer lead time as established by section 4 of this order, he shall continue to accept rated orders to fill such open space on his production schedule, on the basis of a lead time of 45 days, before he applies the newly established longer lead time. In filling such open space on his production schedule, as above referred to, an iron or steel producer shall be governed by the product limitation percentage appearing in part C of Table I.

Example: Under the previously established lead time of 45 days, a steel producer would, up to December 17, 1950, accept DO rated orders for shipment in February 1951. Where a lead time has been increased to 120 days, he would, up to January 31, 1951, accept DO rated orders for shipment in June 1951. In the application of this example, the steel producer would continue to accept DO rated orders for shipment in March and April 1951, on a 45-day lead time until he had arrived in any one month at the product limitation percentage of that product as set forth in part C, of Table I. Thereafter, he would conform to the new lead time of 120 days for shipment in the succeeding months.

(b) In the example in paragraph (a) of this section, if the product limitation percentage under part C of Table I as to that particular iron or steel product has been increased from 5 percent to 10 percent, the iron or steel producer should accept DO rated orders up to the amount of the new product limitation percentage figure, commencing with shipments for the month of March 1951, and should continue at that new figure thereafter.

SEC. 8. *Allotments for further conversion.* A steel producer who buys from another steel producer a steel product listed under the heading "Steel mill products" in part A of Table I (herein called "steel mill products"), and by further processing converts, for resale, the purchased steel into another steel mill product, is engaged in further conversion. For the purpose of this section, the steel producer who sells a steel mill product for further conversion shall be called a producer supplier and the steel producer engaged in further conversion shall be called a converter. Each producer supplier shall make a monthly allotment to each of his converter customers of his production of each steel mill product in accordance with provisions of this section. In order to determine such monthly allotment for each converter customer, each producer sup-

plier shall determine the amount of each steel mill product which will be available for that particular month after making provision for production under DO rated orders and other orders which said steel producer is required to accept by specific direction by the NPA. The ratio of the tonnage thus remaining to the total average monthly shipments of each such product during the base period, from January 1, 1950, through September 30, 1950, shall be applied to the average monthly shipments of each such product to each converter customer during said base period. The result shall be the monthly allotment for each converter customer: *Provided, however,* That the monthly allotment of cold finished carbon steel bars shall in no case be less than 100 percent of the average monthly tonnage of such steel mill product shipped to each converter customer during said base period, and that the monthly allotment of each of the other carbon steel mill products (except carbon plates for line pipe) shall in no case be less than 90 percent of the average monthly tonnage of each of the other carbon steel mill products shipped to each converter customer during said base period. Any such allotment of a carbon steel mill product shall include the tonnage to be shipped on all DO rated orders for that particular product received by the steel producer from such converter customer for shipment during the month for which the allotment had been made. A producer supplier must accept orders placed by his converter customer up to the limit of his allotment: *Provided, however,* That such orders are placed in accordance with the lead times in part B of Table I. Shipments, except for carbon steel mill products for which a minimum tonnage is provided in this section, under such allotments shall be made in addition to shipments to the same converter customer pursuant to authorized extension of DO ratings. Orders placed under the provisions hereof must be for substantially the same product as was supplied to each such converter customer during said base period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made by a producer supplier, with the consent of the converter customer involved, to provide for any abnormal situations which affect any steel products. Converter customers in Canada shall be entitled to the benefits of this section, and producer suppliers in the United States shall make monthly allotments to Canadian converter customers in accordance with the provisions of this section.

SEC. 9. *Extension of ratings for further conversion of steel products.* All DO ratings extended for the purpose of further conversion of steel products shall have the symbol FC added to the two-digit designation following the prefix DO on the order.

SEC. 10. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for iron or steel due to the limitations imposed by sections 5 and 6 of this order should apply to NPA, Iron and Steel Division, Ref.: M–1, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating other sources of supply.

SEC. 11. *Scheduled programs.* NPA will from time to time approve scheduled programs calling for the production and delivery of iron and steel products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the iron and steel industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by NPA.

SEC. 12. *Minimum orders.* The minimum orders that may be placed with DO ratings or under NPA directives are set out in Table II at the end of this order. The minimum quantity for each size and grade of any item for shipment at any time to any one destination is listed opposite the appropriate item. If all other requirements of this order have been met, orders for such minimum quantities shall be accepted.

SEC. 13. *Inventories.* In addition to the provisions of NPA Reg. 1, relating to inventory control, it is considered that a more exact requirement applying to users of iron or steel products is necessary. No person obtaining iron or steel products for use in manufacture, processing, or construction, may receive or accept delivery of a quantity of iron or steel products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period for steel products, and gray and malleable iron castings, and 30-day period for pig iron, or in excess of a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, iron and steel products listed in Table I in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to iron and steel products except as modified by this section. Said 45-day limitation does not apply to persons who order structural steel for use in construction (including buildings, bridges, and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 45 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

SEC. 14. *Ferro-alloys.* (a) As used in this section and in section 18 of this order, "ferro-alloys" means and includes, in such form or condition that the same may be used in the production of alloy iron, steel, or nonferrous products, the following elements and their compounds, and scrap containing usable quantities of any one or more of such elements or of any compound or compounds of any one or more of such elements: Boron, calcium, chromium, cobalt, columbium, manganese, molybdenum, nickel, silicon, tantalum, titanium, tungsten, vanadium, and zirconium.

(b) Every person shall comply with any direction or directions issued by NPA respecting the use, and restrictions and limitations on the use, of any ferro-alloy or alloys in the production of alloy iron, steel, or non-ferrous products.

(c) No person shall receive or accept delivery of any ferro-alloy to be used for alloying purposes at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, 45 days' requirements on the basis of his then scheduled method and rate of operation or a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. The provisions of this paragraph shall be construed to supersede the inventory limitation provisions of NPA Orders M–10 (Cobalt), M–14 (Nickel), M–30 (Tungsten), M–33 (Molybdenum), and M–49 (Columbium and Tantalum), so far as the inventory limitation provisions of said orders apply to persons having in inventory any ferro-alloy to be used for alloying purposes.

SEC. 15. *Meaning of rated orders.* As set out in Direction 1, to NPA Order M–1, dated June 15, 1951 the term "rated orders" as used in sections 5 and 6 of this order shall be deemed to include both DO rated orders and authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1). As further set out in said Direction 1, the term "DO rated orders" as used in section 8 of this order shall be deemed to include both DO rated orders and authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1).

SEC. 16. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him woud not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 17. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–1.

SEC. 18. *Reports.* (a) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F). In accordance with this section, all steel producers are required to report on Form NPAF–100—Steel Producers' Monthly Production Directive Report; and on Form NPAF–17—Steel Producers' Monthly Report of Shipments and Past Due Orders, the record of the shipments and past due orders by DO ratings and programs made effective by NPA directives.

(b) Every person shall submit to NPA such reports as it shall require with respect to the receipt, consumption, shipment, and maintenance in inventory of any ferro-alloy as defined in section 14 (a) of this order: *Provided*, That no person shall be required to file, as to any ferro-alloy, any report in addition to such report with respect thereto as he files pursuant to any order of NPA establishing allocation or inventory control over the use of such ferro-alloy.

SEC. 19. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 20. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 21. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order as amended shall take effect on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

TABLE I—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES

Part A	Part B Lead times (days)				Part C Production limitation, required acceptance (percentage)		
Name of product	Carbon (1)	Low alloy (2)	Stainless (3)	Alloy (4)	Carbon (including low alloy high strength) (1)	Stainless (2)	Alloy [10] (3)
Steel (including wrought iron) mill products:							
Ingots	45	75	75	75	15	75	50
Billets, projectile and shell quality	45	75	75	75	[4]	XXXX	[13]
Blooms, slabs, billets (except projectile and shell quality)	45	75	75	75	[6] 52	[7] 50	[6] [12] 65
Sheet bars	45	75	75	75	10	75	5
Tube rounds or rounds for piercing	45	75	75	75	[8]	100	85
Skelp	45				10	XXXX	XXXX
Wire rods	45	75	90	75	60		25
Structural shapes (heavy) standard	45	75	90	90	68	100	
Structural shapes wide flange	45	75	90	90	68	100	
Piling—sheet	45				68	XXXX	XXXX
Piling—H bearing	45				68	XXXX	XXXX
Plates—rolled armor				[3]	XXXX	XXXX	[3]
Plates—sheared and U. M	45	75	90	75	[5]	100	75
Plates—strip mill	45	75	90	75	[5]	100	75
Rails—standard (over 60 pounds)	45			90	90	XXXX	
Rails—all other	45			90	90	XXXX	
Joint bars	45			90	90	XXXX	
Tie plates	45				90	XXXX	XXXX
Track spikes	45				90	XXXX	XXXX
Wheels (rolled and forged)	45			90	95	XXXX	5
Axles	45			90	95	XXXX	5
Bars—hot rolled, projectile and shell quality	45	75		75	[5]	XXXX	[14]
Bars—hot rolled, other (including light shapes)	[2] 45	[2] 75	90	[2] 75	65	75	[16] 75
Bars—reinforcing	45				65	XXXX	XXXX
Bars—cold finished	[2] 75	[2] 105	105	[2] 105	55	75	60
Bars—tool steel (including die blocks)	[2] 90			[2] 90		XXXX	
Standard pipe	45		120		30	100	
Oil country goods—seamless	45				110	XXXX	100
Oil country goods—welded (including spiral weld)	45				110	XXXX	
Line pipe—seamless	45				35	XXXX	XXXX
Line pipe—welded (including spiral weld)	45				35	XXXX	XXXX
Mechanical tubing—seamless	60		120	120	45	100	85
Mechanical tubing—welded	75		120	120	45	100	60
Pressure tubing—seamless	60		120	120	70	100	85
Pressure tubing—welded	75		120	120	70	100	25
Wire—drawn low carbon (less than 0.45 percent carbon)	45	75	90		50	90	25
Wire—drawn high carbon (0.45 percent and over of carbon)	45	75	90		60	90	25
Wire—nails and staples (including steel cut nails)	45				25	XXXX	XXXX
Wire—barbed and twisted	45				15	XXXX	XXXX
Wire—fence, woven and welded	45				10	XXXX	XXXX
Wire—bale ties and/or coiled automatic baler wire	45				10	XXXX	XXXX
Tin mill black plate	45				10	XXXX	XXXX
Tin plate—hot-dipped	45				10	XXXX	XXXX
Terneplate	45				10	XXXX	XXXX
Tin plate—electrolytic	45				10	XXXX	XXXX
Sheets—hot-rolled	45	75	90	75	55	75	60
Sheets—cold-rolled	45	75	105	90	40	75	60
Sheets—Galvanized	45	75			40	XXXX	
Sheets—all other coated	45	75			25	XXXX	XXXX
Sheets—enameling	45				10	XXXX	XXXX
Electrical sheets and strip	[7]				[7]		
Strip—hot-rolled	45	75	90	75	35	50	40
Strip—cold-rolled	45	75	105	90	35	50	
Steel castings—rough as cast	[11] 60	[11] 90	[11] [12] 90	[10] [11] 90	80	[12] 75	[10] 80
Steel products, fabricated:							
Forgings (rough as forged)	90	120	120	120	30	75	50
Fence posts	45						
Wire rope and strand	45		105		60	75	
Welded wire mesh	45		105		35	75	XXXX
Netting	45		105		10	75	XXXX
Iron products:							
Pig iron (not including iron with more than 6 percent silicon)	45				15	XXXX	XXXX
Malleable castings (rough as cast)	60				65	XXXX	XXXX
Gray iron castings, rough as cast, excluding pipes and fittings	60	90		[10] 90	60	XXXX	[10] 65

[1] Subject to direct negotiation by NPA.
[2] If annealed or heat-treated, add an additional 15 days.
[3] If cold finished, add an additional 15 days.
[4] Rounds and squares under 3 inches included in set asides for blooms, slabs, billets. Rounds and squares over 3 inches by production directives.
[5] Of each item.
[6] Such percentag being the total for any combination of these products.
[7] For electrical sheets and strip, use this table:

Lead time	Percentage limitation	Definition
Low grade, 45	25	AISI M50, M43, M36
Medium grade, 45	70	AISI M27, M22, M19
High grade, 60	80	AISI M17, M15, M14 and oriented

[8] By directive.
[9] Rounds and squares under 3 inches included in set asides for bars—hot-rolled, other. Rounds and squares 3 inches and over by production directives.
[10] Alloy for steel and iron castings means all grades not included as stainless or carbon (including low-alloy) steel and iron castings.
[11] Lead times apply to unmachined castings after approval of patterns for production.
[12] All castings containing 8 percent or more of alloying metals are to be considered "stainless."
[13] Set aside for projectile and shell quality included in set aside for blooms, slabs, billets.
[14] Set aside for projectile and shell quality included in set asides for bar—hot-rolled.
[15] Set asides for alloy are based on planned production instead of base period.
[16] Set aside for projectile and shell quality included in set aside for bars—hot-rolled.

TABLE II—MINIMUM ORDERS THAT MAY BE PLACED ON STEEL MILLS, STEEL AND IRON FOUNDRIES, STEEL FORGE SHOPS, AND MERCHANT PIG IRON PRODUCERS FOR THE PRODUCTS SPECIFIED

(Special grades, shapes, specifications, processes, and similar factors must be handled by negotiation)

Name of product	Minimum quantity for each size and grade of any item for shipment at any one time to any one destination
STEEL MILL PRODUCTS	
Carbon and low-alloy steel:	
Ingots, blooms, billets, slabs, and tube rounds, sheet bars, skelp, etc., rerolling quality.	25 net tons.
Blooms, billets, and slabs, forging quality	Product of 1 ingot.
Wire rods, hot-rolled	5 net tons.
Structural shapes	5 net tons.
Plates:	
Rolled armor	By negotiation.[1]
Continuous strip mill production	10 net tons.
Sheared, universal, or bar mill production	3 net tons.
Rails, wheels, and axles	5 net tons.
Track accessories (joint bars, tie plates, track spikes)	5 net tons.
Bars, hot-rolled:	
Projectile and shell quality	Product of 1 heat.[2]
Round bars up to and including 3" and squares, hexagons, half rounds, ovals, etc., of approximately equivalent sectional area.	5 net tons.
Round and square bars over 3" to but not including 8"	15 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Bars, cold finished	3 net tons.
Bars, tool steel	500 pounds.
Pipe, published carload minimum (mixed sizes and grades)	
Tubing:	
Seamless cold-drawn (O. D. in inches):	
Up to ¾" inclusive	1,000 feet.
Over ¾" to 1½" inclusive	800 feet.
Over 1½" to 3" inclusive	600 feet.
Over 3" to 6" inclusive	400 feet.
Over 6"	250 feet.
Seamless hot-rolled	By negotiation.[1]
Welded	By negotiation.[1]
Wire rods. (See above.)	
Wire, drawn, for further fabrication and manufacturing:	
Low-carbon	1 net ton.
High-carbon (0.40 carbon and higher):	
0.0475" and heavier	1 net ton.
Under 0.0475" to 0.021" inclusive	1,000 pounds.
Under 0.021"	500 pounds.
Wire merchant trade products, assorted	5 net tons.
Tin mill products—any 1 gauge	5,000 pounds.
Sheet, hot- and cold-rolled	5 net tons.
Strip, hot- and cold-rolled	3 net tons.
Stainless steel: No minimum on standard grades and sizes. For unusual grades or sizes the minimum order is to be worked out by negotiation.[1]	
Full alloy steel:	
Ingots	Product of 1 heat.[2]
Billet, projectile and shell quality	By negotiation.[1]
STEEL MILL PRODUCTS—continued	
Full alloy steel—Continued	
Blooms, slabs, billets (except projectile and shell quality) tube rounds, sheet bars, etc.:	
7" square (or equivalent cross sectional area) and under	5 net tons.
Larger than 7" square (or equivalent cross sectional area)	10 net tons.
Both of the above may be modified because of a mill's ingot size and/or rolling schedules.	
Wire rods	5 net tons.
Structural shapes	By negotiation.[1]
Plates:	
Rolled armor	By negotiation.[1]
Other, whether rolled on continuous strip, sheared, universal or bar mill.	10 net tons.
(A steel producer need not accept an order unless the total quantity ordered is sufficient to make a heat of steel or unless ingots or slabs are available in stock or unless similar material is regularly being produced.)	
Rails	By negotiation.[1]
Wheels	By negotiation.[1]
Axles	By negotiation.[1]
Bars, hot-rolled, projectile and shell quality	By negotiation.[1]
Bars, hot-rolled, other:	
Rounds and squares 3½" and smaller	5 net tons.
Rounds and squares larger than 3½"	By negotiation.[1]
Hexagons and flats	5 net tons.
Bars, cold-finished	3 net tons.
Bars, tool steel	500 pounds.
Oil-country goods	By negotiation.
Mechanical tubing	5 net tons.
Pressure tubing	By negotiation.[1]
Sheet and strip	By negotiation.[1]
STEEL CASTINGS (UNMACHINED)	
High alloy and stainless (heat and corrosion resisting)	[3].
Carbon and low-alloy	[3].
STEEL PRODUCTS, FABRICATED	
Forgings (rough as forged)	By negotiation.[1]
Wire rope and strand	1,000-foot lengths.
Welded wire mesh	Full rolls of manufacturers' standard stock sizes.
Netting	Full rolls of manufacturers' standard stock sizes.
IRON PRODUCTS	
Pig iron	Car load.
Gray iron castings, excluding soil and pressure pipe and fittings (unmachined)	[3].
Malleable castings (unmachined)	[3].

[1] "By negotiation" means negotiation between the mill and its customer. If no acceptable arrangements are worked out, the NPA should be notified.
[2] "1 heat" means one batch of metal made in 1 furnace.
[3] 2,000 pounds or less from any 1 pattern or mold, or a minimum production run by the producing foundry even though the delivery from such minimum run may cause the consumers' inventory to exceed the 45-day minimum stated in section 13.

[F. R. Doc. 51-7967; Filed, July 6, 1951; 4:39 p. m.]

[NPA Order M-5, as Amended July 6, 1951]

M-5—RATED ORDERS FOR ALUMINUM

This amendment to NPA Order M-5, as amended March 26, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-5 by changing the aluminum forms and shapes to which the order applies to conform them with those listed in Schedule I of CMP Regulation No. 1; by bringing authorized controlled material orders within its provisions; by increasing the percentages of production which must be devoted to filling rated orders, including authorized controlled material orders; by providing maximum limitations on the size of orders which distributors are obliged to accept; and by making other changes.

As amended, this order reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Limitations on acceptance of authorized controlled material orders and rated orders.
4. Production requirements of primary producers, secondary smelters, and independent fabricators.
5. Distributors.
6. NPA assistance in placing authorized controlled material orders and rated orders.
7. Applications for adjustment or exception.
8. Communications.
9. Records and reports.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies to primary producers, secondary smelters, independent fabricators, distributors, and importers of aluminum, and provides rules for accepting and scheduling authorized controlled material orders and rated orders for aluminum. Its purpose is to make possible maximum production of aluminum by reducing to a minimum disruption of normal production and distribution and by providing equitable distribution of authorized controlled material orders and rated orders among all aluminum primary producers, secondary smelters, independent fabricators, and distributors. It supplements NPA Reg. 2 and

CMP Regulations Nos. 1 and 3, but the provisions of these regulations are superseded to the extent they are inconsistent with the provisions of this order, as amended. The order also provides for the distribution of aluminum production materials and the issuance of production directives to primary producers, secondary smelters, and independent fabricators.

SEC. 2. *Definitions.* As used in this order:

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

(b) "NPA" means the National Production Authority.

(c) "Aluminum" means only the following aluminum forms and shapes:

Rolled bar, rod, wire, structural shapes.
Extruded bar, rod, shapes, tubing (including drawn tubing).
Sheet, plate, foil (including strip).
Powder (atomized or flake, including paste).
Pig or ingot, granular or shot.

(d) "Aluminum pig" means aluminum of variable composition produced by the electrolytic reduction of alumina.

(e) "Pig or ingot, granular or shot, secondary" means any aluminum produced by a secondary smelter, or pig or ingot, granular or shot, produced by a primary producer in a secondary smelter operation.

(f) "Primary producer" means a person producing aluminum both in the form of pig and in any one or more of the other forms or shapes listed in paragraph (c) of this section.

(g) "Secondary smelter" means any person who remelts virgin scrap to produce properly alloyed, refined, chemically tested, specification casting ingot, or deoxidizing or granular aluminum, and who has the equipment and technical knowledge necessary to perform this function without down-grading or waste.

(h) "Independent fabricator" means any person (except a secondary smelter) who does not produce aluminum pig, but who produces for sale aluminum in any of the other forms and shapes listed in paragraph (c) of this section.

(i) "Distributor" means any person regularly engaged in the business of maintaining facilities and equipment for the stocking and distribution of aluminum stock items for sale or resale in the form in which received, or after performing such operations as cutting to length, slitting, shearing to size or shape, or sorting and grading. A person who, in connection with any sale from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare aluminum for final use or assembly, is not a distributor with respect to such sale. The term "distributor" excludes any person who purchases any of the aluminum forms and products listed in paragraph (c) of this section for resale but who does not take physical delivery of the material into his own stock at a location regularly maintained for such purpose.

(j) "Importer" means a person who imports aluminum in the forms and shapes listed in paragraph (c) of this section either for his own account or for the account of another person.

(k) "Production directive" means a directive issued by the National Production Authority, directing a primary producer, a secondary smelter, or an independent fabricator to produce during a designated period a specified quantity of any one or more of the aluminum forms and shapes listed in paragraph (c) of this section.

(l) "Authorized controlled material order" means a delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, as provided in section 19 of CMP Regulation No. 1, or which is specifically designated to be such by any other regulation or order of NPA.

(m) "AM order" means an authorized controlled material order bearing the allotment symbol "AM" calling for delivery of aluminum controlled material to a producer of aluminum controlled material for use in the production of such material.

SEC. 3. *Limitations on acceptance of authorized controlled material orders and rated orders.* Unless specifically directed by NPA: (a) No primary producer of aluminum shall be required to accept authorized controlled material orders and/or rated orders for aluminum for shipment in July or August 1951 in excess of 60 percent of his scheduled production in terms of primary pig tonnage for that month; no secondary smelter of aluminum shall be required to accept authorized controlled material orders and/or rated orders for aluminum for shipment in July or August 1951 in excess of 60 percent of his scheduled production in terms of total ingot tonnage for that month; no independent fabricator of aluminum shall be required to accept authorized controlled material orders and/or rated orders for aluminum for shipment in July or August 1951 in excess of 60 percent of his average monthly shipments during the first 8 months of 1950.

(b) No primary producer, secondary smelter, or independent fabricator of aluminum shall be required to accept authorized controlled material orders and/or rated orders for the products listed below for shipment in any one month, commencing with September 1951, in excess of the following percentages by weight of his production directive or of his proposed monthly production if no production directive has been issued:

	Percent
Rolled bar, rod, wire, structural shapes	95
Extruded bar, rod, shapes, tubing (including drawn tubing)	95
Sheet, plate, foil (including strip)	90
Powder (atomized or flake, including paste)	95
Pig or ingot, granular or shot, secondary	80
Pig or ingot, granular or shot, other than secondary	[1] 95

[1] Percentage of production available for sale as stated in Form CMP–4B filed by primary producer with NPA.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of section 4 of CMP Regulation No. 3, no rated order calling for delivery during September 1951 shall be displaced from a mill schedule by an authorized controlled material order calling for delivery during such month if, on or before July 7, 1951, such rated order is converted into an authorized controlled material order in accordance with the provisions of section 19 of CMP Regulation No. 1 or is designated as an authorized controlled material order by any regulation or order of NPA.

(d) No aluminum producer, secondary smelter, or independent fabricator shall be required to accept any authorized controlled material order or any rated order for less than the mill quantities set forth in Schedule IV of CMP Regulation No. 1 or which is placed within less time than the "lead time" specified in Schedule III of CMP Regulation No. 1.

(e) No primary producer shall accept any order for "pig or ingot, granular or shot, other than secondary" to be used for any purpose for which "pig or ingot, granular or shot, secondary" is suitable. Any person whose authorized controlled material order or rated order for "pig or ingot, granular or shot, other than secondary" has been rejected by a primary producer under this section may apply to the NPA if he is unable to obtain a proper grade of pig or ingot to meet his authorized production schedule.

SEC. 4. *Production requirements of primary producers, secondary smelters, and independent fabricators.* (a) Primary producers who use aluminum in any of the forms and shapes listed in section 2 (c) of this order for the production of any of the aluminum forms and shapes listed therein shall, as soon as possible after the effective date of this order as amended, submit an application on Form CMP–4B to the National Production Authority, Washington 25, D. C., Ref: M–5, setting forth their aluminum production requirements. If a production directive is issued pursuant to such application, together with a supporting allotment, the primary producer may place authorized controlled material orders with an independent supplier as provided in section 19 of CMP Regulation No. 1, and in such event will use the allotment symbol "AM" together with the allotment number assigned by NPA in connection with such order.

(b) Secondary smelters and independent fabricators who use aluminum in any of the forms and shapes listed in section 2 (c) for the production of any of the aluminum forms and shapes listed therein shall, as soon as possible after the effective date of this order as amended, submit an application on Form CMP–4B to the National Production Authority, Washington 25, D. C., Ref: M–5, setting forth their aluminum production requirements. If a production directive is issued pursuant to such application, together with a supporting allotment, the secondary smelter or independent fabricator may place an authorized controlled material order as provided in section 19 of CMP Regulation No. 1, and in such event will use the allotment symbol "AM" together with the allotment number assigned by NPA in connection with such order.

SEC. 5. *Distributors.* (a) A distributor shall accept authorized controlled material orders and/or rated orders in accordance with the provisions of CMP Regulation No. 4: *Provided, however,* That, unless specifically directed by NPA, no distributor of aluminum shall be required to accept authorized controlled material orders and/or rated orders for shipment in the months of July and August of a total tonnage of aluminum in excess of 60 percent by weight of the products available to him during each of such months; and commencing with September 1951, no distributor of aluminum shall be required to accept authorized controlled material orders and/or rated orders for shipment in any one month of a total tonnage of aluminum in excess of the percentages by weight set forth in section 3 of this order of the products which are available to him during such month: *And provided further,* That, unless specifically directed by NPA, no distributor shall be required to accept any authorized controlled material order or any rated order calling for delivery to any one person at any one destination at any one time of more than 1,000 pounds of any gage, alloy, or size of sheet or plate; or 300 pounds of any alloy, shape, or size of wire, rod, or bar; or 300 pounds of any alloy, shape, or size of tubing, extrusions, or structural shapes.

(b) Distributors shall submit an application on Form CMP–4B to the National Production Authority, Washington 25, D. C., Ref: M–5, setting forth their aluminum requirements. In lieu of an allotment pursuant to such application, NPA may issue a directive pursuant to which the distributor may place authorized controlled material orders as provided in section 19 of CMP Regulation No. 1.

SEC. 6. *NPA assistance in placing authorized controlled material orders and rated orders.* Any person who is unable to place an authorized controlled material order or a rated order for aluminum due to the limitations imposed by section 3 of this order should apply to the National Production Authority, Washington 25, D. C., Ref: M–5, specifying the primary producer, secondary smelter, or independent fabricator who refused to accept the order. The NPA will arrange to assist him in locating sources of supply.

SEC. 7. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Aluminum and Magnesium Division, Washington 25, D. C., Ref: M–5.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order, as amended, shall take effect, except as otherwise specifically stated, on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7965; Filed, July 6, 1951; 4:38 p. m.]

[NPA Order M–75]

M–75—STEEL SHIPPING DRUMS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. General restriction on packers.
4. Restrictions on use of drums.
5. Restrictions on inventory.
6. Restrictions on manufacture and delivery.
7. Exceptions.
8. Applications for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order places restrictions on the sale or delivery of steel shipping drums, buckets, kits, and pails, and on the uses to which such containers may be put. Schedule I appearing at the end of this order lists certain commodities and classes of commodities which may not be packed in drums on or after September 1, 1951.

SEC. 2. *Definitions.* As used in this order:

(a) "Drum" means any single-walled container, cylindrical or bilged, having a capacity of 110 gallons or less and constructed of 28-gage or heavier steel, including, but not limited to, buckets, kits, and pails. The term "drum" includes both new and used drums unless the context otherwise requires, but does not include beer barrels, even if single-walled, cans as defined in NPA Order M–25, high or low pressure gas steel cylinders, nor any container of any type not usable commercially for transporting a commodity or product.

(b) "Used drum" means any drum which has been used for the shipping of, the storage of, or the intra- or interplant transfer of any commodity or product. The affixing of ends or other parts to used drums shall not cause them to be regarded as new drums.

(c) "New drum" means any drum which is not a used drum. The term "new drum" includes rejects or seconds.

(d) "Reject" or "second" means any newly manufactured drum which, because of some defect, cannot be used for the purpose for which it was intended.

(e) "Listed commodity" means any commodity or product which is listed, or is included in a class of commodities which is listed, in Schedule I appearing at the end of this order.

(f) "Unlisted commodity" means any commodity or product which is not a listed commodity.

(g) "Base period" means the calendar year 1950.

(h) "Packer" means any person who either (1) purchases empty drums and fills such drums in packing any product or (2) purchases empty drums, has them filled for his account by another party, but who controls sale and distribution of the finished product after packing.

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

SEC. 3. *General restriction on packers.* No packer shall purchase, accept delivery of, or use drums on or after July 7, 1951, except as permitted by this order.

SEC. 4. *Restrictions on use of drums.* Subject to the exceptions set forth in section 7 of this order:

(a) No packer shall use any drum on or after September 1, 1951, for the packing of a listed commodity.

(b) No packer shall use any drum on or after July 7, 1951, for the packing of any listed or unlisted commodity which he did not pack in drums during the 12-month period ending June 30, 1951.

(c) No packer, in the packing of unlisted commodities, shall use in the calendar quarter beginning July 1, 1951, or in any succeeding calendar quarter, a tonnage of new drums greater than 22.5 percent of the tonnage of new drums used by him during the base period for the packing of unlisted commodities: *Provided, however,* That the packer of any unlisted commodity which is packed seasonally may use in the packing thereof in any calendar quarter a tonnage of new drums not greater than 90 percent of the tonnage of new drums used by him in the packing thereof during the corresponding calendar quarter, of the base period.

(d) Any packer, on and after July 7, 1951, may pack an unlisted commodity in a used drum, except as provided in paragraph (b) of this section.

SEC. 5. *Restrictions on inventory.* No packer shall receive or accept delivery of drums at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, a 45-day supply, on the basis of his then scheduled method and rate of operation, taking into account customary seasonal fluctuations. In computing his inventory of drums, a packer shall include all drums (including those susceptible of being reconditioned) in his possession or in the possession of his reconditioner or reconditioners. He need not include drums in transit to him or to a reconditioner or to a customer, or drums in the possession of a customer. Any packer who, on the effective date of this order, has outstanding any order for drums calling for delivery in quantities greater than he would be permitted to receive under this section shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and every such order shall be adjusted accordingly.

SEC. 6. *Restrictions on manufacture and delivery.* (a) No person shall manufacture, sell, or deliver any drum which he knows or has reason to believe will be accepted or used in violation of the terms of this order or any other order or regulation of the National Production Authority.

(b) No person shall sell or deliver any drums to a packer unless the packer shall have furnished to the seller a signed certification as follows:

> The undersigned, subject to statutory penalties, certifies that the acceptance of delivery and the use by the undersigned of the drums herein ordered will not be in violation of NPA Order M–75.

This certification constitutes a representation by the packer to the seller and to the National Production Authority that delivery of such drums may be accepted by the packer under this order, and will not be used by the packer in violation of this order.

SEC. 7. *Exceptions.* (a) There shall be exempt from the restrictions and limitations of this order any use of drums which are required to fill any purchase order issued by or for the account of the Atomic Energy Commission or any of the Armed Forces of the United States, including the United States Coast Guard, and bearing a DO rating. There shall likewise be exempt any use of drums by said Commission or by any of said Armed Forces or by said Coast Guard. Any other use of drums, whether pursuant to a DO rated order or otherwise, is subject to the provisions of this order.

(b) The provisions of paragraph (a) and (b) of section 4 of this order shall not apply to the use of drums for packing any listed or unlisted commodity for the transportation, storage, or handling of which a particular type of drum is required under the provisions of the Consolidated Freight Classification or by regulation or order of the Interstate Commerce Commission or the United States Coast Guard.

(c) Notwithstanding the listing of inedible molasses in Schedule I, packers thereof may pack it in a used drum or drums owned by a farmer when it is ordered by him for his own use. In any such case, the packer shall not make shipment or delivery of inedible molasses so packed until he has received from the purchaser a signed certificate stating that he is a farmer, that such inedible molasses is for his own use, and that he is the owner of the drum or drums so used for packing it.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request for adjustment or exception under this section shall be filed in triplicate on Form NPAF–101, copies of which may be obtained from any field office of the Department of Commerce.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–75.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

Schedule I is hereto attached and made a part of this order.

This order shall take effect, except as otherwise provided herein, on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

COMMODITY

1. Acids, dry.
2. Balsam copaiba.
3. Bird seed.
4. Calcium chloride, except fused.
5. Calcium hydroxide.
6. Charcoal.
7. Dairy products, except for steel containers 12-gallon capacity or less for semi-liquid buttermilk and whey.

8. Detergents, dry, but not including hot-packed alkaline compounds containing 70 percent or more caustic soda.
9. Dye stuffs, dry.
10. Fatty acids (having a melting point higher than 45 degrees C).
11. Flour.
12. Fruits—brine.
13. Fruits and peels, glacé.
14. Gelatin.
15. Glue, dry, animal or vegetable base.
16. Hexamethylenetetramine.
17. Kraut.
18. Lime.
19. Linseed oil meal.
20. Meats, except in steel drums used for processing operations.
21. Molasses, inedible.
22. Oil, crude petroleum (except for the shipment of laboratory samples).
23. Olives.
24. Oxides, dry.
25. Paints, dry (including dry cement paint).
26. Paradichlorobenzene.
27. Paste, wallpaper.
28. Patching plaster.
29. Pectin.
30. Pickles.
31. Pigments, dry.
32. Plastic molding compounds, dry.
33. Salts of inorganic and organic acids, dry, except zinc chloride.
34. Sand.
35. Scouring cakes and powders.
36. Shellac, dry.
37. Soap, dry.
38. Starches, dry.
39. Sweeping compounds.
40. Vegetables—brine.
41. Vinegar.
42. Water.
43. Wax, except liquid, paste, or microcrystalline.
44. Zeolite.

[F. R. Doc. 51-7969; Filed, July 6, 1951; 4:39 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

1. In § 21.103, paragraph (b) is amended to read as follows:

§ 21.103 *Effective date of change or discontinuance of subsistence allowance. (See in addition § 21.107 (f), (h), and (i).)* * * *

(b) The effective date of discontinuance of subsistence allowance shall be:

(1) In the event of death of the veteran, as of the date of death.

(2) In the event of disapproval of a course and/or a school or training establishment by the State approving agency or by the Administrator, as of the effective date of disapproval, or as of the date determined by the manager under the provisions of § 21.418 (d), whichever is later.

(3) In the event a course of on-the-job training or institutional on-farm training fails to continue to meet the requirements of paragraph 11 (b) and (c), Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), as of the effective date of such finding by the State approving agency, or by the manager, whichever is earlier. In the event a course in a profit school fails to meet the criteria of paragraph 11 (e), Part VIII, as of the effective date of such finding by the State approving agency.

(4) In the event of termination of training because of the veteran's reentry into the active military service, as of the date prior to such reentry into the military service, except where an earlier date is in order in accordance with subparagraph (5) of this paragraph.

(5) In the event a veteran interrupts training prior to completion of the course or completion of the period of enrollment and gives the Veterans' Administration prior notice of such interruption, as of the last date of attendance.

(6) In the event a veteran is pursuing a course of training on July 25, 1956, and such veteran was not an enlistee under the provisions of section 11 (a), Public Law 190, 79th Congress, as of July 25, 1956.

(7) In the event a veteran is pursuing a course of training on July 25, 1956, and such veteran was an enlistee under the provisions of section 11 (a), Public Law 190, 79th Congress, as of the date 9 years after the date of his release from a period of active military or naval service contracted for thereunder, or such prior date as may be established under applicable regulations, whichever is earlier.

(8) In the event the veteran shall forfeit all rights, claims, and benefits under the provisions of section 15, Title I, Public No. 2, 73d Congress (made applicable to benefits granted under Public Law 346, 78th Congress, by the first sentence of section 1500 thereof), as of the date of the commission of the act upon which the central committee on waivers and forfeitures based the forfeiture: *Provided however*, That if the evidence of record establishes that the veteran was guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies within the meaning of section 4, Public Law 144, 78th Congress, as of the date of commission of the offense or of original entrance into training, whichever be the later.

2. In § 21.107, paragraphs (b) and (c) are amended to read as follows:

§ 21.107 *Periodic reports of conduct, progress, and compensation for productive labor.* * * *

(b) *Part-time training, institutions of higher learning; other schools on term or semester basis; cooperative courses.* For veterans pursuing part-time courses in institutions of higher learning, or full- or part-time courses in other schools operating on a term or semester basis, and schools providing cooperative courses, the periodic Report of Compensation for Productive Labor and of Conduct and Progress, VA Form 7-1963, will be dispatched to the veteran so as to be received and reviewed by Veterans' Administration for adjustments in April and December of each year. (VA Forms 7-1963 are not required from veterans pursuing part-time courses in institutions of higher learning if they have not applied for subsistence allowance or if the extent of their training does not warrant the payment of subsistence, since conduct and progress reports from collegiate institutions are provided in the specific manner prescribed by § 21.65 (a) (6).) These reports, in addition to the estimate of compensation submitted by the veteran at the time of each enrollment, will provide all the controls necessary throughout the year.

(c) *Other types of training.* Reports of compensation and of conduct and progress for all veterans except those listed in paragraphs (a) and (b) of this section and in § 21.109 (institutional on-farm training), and veterans enrolled only in a correspondence course, will be dispatched so that they may be reviewed in accordance with the following schedule: Cases in which the C-number ends in zero or 1 will be reviewed in January, May and September; ending in 2 or 3 will be reviewed in February, June and October; ending in 4, 5, or 6 will be reviewed in March, July, and November; ending in 7, 8, or 9 will be reviewed in April, August, and December.

(1) Without regard to the type or extent of the course being pursued, all trainees who are employed full- or part-time by the Veterans' Administration will be required to furnish reports in accordance with this tri-annual schedule. Appropriate adjustments will be made in accordance with paragraph (f) of this section.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective July 10, 1951.

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

[F. R. Doc. 51-7929; Filed, July 9, 1951; 8:54 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

1. In § 21.241, paragraph (g) is amended to read as follows:

§ 21.241 *Furnishing special equipment.* * * *

(g) If for any reason the veteran fails to complete the prescribed course of training in the home for which special equipment has been furnished under paragraph (b) (2) of this section, the veteran will be deemed to be at fault under § 21.243 with respect to such special equipment only, and he will be required to return such equipment to the Veterans' Administration or to pay the reasonable value thereof: *Provided however*, That if the veteran has completed such part of the prescribed course of training that he is found to be employable and has been declared rehabilitated under § 21.281 he will not be deemed to be at fault and he will not be required to return such equipment to the Veterans' Administration or to pay the reasonable value thereof. The veteran will be advised accordingly. With respect to any special equipment furnished to the veteran under paragraph (b) (1) of this section, a separate finding will be made

under § 21.243 of whether the veteran's failure was due to fault on his part.

2. Section 21.243 is amended to read as follows:

§ 21.243 *Release of and repayment for training supplies.* (a) Pursuant to section 4, Public Law 16, 78th Congress, as amended, supplies furnished a trainee are deemed released to him and should not be marked to indicate ownership by the United States.

(b) Pursuant to the authority given to the Administrator in the first proviso of section 4, Public Law 16, 78th Congress, as amended, a veteran will not be required to repay for expendable supplies where he fails to complete his course of vocational rehabilitation. Nor will the veteran be required to repay for nonexpendable supplies unless it be determined that his failure was because of fault on his part. In making such determination, the veteran will be given the benefit of any reasonable doubt.

(c) Determination whether the veteran's failure was or was not because of fault on his part will be made by the chief of education and training or his designee. The findings and action taken in each case will be filed in the training subfolder.

(d) In cases which are found to be meritorious as defined in paragraph (f) of this section even though the veteran is found to be at fault, the veteran will not be required to repay the Veterans' Administration for supplies furnished him at Veterans' Administration expense.

(e) The veteran will be deemed to have failed to complete his course because of fault on his part:

(1) When he withdraws from his course at the request of the institution; or

(2) When he abandons his training without prior or concurrent notice to the Veterans' Administration; or

(3) When his course is discontinued by the Veterans' Administration because of unsatisfactory conduct or progress or both; or

(4) When the failure to complete the course is due to his negligence or misconduct; or

(5) When he abandons his training after pursuing his course for less than 3 months, or less than one-half of the prescribed duration of the course whichever be the lesser period.

(f) A veteran's case will be found to be meritorious under paragraph (d) of this section where

(1) The veteran has reentered or is known to be in the process of reentering the armed forces; or

(2) The veteran completed satisfactorily one-half or more of the prescribed course (or term where applicable in the case of school training) for which the supplies were furnished; or

(3) The veteran certifies that he is using the supplies furnished him at Veterans' Administration expense in employment; or

(4) The value of the supplies is less than $10; or

(5) The veteran dies while in training or in training interrupted status.

(g) Where it is determined that the veteran is at fault and repayment for supplies is not excused under paragraphs (d) and (f) of this section, the veteran will be required to repay the Veterans' Administration for the nonexpendable supplies furnished him at Veterans' Administration expense. The amount to be repaid will be the value at which the supplies were issued to the veteran less a percentage equivalent to the percentage of the prescribed course (or term where applicable in the case of school training) completed. For example, a veteran who has completed one-third of the prescribed course or term for which supplies were furnished will be required to repay two-thirds of the value at which the supplies were issued to the veteran. Under no circumstances will supplies be accepted in lieu of repayment, except as provided in §§ 21.241 (g) and 21.252 (d).

(h) The provisions of this section will apply equally to cases where training is discontinued on or after July 10, 1951, and to cases where training was discontinued prior to July 10, 1951, but disposition of the case was not made under the regulation in effect at that time.

3. In § 21.252, paragraphs (c) and (d) are added as follows:

§ 21.252 *Change of employment objective.* * * *

(c) Where a veteran's disability compensation has been suspended by reason of his failure to report for a physical examination, a change of employment objective will not be approved unless and until the veteran has reported for the required physical examination and has been assigned a disability rating of compensable degree.

(d) Where a change of employment objective is authorized in accord with paragraph (a) of this section the veteran will be required to return or repay for nonexpendable supplies furnished at Veterans' Administration expense for the previous employment objective which are not required for pursuit of training for the new objective.

4. In § 21.314, paragraphs (f) and (g) are amended and paragraph (h) is added as follows:

§ 21.314 *General limitations.* * * *

(f) The Veterans' Administration will not reimburse a trainee who personally buys supplies except trainees in training under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note) in foreign countries as provided in § 21.150. Payment for supplies is made to the educational institution or to the vender from whom they are purchased by the Veterans' Administration. If the institution chooses to return to the veteran the amounts charged him and paid by him so that the charges by the educational institution stand as an unpaid obligation of the Veterans' Administration to the institution, payment may be made if otherwise in order.

(g) When a particular article is furnished for use in one subject and the same article is required for use in other subjects or in another quarter or semester or school year, the article furnished will be made to serve for all such requirements and will not be duplicated for such purpose at government expense.

(h) Where a veteran at the time of enrolling in a course of training on the job does not have entitlement sufficient to pursue the course to completion, the Veterans' Administration will not furnish supplies costing in excess of that amount which bears the same ratio to the cost of the supplies which the veteran is required by the establishment to own for the total course as the veteran's remaining entitlement bears to the total length of the course.

5. Section 21.325 is canceled.

§ 21.325 *Recovery of training supplies.* [Canceled.]

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective July 10, 1951.

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

[F. R. Doc. 51-7928; Filed, July 9, 1951; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 150—PROCEDURES OF THE POST OFFICE DEPARTMENT

PART 151—PROCEDURES BEFORE THE SOLICITOR

MISCELLANEOUS AMENDMENTS

a. In Part 150—Procedures of the Post Office Department (39 CFR Part 150) make the following changes:

1. Amend "Subpart A—Procedures Before the Postmaster General Purchasing Agent" to read "Subpart A—1—Procedures before the Postmaster General Purchasing Agent".

2. Insert new Subpart A to read as follows:

SUBPART A—PROCEDURES BEFORE THE POSTMASTER GENERAL UNDER THE ADMINISTRATIVE PROCEDURE ACT

Sec.

AUTHORITY: §§ 150.400 to 150.426 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 150.400 *Scope of rules.* The rules of practice in this subpart shall be applicable in all proceedings before the Post Office Department wherein the adjudication is required by the Administrative Procedure Act (5 U. S. C. 1001 et seq.) to be determined on the record after opportunity for an agency hearing.

§ 150.401 *Offices, business hours.* (a) The office of the Solicitor of the Post Office Department is located in Room 3226, Post Office Department Building, 12th Street and Pennsylvania Avenue NW., Washington 25, D. C. The office of the Hearing Examiners' Section and of the Docket Clerk, Hearing Examiners' Section, is located in Room 3107 at the same address.

(b) The offices of the Solicitor, the Hearing Examiners' Section and Docket Clerk are open on each business day, except Saturday, from 8:45 a. m. to 5:15 p. m.

§ 150.402 *Informal proceedings.* Proceedings other than formal proceedings may be instituted with respect to any matter within the scope of the rules in this subpart. Informal proceedings may be handled by correspondence or conference with the persons or concerns involved, and may be disposed of in similar manner unless demand be made by any such person or concern for disposition of the matter by formal proceedings. Any matter not disposed of informally may be made the subject of a formal proceeding.

§ 150.403 *Formal proceedings; complaints.* Whenever the Solicitor of the Post Office Department shall have reason to believe that any person or concern is using the mails in any manner requiring administrative action by the Postmaster General, where the authorized action is required by the Administrative Procedure Act to be taken only after opportunity for agency hearing, he shall prepare and file with the Docket Clerk a complaint which shall name the person or concern involved; state the legal authority and jurisdiction under which the proceeding is initiated; state the facts in a manner sufficient to enable the person or concern named therein to make answer thereto; and recommend the issuance by the Postmaster General of an appropriate order. The person or concern so named in the complaint shall be known as the respondent.

The provisions of this section shall not preclude the institution of informal proceedings provided for in § 150.402.

§ 150.404 *Notice of hearing.* If the Chief Hearing Examiner shall determine that the complaint states facts sufficient to show the probable need for administrative action by the Postmaster General he shall assign the proceeding to a hearing examiner who shall issue a notice of hearing to the respondent, and thereafter exercise all of the powers enumerated in § 150.413.

§ 150.405 *Service of complaint and notice of hearing.* (a) The hearing examiner to whom the case is assigned shall cause a duplicate original of the notice of hearing and a copy of the complaint to be transmitted to the postmaster at the office of address of the respondent or to the Inspector in Charge of the Division in which the respondent is doing business which shall be delivered to the respondent by said postmaster or a supervisory employee of his post office or a post office inspector. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent, which receipt shall be forwarded to the Docket Clerk, and shall become a part of the record in the case.

(b) In the event that no person can be found upon whom service of the notice of hearing and the complaint can be effected pursuant to pargaraph (a) of this section, or in the event of the refusal of the respondent or his agent to execute the receipt provided for by paragraph (a) of this section, the notice of hearing may be delivered in the usual manner with other mail addressed to the respondent, and a statement to that effect showing the time and place of such delivery signed by the postal employee who so delivered the notice of hearing which statement shall be forwarded to the Docket Clerk and shall constitute prima facie evidence of service of the complaint and notice of hearing.

§ 150.406 *Appearances.* (a) A respondent may appear and be heard in person or by attorney. A partnership may appear and be represented by a member thereof or by attorney. A corporation or association may appear by a duly authorized officer or by attorney.

(b) An attorney representing a respondent must file with the Docket Clerk a written authorization from the respondent to represent him in the proceeding, prior to any participation therein.

(c) Where a respondent is represented by a duly authorized attorney the service of all subsequent pleadings, notices and other papers shall be effected by mailing the same to his attorney at the post office address stated in his written authorization.

(d) Prompt notice of change of attorneys must be filed.

§ 150.407 *Admission to practice.* Attorneys appearing in behalf of respondents shall be required, prior to such appearance, to obtain permission to practice before the Post Office Department in accordance with the "Procedure Governing the Admission of Attorneys to Practice before the Post Office Department" (Subpart B of Part 151 of this chapter): *Provided,* That the hearing examiner may waive this requirement when in his discretion the circumstances so warrant. Upon request the Solicitor will furnish an applicant a copy of the rules of admission to practice.

§ 150.408 *Formal documents.* (a) All documents required to be filed in any proceeding shall be filed with the Docket Clerk who shall cause same to be recorded and filed, and copies thereof delivered to the assigned hearing examiner and to all parties to the proceeding.

(b) Four copies of all documents must be filed, except as otherwise provided by the rules in this subpart, or as ordered by the hearing examiner. One copy shall be signed as the original.

(c) Documents shall state the docket number and title of the proceeding and shall bear the date of the submission by the party filing them.

§ 150.409 *Answers.* (a) The original and three copies of the respondent's answer shall be filed with the Docket Clerk on or before the date fixed for the filing thereof in the notice of hearing. The answer shall contain a concise statement admitting, denying, or explaining each of the allegations set forth in the complaint. Any facts alleged in the complaint which are expressly admitted or not denied in the answer may be considered as proved, and no further evidence in respect of such facts need be adduced at the hearing. The answer shall be signed personally by an individual respondent, or, in the case of a partnership by one of the partners, or, in the case of a corporation or association, by a responsible officer thereof. The answer shall set forth the respondent's address and the name and address of his attorney, if he is so represented. The respondent must state in his answer whether he will or will not appear at the hearing either in person or by attorney.

(b) If the respondent fails to file an answer as directed in the notice of hearing, he shall be deemed to be in default and to have waived hearing and further procedural steps.

§ 150.410 *Compromises.* In proceedings wherein the complaint recommends the issuance of a fraud, lottery, fictitious name or "unlawful" business order under sections 255, 259, and 259 (a) of Title 39, U. S. Code, respondents may make application to the Solicitor for the suspension of further proceedings by the filing of an affidavit providing for the discontinuance and abandonment of the use of the mails in the conduct of the enterprise alleged in the complaint to be unlawful. All such applications must be made prior to the time for the filing of the answer.

§ 150.411 *Amendment of pleadings.* An amendment of a pleading may be offered by any party at any time prior to the close of the hearing. Amendments proposed prior to the hearing should be filed with the Docket Clerk and thereafter with the hearing examiner.

§ 150.412 *Continuances.* Applications for continuances should be filed with the hearing examiner. A continuance will be granted only for substantial cause shown, and then only for a short period.

§ 150.413 *Hearing examiners.* (a) hearing examiners, one of whom shall be designated as the Chief Hearing Examiner, shall be appointed and qualified pursuant to section 11 of the Administrative Procedure Act, 5 U. S. C. 1010.

(b) With respect to any proceeding assigned to him, a hearing examiner shall have the following authority, to:

(1) Administer oaths and affirmations.

(2) Examine witnesses where necessary for clarity of the record.

(3) Rule upon offers of evidence subject to the limitations thereon provided by the rules in this subpart.

(4) Rule upon offers of proof.

(5) Receive oral and documentary evidence for the record.

(6) Grant or deny applications for the taking of depositions in accordance with the rules in this subpart.

(7) Regulate the course of the hearing, maintain discipline and decorum and exclude from the hearing any person found to be guilty of contemptuous conduct.

(8) Require the filing of memoranda of law and presentation of oral argument with respect to any question of law upon which an examiner is required to rule during the course of the hearing.

(9) Hold conferences for the settlement or simplification of issues by consent of the parties.

(10) Dispose of procedural requests and similar matters.

(11) Make initial decisions in conformity with the Administrative Procedure Act as hereinafter set forth in this subpart.

§ 150.414 *Hearings.* (a) Hearings are held in Room 3237, Post Office Department, Washington 25, D. C., and in such other locations as may be designated by the hearing examiner.

(b) Not later than the date fixed in the notice of hearing for the filing of respondent's answer, application may be filed with the hearing examiner by any party to a proceeding requesting transfer of the hearing to a place other than that designated in the notice of hearing. In support of such application the applicant shall submit under oath or affirmation a statement outlining the evidence to be offered in such location; the relevancy thereof; the names and addresses of the witnesses who will testify; and the reasons why said evidence cannot be produced at Washington, D. C. The hearing examiner shall grant or deny such application having due regard for the convenience and necessity of the parties to the proceeding or their representatives.

§ 150.415 *Evidence.* (a) Except as otherwise provided in the rules of practice in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern: *Provided, however,* That such rules may be relaxed to such extent as the hearing examiner may deem proper to insure an adequate and fair hearing. Irrelevant, immaterial or repetitious evidence shall be excluded by the hearing examiner.

(b) The testimony of witnesses shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Upon motion duly made at the hearing, official notice or knowledge may be taken of all matters of which judicial notice or knowledge may be taken by the Federal Courts.

(e) Medical or other scientific books or essays will not be admitted in evidence in lieu of oral expert testimony.

(f) Affidavits containing opinions or statements of an affiant will not be received in evidence, except as provided by (h) of this section.

(g) Testimonials will not be received as evidence of the efficacy or quality of any product or thing sold through the mails.

(h) The written statement of a competent witness may be received in evidence provided that such statement is relevant to the issues, and provided further that the witness whose statement is offered shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in issue.

(i) Objections to the admission of evidence shall include a brief statement of the grounds thereof. Formal exceptions to the rulings of the hearing examiner are necessary. The record shall not include argument upon objections to the admission of evidence or to rulings of the hearing examiner unless ordered by the hearing examiner.

§ 150.416 *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses.

§ 150.417 *Witness fees.* The Post Office Department is not authorized by law to pay witness fees or expenses to witnesses for a respondent.

§ 150.418 *Depositions.* (a) Applications for the taking of depositions should be addressed to the hearing examiner; shall be in writing; shall set out the reasons why such deposition should be taken; the time when, the place where, and the name and post office address of the witness whose deposition is desired; the subject matter concerning which the witness is expected to testify; and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(c) The testimony of the witness shall be reduced to writing and shall be subscribed by the witness and certified in the usual form by the deposition officer, and shall be filed as directed in the order.

(d) At the hearing the deposition may be offered in evidence by the party at whose instance it was taken and, if not so offered, may be offered in whole or in part by the adverse party. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party on behalf of whom the deposition is taken must pay all fees required to be paid to witnesses and deposition officer, and must provide an original and one copy of the deposition for the official record and must serve one copy upon the opposing party.

§ 150.419 *Transcript.* (a) The testimony and proceedings at all hearings at which the respondent appears in person or by attorney shall be recorded and transcribed by the Post Office Department. A copy, or copies, of such transcript may be obtained by respondents upon written application therefor filed with the hearing examiner prior to the completion of the hearing at a cost of 25 cents per page per copy. If more than one copy is desired by the respondent, he shall accompany his application with such part of the estimated cost of such copies as the hearing examiner shall order.

(b) Changes in the transcript may be made only when they involve errors affecting substance. Within 10 days after the transcript has been furnished to any party to a proceeding he may file with the hearing examiner a motion requesting the correction of the transcript. Four copies of said motion shall be forwarded to the hearing examiner, who shall cause same to be recorded and filed and copies thereof delivered to any party to the proceeding who is entitled to a copy of same. Opposing counsel shall notify the hearing examiner in writing of his concurrence or disagreement with the corrections. Thereafter, the hearing examiner shall by order specify the corrections to be made in the transcript. A copy of this order shall be served upon all parties. The hearing examiner on his own initiative may specify corrections to be made in the transcript with prompt notice to parties to the proceeding.

(c) In proceedings in which the respondent fails to file an answer or, having made answer, fails to appear at and participate in the hearing, the hearing examiner may, in lieu of a verbatim transcript, prepare and certify a summary of the proceedings and the testimony of the witnesses appearing for the Government, identifying therein documentary evidence received.

§ 150.420 *The record.* The transcript of testimony or summary of proceedings and testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceedings, shall constitute the record of the proceeding. Copies of any part of the record, except the transcript, shall be furnished at the cost of reproduction upon application to the hearing examiner.

§ 150.421 *Proposed findings and conclusions.* (a) Each party to a proceeding, except those who fail to answer the complaint or having answered fail to appear at the hearing, may file proposed findings of fact, conclusions of law and supporting reasons, provided, however, that the hearing examiner may require parties to any proceeding to file proposed findings of fact and conclusions of law and supporting reasons.

(b) The hearing examiner shall specify the date within which such proposed findings of fact, conclusions of law and supporting reasons must be filed by the parties. If not filed by such date they will not be included in the record or given consideration unless additional time is allowed.

(c) Proposed findings of fact shall be set forth in serially numbered paragraphs and shall state with particularity all evidentiary facts in the record (with appropriate citations to the transcript or exhibit relied upon) supporting the conclusions proposed by the party filing

same. Each proposed conclusion shall be separately stated.

(d) The hearing examiner may require the parties to submit orally or in writing proposed findings of fact and conclusions of law and argument in support thereof before the close of the hearing.

(e) Where the respondent has failed to file answer, or, having filed answer fails to appear at the hearing, the hearing examiner shall receive such proof as he may deem proper in support of the complaint, and without further procedural steps shall make and file an initial decision which may be adopted as the final decision by the Postmaster General without further notice to the respondent.

§ 150.422 *Hearing examiner's initial decision.* (a) The hearing examiner may render an oral initial decision at the close of the hearing if the nature of the case and the public interest so warrant. Otherwise, he may render such initial decision at a later date as hereinafter provided.

(b) After the filing of proposed findings of fact, conclusions of law and supporting reasons pursuant to the provisions of § 150.421, the hearing examiner shall make and file an initial decision which may become the final decision of the Postmaster General unless an appeal is noted within the time specified in the hearing examiner's notice of initial decision.

(c) The initial decision of the hearing examiner shall include (1) findings and conclusions with the reasons therefor upon all the material issues of fact, law or discretion presented on the record; and (2) an appropriate order to be issued by the Postmaster General.

(d) At any time prior to the filing of his initial decision, the hearing examiner may, for good cause shown, reopen the case for the reception of further evidence.

(e) A copy of the hearing examiner's initial decision shall be served upon each party who participated in the hearing.

§ 150.423 *Appeal from Initial Decision.* (a) Any party of record in a proceeding, except those who fail to answer the complaint or having answered fail to appear at the hearing, may file a notice of intention to appeal in accordance with paragraph (b) of this section.

(b) A notice of appeal must be filed within the time limit specified by the hearing examiner in the notice of initial decision, but in no case more than 10 days after service.

(c) A brief on appeal shall contain the following matter in the order indicated below. Matter which is not presented in a brief will not be considered on appeal.

(1) A subject index of the matters presented, with page references; a table of cases (alphabetically arranged); list of statutes and text books cited with page references.

(2) A concise abstract or statement of the case.

(3) Exceptions to specific findings and conclusions of fact (or parts thereof), or conclusions of law or discretion in the initial decision; exceptions to the failure of the initial decision to include other findings or conclusions of fact, law or discretion, and exceptions to any prejudicial error in procedure.

Exceptions may also set forth proposed findings of fact, conclusions of law or discretion, together with a proposed order with a request that they be substituted for and adopted in place of those to which exception is taken, with specific reference to the parts of the record and the legal or other authorities relied upon.

(4) Argument clearly setting forth points of fact and of law relied upon in support of each exception taken, together with specific references to the parts of the record and the legal or other authorities relied upon.

(d) Appeals shall be based on and limited to matters which have been previously presented to the hearing examiner in proposed finding of fact and conclusions of law, and supporting reasons.

(e) The brief on appeal shall be filed within the time specified therefor by the hearing examiner. Opposing brief shall be filed within the time allowed therefor by the hearing examiner.

(f) Six copies of all briefs shall be filed with the Docket Clerk.

(g) All briefs shall be printed, multigraphed or typewritten on paper 8'' x 10½''. Printed briefs shall be on good unglazed paper in type not smaller than 10 point double leaded, citations and quotations single leaded, and footnotes not less than 8 point single leaded.

(h) Unless leave be granted, no brief shall exceed 50 printed or 100 typewritten pages.

§ 150.424 *Postmaster General's orders.* (a) Copies of the Postmaster General's decision and order will be transmitted to the hearing examiner who shall cause the order to be incorporated in the record of the proceeding, published in the Postal Bulletin and transmitted to such postmasters and other officers and employees of the postal service as may be required to put the provisions of said order into effect.

(b) A copy of the decision and order shall be promptly served upon each party to the proceeding.

§ 150.425 *Application for modification or revocation of orders.* (a) Any party against whom an order has been issued by the Postmaster General may file with the Docket Clerk an application for modification or revocation thereof, which application shall set forth the grounds upon which it is based.

(b) The Chief Hearing Examiner shall assign the matter to a hearing examiner who shall serve a copy thereof upon the Solicitor, setting a date for his reply thereto. Upon receipt of the reply of the Solicitor, the hearing examiner shall transmit the application, together with his recommendation, to the Postmaster General for final decision.

§ 150.426 *Supplementary orders.* (a) Whenever the Solicitor shall have reason to believe that any person or concern is evading or attempting to evade the provisions of any order issued pursuant to proceedings conducted in accordance with this subpart, he shall prepare and file with the Docket Clerk a complaint setting forth the evasion or attempted evasion of such order and requesting the issuance of a notice calling upon the person or concern accused to show cause why a supplemental order should not be issued against the name or names alleged to be unlawfully employed.

(b) The Chief Hearing Examiner shall assign the matter to a hearing examiner. If the hearing examiner determines that the allegations of the complaint warrant, he shall issue to the accused person or concern a notice to show cause on a specific date why such supplementary order should not be issued.

(c) Service of such notice to show cause and of a copy of the complaint shall be made upon the persons accused in the manner provided in § 150.405.

(d) The person or concern named in such complaint and notice to show cause may file answer thereto pursuant to the requirements of § 150.409.

(e) The hearing examiner shall prepare and present to the Postmaster General an initial decision and shall recommend an order based upon the findings of fact and conclusions of law which shall be prepared by him on the basis of the evidence presented pursuant to the aforesaid order to show cause.

b. In Part 151—Procedures Before the Solicitor (39 CFR Part 151), Subpart A—Rules of Practice in Cases Arising Under Postal Fraud, Lottery, and Fictitious Statutes, and §§ 151.1 to 151.28, are rescinded.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

The foregoing amendments shall be effective July 8, 1951.

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

[F. R. Doc. 51-7952; Filed, July 6, 1951; 12:08 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Dairy Industry

[9 CFR Part 301]

SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering certain proposed amendments of the regulations relating to the sanitary inspection of process or renovated butter (9 CFR 301.1, et seq.), which regulations are effective pursuant to an act of Congress which was approved on June 24, 1946 (60 Stat. 300), and entitled "An act to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes."

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposed amendments should file the same in duplicate with the Chief, Bureau of Dairy Industry, Agricultural Research Administration, United States Department of Agriculture, Washington, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. In § 301.5 (a), make the following changes:

a. Add a new sentence immediately after the present second sentence of said section, reading "Containers constructed of materials mentioned in subparagraphs (1) or (2) of this paragraph of the second preceding sentence shall have smooth inner surfaces without pockets or recesses."; and

b. Add a sentence at the end of said section which will read as follows: "Butter received in a process or renovated butter factory in a container which does not meet the requirements of this paragraph shall be denatured or destroyed in accordance with the provisions of § 301.6 (f), as shall also butter received in containers which are deemed to be unfit for use as such containers because of the presence of rust, because they had not been cleaned properly, or had been improperly used."

As thus amended, the said section will read as follows:

§ 301.5 *Sanitary requirements for process or renovated butter, and for ingredients intended for use in its manufacture*—(a) *Requirements for containers of ingredients.* In order to safeguard the purity and fitness of butter, butter oil, milk, and other ingredients for use in the manufacture of process or renovated butter, no manufacturer shall accept delivery of such an ingredient unless, at the time of such receipt, it is packed in a container which is constructed of: (1) Noncorrosive metal; (2) a corrosive metal which has been coated with some noncorrosive metal; or (3) wood which is tightly fitted together, parchment lined, and tightly headed. Such containers shall be equipped with tightly fitted covers, and shall be kept covered at all times. Containers constructed of materials mentioned in subparagraph (1) or (2) of this paragraph of the second preceding sentence shall have smooth inner surfaces without pockets or recesses. Every such container shall be cleaned and dried thoroughly before it is used again. Butter received in a process or renovated butter factory in a container which does not meet the requirements of this paragraph shall be denatured or destroyed in accordance with the provisions of § 301.6 (f), as shall also butter received in containers which are deemed to be unfit for use as such containers because of the presence of rust, because they had not been cleaned properly, or had been improperly used.

2. In § 301.5 (e), make the following changes:

a. Delete the words "That this restriction shall not apply to any processing of any such butter which has been done by a process or renovated butter manufacturer before the effective time of these regulations, if such butter, in its then processed form, is in the possession of the particular manufacturer at such time: *And provided further,*"; and

b. Change the period at the end of said section to a comma, and add, immediately thereafter, the words "and is identified as to the name and address of the farmer-producer."

The said section, as thus proposed to be amended, will read as follows:

(e) *Butter must be melted, clarified, etc., at factory and under supervision of inspector.* No butter shall be used in the manufacture of process or renovated butter unless the melting, clarifying, refining, and other processing of it has been done at a process or renovated butter factory under the supervision of an inspector: *Provided,* That butter melted by the original farmer-producer thereof and placed and stored by him in a container meeting the specifications prescribed in paragraph (a) of this section which is sold to a process or renovated butter manufacturer (either directly or through a designated representative of such manufacturer) may be used by such manufacturer in the manufacture of process or renovated butter, if it is otherwise eligible for such use, and is identified as to the name and address of the farmer-producer.

3. In § 301.6 (b), add, immediately after the word "louse", appearing in the first sentence of said section, the words ", or fly, or any other insect or animal not specifically mentioned,". The section, as thus amended, will read as follows:

(b) *Process or renovated butter, and prospective ingredients thereof, found to contain any avian animal, etc., including immature stages or parts thereof, or excrement therefrom; destruction or denaturation required.* Any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to contain any avian, reptilian, mammalian, amphibian, or piscine animal, or any cockroach, flea, or louse, or fly, or any other insect or animal not specifically mentioned, including immature stages or parts thereof, or any excrement therefrom, shall be deemed to be unfit for such use. The inspector shall mark the container "U. S. Inspected and Condemned," and all of the contents of such container shall be denatured or destroyed by or under the supervision of an inspector in accordance with the provisions of paragraph (f) of this section. The provisions of this paragraph shall also apply to any churning or other lot of process or renovated butter.

4. Delete the provisions of § 301.6 (c).

5. Delete "Before removal from the factory" at the beginning of § 301.7 (a), and add a new sentence at the end of the section so that the said section, as thus amended, will read as follows:

§ 301.7 *Marketing, labeling, and branding of process or renovated butter*—(a) *Statutory packages.* Each package of process or renovated butter shall have legibly printed or stenciled on one of its sides the words "Process Butter," also the factory number, district, and State and the net weight, in the following manner:

Process Butter
Factory No. 2, 2d Dist., New York
Net Weight, 60 Lbs.

The words "Process Butter" shall be in bold-face gothic letters, not less than three-quarters of an inch square, and the other words and figures shall be not less than one-half an inch square. The color of such words and figures shall be in strong contrast to the color of the package. No container of bulk-packed process or renovated butter, and no container of two or more cartons or prints of process or renovated butter shall be removed from the factory unless and until each such container, as well as each such carton or print, is stamped "U. S. Inspected and Passed" by the inspector.

6. In the two provisos of § 301.10, insert the following language: ", except in cases where the chief of bureau determines that a violation was wilful or endangered the public health or safety,", making the section read:

§ 301.10 *Withdrawals of inspections.* In any case in which the chief of bureau determines that the sanitary conditions existing in any process or renovated butter factory do not meet any of the standards prescribed in § 301.4 or § 301.5, he shall cause inspection to be withdrawn from such factory: *Provided,* That, except in cases where the chief of bureau determines that a violation was wilful or endangered the public health or safety, no such withdrawal action shall be made effective unless and until the facts or conduct which the chief of bureau be-

lieves may warrant such action have been called to the attention of the manufacturer in writing, and such manufacturer has been accorded an adequate opportunity to demonstrate compliance with all of such standards. In any case in which the chief of bureau determines that any manufacturer of process or renovated butter has failed to comply with any provision of the regulations in this part, other than any of those set forth in §§ 301.4 or 301.5, the chief of bureau is authorized, in his discretion, to withdraw inspection from such manufacturer's factory: *Provided*, That, except in cases where the chief of bureau determines that a violation was wilful or endangered the public health or safety, no such withdrawal action shall be made effective unless and until the facts or conduct which the chief of bureau believes may warrant such action have been called to the attention of the manufacturer in writing, and such manufacturer has been accorded an adequate opportunity to demonstrate or achieve compliance with all such provisions.

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

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

[F. R. Doc. 51-7900; Filed, July 9, 1951; 8:48 a. m.]

Production and Marketing Administration

[7 CFR Part 931]

[Docket No. AO-229]

HANDLING OF MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cedar Rapids, Iowa, on December 11–14, 1950, pursuant to notice thereof which was issued on November 20, 1950 (15 F. R. 8084), upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 5, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on May 10, 1951, subject to the corrections published in the FEDERAL REGISTER on May 16, 1951 (16 F. R. 4344, 4621).

Exceptions to the recommended decision were filed on behalf of the three producer cooperative associations supplying milk to the market. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided herein are at variance with the exceptions such exceptions are over-ruled.

The major issues developed at the hearing were concerned with:

(1) Whether the handling of milk in the Cedar Rapids-Iowa City marketing area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in milk or milk products;

(2) Whether the issuance of an order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area will tend to effectuate the declared policy of the act; and

(3) The appropriate terms and conditions to be included in an order with respect to:

(a) The scope of regulation.
(b) The classification of milk.
(c) Transfers of milk between plants.
(d) Class prices.
(e) Payments to producers.
(f) The administrative assessment.
(g) Marketing services, and
(h) Other administrative provisions.

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 51-5436 16 F. R. 4344, 4621) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following amendments:

1. The marketing area should be designated as the Cedar Rapids-Iowa City marketing area. Because the regulation applies to both Cedar Rapids and Iowa City, both communities of importance and of considerable size, both cities should be named in the designation of the marketing area. Accordingly the title, "Cedar Rapids-Iowa City marketing area," should be substituted for the title, "Cedar Rapids, Iowa, marketing area" wherever it appears in the decision.

2. The following paragraph should be inserted following the second paragraph relating to "*The classification of milk*" as it appears in the first column on page 4346 of the FEDERAL REGISTER of May 10, 1951:

Class I should also include the product generally referred to as "concentrated milk," which has recently been introduced in a number of markets. While its distribution has not yet been undertaken in the market, it is not unlikely that it may make its appearance in the market in the near future. This product is not sterilized and is disposed of to consumers, either in liquid or frozen form, for consumption in fluid form by the addition of water. Producers feel that the Class I definition should be broadened to include this product which is designed to replace regular bottled milk in the consumer trade. In areas where it is being sold it is generally required to be made from milk meeting the same requirements as are applicable to fluid whole milk. Accordingly it has been concluded that concentrated milk should properly be classified as Class I milk.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area" and "Order Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area"; which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order which will be published with this decision.

This decision filed at Washington, D. C., this 5th day of July 1951.

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

Order[1] Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area

§ 931.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order to regulate the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area 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 such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the re-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

spective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment monthly by each handler, as his pro rata share of such expenses, four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during the month from producers (including such handler's own production) and with respect to other source milk received by him during such month which is classified as Class I.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 931.1 *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.).

§ 931.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 931.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

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

§ 931.5 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this subpart is in effect.

§ 931.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) is qualified under the provisions of the act of Congress of February 11, 1922, as amended, known as the "Capper-Volstead Act"; (b) has full authority in the sale of milk of its members, and (c) is engaged in making collective sales of or marketing milk or its products for its members.

§ 931.7 *Cedar Rapids-Iowa City marketing area.* "Cedar Rapids-Iowa City marketing area," called the "marketing area" in this subpart, means all the territory within the corporate limits of the cities of Cedar Rapids and Iowa City, both in the State of Iowa.

§ 931.8 *Approved plant.* "Approved plant" means a milk processing plant approved by, and under regular inspection of, the proper health authority of either Cedar Rapids or Iowa City and (a) from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (b) which furnishes milk to a plant described in paragraph (a) of this section.

§ 931.9 *Handler.* "Handler" means (a) a person in his capacity as the operator of an approved plant, or (b) a cooperative association with respect to milk of producers received at a plant operated by it or caused by it to be delivered to a milk plant other than an approved plant.

§ 931.10 *Producer.* "Producer" means any person who, in conformity with the requirements of the health authorities of the city of Cedar Rapids or Iowa City for the production of milk for consumption as milk, produces milk which (a) is received at an approved plant, (b) is received at a plant operated by a cooperative association, or (c) is caused by a handler to be diverted from a plant described in paragraphs (a) and (b) of this section to a plant from which no Class I milk is disposed of within the marketing area. Milk so diverted shall be deemed to have been received by the handler who caused it to be so diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this subpart pursuant to § 931.56.

§ 931.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided,* That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 931.12 *Producer milk.* "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

§ 931.13 *Other source milk.* "Other source milk" means all skim milk and butterfat except that contained in producer milk.

MARKET ADMINISTRATOR

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

§ 931.21 *Powers.* The market administrator shall have power to:

(a) Administer the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 931.22 *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 30 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 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 the terms and provisions of this subpart;

(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 § 931.75, the cost of his bond and the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 931.76, 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 by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Publicly announce 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 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 931.30 and 931.31, or (2) payments pursuant to §§ 931.65, 931.68, and 931.70;

(h) Audit each handler's records and payments by inspection of such handler's records and the records of any person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the utilization of the milk caused to be delivered to each handler by such cooperative association. For this purpose such milk shall be prorated to each class in the same proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each delivery period, (i) the minimum price for Class I milk computed pursuant to § 931.50 (a) and the butterfat differential computed pursuant to § 931.51 (a), both for the current delivery period, and (ii) the minimum prices for Class II milk and Class III milk computed pursuant to § 931.50 (b) and (c) and the butterfat differentials computed pursuant to § 931.51 (b) and (c) for the previous delivery period, and

(2) On or before the 10th day after the end of each delivery period, the uniform price computed pursuant to § 931.61 and the butterfat differential computed pursuant to § 931.66; and

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

REPORTS, RECORDS AND FACILITIES

§ 931.30 *Delivery period reports.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on the forms prescribed by the market administrator:

(a) The qualities of butterfat and skim milk in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from any other handler;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler);

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

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

§ 931.31 *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) On or before the 20th day of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show:

(1) The total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions involved in such payments.

§ 931.32 *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 and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing;

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

(c) Payment to producers and cooperative associations; and

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

§ 931.33 *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

§ 931.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat in any form received by a handler during the delivery period and required to be reported pursuant to § 931.30 shall be classified by the market administrator pursuant to §§ 931.41 to 931.46, inclusive.

§ 931.41 *Classes of utilization.* Subject to the conditions set forth in §§ 931.43 and 931.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture (except those specified in paragraph (b) of this section) of cream and milk or skim milk containing more than 6 percent of butterfat, (2) used in the production of concentrated milk, not sterilized, for consumption in fluid form, and (3) not specifically accounted for under paragraphs (b) and (c) of this section.

(b) Class II milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream, ice cream mix, aerated products containing milk or cream or a combination thereof (such as "Reddi-Wip," "Instant Whip," etc.), cottage cheese, and any milk product other than those specified in paragraphs (a) and (c) of this section.

(c) Class III milk shall be all skim milk and butterfat used to produce butter, American type cheddar cheese, animal feed, casein and nonfat dry milk solids, and in shrinkage up to 2 percent of receipts from producers, and in shrinkage of other source milk.

§ 931.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler.

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat received from producers and from other sources.

§ 931.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I 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 (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 931.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided,* That, if either or both handlers have received other source milk, the milk so transferred shall be classified at both plants so as to return the highest class utilization to producer milk.

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

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a plant other than an approved plant, unless:

(1) The handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and purchaser on or before the 7th day after the end of the delivery period within which such transfer or diversion occurred;

(2) Such purchaser maintains books and records showing the utilization of all skim milk and butterfat at his unapproved plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) Such unapproved plant has actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That, if verification of such purchaser's records discloses that an equivalent amount of skim milk and butterfat has not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher priced classification in which such purchaser had utilization,

§ 931.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 931.46 *Allocation of skim milk and butterfat classified.* After computing pursuant to § 931.45 the classification of all skim milk and butterfat received by a handler, 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 from the total pounds of skim milk in Class III the pounds of skim milk allocated to shrinkage of producer milk;

(2) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use, the pounds of skim milk contained in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 931.45;

(4) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use. Any amount 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.

MINIMUM PRICES

§ 931.50 Subject to the provisions of § 931.51, the minimum prices per hundredweight to be paid by each handler for milk received from producers at his plant during the delivery period shall be as follows:

(a) *Class I milk.* The price for Class II milk for the previous delivery period plus the following premiums during the delivery periods indicated:

January, February, March	$0.80
April, May, June	.60
July through December	1.05

(b) *Class II milk.* The highest of the prices resulting from the computations made pursuant to subparagraphs (1) and (2) of this paragraph or to paragraph (c) of this section:

(1) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the following plants for which prices have been reported to the market administrator or to the Department:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Morrison, Ill.
United Milk Products Co., Argo Fay, Ill.

(2) The price resulting from the following computations:

(i) Multiply by 6 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 as reported for the Chicago market during the delivery period by the Department;

(ii) Add an amount equal to 2.4 times the average as computed by the market administrator, of the daily wholesale prices of the cheese known as "Twins" as reported for the Chicago market during the delivery period by the Department;

(iii) Divide the resulting sum by 7;

(iv) Add 30 percent thereof; and

(v) Multiply the resulting sum by 3.5.

(c) *Class III milk.* The sum of the prices resulting from the following computations:

(1) Subtract 6 cents from the price per pound of butter computed pursuant to paragraph (b) (2) (i) of this section and multiply the result by 4.2, and

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the month by the Department, subtract 6½ cents, multiply the result by 8.2 and then multiply the resulting figure by 0.965. If the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the midpoint between the simple averages (using in each price series the midpoint of any price range as one price) as computed by the market administrator, of the weekly Chicago wholesale carlot prices per pound of nonfat dry milk solids in barrels for human consumption, spray and roller process, respectively, as reported within the month by the Department and 8½ cents, rather than 6½ cents, shall be deducted in making this computation.

§ 931.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 931.46 is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to § 931.50 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

(a) *Class I milk.* Multiply by 1.40 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the preceding period and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period and divide the result by 10.

(c) *Class III milk.* From the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the devilery period, subtract 6 cents, multiply by 1.20 and divide the result by 10.

§ 931.52 *Emergency price provision.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency, in connection with the milk or product associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 931.55 *Producer-handler.* Sections 931.40 through 931.52 and 931.60 through 931.76 shall not apply to a producer-handler.

§ 931.56 *Handlers subject to other Federal 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 milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) 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.

(b) If the price which such handler is required to pay, under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant

to this subpart and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICES

§ 931.60 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided,* That if the handler had overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage by the applicable class prices.

§ 931.61 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 931.60 for all handlers who made the reports prescribed by § 931.30 and who made the payments pursuant to § 931.65 for the preceding delivery period;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 931.67.

(c) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by: Multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 931.66 and mutiplying the resulting figure by the total hundredweight of such milk;

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

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received from producers.

§ 931.62 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing:

(a) The classification and value of the milk received from producers by such handler.

(b) The applicable class prices and the uniform price; and

(c) The amount due such handler or the amount to be paid by such handler as the case may be pursuant to §§ 931.68 and 931.69.

PAYMENT FOR MILK

§ 931.65 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received to each producer for milk, except that for which payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 931.61 subject to the butterfat differential computed pursuant to § 931.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk caused to be delivered to such handler from producers by the cooperative association, if the cooperative association is authorized to collect payment for such milk and if it so requests, an amount equal to not less than the sum of the individual payments otherwise payable to such producers.

§ 931.66 *Producer butterfat differential.* In making payments pursuant to § 931.65 there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from producers is above or below 3.5 percent, an amount computed by multiplying by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period, dividing the resulting sum by 10, and adjusting to the nearest one-tenth cent.

§ 931.67 *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 § 931.68 and out of which he shall make all payments to handlers pursuant to § 931.69.

§ 931.68 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of the milk received by such handler from producers during such delivery period is greater than the amount required to be paid producers by such handler pursuant to § 931.65.

§ 931.69 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of the milk received by such handler from producers during the delivery period is less than the amount required to be paid producers by such handler pursuant to § 931.65: *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 the payments to all handlers and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of § 931.65 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 931.70 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred.

§ 931.71 *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 delivery period(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 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 delivery period during which all such books and records pertaining to such obligations are made available to the market administrator.

(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 re-

ceived if an underpayment is claimed, or two years after the end of the calendar month 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 the handler, within the applicable period of time, pursuant to section 8c (15) (A) of the act, files a petition claiming such money.

OTHER PAYMENTS

§ 931.75 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 12th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and with respect to all other source milk classified as Class I.

§ 931.76 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler, in making payments to producers (other than himself) pursuant to § 931.65 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights of, sample, and test milk received from producers and to provide producers with market information.

(b) In the case of producers for whom 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 to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay such deductions to the cooperative association rendering such services.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 931.80 *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.

§ 931.81 *Suspension or termination.* The Secretary shall, whenever he finds that, this subpart, or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provisions of this subpart.

§ 931.82 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 931.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the liquidating agent shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 931.90 *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.

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

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the proposed order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area which is filed simultaneously herewith) who, during the month of January 1951, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of January 1951 is hereby determined to be a representative period for the conduct of such referendum. John B. Rosenbury is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

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

[F. R. Doc. 51-7927; Filed, July 9, 1951; 8:53 a. m.]

[7 CFR Part 998]

IRISH POTATOES GROWN IN NEW JERSEY

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 New Jersey Potato Marketing Committee, established pursuant to Marketing Agreement No. 116 and Order No. 98 (7 CFR Part 998), regulating the handling of Irish potatoes grown in the State of New Jersey, 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:

§ 998.202 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the New Jersey Potato Marketing Committee, established pursuant to Marketing Agreement No. 116 and Order No. 98, 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 April 30, 1952, will amount to $18.750.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 116 and Order No. 98 (7 CFR Part 998).

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

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. 51-7924; Filed, July 9, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2646]

COMMISSIONER OF BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO FARM UNIT PLATS

JULY 2, 1951.

Subsection (k) of section 1, Order No. 2018 (10 F. R. 259), as amended by Order No. 2369 (12 F. R. 7072), authorizing the Commissioner of Reclamation to approve amendments to farm unit plats is hereby revised to read as follows:

(k) In connection with the Columbia Basin Project and under the provisions of the Columbia Basin Project Act (57 Stat. 14) and chapter 275 of the laws of Washington, 1943, to designate irrigation blocks and to prepare preliminary and final farm unit plats of lands so designated, to make revisions of such plats from time to time, and to make all determinations and do all things necessary in connection with such actions; and in connection with projects other than the Columbia Basin Project, to approve all farm unit plats and revisions or amendments thereto.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 51-7893; Filed, July 9, 1951; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9889]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND ASSOCIATED COMPANIES OF BELL SYSTEM

ORDER POSTPONING HEARING

In the matter of rates and charges for interstate and foreign communication services furnished by the American Telephone and Telegraph Company and the Associated Companies of the Bell System.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of June 1951;

The Commission, having under consideration the proceedings herein and its order, dated February 14, 1951, postponing the dates for answer and hearing herein until July 16, and August 20, 1951, respectively, in order to permit the Commission to consider jointly with the National Association of Railroad and Utilities Commissioners questions regarding telephone separation procedures, and in order to enable the Commission to observe trends in revenues and expenses;

It appearing, that the above joint studies are still in progress, along with other joint studies regarding plans to make possible the elimination of the disparity which exists between rates and charges for state and interstate message toll telephone services; and that the dates for answer and hearing herein should be further postponed for a limited time until the Commission has had an opportunity to review the results of the above studies and the application of such results to the issues in the proceedings herein;

It is ordered, That, on the Commission's own motion, the dates for answer and hearing specified in the above order of February 14, 1951, are hereby postponed until September 28, 1951 and October 29, 1951, respectively.

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

[F. R. Doc. 51-7910; Filed, July 9, 1951; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

DIRECTOR, DAIRY BRANCH

DELEGATION OF AUTHORITY TO EXERCISE CERTAIN POWERS AND FUNCTIONS RELATING TO GRADING AND INSPECTION OF DAIRY PRODUCTS

Pursuant to the authority vested in me under §§ 58.2 (c) and 58.3 of the regulations appearing in Title 7, Chapter I, Part 58, Code of Federal Regulations, as printed in the FEDERAL REGISTER (16 F. R. 6494), authority is hereby delegated to the Director, Dairy Branch, to exercise the powers and functions vested in me pursuant to §§ 58.4, 58.8, 58.9, 58.11, 58.13, 58.15, 58.16, 68.18, 58.20, 58.22, 58.24, 58.25, 58.28, 58.33, 58.34, 58.35, 58.38, 58.49, 58.50, 58.51, 58.53, 58.54, 58.56, 58.58, 58.59, and 58.61 of said regulations, and to redelegate the authority granted herein to any officer or employee of the Production and Marketing Administration.

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

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 51-7925; Filed, July 9, 1951; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3908]

AMERICAN AIR TRANSPORT, INC.; EXEMPTION

NOTICE OF ORAL ARGUMENT

In the matter of the application of American Air Transport, Inc., for an exemption under section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 416 and 1001 of said act, that oral argument in the above-entitled proceeding, is assigned to be held on July 26, 1951, at 10:00 a. m., e. d. s. t., in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., July 2, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7894; Filed, July 9, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6367]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

JULY 3, 1951.

Take notice that on June 29, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (hereinafter called "Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon and Washington, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of 250,000 additional shares of Common Stock, without par value. Applicant proposes to offer to the holders of its Common Stock as of the close of business on July 24, 1951, rights to subscribe for the 250,000 shares of additional Common Stock at the rate of one share of such additional stock for each seven shares held. The rights to subscribe will be evidenced by Subscription Warrants expressed in the terms of Rights. No fractional shares of additional Common Stock will be issued.

So many of the 250,000 shares of the additional stock as are not subscribed for on the exercise of Subscription Warrants will be purchased by the following underwriters in the proportions indicated:

Name:	*Percent underwritten*
Lehman Bros., 1 William St., New York, N. Y.	25
Union Securities Corp., 65 Broadway, New York, N. Y.	25
Bear, Stearns & Co., 1 Wall St., New York, N. Y.	25
Dean Witter & Co., 14 Wall St., New York, N. Y.	25

all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 23d day of July 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7907; Filed, July 9, 1951; 8:49 a. m.]

[Docket No. E-6368]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION

JULY 3, 1951.

Take notice that on July 2, 1951, an application was filed with the Federal Power Commission by Black Hills Power and Light Company, a corporation organized under the laws of the State of South Dakota, and doing business in the States of South Dakota and Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order, pursuant to section 203 of the Federal Power Act, authorizing the purchase by Black Hills Power and Light Company of an electric transmission line and substation facilities from Central Electric & Gas Company, Hot Springs, South Dakota, at the original cost thereof as recorded by the seller at the time of installing the facilities in accordance with an agreement between the parties bearing date of August 19, 1950; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 25th day of July 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7906; Filed, July 9, 1951; 8:49 a. m.]

[Docket Nos. G-587, G-607, G-608, G-776, G-810, G-820, G-1222, G-1441]

GREENFIELD GAS CO., INC., ET AL.

NOTICE OF ORDER MODIFYING AND AFFIRMING INITIAL DECISION

JULY 3, 1951.

In the matters of Greenfield Gas Company, Inc., v. Panhandle Eastern Pipe Line Company, Docket Nos. G-587 and G-607; Eastern Indiana Gas Company, et al., Docket Nos. G-776, G-810, G-820, and G-608; Indiana Gas & Water Company, Inc., Docket Nos. G-1222 and G-1441.

Notice is hereby given that, on June 29, 1951, the Federal Power Commission issued its order entered June 28, 1951, modifying and affirming as modified Initial Decision of Presiding Examiner, dated May 11, 1951, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7901; Filed, July 9, 1951; 8:49 a. m.]

[Docket Nos. G-1661, G-1662, G-1670, G-1674, G-1679]

TENNESSEE GAS TRANSMISSION CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JULY 3, 1951.

In the matters of Tennessee Gas Transmission Company, Docket Nos. G-1661 and G-1662; Natural Gas Pipeline Company of America, Docket No. G-1670; El Paso Natural Gas Company, Docket No. G-1674; Hope Natural Gas Company, Docket No. G-1679.

Notice is hereby given that, on June 27, 1951, the Federal Power Commission issued its findings and orders entered June 26, 1951, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7902. Filed, July 9, 1951; 8:49 a. m.]

[Project No. 2033]

ERNEST O. SWANSON

NOTICE OF ORDER ISSUING LICENSE

JULY 5, 1951.

Notice is hereby given that, on June 5, 1951, the Federal Power Commission issued its order entered May 29, 1951, issuing License (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7905; Filed, July 9, 1951; 8:49 a. m.]

[Docket No. E-6357]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

JULY 3, 1951.

Notice is hereby given that, on June 27, 1951, the Federal Power Commission issued its order entered June 26, 1951, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7885; Filed, July 9, 1951; 8:46 a. m.]

[Docket No. E-6360]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JULY 3, 1951.

Notice is hereby given that, on June 27, 1951, the Federal Power Commission issued its order entered June 27, 1951, supplementing order issued June 19, 1951, published in the FEDERAL REGISTER on June 23, 1951 (16 F. R. 6007), authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7886; Filed, July 9, 1951; 8:46 a. m.]

[Docket No. E-6361]

MINNESOTA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

JULY 3, 1951.

Notice is hereby given that, on June 26, 1951, the Federal Power Commission issued its order entered June 26, 1951, authorizing issuance of bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7887; Filed, July 9, 1951; 8:46 a. m.]

[Docket Nos. G-1382, G-1533, G-1607]

NORTHERN NATURAL GAS CO.

ORDER RECONVENING HEARING

On June 30, 1951, the Presiding Examiner pursuant to motion by Northern Natural Gas Company, adjourned the hearing in the above-entitled proceedings to reconvene on July 23, 1951.

The Commission finds: The grounds for such adjournment are not sufficient to warrant the time requested. It is reasonable and good cause exists for reconvening the hearing before July 23, 1951.

The Commission orders: The ruling of the Presiding Examiner made on June 30, 1951, recessing the hearing in the above-entitled proceedings be and the same hereby is vacated and the hearing shall reconvene on July 11, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: July 3, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7882; Filed, July 9, 1951; 8:45 a. m.]

[Docket Nos. G-1567, G-1663]

MISSISSIPPI POWER AND LIGHT CO.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS

On December 21, 1950, Mississippi Power and Light Company filed an application in Docket No. G-1567 for a disclaimer of jurisdiction, or, in the alternative, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the leasing and operation of certain natural-gas facilities in Mississippi, known as the Bolivar and DeSoto Natural Gas Districts.

On April 12, 1951, Mississippi Power and Light Company filed a similar application in Docket No. G-1663 for a disclaimer of jurisdiction, or, in the alternative, for authorization to lease and operate the Carthage Natural Gas District transmission line.

The two applications involve similar questions and may appropriately be heard together.

The Commission finds:

(1) The proceedings are proper ones for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its applications be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER on January 18, 1951 (16 F. R. 477) and May 11, 1951 (16 F. R. 4375), respectively.

(2) The applications in Docket Nos. G–1567 and G–1663 should be consolidated for purpose of hearing.

The Commission orders:

(A) The proceedings in Docket Nos. G–1567 and G–1663 be and they hereby are consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 17, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

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

Date of issuance: July 3, 1951.

By the Commission.

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

[F. R. Doc. 51–7883; Filed, July 9, 1951; 8:45 a. m.]

[Docket No. G–1618]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 2, 1951.

On February 21, 1951, Northern Natural Gas Company (Applicant) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of additional natural-gas transmission pipeline facilities estimated to cost $33,095,000 and designed to increase Applicant's system delivery capacity from 600,000 to 825,000 Mcf of natural gas per day, subject to the jurisdiction of the Commission, as described in the application and the supplements thereto on file with the Commission and open to public inspection, and in the notice of application published in the FEDERAL REGISTER on March 8, 1951 (16 F. R. 2169–2170).

The application as filed was incomplete, and as a result the Commission, by letter dated March 23, 1951, requested that Applicant file certain additional data and information to supplement the application. In response, Applicant filed on April 30 and May 7, 1951, its first and second supplements to the original application. On April 30, 1951, Applicant requested that this matter be set for hearing and that a certificate be granted at the earliest possible time.

Analysis by our Staff of the April 30 and May 7, 1951, supplements and the data filed therewith disclosed apparent deficiencies in the application and a necessity for a thorough investigation of these deficiencies, principally, in Applicant's gas-supply presentation. Due to the magnitude and complexity of the problems presented by Applicant's project and the inadequate supporting data submitted, it is not expected that a proper investigation, which we have instructed our Staff to make as promptly as possible, can be completed before September 1951. Applicant has heretofore been advised informally of this situation, and accordingly, that it was unlikely that the application could be scheduled for hearing, as required by statute, before that time.

The Commission finds: It is appropriate in carrying out the provisions of the said act that the aforesaid application filed on February 21, 1951, as supplemented, be set for hearing as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held commencing on September 17, 1951, at 10:00 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by aforesaid application filed on February 21, 1951, as supplemented, in this proceeding.

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

Date of issuance: July 3, 1951.

By the Commission.

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

[F. R. Doc. 51–7881; Filed, July 9, 1951; 8:45 a. m.]

[Docket Nos. G–1693, G–1473, G–1649, G–1727]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS

In the matters of Texas Eastern Transmission Corporation, Docket No. G–1693; Alabama-Tennessee Natural Gas Company, Docket No. G–1473; Tennessee Gas Company, Docket No. G–1649; Shippensburg Gas Company, Docket No. G–1727.

Shippensburg Gas Company, 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 interstate natural gas pipeline of Texas Eastern Transmission Corporation 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. Shippensburg stated in its application that Texas Eastern had proposed by its application in Docket No. G–1693 to sell up to 376 Mcf of natural gas per day to it.

On June 27, 1951, the Commission issued an order fixing date of hearing and consolidating the proceedings in Docket Nos. G–1693, G–1473 and G–1647. The application in Docket No. G–1727 should be consolidated with the foregoing dockets and set for hearing at the time and place previously designated for hearing of the foregoing dockets in order to expedite the disposition of the case and save duplication of hearings.

The Commission finds: Orderly procedure requires that the proceedings in Docket Nos G–1693, G–1473, G–1649 and G–1727 be consolidated for purpose of hearing and be heard at the time previously set for the hearing of the first three of the foregoing Dockets.

The Commission orders:

(A) The proceedings in Dockets Nos. G–1693, G–1473, and G–1649, and G–1727 be and they are hereby consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held commencing on July 24, 1951, at 10:00 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

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

Date of issuance: July 3, 1951.

By the Commission.

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

[F. R. Doc. 51–7884; Filed, July 9, 1951; 8:45 a. m.]

[Project No. 2032]

LOWER VALLEY POWER AND LIGHT, INC.

NOTICE OF ORDER ISSUING LICENSE

JULY 3, 1951.

Notice is hereby given that, on May 11, 1951, the Federal Power Commission

issued its order entered May 8, 1951, issuing License (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7889; Filed, July 9, 1951; 8:46 a. m.]

[Project Nos. 1093, 2036]

L. P. STARKEY AND EDNA L. SELBY

NOTICE OF ORDERS ISSUING NEW LICENSES

JULY 3, 1951.

Notice is hereby given that, on June 5, 1951, the Federal Power Commission issued its orders entered May 29, 1951, issuing new licenses (minor) in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7888; Filed, July 9, 1951; 8:46 a. m.]

[Project No. 2049]

G. L. CARRICO

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

JULY 3, 1951.

Notice is hereby given that, on April 27, 1951, the Federal Power Commission issued its order entered April 24, 1951, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7890; Filed, July 9, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26237]

CAST IRON PIPE FROM POINTS IN SOUTHERN TERRITORY TO NEW MEXICO

APPLICATION FOR RELIEF

JULY 5, 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. 1191.

Commodities involved: Cast iron pipe and fittings, carloads.

From: Points in southern territory.

To: Destinations in New Mexico.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

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. 51-7897; Filed, July 9, 1951; 8:48 a. m.]

[4th Sec. Application 26238]

ACRYLONITRILE FROM WEST VIRGINIA TO LUGOFF, S. C.

APPLICATION FOR RELIEF

JULY 5, 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. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4300, pursuant to fourth section order No. 9800.

Commodities involved: Acrylonitrile, in tank-car loads.

From: Charleston, Institute, and South Charleston, W. Va.

To: Lugoff, S. C.

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. 51-7896; Filed, July 9, 1951; 8:48 a. m.]

[4th Sec. Application 26239]

SODA FROM TRENTON, MICH., TO CERTAIN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

JULY 5, 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. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4367, pursuant to fourth section order No. 9800.

Commodities involved: Di-sodium phosphate of sodium (soda) or tri-sodium phosphate, carloads.

From: Trenton, Mich.

To: New Orleans, Baton Rouge and Michoud, La., Mobile, Ala., and Memphis, Tenn.

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. 51-7895; Filed, July 9, 1951; 8:48 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 50]

CHESAPEAKE AND OHIO RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, certain railroad carriers operating in Norfolk, Virginia, because of congestion, are unable to dump all cars of coal routed over their lines at their pier facilities at Norfolk, Virginia. It is ordered, that:

(a) *Rerouting of traffic.* The Chesapeake and Ohio Railroad Company is hereby authorized and directed to reroute or divert to the Norfolk and Western Railway Company for dumping at Norfolk and Western piers, Norfolk, Virginia, via the Norfolk and Portsmouth Belt Line Railroad Company and The Virginian Railway Company, the number of cars of coal which the Norfolk and Western Railway Company will accept and dump for the C & O account. Billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

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

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

(d) *Effective date.* This order shall become effective at 9:30 a. m., July 2, 1951.

(e) *Expiration date.* This order shall expire at 11:59 p. m., July 31, 1951, unless otherwise modified, changed, suspended, or annulled.

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

Issued at Washington, D. C., July 2, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-7898; Filed, July 9, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2464]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND NEW HAMPSHIRE ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 2d day of July A. D. 1951.

New England Gas and Electric Association ("Negea"), a registered holding company, and one of its subsidiaries, New Hampshire Electric Company ("New Hampshire"), having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act") proposing, among other things, (a) the sale by Negea of its holdings of all of the preferred stock of New Hampshire pursuant to the competitive bidding requirements of Rule U-50 and (b) an offer to Negea's common shareholders of a portion of New Hampshire's outstanding common stock and the sale to underwriters, also pursuant to the competitive bidding requirements of Rule U-50, of the balance of New Hampshire's common stock, including the shares not subscribed for by Negea's shareholders, the bid to set the offering price to Negea's shareholders; and

The Commission by its order dated March 6, 1951, having granted the application and permitted the declaration to become effective, and said order having contained a reservation of jurisdiction over fees and expenses to be incurred in connection with the proposed transactions; and

The applicants-declarants having notified the Commission that no bids were received pursuant to the invitation for proposals to purchase the preferred and common stocks of New Hampshire; and having filed a further amendment to the application-declaration stating that the fees and expenses applicable to the proposed transactions are to be paid by Negea and amount to $31,000 including legal fees in the amount of $2,147.50 payable to Burns, Blake & Rich, counsel for Negea; legal fees in the amount of $1,535 payable to W. A. Hill, general counsel for New Hampshire; legal fees in the amount of $5,275 payable to Palmer Dodge Gardner Bickford & Bradford, counsel designated by Negea to represent the prospective underwriters; and a fee of $6,400 payable to Old Colony Trust Company of Boston, as warrant agent for the common stock of New Hampshire; and

The Commission having examined said amendment and having considered the fees and expenses specified therein and having concluded that said fees and expenses are not unreasonable;

It is ordered, That the jurisdiction heretofore reserved herein with respect to fees and expenses, be and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-7891; Filed, July 9, 1951; 8:46 a. m.]

CINCINNATI STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE A PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a plan filed on June 20, 1951, by the Cincinnati Stock Exchange pursuant to (§ 240.17a-6) (Rule X-17A-6) under the Securities Exchange Act of 1934, for disposal of the following material which has been on file with that Exchange for more than five years under the stated sections of the act or the rules and regulations thereunder:

(1) Forms 1-J, 15-AN, and An-4 filed pursuant to section 12.

(2) Reports filed pursuant to section 13, except reports on Form 8-K reporting other than quarterly sales.

(3) Documents and reports filed pursuant to sections 14 and 16.

The Cincinnati Stock Exchange proposes to commence the disposition of the specified material in October 1951. The plan also contemplates that thereafter, in October of each year, regular disposition will be made of similar material which has been on file more than five years. Information contained in the material proposed to be disposed of is on file with the Commission where it will continue to be available.

The Securities and Exchange Commission proposes to declare the plan of the Cincinnati Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and Rule X-17A-6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before July 17, 1951.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

JUNE 28, 1951.

[F. R. Doc. 51-7892; Filed, July 9, 1951; 8:47 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 18104]

JOHN A. BLANCHARD ET AL.

In re: Trust under declaration of trust of John A. Blanchard and Archibald Blanchard dated December 23, 1931, for the benefit of Yvonne von Courten (Rommel) et al. File No. F-28-11816; F-28-14835; E. & T. sec. 6948.

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 Selina Bertha Olga Rosamond Annemarie Rommel, Nicholus Theodor Hans Jurgen Rommel and Candida Eleanore Elisabeth Charlotte Rommel, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, have been residents of Germany are nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and devisees, names unknown, of Yvonne von Courten Rommel 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 and arising out of or under that certain Declaration of Trust of John A. Blanchard and Archibald Blanchard dated December 23, 1931, for the benefit of Yvonne von Courten (Rommel) et al., presently being administered by John A. Blanchard and Richard Bancroft, 10 Glenridge Road, Dedham, Massachustees, as Trustee, 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 the national interest of the United States requires that the persons

named in subparagraph 1 hereof be treated as nationals of a designated enemy country (Germany);

5. That to the extent that the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and devisees, names unknown, of Yvonne von Courten Rommel are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

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

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

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

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7855; Filed, July 6, 1951; 8:49 a. m.]

[Vesting Order 18105]

JOHANNA BRUNNER ET AL.

In re: Rights of Johanna Brunner et al., under insurance contract. File No. F-28-101-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 Johanna Brunner and Guenther Brunner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Johanna Brunner and Guenther Brunner, under a contract of insurance evidenced by policy No. 523368, issued by the Guardian Life Insurance Company of America, New York, New York, to Max J. Brunner, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7856; Filed, July 6, 1951; 8:49 a. m.]

[Vesting Order 18106]

MARTHA MCMURTRIE GREGG HALLER

In re: Estate of Martha McMurtrie Gregg Haller, deceased. File No. D-66-481; E. T. sec. No. 3876.

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 Thomas Georg Haller, Guenther Haller and Franz Wilhelm Haller, 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 any and all property held by Commonwealth Trust Company of Pittsburgh, 312 Fourth Avenue, Pittsburgh, Pa., trustee under a trust agreement dated August 25, 1921 by and between Martha McMurtrie Gregg Haller and Ferdinand Haller, grantors, and Commonwealth Trust Company of Pittsburgh, Trustee, for the account of the Estate of Martha McMurtrie Gregg Haller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Commonwealth Trust Company of Pittsburgh, as trustee, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pa.;

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 July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7857; Filed, July 6, 1951; 8:50 a. m.]

[Vesting Order 18107]

SHAW ISHIMOTO ET AL.

In re: Rights of Shaw Ishimoto et al., under contracts of insurance. Files F-39-5789 H-1 and H-2.

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

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

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

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 61019136 and 67805246, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Shaw Ishimoto, 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 Shaw Ishimoto or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Shaw Ishimoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personel representatives, heirs, next of kin, legatees and distributees, names unknown, of Shaw Ishimoto, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being

deemed necessary in the national interest.

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

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

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7858; Filed, July 6, 1951; 8:50 a. m.]

[Vesting Order 18108]

SHIRO KANO ET AL.

In re: Rights of Shiro Kano et al., under contract of insurance. File No. F-39-4879-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 Shiro Kano and Keize Kano whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Shiro Kano, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,140,879 issued by the Sun Life Assurance Company of Canada to Shiro Kano, together with the right to demand, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Shiro Kano or Keizo Kano or the domiciliary personal representatives, heirs, next-of-kin, legatees or distributees, names unknown, of Shiro Kano, the aforesaid nationals of a designated enemy country (Japan);

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 Shiro Kano, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

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

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

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

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7859; Filed, July 6, 1951; 8:50 a. m.]

[Vesting Order 18109]

RUDOLF T. AND ELSE KESSEMEIER

In re: Rights of Rudolf T. Kessemeier and Else Kessemeier under insurance contract. File No. F-28-8901-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 Rudolf T. Kessemeier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Else Kessemeier, 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 the net proceeds due or to become due to Rudolf T. Kessemeier or Else Kessemeier under a contract of insurance evidenced by policy No. 3,302,616, issued by the Equitable Life Assurance Society of the United States, New York, New York, to Rudolf T. Kessemeier, 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 Christie Grimm and Eleanore B. Brown, residents of the United States, and the aforesaid 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, Rudolf T. Kessemeier or Else Kessemeier, 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 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);

5. That the national interest of the United States requires that the said Else Kessemeier 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 July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7860; Filed, July 6, 1951; 8:50 a. m.]

[Vesting Order 18110]

GÖSTA LÖFBERG

In re: Estate of Gösta Löfberg, deceased. File No. D-28-13031.

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 Siri Johanna Maria zu Boineburg, nee Löfberg, who on or since the effective date of the 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);

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 Gösta Löfberg, 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 Charles A. Ellis, as executor, acting under the judicial supervision of the Probate Court for the District of Danbury, Connecticut;

and it is hereby determined:

4. That the national interest of the United States requires that Siri Johanna Maria zu Boineburg, nee Löfberg 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 July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7861; Filed, July 6, 1951; 8:50 a. m.]

[Vesting Order 18111]

PAULA BALTHAZAR ET AL.

In re: Cash owned by Paula Balthazar and others. F-49-498.

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 Paula Balthazar, Leni Behlau, Georg Luebsen and Werner Carp, 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: Cash in the amount of $1,016.490.49 presently in the custody of the Attorney General of the United States, held in Collection Fund Symbol 896-027 in the United States Treasury,

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 July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7862; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 18113]

OTTO HARRASSOWITZ

In re: Funds owned by and claims of Otto Harrassowitz, also known as Otto Harrasowitz. F-28-1926.

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 Otto Harrassowitz, also known as Otto Harrasowitz, whose last known address is Querstrasse 14, Liepzig C 1, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn for the payment of Social Security benefits to Otto Harrassowitz in the amount of $17.83 as of January 1, 1947, and any and all rights to demand, enforce and collect the aforesaid funds,

b. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn pursuant to certificates of settlement No. 0-641-262 and 0-641-787 in the amount of $10.80 as of January 1, 1947, and any and all rights to demand, enforce and collect the same, and

c. Any and all rights and claims to Social Security benefits under the Social Security Act, approved August 14, 1935, as amended (Pub. Law 271, 74th Cong. 1st Sess. 49 Stat. 620) to January 1, 1947 of Otto Harrassowitz, also known as Otto Harrasowitz and further identified by Social Security Number 0-666-034 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 (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 July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7864; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 18112]

REINHOLD BARTENSTEIN

In re: Debts owing to and stock owned by Reinhold Bartenstein. F-28-31273.

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 Reinhold Bartenstein on or since December 11, 1941 and on or since the effective date of Executive Order 8389, as amended, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $31,842.80, as of May 27, 1949, arising out of all or a portion of the funds on deposit with said Bank in a blocked account in the name of Credit Suisse, Zurich, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $1,841.70, as of May 27, 1949, arising out of all or a portion of the funds on deposit with said Bank in a General Ruling #6 account in the name of Credit Suisse, Zurich, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

c. One hundred (100) shares of $50 par value common capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account in the name of Credit Suisse, Zurich, together with all declared and unpaid dividends thereon,

d. One hundred thirty-three (133) shares of no par value Class A common capital stock of General Aniline & Film Corporation, 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, presently in the custody of The Chase National Bank of the City of New York,

18 Pine Street, New York, New York, in an account in the name of Credit Suisse, Zurich, 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, Reinhold Bartenstein, 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.

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

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Officer of Alien Property.

[F. R. Doc. 51-7863; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 18114]

OTTO LEISER

In re: Bonds owned by Otto Leiser. F-28-31483.

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

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Norfolk and Western Railway Company, First Consolidated Mortgage 4 Percent Gold Bonds in bearer form, bearing the numbers D 4393 and D 4775 of $500.00 face value each and 31131 of $1,000.00 face value, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) The Atchison, Topeka and Santa Fe Railway Company General Mortgage 4 percent Gold Bonds, of $1,000.00 face value each, in bearer form and bearing the numbers M 73255 and M 78273, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, 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, 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 July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7865; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 18082]

LAMBDA, S. A.

In re: Securities owned by and debts owing to Lambda, S. A. F-28-31433.

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 Veronika Satzger, whose last known address is 8 Buergermeister Haffner Strasse, Kaufbeuren, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

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

3. That Lambda, S. A., Luxembourg, a corporation, partnership, association, or other business organization, whose principal place of business is located in Luxembourg, and all of the stock of which is, or on or since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid Veronika Satzger and the personal representatives, heirs, next of kin, legatees and distributees of Josefa Satzger, deceased, is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, said certificates registered in the names of the persons set forth in said Exhibit A, and presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, in a Blocked Account for Banque Commerciale, S. A., Luxembourg, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Hallgarten & Co., 44 Wall Street, New York, New York representing funds allocable to Lambda, S. A. on deposit in a blocked account for Banque Commerciale, S. A., Luxembourg, maintained with the aforesaid Hallgarten & Co., and constituting income from and accumulations on the securities described in the aforesaid Exhibit A, 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

c. One Hundred (100) shares of common stock of General Electric Company, evidenced by certificates presently in the custody of Wertheim & Co., 120 Broadway, New York, New York, in an account in the name of Banque Commerciale, S. A., Luxembourg, 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, Lambda, S. A., Luxembourg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Lambda, S. A., Luxembourg, is controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1 and 3 hereof and that the personal representatives, heirs, next of kin, legatees and distributees of Josefa Satzger, deceased, 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 (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

Name and address of issuing corporation	State of incorporation	Type of stock	Number of shares	Certificate No.	Form of registration
General Cigar Co., Inc., 119 West 40th St., New York 18, N. Y.	New York	Common	120	C067292 for 20 C23277 for 100	Hallgarten & Co.
Jewel Tea Co., Inc., Barrington, Ill.	do	do	350	C039039 for 75 C034050 for 75 C10054 for 100 11901 for 100	Do.
National Bellas Hess, Inc., 14th Ave. and Swift St., North Kansas City 16, Mo.	Delaware	do	50	3871	Goldman Sachs & Co.
S. S. Kresge Co., 2727 2d Ave., Detroit 32, Mich.	Michigan	do	100	C133641	Hallgarten & Co.
Coty, Inc., 730 5th Ave., New York, N. Y.	Delaware	do	500	NY529/33 for 100 each	Do.
Coty International Corp.		do	500	N3466/9 for 100 each N3545 for 100	Do.
International Nickel Co. of Canada, Ltd., Copper Bluff, Ontario, Canada.		do	250	NA368978/9 for 100 each NB444050 for 50	Do.
Sears Roebuck & Co., 360 West 31st St., New York, N. Y.	New York	do	880	N255754/9 for 100 each N0667188 for 12 N0603062 for 66 N0218247 for 2 N185159/60 for 100 each	Do.
F. W. Woolworth Co., Woolworth Bldg., New York 7, N. Y.	do	do	300	WT0218635/7 for 100 each	Do.
Kennscott Copper Corp., 120 Broadway, New York 5, N. Y.	do	do	55	K-84659 for 10 K-0634400 for 33 K-0648082 for 2 K-0599726 for 10	Do.
Union Pacific R. R. Co., 120 Broadway, New York 5, N. Y.	Utah	do	100	C10537	Do.
Anaconda Copper Mining Co., 25 Broadway, New York 5, N. Y.	Montana	do	300	637873/5 for 100 each	Do.
Socony Vacuum Oil Co., Inc., 26 Broadway, New York 4, N. Y.	New York	do	72	NYC 598316 for 18 NYC 648644 for 49 NYC 645239 for 5	Do.
General Foods Corp., 250 Park Ave., New York, N. Y.	Delaware	do	100	170487	Do.
United Biscuit Co. of America, 1041 West Harrison St., Chicago 7, Ill.	do	do	500	33306/9 for 100 each 057860 for 50 041338 for 50	Do.
May Department Stores Co., Inc., 6th and Olive Sts., St. Louis, Mo.	New York	do	800	70444/51 for 100 each	Do.
International Harvester Co., Harvester Bldg., Chicago, Ill.	New Jersey	do	300	HC73249/50 for 100 each HN106695 for 100	Do.
American Rolling Co., now known as Armco Steel Corp., 903 Curtis St., Middleton, Ohio.	Ohio	do	288	N0169158 for 40 97214/15 for 100 each Y061184 for 48	Do.
National Dairy Products Corp., 230 Park Ave., New N. Y.	Delaware	do	375	C311482/4 for 100 each C0804907 for 25 C0623450 for 50	Do.
Public Service Electric & Gas Co., Newark, N. J.	New Jersey	do	47	W014599	Do.
Delaware Power & Light Co., Wilmington, Del.	Delaware	do	124	C5771 for 100 C080325 for 6 NY05558 for 18	Do.
Cincinnati Gas & Electric Co., Cincinnati, Ohio.	Ohio	do	19	NC078581 for 3 NC059231 for 2 NC042868 for 14	Do.
Columbia Gas System, Inc., 120 East 41st St., New York, N. Y.	Delaware	do	47	N049786	Do.

[F. R. Doc. 51-7854; Filed, July 6, 1951; 8:49 a. m.]

[Vesting Order 18116]

SANNOSUKE AND SADA SHIOZAKI

In re: Claims and funds of Sannosuke Shiozaki and Sada Shiozaki. F-39-7010.

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 Sannosuke Shiozaki and Sada Shiozaki, each of whose last known address is Uguimura Kujinokawa, Wakayamaken Higashimurogun, Honshu, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing proceeds of withheld checks drawn for the payment of Social Security benefits to Sannosuke Shiozaki and Sada Shiozaki in the amounts of $11.83 and $5.92 respectively as of January 1, 1947, and any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to Social Security benefits under the Social Security Act, approved August 14, 1935, as amended (Public Law 271, 74th Cong., 1st Sess., 49 Stat. 620), to January 1, 1947, of Sannosuke Shiozaki and Sada Shiozaki and identified by Social Security Account Number 562-01-2486, 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 nationals of a designated enemy country (Japan);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7867; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 13253, Amdt.]

RICHARD GUESSEFELDT

In re: Stock and personal property owned by Richard Guessefeldt. F-28-5958-C-1.

Vesting Order 13253 executed May 12, 1949, 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 Richard Guessefeldt, whose last known address is Drake Str. Number 30, Berlin-Lichterfelde West, 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, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, presently stored with the City Transfer Co., Ltd., Post Office Box 460, Honolulu, T. H., for and on behalf of Bishop Trust Company, Limited, Post Office Box 2390, Honolulu, T. H., as agent for the aforesaid Richard Guessefeldt, together with all declared and unpaid dividends thereon, and

b. Those certain articles of personal property, including particularly but not limited to the items described in Exhibit B, attached hereto and by reference made a part hereof, presently stored with City Transfer Co., Ltd., Post Office Box 460, Honolulu, T. H., for and on behalf of Bishop Trust Company, Limited, Post Office Box 2390, Honolulu, T. H., as agent for the aforesaid Richard Guessefeldt,

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.

EXHIBIT A—SHARES OF STOCK OWNED BY RICHARD GUESSEFELDT, IN CUSTODY OF BISHOP TRUST CO., LTD., HONOLULU, T. H., AGENT, IN STORAGE WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.

Name of issuer	Registered owner	Class of stock	Par value	Certificate No.	Number of shares
Norris Midway Oil Co	Richard Guessefeldt	Capital	$1.00	296	250
				213	500
				413	1,000
U. S. Mines Development Corp.	R. Guessefeldt	do	1.00	639	3,000
Purissima Hills Oil Co	do	do	1.00	1,617	400
				1,254	300
				1,609	950
				1,598	910
				1,550	1,000
				1,053	500
Vallejo Brick & Tile Co., Consolidated.	do	do	1.00	155	2,000
The Pi-Nectar Sales Co. of America.	do	Common	1.00	17	1,500
		Preferred	1.00	14	150
Pinectar Sales Co., Ltd	do	Capital	20.00	170	35
	Richard Guessefeldt	do	20.00	110	15
Chiapas Coffee Co	R. Guessefeldt	Preferred	5.00	188	80
		Common	5.00	185	400
The I. X. L. Midway Oil Co	Richard Guessefeldt	Capital	1.00	204	500
				203	500
		Preferred	1.00	15	500
				16	500

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.

SCHEDULE I: HOUSEHOLD COTTON AND LINEN GOODS

Number of items	*Description*
12	Pillow cases, hand embroidered.
2	Pillows, standard size.
3	Pillows, infant's.
7	Pillow cases, infant's.
1	Table scarf, cotton.
69	Doilies, assorted.
1	Doily, crash linen.
2	Doilies, linen, initialed "G".
15	Hand towels.
3	Bath towels, small.
12	Bath towels, large.
2	Beach towels.
3	Tea towels, crash linen.
1	Tea towel, cotton.
6	Table cloths, large, damask, initialed "G".
51	Napkins, large, damask.

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE I: HOUSEHOLD COTTON AND LINEN GOODS—continued

Number of items	*Description*
1	Table cloth, tan linen, embroidered.
1	Table cloth, white.
1	Table cloth, cotton, blue print, Japanese.
1	Napkin, cotton.
9	Napkins, linen.
7	Bedspreads, cotton.
2	Mattress pads.
2	Bed sheets, cotton.
10	Bed sheets, linen.
1	Blanket, cotton, infant's.
2	Lunch table cloths, linen.
8	Blankets, cotton, ¾ size.
8	Table runners, assorted sizes.
1	Table runner, raw silk, 24" x 72".
1	Table runner, linen, 18" x 72".
3	Table runners, lace edging.

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE I: HOUSEHOLD COTTON AND LINEN GOODS—continued

Number of items	*Description*
2	Table runner, tan embroidered, red border.
2	Pillow covers, linen.
1	Bonnet, infant's.
2	Dresses, infant's.
1	Dress, infant's, white linen.
1	Assorted infant's and doll dresses, lot.
1	Bag, linen.
1	Bag, shopping, cord mesh.
1	Japanese canvas slippers (tabis), pair.
1	Japanese clogs, wood, cork sole, pair.
8	Rugs, rag.
1	Aprons, house.
1	Belt, white fabric, for swim suit.
1	Shirt, blue denim, old.
2	Tiebacks for drapes, linen.
3	Shawls, light.
1	Jacket, infant's, knitted.
2	Pennants, felt.
1	Cotton goods remnants, lot.
10	Table cloths (miscellaneous).
3	Mesh shirts.
4	Pillow cases.
1	Pillow case, orange border, embroidered.
2	Mattress covers, small.
1	Nightgown, cotton.

SCHEDULE II: CROCKERY AND GLASSWARE

Number of items	*Description*
9	Piece Japanese Satsuma tea set with case.
6	Salt dishes, glass.
2	Perfume bottle, blue glass, flowered.
98	Piece dinner set, china, rose and gold borders.
5	Saucers, Chinese and (2 cups).
13	Pieces, chinaware, blue flowered, incomplete set.
7	Tea cups, assorted patterns.
14	Saucers, china, and (13 cups) assorted patterns.
36	Pieces, table china, incomplete set.
1	Water pitcher, glass, large.
12	4 Green demi-tasse cups, 4 saucers, 1 tea pot, 1 sugar bowl, 1 green cream pitcher, 1 tray. (Property incorporated under Item No. 11).
3	Cosmetic jars, white and green china.
3	Fruit bowls, heavy crystal.
1	Tray, painted china.
1	Vase, Chinese, with cover.
4	Piece salad set, glass, cruets and shakers.
1	Mustard bowl, with silver lattice screen.
12	Bread and butter plates, Syracuse china, Canterbury design.
1	Flower vase, red glass with silver screen.
21	Pieces table crockery, odds and ends.
1	Ice bowl, glass, in silver basket.
1	Beer stein, glass, with pewter cover.
1	Ash tray, glass.
1	Medium crystal vase.
1	Small crystal vase.
1	Small crystal plate.
1	Medium crystal plate.
1	Large pottery vase (flowered).
2	Heavy glass ash trays.
1	Pickle dish (trimmed in silver).
1	Dish rest (trimmed in silver).
1	Glass vase—silver base.
1	Small glass bowl with 3 metal legs.

SCHEDULE III: SILVER AND OTHER METALWARE

Number of items	*Description*
1	Bread tray, "Sterling," initialed "G".
1	Ash tray (saucer) "Sterling," initialed "G".

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE III: SILVER AND OTHER METALWARE—continued

Number of items	Description
1	Hair brush, ladies', "Sterling," initialed "G".
1	Hand mirror, ladies', "Sterling," initialed "G".
1	Teapot "Sterling," initialed "G".
1	Sugar bowl, "Sterling," initialed "G".
1	Fingernail buffer, "Sterling," initialed "G".
1	Tray, 12" long, "Sterling," initialed "G".
6	Salt spoons, "Sterling," initialed "G".
1	Bread tray, silver.
2	Cream pitchers, silver.
3	Napkin rings, silver.
1	Sugar bowl, small, "Sterling".
6	Table knives, silver handles.
1	Fork, silver.
1	Knife, silver.
20	Butter knives, silver.
2	Gravy ladles, small, silver.
6	Dinner forks, silver.
1	Cake knife, silver.
2	Serving spoons, silver.
1	Sugar spoon, silver.
6	Soup spoons, silver.
12	Salad forks, silver.
6	Steak knives, silver handles.
7	Coffee spoons, silver.
6	Teaspoons, silver.
2	Olive forks, silver.
1	Corkscrew, silver, stag handle.
1	Bottle cap remover, silver, stag handle.
1	Cream pitcher, "Sterling."
1	Tea strainer, "Sterling."
1	Cream pitcher (metal).
1	Dinner bell, "Sterling."
1	Saucer with cover, "Sterling."
1	Whisk broom, silver handle.
1	Tray, silver.
1	Bonbon jar, silver top.
1	Sugar tong, "1847 Rogers", silver.
1	Picture frame, silver, with child's photograph.
1	Powder jar, crystal, silver cover.
1	Tea caddy, silver.
1	Mustard jar, silver.
10	Souvenir coffee spoons, metal, assorted patterns.
1	Dish rest, ladder shaped, white metal.
1	Ash tray with saucer, white metal.
2	Ash trays, metal.
1	Tray, white metal.
1	Large coffee percolator with spirit lamp, white metal.
1	Letter box, white metal.
1	Cream pitcher, white metal.
1	Coffee pot, white metal.
1	Bread knife.
1	Cocktail shaker, pewter.
2	Flower pots, brass, Chinese.
1	Chinese chimes, 7 pieces, set.
2	Bowls, brass, small.
1	Bowls, brass, Chinese, 12 piece set.
12	Forks.
1	Toothpick holder—Silver, initialed "G."
1	Metal anvil paper weight.
1	Chinese brass flower pot (square).
1	Chinese brass flower pot (round).

SCHEDULE IV: HOUSEHOLD FURNISHINGS AND ORNAMENTS

Number of items	Description
1	Cribbage board, wood.
1	Letter opener, wood, hand-carved.
1	Ukulele, toy size, "Koa" wood.
1	Clothes chest, Camphor wood.
1	Tray, Chinese, wood, hand-carved.
1	Book ends, "Koa" wood, hand-carved, pair.
1	Bowl, 12" diameter, 8" high, "Koa" wood, hand-carved.
1	Stone carving of Taj Mahal, white, transiucent.

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE IV: HOUSEHOLD FURNISHINGS AND ORNAMENTS—continued

Number of items	Description
40	Framed pictures, photographs and prints.
1	Oil painting, castle, framed, 8" x 14", signed "A. Tamm."
1	Dressing table clock, white celluloid case.
4	Paper baskets, woven Lauhala (Pandanus leaves) and 2 pieces of lauhala mats (small).
1	Ivory dominoes, with case, set.
1	Carton of brushes, cotton, one wooden clog, etc.
1	Koa tray (round).
2	Trunks.

SCHEDULE V: MISCELLANEOUS PERSONAL PROPERTY ITEMS

Number of items	Description
1	Leather picnic case, with contents:
2	Aluminum thermos bottles, 2 qt. size.
1	Sandwich box, aluminum.
5	Pieces—5 cups with case, aluminum.
3	Carving set, stag handled, pieces.
1	Salad spoon, horn.
1	Salad fork, horn.
34	Assorted kitchen ware, old, pieces.
2	Dust or crumb brushes.
1	Electric connection, single socket.
2	Electric connection, double socket.
1	Clothes pins, lot.
1	Pliers, wire cutter, hammer, cold chisel, etc., set.
2	Electric irons (old style), with cord.
1	Dust mop, "O-Cedar."
1	Stand for electric iron.
3	Crochet thread, spools.
1	Tape measure, dressmaker's.
1	Card case, leather.
2	Address book and memo pad, leather.
1	Hacksaw with blade.
2	German Red Cross Medals, with ribbons.
1	Envelope containing legal and personal papers and letters written in German.
1	Personal papers, German and Japanese photographs, picture post cards and photographs of German military officers and personnel, lot.
1	Photograph, German battleship.
1	Photograph negatives in tin case, indexed 1922-34, inclusive, lot.
1	Envelope containing personal letters and brass personal card plates.
1	Assortment of family and other photographs.
1	Various odds and ends, pieces of cloth, lot.
1	Glass ring, green, for drapes or curtains.
1	Sewing basket with thread and old buttons.
1	German hymnal.
1	Book, paper cover, "Herman Göring."
1	Book, paper cover, "Hitler Regiert."
1	Small scale, metric, counter-balanced.
4	"Koa" wood, small strips.
1	Bathroom soap dish and glass holder.
2	Envelopes containing 27 lithographs or etchings.
15	Kitchen utensils, old, assortment.
1	Varnish brush.
1	Dish cloth.
1	Graphite, can, partly filled.
1	China doll, small.
1	China doll, large, one limb missing.
1	Stamp album, beginner's, with small assortment of stamps.
1	Tool chest, small, with pliers, files and other household tools.
1	Bisecting instruments, child's set.

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE V: MISCELLANEOUS PERSONAL PROPERTY ITEMS—continued

Number of items	Description
1	Infant's toys, miscellaneous, small lot (in small lauhala basket).
1	German mark note, M. 1,000,000,000.
1	German mark note, M. 100,000,000,000.
1	German mark notes, M. 200,000,000.
1	German mark note, M. 1,000,000.
2	German mark note, M. 200,000.
2	German mark notes, M. 1,000.
1	German mark note, M. 500,000,000.
1	German mark note, M. 1.
1	German mark note, M. 5,000,000,000.
1	German mark note, M. 2.
1	Black thermos, qt. size.
1	Eastman Folding Camera.
1	Cash box with miscellaneous items.
1	Paper carton of miscellaneous glassware and personal items.

SCHEDULE VI: BOOKS

Number of items	Description
94	German Books.
6	French Books:
1	French-English - English - French Pocket Dictionary.
1	Hugo's Les Miserables.
1	French Composition and Pronunciation Exercises (Dubrule and Manser).
1	French Life (Allen and Schoell).
1	French Composition for Middle Forms (Goodridge).
1	Shorter French Course (Fraser and Squair).
35	English Books:
1	Sentence and Theme (C. H. Ward).
1	A Second Book of Composition (Briggs and McKinney).
1	20th Century Accounting (James W. Baker).
1	New Intensive Typing (Ross and Reigner).
1	Instructional Tests in Algebra (Schorling Clark and Lindell).
1	Junior High School Mathematics (John C. Stone).
1	Essentials of Plain Geometry (David E. Smith).
1	Biology and Human Welfare (Peabody and Hunt).
1	Economic Geography (Douglas C. Ridgley).
1	A Midsummer Night's Dream (Shakespeare).
1	Little Lord Fauntleroy (Frances H. Burnett).
1	Ivanhoe (Sir Walter Scott Bart).
1	MacBeth (Thomas MarcParrott).
1	Kanaka Moon (Clifford Gessler).
1	Old Time Hawaiians (Mary S. Lawrence).
1	Story of Sugar in Hawaii.
1	A Child's Garden of Verses (Robert Louis Stevenson).
1	Literary Readers (Young and Field).
1	Fifty Famous Stories Retold (James Baldwin).
1	Poems of Youth (Alice C. Cooper).
1	Alice's Adventures in Wonderland (Lewis Carroll).
1	The American People (David S. Muzzey).
1	Landmarks of Liberty (St. John and Noonan).
1	Voyage of the De Deutschland (Capt. Paul Koenig).
1	New Century History of the U. S. (Eggleston).
1	The History of the American People (Beard and Bagley).
1	Essays Old and New (Essie Chamberlain).
1	The Story of the Greeks (H. A. Guerber).

EXHIBIT E—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE VI: BOOKS—continued

Number of items	Description
35	English Books—Continued
1	American Government (Frank A. Magruder).
1	English Poetry, its Principles and Progress (Gayley, Young Kurtz).
1	Typee (Herman Melville).
1	Short Stories from English History (Blaisdell).
1	The Crisis (Winston Churchill).
1	Webster's Pocket Dictonary.
1	The Buff and Blue Book Punahou School.
4	School Annuals:
1	The Oahuan-Punahou School Class of 1927.
1	The Oahuan-Punahou School Class of 1928.
1	The Oahuan-Punahou School Class of 1929.
1	The Oahuan-Punahou School Class of 1930.
1	Photographs (one lot).
1	Postcards albums (one lot).
1	Games (one lot).
1	German pamphlets (one lot).
1	Miscellaneous odds and ends (one lot).
1	School Note book (one lot).

SCHEDULE VII: FURNITURE

Number of items	Description
2	Bed mattresses.
1	Homemade punee bedspring.
1	Steel army cot.
1	Bedspring.
2	Bed ends.
1	Koa stool.

[F. R. Doc. 51-7870; Filed, July 6, 1951; 8:52 a. m.]

[Vesting Order 18117]

HAMBURGER & CO.'S BANKIERSKANTOOR, N. V.

In re: Accounts maintained in the name of Hamburger & Co.'s Bankierskantoor, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-28-28215-E-1.

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: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

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.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Hamburger & Co.'s Bankierskantoor, N. V., Amsterdam, the Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Deposit account as described by Guaranty Trust Co. of New York in its report on Form OAP-700 bearing its Serial Number FB 147.

[F. R. Doc. 51-7868; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 18118]

HAMBURGER & CO'S BANKIERSKANTOOR, N. V.

In re: Stock registered in the name of Hamburger & Co.'s Bankierskantoor, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-28-28215-A-1.

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 Hamburger & Co.'s Bankierskantoor, N. V., 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 July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

New York, Ontario & Western Railway common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth below:

N 47770/6	N 50371/9	N 51599
N 47778	N 50381/98	N 51602
N 47780	N 50400/1	N 51604/5
N 47782/4	N 50403/22	N 51607
N 47786/8	N 50424/44	N 51609/11
N 47829	N 50446/52	N 51613/20
N 47831	N 50456/7	N 51623/8
N 48002	N 50459	N 51634/7
N 48004/7	N 50461/2	N 51640/64
N 48009/11	N 50464/7	N 51666/75
N 48154/63	N 50469/78	N 51681/5
N 48206	N 50480/2	N 51689/96
N 48208/15	N 50485/6	N 51819/34
N 48691/700	N 50491/5	N 51836/49
N 48702/13	N 50497/9	N 51851
N 48715/22	N 50600/2	N 51853/6
N 48724/38	N 50604	N 51858
N 48741	N 50606	N 51860/5
N 48744/60	N 50608/12	N 51867
N 48762/74	N 50614/20	N 51923/72
N 48776/93	N 50622	N 52060/5
N 48805/6	N 50624	N 52067
N 48808/24	N 50626/33	N 52069/72
N 48839	N 50635	N 52077
N 48841/3	N 50644/65	N 52079/97
N 48845/58	N 50669	N 52100/1
N 49008/13	N 50672	N 52103/9
N 49015/18	N 50674/7	N 52190/208
N 49020/7	N 50681/90	N 52210/16
N 49030/2	N 50692/720	N 52218/9
N 49034	N 50725/32	N 52221/6
N 49036/9	N 50735/7	N 52230
N 49333/42	N 50739/41	N 52232/3
N 49924/31	N 50743/5	N 52239
N 49933/41	N 50747/50	N 52510
N 50043/50	N 507851/7	N 52515/9
N 50052/5	N 51347	N 52568/85
N 50057/8	N 51349/53	N 52587/8
N 50060	N 51356	N 52590
N 50062/87	N 51360/5	N 52595/603
N 50090	N 51367/70	N 52606
N 50092/105	N 51372	N 52718/20
N 50107/12	N 51374	N 52722
N 50114	N 51375	N 52724/9
N 50119/30	N 51384/8	N 52731/8
N 50132/43	N 51392/3	N 52740/1
N 50258/66	N 51395/7	N 52743
N 50268/87	N 51399/405	N 53002
N 50289/91	N 51407/12	N 53290/6
N 50293/8	N 51415/6	N 53303/6
N 50300/12	N 51418/28	N 54089/96
N 50314/6	N 51430/1	N 54100/9
N 50318/20	N 51434/46	N 54123/8
N 50322/28	N 51518/20	N 54132/48
N 50333/43	N 51522/38	N 54169/89
N 50350/3	N 51541/64	N 54193/208
N 50356/7	N 51566/76	N 54232/60
N 50359/63	N 51578/94	N 54263/81
N 50365/9	N 51597	N 54718/27

The United States Leather Company common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: 3215, 3231, 4367, 4368, 4464/5, 5138, 6232/3, 6659/60, 7035/7, 7039/41, 7668/72, 7697, 7731, 7746/8, 14388, 15784, 16154, 16652, 17162, 18239, 18236, 18251, 18259, 18776, 18778/80, 18298, 18311, 20573, 20719.

Southern Railway Company preferred stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: 22345, 26025, 27733.

Southern Railway Company no par value common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: 5743, 5745, 5749, 6290/2, 7387, 99168, 8035, 102896, 105229, 107551.

Southern Railway Company $100 par value old common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: 82565, 79141.

International Mercantile Marine Co. no par value capital stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: 3913, 5537, 5546, 5560, 5601/2, 5617, 7288, 7328, 7658.

Pittsburgh Coal Co. $100 par value common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: NY 027404, 027409, 027411/13, 029741/2, 029744, 030033, 030035.

The Kansas City Southern Railway Company no par value common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: B-52795, B-52871, B-54403, B-54408, B-54414, B-54549.

The Kansas City Southern Railway Company $100 par value preferred stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: B-40336, B-41058, B-41070, B-41079, B-41141, B-41983, B-41994, B-41997, B-42004, B-38836.

[F. R. Doc. 51-7869; Filed, July 6, 1951; 8:52 a. m.]

[Vesting Order 13371, Amdt.]

JOHANNA BRUNNER ET AL.

In re: Rights of Johanna Brunner et al., under insurance contract. File No. F-28-101-H-2.

Vesting Order No. 13371 dated June 9, 1949, 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 Johanna Brunner, Guenther Brunner and Hans Brunner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 423808, issued by The Guardian Life Insurance Company of America, New York, New York, to Max J. Brunner, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7871; Filed, July 6, 1951; 8:52 a. m.]

[Vesting Order 18115]

PAULA SCHUMANN ET AL.

In re: United States currency and coin owned by Paula Schumann and others.

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

1. That the Bank Deutscher Laender, Frankfurt/Main, Germany, on or about April 28, 1951, shipped to the Federal Reserve Bank of New York, United States currency and coin in the aggregate amount of $67,076.92½ which said Bank Deutscher Laender had previously received from the Office of the United States High Commissioner for Germany for the purpose of such shipment;

2. That the aforesaid currency and coin was delivered to United States Military Government authorities pursuant to Military Government Law 53 and was subsequently delivered to the Office of the United States High Commissioner for Germany;

3. That the persons named in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

4. That the enterprises named in Exhibit B, attached hereto and by reference made a part hereof, each of whose last known address is Germany, are partnerships, corporations, associations or other organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

5. That the personal representatives, heirs, next of kin, legatees and distributees of Alexander Hartmann, deceased, of Albert Preyse, deceased, and of Luise Schnitzler, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

6. That the persons referred to in subparagraph 11 hereof, who, if individuals, there is reasonable cause to believe are

residents of Germany and, which, if partnerships, corporations, associations or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

7. That the property described as follows: United States currency in the aggregate amount of $8,350 shipped on or about April 28, 1951, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York, 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 a designated enemy country (Germany);

8. That the property described as follows: United States currency in the aggregate amount of $42,697 shipped on or about April 28, 1951, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by the persons named in Exhibit A hereof, the aforesaid nationals of a designated enemy country (Germany), in the amounts set forth opposite their names in said Exhibit A;

9. That the property described as follows: United States currency and coin in the aggregate amount of $10,924.70 shipped on or about April 28, 1951, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by the persons named in Exhibit B hereof, the aforesaid nationals of a designated enemy country (Germany), in the amounts set forth opposite their names in said Exhibit B;

10. That the property described as follows: United States currency in the aggregate amount of $438.00 shipped on or about April 28, 1951, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

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 Alexander Hartmann, deceased, of Albert Preyse, deceased, and of Luise Schnitzler, deceased, the aforesaid nationals of a designated enemy country (Germany), in the respective amounts of $260.00, $100.00 and $78.00;

11. That the property described as follows: United States currency and coin in the aggregate amount of $4,667.22½ shipped on or about April 28, 1951, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 6 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

12. That to the extent that the persons referred to in subparagraphs 3, 4, 5 and 6 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 July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of owner:	*Amount*
Paula Schumann	$166.00
Frieda Brick	460.00
Oscar Hemman	352.00
Alexander Reising	88.00
Joseph Albert Meisinger	1,071.00
Elisabeth Winter	50.00
Luise Drexhage	125.00
Elisabeth Ochs	200.00
Ferdinand Vogler	341.00
Fr. Minna Kobuszinski	58.00
Erich Oettinger	210.00
Albert Braig	74.00
Irmgard Imiela	50.00
Ernst Otte	430.00
Anna Nowacki	55.00
Gesine Hilken	257.00
Carl Kunz	90.00
Rudi Roser-Gutman	50.00
Emma Blank	50.00
Adolf Flohr	104.00
Ludwig Stutz	51.00
Alfred Nitzsche	14,704.00
Hermann Schultze	120.00
Hermann Kuhnen	50.00
Natalie Martha Enssle	246.00
Therese Meier	1,194.00
Gustav Roehrl	600.00
Emilie Speithahn	100.00

EXHIBIT A—Continued

Name of owner—Continued	*Amount*
Elisabeth Schwenk	$105.00
Frau Esser	380.00
Emma Stoll	206.00
Ludwig Spindler	100.00
Adolf Stapff	90.00
Ernst Wustig	50.00
Helene Fuchs	815.00
Richard Eimer	100.00
Theodor Fink	91.00
Frieda Martin	300.00
Konrad Steinhauser	494.00
Walter Ballack	68.00
Anna Richter	190.00
Dr. Fr. Bergold	700.00
Hermann Ellinger	150.00
Constantin v. Neurath	755.00
Dieter Wisleceny	1,000.00
Dr. Walter Funk	3,250.00
Werner von Schmieden	3,000.00
Emil George Bayer	78.00
Peter Harnacke	2,000.00
Fritz Hesse	3,400.00
Martin Sandberger	200.00
Gottlob Berger	200.00
Alexander von Dornberg	150.00
Erich Albrecht	96.00
Friedrich Peschke	302.00
E. Katzenellenbogen	1,000.00
Emilie Weitzel	55.00
Katharina Deutzer	193.00
Jakob Zeitler	130.00
Otto Fr. Wilhelm Wunschel	84.00
Dr. Sigmund Haffner	63.00
Prof. Dr. Seidelmann	68.00
Brothers and sisters Pachelbel	357.00
Anna Becker	52.00
Waltrud Poeschl	150.00
Josefine Kroennig	85.00
Friedr. W. and G. Heckel	249.00
Michael Kroeblitz	50.00
Georg Stoeber	169.00
Annelotte Letterer	150.00
Ernst Auwater	91.00
Hilde Henniger	135.00

EXHIBIT B

Name of owner:	*Amount*
Metallgesellschaft A. G	$65.36
Reichsbank Greiz	935.00
Treuhand Verwertung Co	4,915.00
Norddeutscher Lloyd	2,724.21
Lampe & Schierenbeck	68.13
Reichsbankstelle, Bamberg	782.00
Vereinigte Finanzkontor G. m. b. H	1,000.00
Rehauer Bank Lindner & Co	58.00
Volksbank Dinkelsbuehl e. G. m. b. H	310.00
Reichsbanknebenstelle, Weiden	67.00

[F. R. Doc. 51-7866; Filed, July 6, 1951; 8:51 a. m.]

[Return Order 973]

ELECTRO METALLURGICAL CO.

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

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

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

Electro Metallurgical Co., 30 East 42d St., New York 17, N. Y., Claim Nos. 246 and 786; May 18, 1951 (16 F. R. 4673); property de-

scribed in Vesting Order No. 296 (7 F. R. 9482, November 26, 1942) relating to United States Patent Application Serial No. 322,930 (now United States Letters Patent No. 2,310,094). Property described in Vesting Order No. 670 (8 F. R. 5003, April 17, 1943) relating to United States Letters Patent No. 2,246,886. This return shall not be deemed to include the rights of any licensees under the above patent application or patents.

Appropriate documents and papers effectuating this order will issue.

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. 51-7913; Filed, July 9, 1951; 8:50 a. m.]

[Return Order 981]

MAISON J. HAMELLE

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

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

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

George Edgard Hamelle, Louis Gilbert Hamelle and Gerard Andre Bruneau d/b/a Maison J. Hamelle, Paris, France; Claim No. 30289; April 26, 1951 (16 F. R. 3605); $5524.65 in the Treasury of the United States. Property to the extent owned by claimants immediately prior to the vesting thereof by Vesting Order No. 473 (8 F. R. 3679, March 23, 1943) relating to the musical composition entitled "Requiem" by Gabriel Faure.

Appropriate documents and papers effectuating this order will issue.

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. 51-7914; Filed, July 9, 1951; 8:51 a. m.]

[Return Order 991]

ELSIE J. HECK

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

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

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

Elsie J. Heck, Brooklyn, N. Y., Claim No. 10602; May 23, 1951 (16 F. R. 4825); $901.39 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7915; Filed, July 9, 1951; 8:51 a. m.]

[Return Order 995]

MARIE VIVAN

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

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

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

Marie Vivan, Pasiano, Udine, Italy; Claim No. 36371; September 12, 1950 (15 F. R. 6137). $3,150.00 in the Treasury of the United States. All right, title, interest and claim of Maria Vivan in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan under the common law and any Federal or State statutes with the exception of those arising under the Workman's Compensation Law of the State of Michigan and against the Waterway Construction Company, Detroit, Michigan and the Associated Indemnity Company, San Francisco, California.

Appropriate documents and papers effectuating this order will issue.

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. 51-7916; Filed, July 9, 1951; 8:51 a. m.]

[Return Order 996]

FLORENZ AUDRIE HOFFMANN

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

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

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

Florenz Audrie Hoffmann, Dallas, Tex.; Claim No. 5867; May 12, 1951 (16 F. R. 4482); $4,389.00 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Florenz Hoffmann in and to the trust created under the Last Will and Testament of George Beban, deceased; trust administered by Bankers Trust Co., New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

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. 51-7917; Filed, July 9, 1951; 8:51 a. m.]

[Return Order 999]

CLAUDE ETIENNE GARNIER

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

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

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

Claude Etienne Garnier, Besancon, France; Claim No. 31753; May 17, 1951 (16 F. R. 4638); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 435,196 (now United States Letters Patent No. 2,410,439). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BOYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7918; Filed, July 9, 1951; 8:52 a. m.]

[Return Order 1004]

DR. RICHARD JENNY

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

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the

administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

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

Dr. Richard Jenny, Vorarlberg, Austria; Claim No. 39947; May 23, 1951 (16 F. R. 4824); $350.41 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7919; Filed, July 9, 1951; 8:52 a. m.]

[Return Order 1012]

MARGUERITE LORRY ET AL.

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

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

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

Marguerite Lorry, $89.29 in the Treasury of the United States; Marie Gemminger, $267.88 in the Treasury of the United States; Andree Maillet, $89.29 in the Treasury of the United States; Madeleine Klein, $267.88 in the Treasury of the United States; all of Saint Thibault-des-Vignes, France; Claim No. 36631; May 24, 1951 (16 F. R. 4913).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7920; Filed, July 9, 1951; 8:52 a. m.]

SOCIETE FRANCAISE DE CONSTRUCTION DE BENNES AUTOMATIQUES "BENOTO"

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Francaise de Construction de Bennes Automatiques "Benoto", Persan, France; Claim No. 41902; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,962,700, 1,971,126, 1,985,710, 1,986,095, 1,986,096, 2,110,566, 2,263,482, 2,255,033 and 2,270,916. Property described in Vesting Order No. 1347 (8 F. R. 7123, May 23, 1943) relating to United States Patent Application Serial No. 474,327 (Now United States Letters Patent No. 2,390,047).

Executed at Washington, D. C., on June 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7921; Filed, July 9, 1951; 8:52 a. m.]